



Staff Report

City of Bandon Planning Department

Bandon, Oregon 97411

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FILE NUMBER: 21-033
APPLICATION TYPE: **Modification of Conditional Use Permit and Plan Review**

STAFF LEAD: Megan Lawrence, City Planner

**PROPERTY OWNER:
AND APPLICANT** Beach Loop Drive LLC
PO Box 5304
Santa Barbara, CA 93150

LOCATION: 3225 Beach Loop Drive SW
29S-15W-01BA / TL 300-1000, 1001, 1002, 1100, 1800, 2300, 90101-90110,
90201-90210

ZONE: CD-1 (Controlled Development 1)

HEARING DATE: April 29, 2021

A consolidated application requesting the modification of a Conditional Use Permit and a Plan Review was received by the Bandon Planning Department on March 15, 2021. The application was deemed complete on March 15, 2021 and noticed in accordance with the requirements of Section 17.120.060 of the Bandon Municipal Code.

AUTHORITY:

The Planning Commission of the City of Bandon has the authority to act as decision makers on Conditional Use permit and consolidation land use applications pursuant to Chapter 2.24.080 of the Bandon Municipal Code.

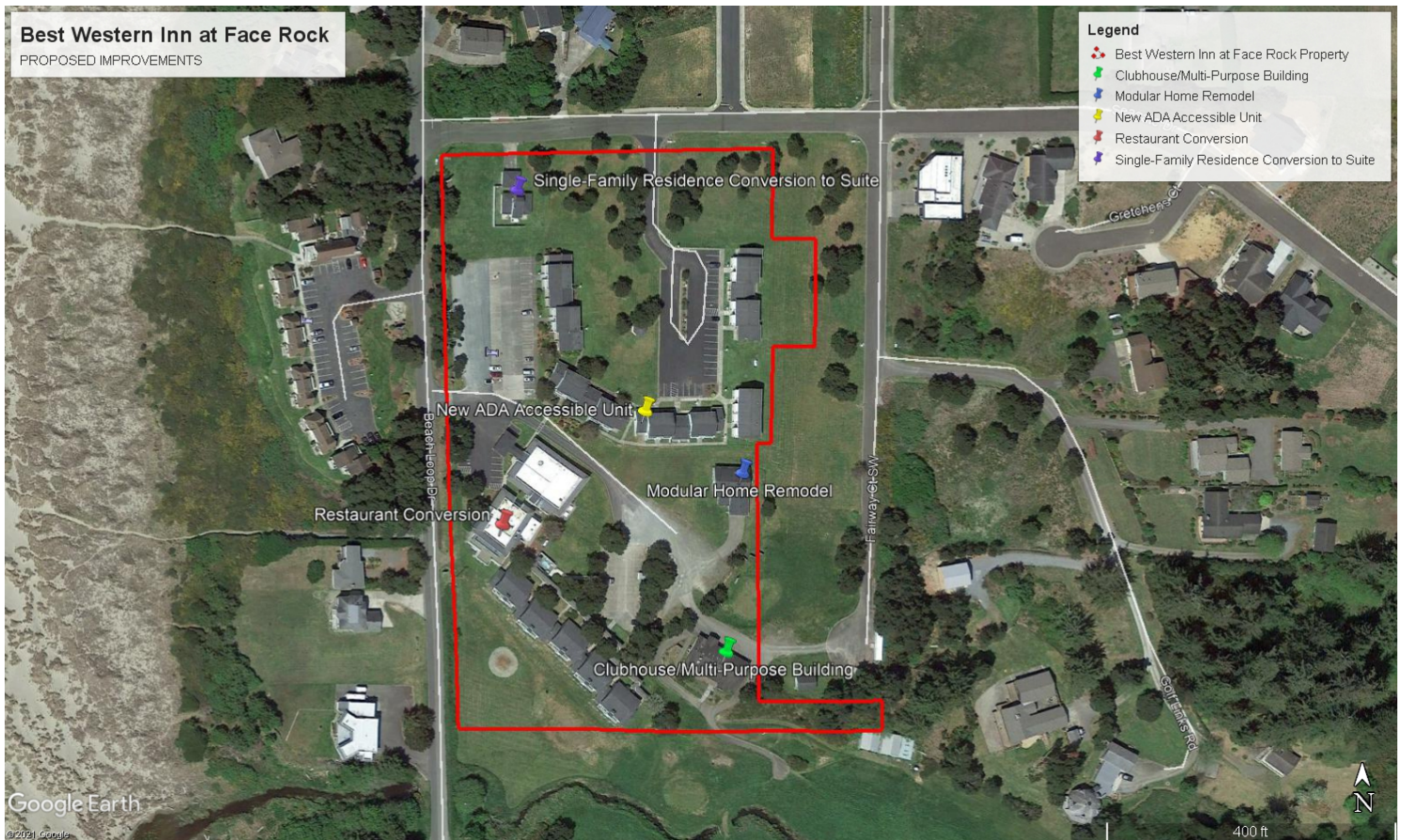
APPEAL PROCEDURE:

Pursuant to Chapter 17.124, any Applicant or any other person with standing may, within ten days after the Notice of Decision of the Planning Commission has been mailed, file a written request with the City Recorder appealing the decision to the Council. The written request appealing the decision of the Planning Commission shall state specific reasons for the appeal based upon substantive, applicable criteria contained in Chapter 17.124. The Conditional Use and Plan Review fees are billed at the actual cost of the application with a \$ 1,000.00 deposit. The fee for appeal of this decision will be the actual cost of the appeal, with a \$ 1,000.00 deposit.

I. REQUEST:

The five part application requests modification of an existing Conditional Use Permit, to (1) change the use of an existing modular home at 3235 Beach Loop Drive from residential to commercial to accommodate two new guest units and a laundry/storage/break room; (2) convert an existing storage room into an ADA accessible guest room; (3) convert an existing restaurant into four new guest units; (4) change the use of an existing single-family dwelling at 1283 Seacrest from residential to commercial for use as a motel guest unit; (5) formally incorporate the former golf pro-shop, located at 3235 Beach Loop Drive, as a motel clubhouse/multi-purpose building for continued commercial use. Modification of the Conditional Use Permit is required for all proposals constituting a change of use. Plan Review is required for the proposed construction of the exterior decking and entry way at 3235 Beach Loop Drive.

In summary, the applicant requests Planning Commission approval to expand the boundaries of the existing Conditional Use Permit to abutting residential properties now in common ownership, and approval to change the use of existing residential structures to commercial for use within the Best Western Inn at Face Rock motel campus.



II. BACKGROUND

A. General

The subject property is located at 3225 Beach Loop Drive SW and is approximately 8.2 acres in size,

located in the 1979 Fairway Homes Subdivision, in the CD-1 Zone. The motel campus as it exists today consists of 75 guest units, a general office building with conference spaces, a laundry facility, a restaurant (permanently closed), a conference building, two single-family dwellings, and a pool, sprawled throughout a group of buildings constructed at varying times throughout the 1970's to present and built across multiple properties that are now in common ownership.

The subject property has operated as a motel with a Conditional Use Permit for nearly forty years and is bordered on the north and east property boundaries by private properties, which were subdivided for single-family residential development in the 1979 Fairway Homes Subdivision. An inoperable historic golf course, that is currently in public ownership, borders the subject property to the south.

The land use history of the Fairway Homes Subdivision, historic Johnson Creek Golf Course, and the Best Western Inn at Face Rock is extensive and has been complicated throughout the years by development from multiple property owners that has occurred without formally removing or recognizing the underlying property lines platted in the 1979 subdivision. Additionally, for many years the centrally located, interior tax lot 2300 (known as 3235 Beach Loop Drive and developed with a single-family dwelling and a former golf pro-shop), was held in different ownership, and operated as part of the abutting golf course, but was accessed through the motel campus by a variance granted by the City Planning Commission.

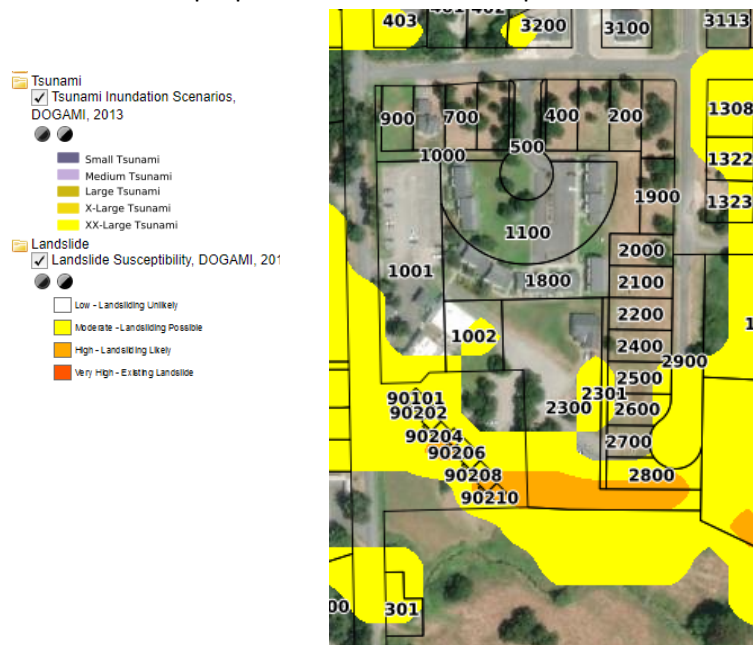
Eleven privately owned lots abut the eastern border of the Best Western Inn at Face rock; separated by a sight-obscuring wood fence. To date, several of these lots have been approved for construction of single-family dwellings and are in active construction.

