

**RECORD OF DECISION
OF THE PLANNING DIRECTOR
FOR THE CITY OF BANDON, OREGON**



FILE NUMBER: 21-029

LOCATION: 3217 Lincoln Avenue
.17-acre lot located off Lincoln Avenue SW, at the corner of
Golf Links Road.
Map Number 28S-15W-01B/TL 1323

APPLICANT: Simplicity Homes LLC
PROPERTY OWNER: Wesley Patterson

REQUEST: Approval of a Plan Review (PR) to build single-family dwelling
in the Controlled Development 1 (CD-1) zone in the City of
Bandon.

REVIEWING BODY: Dan Chandler, Planning Director

REVIEW DATE: April 13, 2021

RECORD CLOSED: April 12, 2021


APPLICABLE CRITERIA: BMC (Bandon Municipal Code) Chapter 17.20, *Controlled Development 1
(CD-1) Zone*

FINAL ORDER: **APPROVED WITH CONDITIONS**

SIGNED: This 14th day of April, 2021.

Dan Chandler, Planning Director

ATTEST:



Megan Lawrence, City Planner

EXPIRATION:

This Plan Review Approval expires six (6) months from the date of signature.

APPEAL:

Appeal of this administrative decision by parties with standing, requires filing a letter of Intent to Appeal to the City Recorder and payment of \$250 appeal fee within the 10-day appeal period, beginning from the date of mailing of this action's Notice of Decision.

The following findings and conclusions are based upon the application, plans and all written testimony for the above-referenced Seabird Drive Plan Review submitted before the close of the record at 5:00 pm on April 12, 2021.

The City provided timely Notice of the April 13, 2021 Plan Review, which provided a 14-day comment period for submission of written testimony. As provided in the Notice, written testimony was accepted through 5:00 pm on April 12, 2021. The City received no written testimony in response to the Notice.

The Plan Review Staff Report evaluates the Plan Review request against each of the applicable approval criteria in BMC Chapter 17.20 – Controlled Development (CD-1) Zone, and recommends that the request be found to comply with all applicable criteria. The Planning Director adopts and incorporates the staff's analysis, and on that basis concludes that the requested Plan Review complies with all applicable approval criteria.

Based on the analysis and findings in the staff report, the Planning Director approves the requested Plan Review, including all conditions of approval listed in that report.



PLAN REVIEW STAFF REPORT

Application File Name (Number): Patterson (21-029)

Applicant's Request: Approval of a Plan Review (PR) to build a single-family dwelling (SFD) in the Controlled Development 1 Zone (CD-1).

Owner: Wesley Patterson

Applicant: Simplicity Homes, LLC

Lead City Staff: Megan Lawrence, City Planner

Review Date: April 13, 2021

Subject Property/Location/Size: The property is a vacant lot located off Lincoln Ave SW, on the corner of Golf Links Road. The lot is approximately 0.17 acres in size and is within the CD-1 zone.

Current Zone Designation: Controlled Development 1 (CD-1)

Relevant Dates: A Planning Permit Application for Plan Review and Zoning Compliance was submitted on March 10, 2021. The application was deemed complete upon submission.

Purpose of Staff Report: Staff reports provide the reviewing body and community members with information regarding current land use requests and staff analysis of the application. The staff report provides only preliminary information and recommendations. The reviewing body will consider public testimony and other materials submitted to the City in writing, when making decisions on the application.



Ordinances Referenced

17.20 Controlled Development 1 (CD-1) Zone

Site Description & Potential Impact

The property is a vacant lot located off Lincoln Ave SW, on the corner of Golf Links Road. The lot is approximately 0.17 acres in size and is within the CD-1 zone.

