



Planning Permit Application

CITY OF BANDON PLANNING
 P.O. BOX 67
 555 HWY 101
 BANDON, OR 97411
 P:(541) 347-2437
 F:(541)347-1415

Permit Number: 22-104

APPLICATION TYPE (select all that apply)		
<input type="checkbox"/> Annexation*	<input type="checkbox"/> Land Use Review*	<input type="checkbox"/> Subdivision*
<input type="checkbox"/> Certificate of Appropriateness (CoA)*	<input type="checkbox"/> Partition*	<input type="checkbox"/> Vacation*
<input type="checkbox"/> Comprehensive Plan or Zone Amendment*	<input type="checkbox"/> Plan Review (PR)	<input type="checkbox"/> Variance*
<input checked="" type="checkbox"/> Conditional Use Permit (CUP)*	<input type="checkbox"/> Planned Unit Development (PUD)*	<input type="checkbox"/> Zoning Compliance (ZC)
<input type="checkbox"/> Floodplain Development*	<input type="checkbox"/> Property Line Adjustment (PLA)*	<input checked="" type="checkbox"/> Other Minor Modification 12-002 *
* Pre-application required		Total Fees: \$ 2000

I. PROJECT LOCATION			
Street Address: 250 1st St SW, Bandon, OR 97411			
Map Number / Tax Lot(s): 28-15-25AD	/ 1000	Zone: C-3	Floodplain: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No



II. APPLICANT'S INFORMATION (applicant is the primary party responsible for development)	
Applicant's Name: Coos Curry Consulting/ Sheri McGrath	Phone: 541-982-9531
	E-Mail: cooscurry@gmail.com
Applicant's Mailing Address: P.O. Box 1548, Bandon, OR 97411	

III. PROPERTY OWNER'S INFORMATION	
Property Owner's Name: Port of Bandon	Phone: 541-347-3206
	E-mail:
Mailing Address: P.O. Box 206, Bandon, OR 97411	

IV. OTHER INFORMATION (APPLICANT'S REP, SURVEYOR, ENGINEER, ARCHITECT, LANDSCAPE ARCHITECT, ETC)	
Title:	Name:
Email:	Phone:
Title:	Name:
Email:	Phone:
Title:	Name:
Email:	Phone:

V. PROJECT DESCRIPTION
Use: <input type="checkbox"/> Residential <input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Other _____
*Please <u>attach</u> a short narrative that describes your proposed project and indicates the proposed use.
The request is for a minor modification to conditional use permit 12-002 to provide expanded hours of operation to become a year round marketplace. All uses within the structure will be managed by the marketplace including the existing farmers market vendors and the fish market. Enclosed findings support the request for expanded hours and year round offerings.

VI. SITE PLAN: Please see our "How to Create a Site Plan" and sample site plan document for requirements and tips on how to create your site plan. Plans must be drawn to scale and may be submitted electronically; printed copies must be submitted on 11x17, ledger size paper (larger or smaller paper sizes will not be accepted).



VII. PROPERTY OWNER SIGNATURE/AUTHORIZATION	
<ul style="list-style-type: none"> I have read the application and the attached documentation and I understand that my application may be delayed or deemed incomplete if I have provided insufficient information and documentation to allow for approval. I certify that the information provided in this application, including all submittals and attachments, is true and correct to the best of my knowledge. I understand and agree that all required inspections will be requested 2 business days in advance, and it is the applicant's responsibility to ensure required inspections have been requested, completed, and approved. I authorize the City of Bandon or its acting agent, to enter onto the subject property, as described in section "I. Project location". I authorize the following party(s) to act as applicant in regard to the attached application for the subject property described above. 	
X Applicant's Signature: 	Date: 9-20-22
<i>Property owner's signature required if applicant is not the property owner</i>	
X Property Owner's Signature: 	Date: 9-20-22

Development Disclosure

The City of Bandon is obligated to report all ground disturbances within the City of Bandon to the Coquille Indian Tribe. Property owners and applicants must adhere to all conditions and requirements set out by the Coquille Indian Tribe, State Historic Preservation Office (SHPO) or both if required. Please be aware that state statutes and federal law govern how archaeological sites are to be managed. ORS 97.745 prohibits the willful removal, mutilation, defacing, injury, or destruction of any cairn, burial, human remains, funerary objects, or objects of cultural patrimony of a Native Indian. ORS 358.920 prohibits excavation, injury, destruction, or alteration of an archaeological site or object, or removal of an archaeological object from public or private lands.

It is the property owner and applicant's responsibility to determine if additional permits from other agencies will be required, including but not limited to: Oregon State Building Codes, Oregon State Department of Environmental Quality, FEMA, Oregon State Fish and Wildlife and U.S. Fish and Wildlife. If additional permits are required, it is the responsibility of the property owner/applicant to obtain such permits and comply with their conditions of approval.

It is the property owner/applicant's responsibility to provide the City of Bandon all necessary legal documentation related to the property, including but not limited to: proof of ownership, receipts, deed restrictions, vacation records, easement records, etc.