B. Characteristics of the Property



- 1. Location:** The subject property is located at the south east intersection of Beach Loop Drive and Seacrest Drive and is commonly known as 3225 Beach Loop Drive SW, 3235 Beach Loop Drive SW, and 1283 Seacrest Drive.
- 2. Zoning and Plan Designation:** The subject property is zoned Controlled Development 1 (CD-1).
- 3. Size:** The subject property is approximately 8.2 acres in size.

4. **Access:** Access to the subject property is from Beach Loop Drive SW on the west, and Seacrest Drive SW to the north. There is no internal circulation between the two access points.
5. **Public Utilities:** City water, sewer and electric are currently connected to the subject property
6. **Natural Hazards:** The subject property is located east of the Bandon Bluff and has moderate to high landslide susceptibility at the southern end of the property. No construction has been proposed in the location of potential hazard areas.



<https://www.coastlatlas.net/coos-all-hazards/>

7. **Existing Land Use:**
 - a. **On Site:** The property is currently being used as a motel.
 - b. **Surrounding:** The subject property is surrounded by CD-1 zone properties of mixed residential and tourist commercial use.
8. **Land Use Designation:**
 - a. **Comprehensive Plan:** Controlled Development 1
 - b. **Zone District:** CD-1
 - c. **Overlay:** Hazard Overlay Zone
9. **Notification:** All related public parties have been duly notified in accordance with Section 17.120.090 of the Bandon Municipal Code.
10. **Comments:** At the writing of this report there were no comments submitted.

III. CONFORMANCE WITH APPLICABLE CRITERIA AND REQUIRED BURDEN OF PROOF

THE FOLLOWING ARE THE CRITERIA WHICH ARE APPLICABLE TO THIS APPLICATION:		
1. TITLE 17 – CHAPTER 17.20 – CONTROLLED DEVELOPMENT 1 (CD-1) ZONE		
1.1	17.20.030	Conditional Uses
1.2	17.20.040(B)(1)	Limitations on Use
1.3	17.20.070	Yards
1.4	17.20.080	Lot Coverage
1.5	17.20.090	Height of Building and Structures
2. TITLE 17 - CHAPTER 17.92 - CONDITIONAL USES		
2.1	17.92.010	Authorization to grant or deny conditional uses.
2.2	17.92.020	Authorization to impose conditions.
2.3	17.92.030	Existing Uses
2.4	17.92.040	Approval standards for conditional uses.
3. TITLE 17 – CHAPTER 17.96 – OFF-STREET PARKING AND LOADING		
3.1	17.96.020	Off-street parking
4. TITLE 17- CHAPTER 17.104 – SUPPLEMENTARY PROVISIONS		
4.1	17.104.050(B)	General exception to lot size requirements

1.1 BMC 17.20.030; Conditional Uses

Motels are conditional uses in the CD-1 Zone and require Planning Commission approval through a Public Hearing.

Finding: An application to modify an existing Conditional Use Permit was submitted to the City on March 15, 2021.

1.2 BMC 17.20.040(B)(1); Limitations on Use

“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 new 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: An application for Plan Review to construct an exterior deck was submitted to the City on March 15, 2021.

1.3 BMC 17.20.070; Yards

The front yard shall be a minimum of twenty (20) feet. 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. The rear yard shall be at least ten (10) feet.

Finding: The five-foot setback from the east property line to the proposed exterior deck around the modular home conforms the yard requirements of the CD-1 Zone. No other change in yard requirement

is proposed.

1.4 BMC 17.20.080; Lot Coverage

In the CD-1 Zone, buildings shall not occupy more than fifty (50) percent of the lot area. The total impervious surface shall not exceed 65%. The subject property is over 8 acres in size with significant open space that could be used for future development. The proposed deck is approximately 850 square feet of additional structure.