Figure 1 Tax Lot Map and Designation

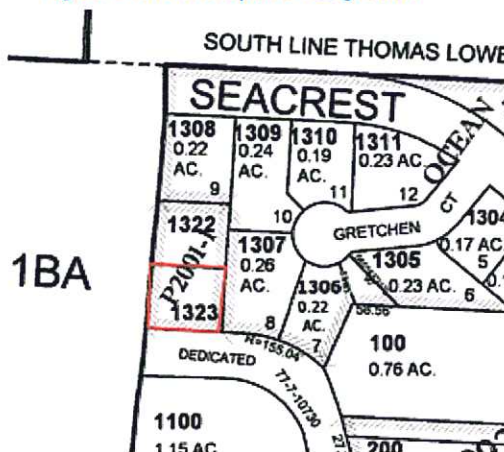


Figure 2 Aerial View of Subject Property



The Coquille Indian Tribe provided notice on March 18, 2021, anticipating no effect to cultural resources in the vicinity of the subject property, but recommended that extreme caution be exercised during the construction process and requests that if any known or suspected cultural resources are encountered during the work, ground-disturbing activities should cease, and the landowner or contractor should contact their Tribal Historic Preservation Office immediately.

Procedural – Required Burden of Proof

Title 17 – Chapter 17.20 – Controlled Development 1 (CD-1) Zone

17.20.010 Purpose

The purpose of the CD-1 zone is to recognize the scenic and unique qualities of Bandon’s ocean front and nearby areas and to maintain these qualities as much as possible by carefully controlling the nature and scale of future development in this zone. It is intended that a mix of uses would be permitted including residential, tourist commercial and recreational. Future development is to be controlled in order to enhance and protect the area’s unique qualities.

Finding: The proposed use is residential, which is consistent with the purpose of the CD-1 Zone.



17.20.040 Limitations on use

In the CD-1 zone, limitations on use require all new uses or structures or major exterior alterations of existing structures in the CD-1 zone shall comply with the following:

1. *The developer shall be required to gain approval from the planning commission during a plan review in public session regarding the design and siting of the structure(s) and all other requirements of this title. The approval or denial of a proposed land use resulting from this review will occur as a limited land use decision and shall require notice to property owners in the notice area (see Section 17.120.070).*

Finding: *Single-family Dwelling* is a permitted use within the CD-1 Zone, subject to a Plan Review approval.

BMC 17.20.040(E) states: *All homes in the CD 1 zone, including but not limited to conventionally constructed homes and manufactured homes, shall utilize at least eight of the following design features (at least four of these features required must be integrated on a face of the dwelling):*

1. *Garage constructed with finish materials matching the residence;*
2. *Hip Roof*
3. *Roof with a pitch at or greater than 3/12;*
4. *Hip Roof;*
5. *Gables;*
6. *Mullioned Windows*
7. *Eaves with a minimum projection of six inches;*
8. *Tile or architectural grade shingles;*
9. *Dormers;*
10. *Offsets on the building face or roof of at least twelve (12) inches;*
11. *Cupolas;*
12. *Covered porch - a minimum of 25 square feet;*
13. *Recessed entry area a minimum of three feet*
14. *Pillars or posts;*
15. *Bay windows;*
16. *Window shutters;*
17. *Clerestory windows;*
18. *Horizontal lap siding on 100% of the exterior, cedar shake or shingle or shingle siding on 100% of the exterior, or combination of cedar shake or shingle siding or lap siding with stone.*

Finding: The applicant shows the following architectural features, which meet the requirements of the zone, on their elevation drawings: (1) Roof pitch at or greater than 3/12, (2) Covered porch - (minimum of 25 square feet), (3) Tile or Architectural grade shingles (not composition shingle), (4) Off set of the building face or roof (at least one foot, minimum of 2 feet in cd-1 & cd-2 zones), (5) Eaves with a minimum projection of six (6) inches, (6) Horizontal lap siding,



cedar shake or shingle on 100% of the exterior, (7) Garage (constructed with exterior finish materials matching the residence), (8) Window shutters, (9) Gables.

17.20.060 Lot size

In the CD-1 zone, except as provided in Section 17.104.050, minimum lot size shall be as follows:

1. *For a single-family dwelling, a lot shall be a minimum of five thousand four hundred (5,400) square feet.*
2. *Lots shall have a minimum of forty (40) feet of street frontage. This frontage shall be physically accessible.*
3. *Lot depth shall be ninety (90) feet.*

Finding: The lot size for the property in question is approximately 0.17 acres with more than 40 feet of street frontage on Lincoln Avenue and Golf Links Road, and an average lot depth of 90 feet.