I acknowledge, understand, and agree, that all relevant documentation will be provided to the City of Bandon, and that all required permits and consent will be obtained prior to the start of construction, with all conditions of approval adhered to.	
X 	9-20-22
<i>Property Owner's Signature (Property owner's signature required if applicant is not the property owner)</i>	<i>Date</i>
X 	9-20-22
<i>Applicant's Signature</i>	<i>Date</i>

Staff's Signature of Intake:  Date: 10/16/22

Staff's Signature of Completeness: _____ Date: _____

Staff's Signature of Approval: _____ Date: _____

Submittal Requirements:

1. Completed Pre-Application with summary notes from the Planning Department (if applicable)
2. Complete Planning Permit application (including fees and applicable property records)
3. Signed Development Disclosure
4. Completed Submittal Requirement sheet

Site Plan Requirements (please check that you have completed each of the following)

- Setbacks on all sides of the property (must be marked from the closest structure to the property line)
- Property line must be clearly marked on all sides - if property corners cannot be determined a survey will be required.
- Location of all buildings and proposed building or addition
- Location of all mechanical equipment and proposed equipment (HVAC, propane tanks and enclosures - these cannot be located in the setback area)
- Fences, patios, sidewalks, (if being built along with the construction of a building)
- Decks, steps, porches (these cannot be located in the setback)
- All off-street parking
- Location of the front entrance and all exterior doorways
- Location & material of the driveway
- Direction of roof drainage
- Drywell, if required (must be engineered)
- Location of electric meter base (on the front or no farther than 5 feet down the side)
- Proposed water and sewer line locations
- Water shut off valve must be located beside the water meter box; 6" sewer clean out must be at the property line
- Square footage of the lot, structures including garage (1st & 2nd floors noted separately), and percentage of impermeable surface. (Impermeable surfaces must be shown on the site plan)

Design Feature Requirements (Please check your selections)

Homes in the R-1 and R-2 zones require a minimum of 6 (at least 3 on the face of the home)

Homes in the CD zones require a minimum of 8 (at least 4 on the face of the home)

- | | |
|---|---|
| <input type="checkbox"/> Roof pitch at or greater than 3/12 | <input type="checkbox"/> Bay windows |
| <input type="checkbox"/> Covered porch - (minimum of 25 square feet) | <input type="checkbox"/> Cupolas |
| <input type="checkbox"/> Tile or Architectural grade shingles (not composition shingle) | <input type="checkbox"/> Hip roof |
| <input type="checkbox"/> Off set of the building face or roof (at least one foot, minimum of 2 feet in cd-1 & cd-2 zones) | <input type="checkbox"/> Pillars or posts |
| <input type="checkbox"/> Eaves with a minimum projection of six (6) inches | <input type="checkbox"/> Mullioned windows |
| <input type="checkbox"/> Horizontal lap siding, cedar shake or shingle on 100% of the exterior | <input type="checkbox"/> Window shutters |
| <input type="checkbox"/> Recessed entry area (minimum depth of three feet) | <input type="checkbox"/> Clerestory windows |
| <input type="checkbox"/> Garage (constructed with exterior finish materials matching the residence) | <input type="checkbox"/> Dormers |
| <input type="checkbox"/> Combination of cedar shake and shingle siding or lap siding with stone | <input type="checkbox"/> Gables |

Additional Required Plans

- Floor plan - Including garage (before and after drawings must be included for remodel/additions)
- Elevation of all structures - All sides must show direction, dimensions, height, design features and depth of eaves/gutters.
- Grade of property and/or grading plan
- Foundation plan for all construction - (for a manufactured home the slab & runner system)
- DEQ septic system permit & plan drawings - (if applicable)
- Geotechnical report - (if applicable)
- Drainage plan - (with engineered drawings if applicable)
- Engineered foundation - (if applicable)

YOUR APPLICATION WILL BE DEEMED INCOMPLETE IF YOUR SITE PLAN FAILS TO LIST ALL REQUIRED INFORMATION, INCLUDING DESIGN FEATURE REQUIREMENTS WHICH MUST ALSO BE SHOWN IN YOUR SUBMITTED ELEVATION PLANS.

INSPECTION SCHEDULE: All city inspections must be requested at least 2 business days in advance. Failure to schedule or complete required inspections may delay the final approval of your project.

Code Compliance Inspection List:

- Inspection # 1:** Compliance with approved site plan Inspection required prior to pouring foundation footings.
- Inspection # 2:** Compliance with approved floor plans and elevation drawings - Inspection required after the roof trusses are placed but prior to any cover being installed.
- Inspection # 3:** Compliance with approved plans for drainage, utility service, off-street parking, any required street improvements, house numbering and authorized land use approvals. - Inspection required upon completion of structure and related site work, prior to occupancy. This inspection is done **AFTER** the State Building Codes inspectors have approved a final inspection for the project.