Finding: Staff finds that the proposed accessory structure does not exceed the subject property's lot coverage limitation of 50%.

1.5 BMC 17.20.090; Height of Buildings and Structures

To maximize the ocean view potential of lots in the CD-1 zone, property east of Beach Loop Drive and south of Seventh Street SW, except as otherwise permitted in 17.20.100, no portion on any building or structure shall exceed 28 feet in height.

Finding: The height of the proposed accessory structure is significantly less than the 28 foot height allowance. No changes in height to other existing structures are proposed.

2.1 BMC 17.92.010; Authorization to grant or deny conditional uses

Conditional uses are those which may be appropriate, desirable, convenient or necessary in the zoning district in which they are allowed, but which by reason of their height or bulk or the creation of traffic hazards or parking problems or other adverse conditions may be injurious to the public safety, welfare, comfort and convenience unless appropriate conditions are imposed. Applications for uses designated in this title as conditional uses may be granted, granted with modifications or denied by the planning commission in accordance with the standards and procedures set forth in this chapter.

Finding: The Planning Commission has the authority to grant, deny, or condition Conditional Uses.

2.2 BMC 17.92.020; Authorization to impose conditions

The City of Bandon may impose additional discretionary conditions, if the City considers the additional conditions necessary to assure that the requested conditional use is compatible with other uses in the vicinity, and to protect the city as a whole. Additional conditions may include (but are not limited to): changes in required lot size or yard dimensions; building height limitations, controlling the location and number of vehicle access points; requiring additional right-of-way areas or changing the street width; requiring public improvements such as street, sidewalks, water/sewer line extensions and/or bike paths; changing the number of off-street parking and loading spaces required; limiting the number, size and location of signs; requiring diking, fencing, screening or landscaping to protect adjacent or nearby property; requiring design features which minimize environmental impacts such as noise, vibration, air pollution, glare, odor and dust; limiting the hours, days, place and manner of operations; limiting or setting standards for the location and intensity of outdoor lighting; setting requirements on the number, size, location, height and lighting of signs; requiring the protection and preservation of existing trees, soils, vegetation, watercourses, habitat areas and drainage areas.

Finding: In approving an application for a conditional use or the modification of an existing and functional conditional use, the Planning Commission may impose additional conditions necessary to assure that the use is compatible with other uses in the vicinity and to protect the city as a whole.

2.3 BMC 17.92.030; Existing Uses

In the case of a use existing prior to the effective date of the ordinance codified in this title and which is classified in this title as a conditional use, any alteration of the structure shall conform with the requirements dealing with conditional uses.

Finding: The existing uses and requested modifications conform to the conditional use requirements of the Bandon Municipal Code.

2.4 BMC Chapter 17.92.040; Approval standards for conditional uses

A. The comprehensive plan;

The applicant states that “ the proposed Best Western Inn at Face Rock project not only complies with all of the requirements of the Bandon Comprehensive Plan, but, in fact, promotes and significantly furthers the accomplishment of the City of Bandon’s goals objectives, and policies, particularly regarding Land Use, Economic Development, Transportation, Economic Development, and Tourism.” Statewide Land Use Planning Goals, 2 (Land Use Planning), 9 (Economic Development), 12 (Transportation), are thoroughly discussed in the applicant’s narrative, in support of the proposed request.

Finding: Staff finds the proposed changes of use and expansion of the existing motel campus to be consistent with the Comprehensive Plan.

B. The purpose and dimensional standards of the zone except as those dimensional standards have been modified in authorizing the conditional use permit;

The applicant describes the mixed use purpose of the CD-1 zone, including tourist commercial and recreational uses, and states that the proposal conforms to the purpose and dimensional standards of the CD-1 Zone, as a long standing and operational motel.

Finding: Staff finds this criteria to be met.

C. That the site size and dimensions provide adequate area for the needs of the proposed use;

The applicant writes, “This request is for a major modification of the existing Conditional Use Permit for the Best Western Inn at Face Rock, to include changing the use an existing modular home from residential to commercial by converting it into a laundry/storage/break room and 2 additional guest rooms; converting an existing storage room in the motel into an ADA accessible guest room; converting the existing restaurant into 4 new guest rooms (which includes an additional ADA

accessible guest room); incorporating an existing single-family residence into the motel as a large guest suite; and continuing to use of an existing clubhouse/multi-purpose building. These are all existing structures which were previously approved by the City of Bandon.