17.20.070 Yards

Except as provided in Section 17.104.060, in the CD-1 zone, applicable requirements for yards shall be as follows:

- A. *The front yard shall be at least twenty (20) feet.*
- B. *Each side yard shall be a minimum of five feet, and the total of both side yards shall be a minimum of thirteen (13) feet, except that for corner lots, a side yard abutting a street shall be at least fifteen (15) feet.*
- C. *The rear yard shall be at least ten (10) feet, except that in such a required rear yard, storage structures (less than fifty (50) square feet), and other non-habitable structures may be built within five feet of the rear property line, provided that they are detached from the residence and the side yard setbacks are maintained. Such structures shall not be used as or converted for habitation, shall not be connected to any sewer system and shall not exceed sixteen (16) feet in height.*

Finding: A front yard setback of 20-feet, rear yard setback of 10-feet, and side yards of 9-feet to the north and 18-feet to the east are proposed. The proposed structure will meet or exceed all required minimum yard setbacks.

17.20.080 Lot Coverage

In the CD-1 zone, buildings shall not occupy more than fifty (50) percent of the lot area. Total impervious surface shall not exceed 65%.

Finding: Staff finds this criterion has been met, as the total impervious surface is 39.8%.



17.20.090 Height of Buildings and Structures

In order to maximize the ocean and river view potential of lots in the CD-1 zone: East of Beach Loop Drive and south of Seventh Street SW, except as otherwise permitted in 17.20.100 Exceptions to height limitations, or pursuant to 17.20.090.B.1, no portion of any building or structure shall exceed a height of twenty-eight (28) feet, measured as provided in 16.42.010 Definition, "Height of building or structure."

Finding: The applicant has depicted the height of the structure at 18-feet, 9-inches which is less than the maximum allowed height of 28 feet. Staff finds this criterion met.



Recommendations

Staff recommends approval of the Plan Review with the following conditions which are general conditions of approval for Zoning Compliance:

Essential

1. Approval of the plans is based on information submitted by the applicant. No other approvals are expressed or implied. Any changes to the approved plan shall be submitted, in writing, and approved by the Planning Director prior to implementation. **If changes are made to any plans or documents used to make a decision, those changes must be clearly denoted with written documentation describing the need for change. No change is considered approved unless written confirmation from the City approving the proposed change is received by the applicant or the property owner.*
2. Unless otherwise stated in this document, all four property corners must be located and properly marked prior to the first City inspection.
3. All state, federal, and city permits associated with the approval shall be obtained by the applicant prior to construction. **It is the property owner/applicant's responsibility to determine if additional permits from other agencies will be required. If additional permits are required, it is the responsibility of the property owner/applicant to obtain those permits.*
4. No preparation of the subject lot shall be allowed prior to issuance of a City Grading and Fill permit, signed by the authorizing designee of the City of Bandon.
5. All construction material and equipment shall be staged on site. No construction materials shall be stored in the City right-of-way.
6. No construction work shall be performed on Sundays or city holidays, except that a person may perform construction work on the person's own property, provided such construction activity is not carried on for profit or livelihood, between the hours of ten (10:00) a.m. and five (5:00) p.m. on Sundays and city holidays. No construction work shall be performed on Saturday before nine (9:00) a.m. or after seven (7:00) p.m. No construction work shall be performed before seven (7:00) a.m. or after seven (7:00) p.m. on weekdays (exclusive of holidays).
7. As-built plans shall be submitted to the City of Bandon upon completion of construction showing all components of the project and utility connections as built.

Electric

1. Three-inch conduit is required.
2. The meter shall be installed on the structure, facing the vehicular access or no more than five feet down the side of the structure nearest the vehicular access.
3. The electric meter shall be stainless steel and shall not be enclosed.
4. Electric meter must be accessible at all times, without locked doors, gates, enclosures, boxes or covers which deny access, including the keeping of animals in such a manner that access is denied or hazardous.