Public Works Inspection List:

- Inspection # 1:** Lot Drainage; Compliance with approved drainage plan - Inspection required prior to any drainage work.
- Inspection # 2:** Culvert; Compliance with approved plan - Inspection required prior to covering.
- Inspection # 3:** Water shut off control valve; per APWA Standards - Inspection required prior to covering.
- Inspection # 4:** Sewer lateral and clean out (6" at property line per Compliance with APWA Standards); Compliance with City requirements - Inspection required prior to covering.
- Inspection # 5:** Driveway: Per APWA Standards - Inspection required prior to pouring paving material.

Oregon Law allows the City up to 30 days to review an application to determine whether or not the application is "complete" or "incomplete." Planning staff strives to be responsive and minimize this review period. However, careful and thorough reviews lay a foundation for smoother and quicker subsequent review processes. A pre-application may be required prior to the submittal of an application. Please visit the City's website for submittal requirements <http://www.cityofbandon.org/general/page/welcome-planning-department>. Incomplete applications will not be scheduled for public hearing or plan review, until all of the required materials are submitted.

Other agency contacts:

City of Bandon	http://www.cityofbandon.org/	(541) 347-2437
State Building Codes (coos bay)	http://www.oregon.gov/bcd/permit-services/Pages/coos-county.aspx	(541) 266-1098
State Fire Marshall	http://www.oregon.gov/osp/sfm/Pages/index.aspx	(541) 618-7951
State Department of Environmental Quality (DEQ)	http://www.oregon.gov/DEQ/Pages/index.aspx	(541) 269-2721
U.S. Fish and Wildlife	https://www.fws.gov/	(541) 888-1470
Oregon Fish and Wildlife	http://www.dfw.state.or.us/	(541) 888-5515
Coquille Indian Tribe	http://www.coquilletribe.org/	(541) 756-0904
Coos County Planning Department	http://www.co.coos.or.us/Departments/Planning.aspx	(541) 396-7770
Coos County Assessor's Office	http://www.co.coos.or.us/Departments/Assessors.aspx	(541) 396-7900
FEMA (floodplain issues)	https://www.fema.gov/	
Department of State Lands (DSL)	http://www.oregon.gov/dsl/pages/index.aspx	

Sheri McGrath, Inc
Coos Curry Consulting
P.O. Box 1548 * Bandon, Oregon 97411
cooscurry@gmail.com
541-982-9531

CONSENT FOR REPRESENTATION

I, Port of Bandon of P.O. Box 206, Bandon, OR 97411 give permission to Coos Curry Consulting to represent me on all design, permit and consulting matters concerning the property located at 250 1st St SW, Bandon, OR 97411. The property is located on the Coos County Tax Assessor's Map 28-15-25AD and is known as Tax Lot 1000.

Sheri McGrath is the direct contact for all permit application questions, plan review comments, concerns or questions, and any other information related to the property permit applications.

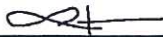
Contact information for Sheri McGrath is:

Cell: 541-982-9531
E-mail: cooscurry@gmail.com
Mailing address: P.O. Box 1548, Bandon, OR 97411

This consent automatically expires eighteen months from the date below, without requirement of notice.

DATED: July 27, 2022

COOS CURRY CONSULTING


By: SHERI MCGRATH

CLIENT


By: PORT OF BANDON

City of Bandon Development Fact Sheet

- System Development Charges (SDCs) must be paid in full or bonded prior to the release of your Zoning Compliance permit. SDCs may be bonded over 10 years at a 6% interest rate and are recorded as a lien against the subject property. *Please contact the Finance Department for more information about SDC Lien Agreements.*
- Water service may be applied for by requesting a Work Order. Water service requires a \$500.00 deposit.
- If your building is over 2,500 square feet, 3" electrical conduit will be required.
- The City charges **actual** costs for water service installation. Your \$500.00 deposit is applied to the cost of installation, with any remaining balance being refunded or billed upon completion of the work.
- Sewer service requires inspection upon connection. Call the City to arrange a Work Order for the inspection.
- Electric service may be applied for by requesting a Work Order. Utility Department staff will inform you of the cost for your electric service. The City charges **actual** costs for electric service. You will be billed for those costs on your utility billing, or by a miscellaneous billing.
- All utilities are considered temporary until the City's final inspection has been completed and approved, and a Certificate of Occupancy has been issued
- A **Public Works Permit** must be completed for any construction activity in the City's right-of-way. Any damage done to the City's right-of-way must be repaired to the level of the improvement prior to the damage.
- The City will bill the property owner or contractor for engineering required by the City (drainage, streets, subdivisions etc.).
- The City may require a property survey prior to the #1 Code Compliance inspection.
- If the contractor or the applicant owes the City for utilities, engineering, service fees, etc. for any project, the Certificate of Occupancy will not be issued until payment has been made in full.
- Zoning Compliance permits *expire* one year after the date of issue. A one-time, six month extension may be requested. If an extension is not requested prior to expiration of your Zoning Compliance permit, you will be required to re-apply for a new permit.
- Ingress/egress at the construction site must be **graveled** so that dirt, mud, and debris from the construction site do not get on the sidewalk or street.
- The Utility Department requires a **legal description** (map & tax lot number or tax account number) in order to process an application for water and/or sewer service.
- All subdivisions, commercial developments, and residential developments **must** provide the City with as-built plans showing public improvements and utilities including but not limited to streets, signage, sidewalks, water, sewer, street drainage, street lights & electric.