No expansion or additions to the existing buildings are being proposed, other than exterior access walkways, decks, and ramps to serve the proposed new uses of the modular home. There is adequate space for these building access improvements, all of which will be located and in compliance with the height, setback, and other requirements of the CD-1 zone and other City development regulations.” The applicant further states that the proposed changes in use for the existing structures decrease the required off-street parking required, decreasing the demands of the property.

Finding: Staff agrees with the applicant’s thorough analysis and finds this criterion met.

D. That the site size and dimensions provide adequate area for aesthetic design treatment to mitigate possible adverse effect from the use of surrounding properties and uses;

The applicant describes neighboring uses of the subject property, which are similar in impact, and discusses the commercial design standards required by the Best Western corporation, which will be applied to the existing residential structures proposed in this application for change of use. Much of the subject property is delineated from the nearby residential properties by a six foot fence, mitigating any potential space conflicts between motel guests and neighboring property owners.

Finding: Staff finds that the site size and dimensions provide adequate area for aesthetic design treatment to mitigate possible adverse effects from the use of surrounding properties and uses.

E. The characteristics of the site are suitable for the proposed use considering size, shape, location, topography and natural features;

The applicant states, “The Best Western Inn at Face Rock property has successfully functioned as a motel site for 40 years. The clubhouse/multi-purpose facility has been operated in that capacity for 27 years. The characteristics of the site have therefore proven suitable for these uses for many years. No alterations to the size, shape, location, topography, or natural features of the site are being proposed.”

Finding: Staff agrees with the applicant’s statement and finds that the characteristics of the site are suitable for the proposed use considering size, shape, location, topography, and natural features. Staff adds that the recent changes in ownership, and review of the current motel campus as one project site, further satisfies this criterion by removing conflicting uses that previously existed.

F. All required public facilities and services have adequate capacity to serve the proposal, and are available or can be made available by the applicant;

Finding: With no new services proposed and all existing structures having services with adequate capacity, staff finds this criterion met.

G. The proposed use will not alter the character of the surrounding area in a manner which substantially limits, impairs, or precludes the use of surrounding properties for the permitted uses listed in the underlying zoning district;

The applicant presents that approving the modification of the conditional use to include the existing residential structures for commercial use and the conversion of the existing restaurant into guest rooms will not alter the character of the surround area due to the location of the structures within the motel campus, the similar uses of surrounding properties, and argues that approval will improve the area due to the commercial design requirements of the Best Western Chain.

Finding: Staff agrees with most of the applicant’s findings, but finds this criterion conditionally met. The applicant has requested a change of use for the existing 2 bedroom single-family dwelling at 1283 Seacrest Drive, from residential to commercial, proposing to utilize the dwelling as a guest suite of the motel. This use meets the Bandon Municipal Code’s definition of a Vacation Rental Dwelling. Because the property is accessed independently from the motel, has existed as a single-family detached dwelling since being constructed in the 1970’s, and because there are single-family dwellings used as primary residences directly across the street, staff believes this portion of the request is more appropriate for consideration as a Vacation Rental Dwelling, subject to the requirements of BMC 17.92.090(K). The current neighborhood VRD density for 1283 Seacrest Drive is 12%, which is less than the 30% maximum allowed. The dwelling meets the other approval requirements for VRD consideration, related to age of the structure, type of dwelling, off-street parking, and consideration of the request as a conditional use. If the Planning Commission finds that a change of use for 1283 is appropriate, Staff recommends that the general conditions of approval for VRDs, such as occupancy limits, lighting, and noise disturbance considerations, etc., apply to the property.

H. All other requirements of this title that apply.

The applicant states, “The proposed improvements to the Best Western Inn at Face Rock will be done in full compliance with all applicable City regulations, and in compliance with any and all conditions which may be imposed by the City of Bandon and the Planning Commission through their approval of the requested Conditional Use Permit modification.”

Finding: While the applicant has provided specific details to explain the property’s conformance with approval standards, Staff recommends approval of the request with several conditions related to the commercial change of use for the dwelling at 1283 Seacrest Drive, commercial parking lot standards, and conformance with the supplementary provisions of the Bandon Municipal Code.

3.1 BMC 17.96; Off-Street Parking and Loading

At the time a new structure is erected or enlarged or the use of an existing structure is changed, off-street parking spaces shall be provided as set forth in this section unless greater requirements are otherwise

established. If parking space has been provided in connection with an existing use or is added to an existing use, the parking space shall not be eliminated if it would result in less space than is required by this title.