Public Works

1. Public Works Permit and Right-of-Way Permit must be obtained prior to any work commencing within the right-of-way.
2. Repair costs of any damage to City property or right-of-way, as a result of use during construction shall be the responsibility of the property owner and/or applicant.
3. A construction timeline shall be submitted and approved by the Public Works Director, prior to any construction, grading or preparation of the site.
4. Driveway and fill specifications shall be provided and approved by the Public works Director and/or City Engineer prior to any preparation of the site.
5. A staging plan for construction of the foundation system and the residence shall be proved and approved by the Public Works Department prior to any construction, grading or preparation of the site.
6. An on-site visit by Public Works will be required prior to the concrete surface installation.
7. Any necessary repairs to City property, infrastructure or right-of-way, must be submitted and approved by the Public Works Department prior to the commencement of repair work.
8. An Erosion Control Plan shall be provided and approved by the Public Works Director prior to any preparation of the site.

With Development of the Site

1. Any changes to the approved plan shall be submitted and approved by the Planning Department as an Amendment to the approved plan. **If Changes are made to any plans or documents used to make a decision, those changes must be clearly denoted with written documentation describing the need for the change. No change is considered approved unless written confirmation from the City approving the proposed change is received by the applicant or the property owner.*
2. Any changes to the approved preparation, construction or final stages of the approved plan shall be submitted, in writing, and approved by the Planning Department prior to implementation. **If changes are made to any plans or documents used to make a decision, those changes must be clearly denoted with written documentation describing the need for the change. No change is considered approved unless written confirmation from the City approving the proposed change is received by the applicant or the property owner.*
3. Driveway approach shall be hard surfaced (AC pavement or concrete) from the edge of the City street to a minimum of one foot (1') inside the property line. The driveway will meet the City standards, 10" of compacted $\frac{3}{4}$ " gravel with 6" of 3800 PSI concrete for parts within the right-of-way.
4. Driveway approach, trenching, service connections, cleanouts and other underground construction shall be constructed in accordance with APWA standards and must be inspected and approved by the Public Works and Electric Departments.
5. Driveway approach forms must be inspected and approved by Public Works Department prior to pour.



6. The applicant shall be responsible for preparation and maintenance of the site to prevent tracking of soil or construction material or debris onto any rights-of-way. All public streets must be kept clean during the construction period. Clean-up costs shall be the responsibility of the property owner.
7. Property lines shall be clearly marked during all phases of ground preparation and construction.

Prior to Certificate of Occupancy

1. Certificate of Occupancy must be issued by the City prior to occupancy of the structure.
2. Certificate of Occupancy shall not be issued until conformance of all conditional of the approval has been verified.
3. Certificate of Occupancy will not be issued until repairs, as required by the City, to the City infrastructure or right-of-way is completed and acceptable by the Public Works Department.
4. Certificate of Occupancy will not be issued until all meter placements have been approved, in writing, by a representative of the Electric Department.
5. Certificate of Occupancy shall not be issued until final construction of all drainage is approved by the Public Works Director.

Other

1. All utilities are considered temporary until a Certificate of Occupancy has been obtained through the City. **Temporary services may be discontinued after a six-month period, unless special conditions warrant. It is the applicant's responsibility to submit, in writing, request for extension of temporary services.*
2. The applicant must adhere to all conditions and requirements set forth by the Coquille Indian Tribe, State Historic Preservation Office (SHPO) or both if required.
3. That the plans submitted in this Plan Review shall be in substantial conformance with work completed.
4. All proposals of the applicant shall become conditions of approval unless otherwise modified by the reviewing body.

Additionally, staff recommends site specific conditions of approval as follows:

PLAN REVIEW CONDITIONS OF APPROVAL:

1. No structure of the proposed development may exceed 28 feet in height.
2. Cornices, eaves, canopies, sunshades, gutters, chimneys, flues, belt courses, leaders, sills, pilasters, lintels, ornamental features and other similar architectural features shall not project more than eighteen (18) inches into a required yard.
3. Plan Review approval expires six months from the date of approval.
4. Plans submitted for Zoning Compliance approval shall be in substantial conformance with the plans reviewed and approved herein.