Please remember to post your Zoning Compliance permit card on site

Minor Modification to Conditional Use Permit 12-002

Project Narrative and Proposed Findings of Compliance

APN: 28S-15W-25AD Tax Lot 1000

ADDRESS: 250 First Street SW, Bandon, OR 97411

OWNER: Port of Bandon
P.O. Box 206
Bandon, OR 97411

APPLICANT'S REPRESENTATIVE:
Coos Curry Consulting (Sheri McGrath)
PO Box 1548
Bandon, OR 97411

PROJECT NARRATIVE

The subject property is located in the C-3 Zone, adjacent to the Coquille River waterfront. It includes a two story structure that contains a Seasonal Market for artisan products, crafts and farm sourced produce permitted in 2012 through the conditional use permit process. A portion of the structure contains a Fish Processing Market known as Farm and Sea which is permitted outright in this zone. The Port of Bandon is seeking City approval to allow us to meet the local demand for year round product availability and we are requesting a Minor Modification to the Conditional Use to allow the sales of product year round with regular business hours.

The reason for the modification is to allow for the growth of the Seasonal Market into a thriving location for start-up artisans to produce and sell year round to form a synergistic marketplace for small, independent businesses. The conceptual idea consists of creating year round vendor spaces that can be delineated and secured during off hours. A portion of the building will be dedicated to seasonal or occasional vendors as it is now. Those open spaces for the seasonal market will continue to be available for special events, community festivals and music in the off season and other available times of the week. There are current vendors who have asked for the option to sell year round, and our desire is to assist them in that growth while retaining space for seasonal vendors and farmers as well. The Seasonal vendors are not being eliminated.

The American Planning Association recognizes that Public Markets, Farmer's Markets and Year Round Food Hubs add vibrancy and character to a community. *Public markets increase access to healthy foods, honor historical legacies, and highlight the local culture of the communities in which they are found. These markets bring together community members, local business leaders, and visitors to celebrate and recognize the importance of these Great Public Spaces, and their roles in helping to create communities of lasting value (APA article [The Role of Public Markets in Community Building \(planning.org\)](#)).*

The Port of Bandon is interested in combining all uses within the building under the Marketplace Conditional Use Permit. Farm and Sea (a current occupant of part of the space) will become covered under the conditional use permit of the Marketplace. All new and existing businesses will be under the management of the Marketplace and subject to the conditional use approval that the Port of Bandon currently has for this location. This will eliminate any confusion of what is allowed under which permit as well as who the permit holder is. The entire building will be under one permit and subject to those conditions of approval. To further the compliance step and eliminate confusion, a new parking count is being submitted showing the required parking for the entire building.

There will be a greater focus on the waterfront and our ocean resources by providing an Aquarium and Aquaculture Tanks. These will add to the ambiance of the space and provide access to sea life that is not typically accessible by the local resident or visitor to Bandon. These items will be a collaboration with other organizations such as the local tribes and the aquaculture sectors in our area, yet maintained by the Port of Bandon. These attractions to the waterfront will be educational and enjoyable to every visitor and will increase the likelihood of success at this location for all of the small business vendors. The general public will have access to these amenities during business hours.

We are requesting a minor modification, so that further development of the concept is supported by the City of Bandon and efforts towards improvements are not in vain. It will take resources to realize the vision of a year round Marketplace in its full potential. The first step is to secure clearance to proceed. There are several interested parties, and with the support of the city we are confident that the growth of the market will proceed in a timely manner and benefit the entire community within a short time period.

We recognize that there may be times when a permanent aspect of the plan requires a building permit. At that time, a Zoning Compliance Application will be submitted for review by the city as required by the local Building Code Division. We recognize that additional permits for future work, such as installing signs, building exterior modifications, etc. may be required. We will apply for, and comply with such permit requirements at such time as they become necessary.

As required by the City of Bandon, compliance with each of the approval standards of BMC 16.12 is required for approval of this request. The following findings outline how

the proposed modification complies with all of those approval standards and how this is a beneficial proposal for the entire community of Bandon.

**COMPLIANCE WITH APPROVAL STANDARDS FOR CONDITIONAL USES
(BMC 16.12)**

- 0.10** *“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.”*

The proposed use is identical to what exists now- a Marketplace which offers produce, meat, artisan products, and specialty food, except that the days of operation will be expanded. The size and height of the structure are not changing. The location is appropriate, desirable, convenient and was approved through the public hearing process in 2012.

Foot traffic and vehicle traffic patterns will change for the betterment of the old town area. The seasonal market has received an abundance of support from the community with visitation reaching up to 1000 people on Saturday alone. Opening the market seven days per week will stagger visitation throughout the week and people can shop at their own convenience. We are confident that the change in hours will greatly reduce the traffic and parking problems that currently occur on Friday and Saturday.