Finding: A total of 110 parking spaces exist on the subject property, exceeding the amount of off-street parking required for the proposed changes of use.

4.1 BMC 17.104.050(B); General exception to lot size requirements

If a property owner desires to proceed with constructing an improvement on all or part of a parcel or contiguous subdivision lots, no portion of the property amounting to less than the whole property, shall be sold, divided or separated without the written permission of the City. This requirement shall be set forth in a Real Property Covenant and Restriction document which shall be filed at the County as a deed restriction.

Finding: The Fairway Homes Subdivision Final Plat was filed with the County Clerk's office in 1979. The Bandon Planning Commission approved a Conditional Use Permit for the construction of the Inn at Face Rock in the mid-1980's, now known as the Best Western Inn at Face Rock. A condition of approval to the original application was to vacate the Fairway Homes Subdivision, to eliminate the risk of building over platted property lines and prevent violating the recorded Covenants, Conditions, and Restrictions (CC&Rs) of the Fairway Homes Subdivision approval. In 1986 the Bandon City Council adopted an ordinance to vacate the platted subdivision, however no such vacation was filed with the Coos County Clerk, rendering the action null and void, and resulting in sections of the existing motel being built across multiple property lines. Due to the sale and development of many of the surrounding lots in the Fairway Homes Subdivision, vacation is no longer an option; however, BMC 17.104.050 requires that a deed restriction be filed for the property. Additionally, a tax lot consolidation with the Coos County Assessor's Office has been requested by the County Surveyor to clarify the boundaries of the motel campus.

IV. Recommendation

Staff recommends approval of Planning Permit #21-033, Conditional Use Permit and Plan Review for 3225 Beach Loop Drive with the following conditions:

Proposed Conditions of Approval:

1. Approval of the plan 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 Commission prior to implementation.
2. All state, federal, and city permits associated with this 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.
3. Certificate of Occupancy for new construction or change of use must be issued by the City of Bandon prior to occupancy and/or commercial operation of the structure. Certificate shall not be issued until conformance with all conditions of approval have been verified.
4. Specific to the single-family dwelling at 1283 Seacrest Drive:
 - a. Existing parking at 1283 Seacrest shall not be eliminated or reduced. The attached garage must

remain free and clear for use of guests.

b. No additional outdoor lighting, other than what is already in place, will be allowed. Lighting that will negatively impact neighboring properties or directed west or skyward is prohibited.

c. Written notification shall be posted in the subject property and provided to renters of the subject property, informing them that the maximum occupancy shall be eight occupants and that it is a violation of the conditional use to allow more than the approved amount.

d. Written notification shall be posted in the subject property and provided to renters of the subject property, informing them where the nearest public beach access point is located.

e. Written notification shall be posted in the subject property and provided to renters of the subject property, informing them that all dogs must be kept on a leash per City code.

f. Written notification regarding tsunami evacuation routes and supporting emergency information shall be posted in the subject property and provided to renters of the home.

g. The dwelling and landscaping must be maintained at or above the level of surrounding dwellings in the neighborhood. Carbon monoxide detectors shall be installed and maintained throughout the subject dwelling.

h. Garbage shall be removed from the premises on a regular basis.

i. Occupancy of the VRD shall not exceed 6 persons.

5. Parking shall not be eliminated or reduced and all areas used for parking and maneuvering vehicles shall have durable and dustless surfaces maintained adequately for all weather use and so drained as to avoid flow of water across sidewalks.
6. Applicant shall file a tax lot consolidation with the Coos County Assessor's Office and Real Property Covenant and Restriction shall be signed and recorded with the Coos County Clerk's Office stating that no portion of the motel campus as described in the application amounting to less than the whole property, shall be sold, divided, or separated without the written permission of the City of Bandon.
7. The Planning Commission, on its own motion, may revoke any conditional use permit for noncompliance with conditions set forth in the granting of said permit after first holding a public hearing and giving notice of such hearing. The foregoing shall not be the exclusive remedy, and it shall be unlawful and punishable hereunder for any person to violate any condition imposed by a conditional use permit.

Alternatively, the Planning Commission may wish to discuss additional conditions, or make amendments to staff's proposed conditions of approval, or take additional action not listed herein.

Suggested Motion:

I move to approve Planning Permit #21-033; Conditional Use Permit and Plan Review for 3225 Beach Loop Drive SW, with conditions of approval as listed by staff in the staff report.