This proposal better serves full-time residents, seasonal residents and tourists alike. To start, the benefit to the Seasonal Market is that the customer base remains intact year round, and little effort is needed to entice people to visit seasonally. The benefit to the year round vendor is that they can grow their business with reasonably low overhead and create a year round income source, while still allowing part time vendors as well. For those local year round residents, the expanded hours allow for continued and additional support of these businesses because it will be more convenient to visit the market.

- 0.20** *“In approving an application for a conditional use or the modification of an existing and functioning conditional use, the city may impose, in addition to those standards and requirements expressly specified by this title, any additional conditions which the city considers necessary to assure that the use is compatible with other uses in the vicinity and to protect the city as a whole.”*

The conditional use permit was approved by the City of Bandon in 2012 when all uses were found to be compatible.

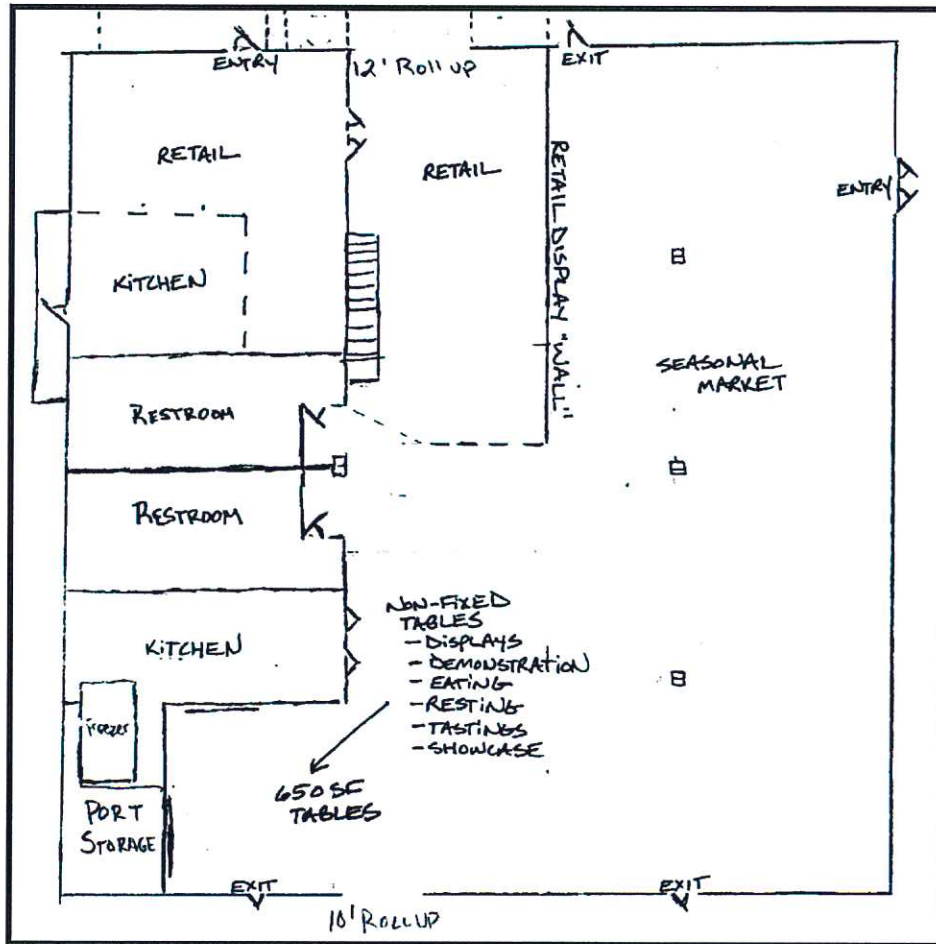
.040 *“The approval of all conditional uses shall be consistent with:”*

A. The Comprehensive Plan.

The Comprehensive Plan describes the purpose of Marine Commercial as *“This classification is to provide areas suitable for uses which are associated with or benefitted by being near water. Appropriate Areas. The Marine Commercial area is best suited for areas adjacent to the estuary. Access to water is important, but back-up space is also important. Availability of parking, utilities, dock space and transportation are considerations which should be addressed when designating processing, retail and wholesale activities for the Marine Commercial area. Some areas that are adjacent to water might not be usable for water-related or water-dependent uses because of exposure to rough water conditions, existing development, or inadequate space for development. Those areas are not considered “especially suited for water-dependent development” (ESWD) in the Estuary Management Plan and may be considered for nonwater-dependent/nonwater related uses. Only those areas with good water access and adequate space for future development are designated as “ESWD” in the Plan.”*

Page 199 of The Plan goes on to state that the areas North of First Street are zoned Marine Commercial and fall in the Shoreland Overlay and are designated as 3E for ESWD. The ESWD boundary starts at the west end of the subject site and is for the length of the boat basin to the east. The existing Seasonal Market has already gained clearance under the conditional use permit process to operate as a retail sales operation. Approval of this modification does not negate the findings for the use when permitted in 2012. The modification will assist the Port of Bandon in bringing the property into greater compliance by incorporating an aquarium and aquaculture tanks.

The Port of Bandon currently has 155 parking spaces, 103 of which are allocated per the City staff report 21-038 and include 21 spaces allocated to the Seasonal Farmer’s Market. There is a surplus of parking according to BMC Table 17.96.020 which lists the required parking spaces per use. 10,000sf for retail / 400sf = 25 spaces and 650sf for dining / 200sf = 3.25 for a total of 29 spaces required. In 1992, the City of Bandon determined that the fish market parking was grandfathered in and was not to be included in the parking requirement. Other parts of the ordinance allow for shared parking due to overlapping hours of operation. All of this being true, the Port of Bandon is willing to comply with the full parking requirements and is offering a total parking space count of 29. A new parking lot is proposed to be constructed in 2023 at the subject property which

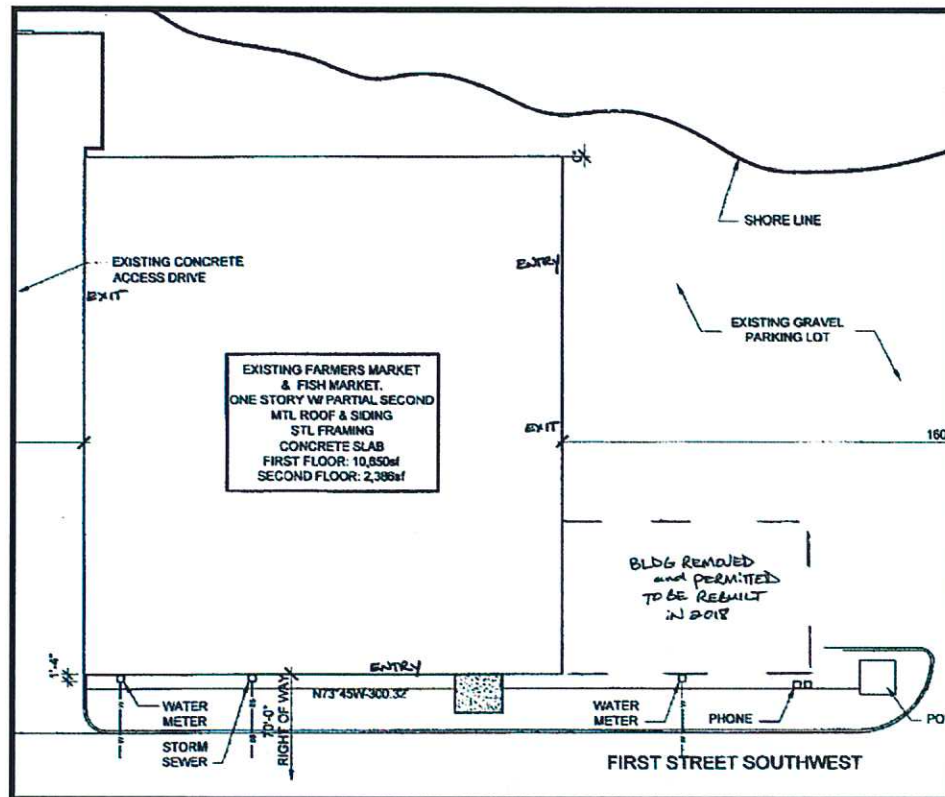


FLOOR PLAN SHOWING EXISTING DELINEATED USES

The Plan lists this section of Bandon as Policy 5 and reads:

"The City shall coordinate with the Port of Bandon and other affected agencies to ensure that the property between Ferry Creek west to the Fisheries building is developed in an appropriate manner taking into account scenic resource preservation, marine uses, and economic development."

The scenic views and waterfront access on this site were improved with the demolition of the annex building in 2018. That portion of the site is now open space, commonly used for parking, yet provides water views that were blocked for several years. Though approved by the city to rebuild, the Port of Bandon has determined the highest and best use of the property is to utilize the existing structure and create a year round marketplace.



PLOT PLAN SHOWING BUILDING THAT WAS REMOVED AND PERMITTED TO BE REBUILT IN 2018

The modification to the conditional use permit does not require changes to the exterior features of the site therefore the scenic values are protected and enhanced with better access granted through a parking plan with walk ways. The economic development impact of the expansion of services to a year round marketplace will benefit the small business owner at this location and throughout all of old town. A survey by Project for Public Places showed that visitors to a public market were 60% more likely to shop surrounding businesses on the same day. Supporting local businesses has a local economic multiplier effect resulting in a local recirculation of revenue of 48% vs 13% when shopping at a chain store (*American Independent Business Alliance "The Local Multiplier Effect"*).

The existing use and the growth of that use falls under the economic development part of Policy 5. A growing business creates jobs and keeps currency within our community.

In regard to allowing non water dependent uses in the ESWD, the Plan states: *"The city shall allow new non-water-dependent uses in Management Units which are especially suited for water-dependent uses (ESWD) only if it is established prior to permitting such uses that: 1. the proposed use or activity is temporary in nature (such as storage, etc); 2. the proposed use would not preempt the*

ultimate use of the property for water-dependent development; 3. no immediate and economically viable demand exists to enable use of the site for water dependent development; 4. the site is committed to long term water-dependent use or development by the landowner.”

The existing use was deemed appropriate for this location by the Planning Commission in 2012. The Comprehensive Plan and ESWD designation has not changed from that time, and the proposal for a year round market will not preempt the ultimate use of the property for water-dependent development. The proposal is to include additional water related businesses such as kayak rentals. The addition of an Aquarium and Aquaculture tanks further prove that the building is being used for water related uses and is in compliance with the Plan.

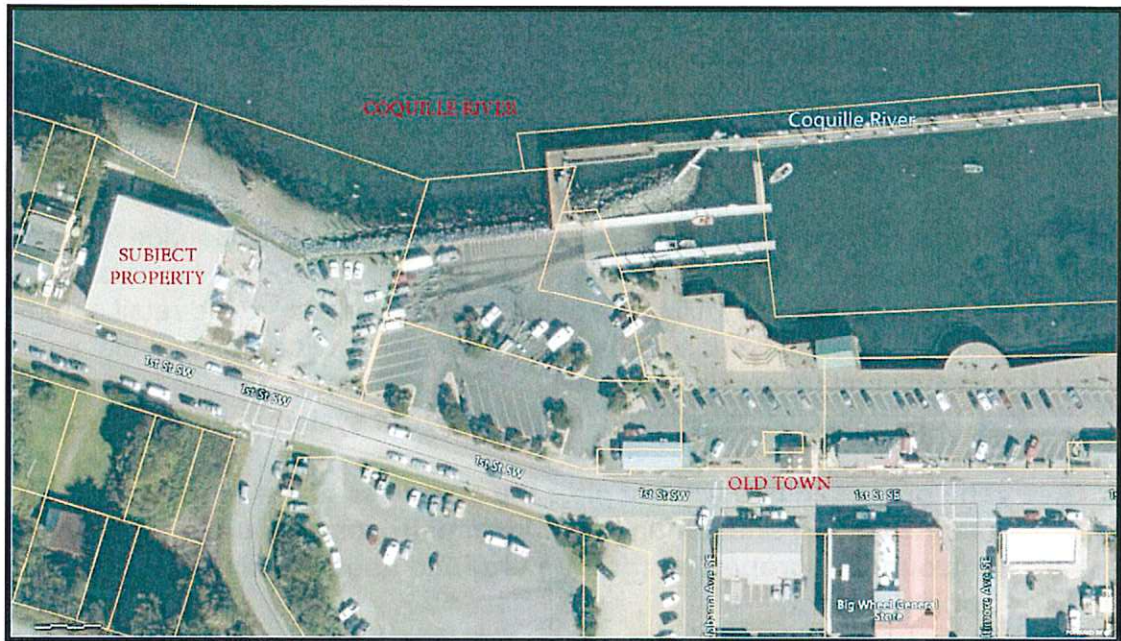
The construction of a permanent parking lot was approved by the city in 2021. The modification of the conditional use permit does not further reduce the possibility or likelihood of future ESWD uses on the property.

In 2012, there was no immediate and economically viable demand that existed that required this site for a specific water dependent development use. The same is true today. There has been an outstanding response from the community, vendors and the fish market to provide year round services at this location which benefits everyone involved and provides access to a waterfront property that would otherwise be considered trespassing. There are other waterfront properties that have greater access to the water, and are better suited for ESWD. The Plan defines the existing use as Commercial Retail which is allowed in the Marine Commercial zone and the Shoreland Overlay. The existing and continued use is in compliance with the 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 Bandon Municipal Code Zoning Ordinance (BMC 17.48.010) states, *“The purpose of the C-3 (Marine Commercial) zone is to provide areas suitable for uses which depend upon, or are benefitted by, a waterfront location, and to retain adequate areas for these uses.”*

The most viable and desirable locations for a public market, specialty foods market, fish market and gathering place in Bandon are those along the waterfront. The building is located along the Coquille River waterfront. The nature and scale of the existing land and building have been approved by the City of Bandon, and no modifications of the dimensional standards of the C-3 zone are being proposed. The use of the structure as a year round marketplace will remain in compliance with the purpose and dimensional standards of the C-3 zone.



LOCATED ON THE WATERFRONT IN OLD TOWN

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

The site size and dimensions have been found to be adequate to meet the needs of Fish Market and a Seasonal Market. This proposal is to retain the market nature of the building and property, but to expand the property's use from strictly a Fish Market and a Seasonal Market to offer year round availability of all products. Otherwise, no changes to the site use, size, or dimensions are being proposed.

- D. 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.**

No changes to the exterior design of the building are being proposed. The exterior paint color, wall mural and signage have been permitted through earlier applications. Allowing the use to evolve into a year round marketplace will ensure its continued economic viability as an integral part of Old Town Bandon.

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

The characteristics of the site, including size, shape, location, topography and natural features have proven suitable for the use to date. No changes to these

site characteristics are being proposed that have not been previously approved (parking lot improvements).

- 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.**

The existing structure has been connected to the City of Bandon water, sewer, and electric utilities for many years, and no capacity problems or issues have been encountered. Utilization of the property for year round retail purposes will not increase the demand on public facilities or services beyond that currently placed upon them. By spreading out the customer foot traffic over a week's time, a reduction in the demand on the public sewer system is anticipated.

- 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.**

Surrounding uses are equally tourist and/or marine commercial in nature and will benefit from a year round market by bringing local foot traffic to an area of town that has a strong reliance on tourism. The nearby residential and vacation rental properties will benefit from the year round market being within walking distance to their homes, something that is now limited to seasonal and weekends only. There are no changes to the design or use of the property that would alter the character of the surrounding area. The uses have not, and will not, limit, impair, or preclude the use of surrounding properties for the permitted uses in the underlying C-3 zoning district.

- H. All other requirements of this title that apply.**

This section of Bandon is located in the Architectural Review (AR) Overlay zone. The uses and building have been found by the City to be in compliance with the AR regulations, and will continue to comply with all other requirements of the Bandon Municipal Code.

**COMPLIANCE WITH APPROVAL STANDARDS FOR AR Overlay Zone
(BMC 17.84)**

The AR Zone is intended to promote "the general welfare of the public through the preservation, restoration, protection and regulation of the buildings, structures, appurtenances, sites, places and elements of Old Town Bandon, and to achieve a visual atmosphere of a coastal village of long ago. Specifically this chapter is meant to aid in the following:"

1. Stabilize and improve property values in the district;

The expansion of an existing business is crucial to stabilizing and improving values in any district and on any property in Bandon and beyond. It is a common practice to expand services, products, and/or hours and days of operation for businesses and markets to build a strong foundation to build from and rely on. The goals of a Farmers Market are focused on growing into a permanent location with anchor stores and offerings similar to a mall. A true shopping experience provides for anchor stores on each side of the market, a central food court and restrooms. Music, tables and a circular path are considered optimal for the customer experience and investment into the local financial and social economy.

2. Foster civic pride in the beauty and accomplishments of both the past and present;

The Fisheries Building, in which Farm and Sea and the Seasonal Market are located, is part of Bandon history. In or around 1978 Bandon Fisheries moved to this current location after the business outgrew their original location on the High Dock. The expansion was significant to their growing business, and the site operated exclusively as a fish market for several years. After years of little to no activity, a new generation of fish market entrepreneurs tried to establish a thriving market at this location. The need to expand offerings became clear early on, and all of the recent Fish Markets at this location expanded offerings to draw more customers to their site, and to remain relevant to the changing fishing industry. The seasonal market has revitalized the Fish Market history, and the expansion of offerings is in direct demand from our community to have a year round marketplace at this location.

We are a community that wants to celebrate the past and present accomplishments of the businesses who have weathered the economic changes. The year round market is a step into our future as a sustainable waterfront community offering a variety of options to our residents and visitors and providing space for a small business venture to begin and grow without the risk of financial loss with a brick and mortar venture.

3. Protect and enhance the city's attractions to tourists and visitors and the support and stimulus to business and industry;

The City of Bandon authorized the Seasonal Market to operate in this location in 2012. There was an existing fish market at that time, and the city acknowledged the need to promote tourism and to support business and industry. Both Farm and Sea and the Seasonal Market have benefited from that decision, and both are undergoing growing pains. As in all business, growth requires changes in permits and expansion of allowed uses at times. The expansion of the Seasonal Market to a year round venture will support and stimulate the business of Farm

and Sea and others that become involved in this expansion effort because of steady foot traffic, shared marketing efforts, waterfront activity and comradery among small business owners.

4. Strengthen the economy of the city;

Growing businesses have choices to make during expansion- reapply for necessary permits for expansion or relocate to an area that can support the expansion. It is in the best interest of our city to encourage economic development by assisting existing businesses in their growth steps. By supporting local commerce, we are guaranteeing a recirculation of funds within our community.

5. Promote the use of the historical district, its landmarks and scenic areas for the education, pleasure and welfare of Bandon citizens.

The Fisheries Building is a landmark in historic Old Town Bandon, a place that provides scenic views not accessible elsewhere. Both Farm and Sea and the Seasonal Market provide for education, pleasure and welfare of the citizens by offering workshops, tastings, live music, and access to the waterfront. The addition of an aquarium and aquaculture tanks will provide even more education and pleasure to our citizens.

.050 *“Conditional use cannot grant variances.”*

A variance is not required for the minor modification to the existing use.

.080A *“Any modification that is not within the description of a major modification as provided in Section 16.12.070(B) shall be considered a minor modification.”*

The request is considered a minor modification because it does not result in a change in land use, an increase in dwelling unit density or ration, a change in the structure, or a change in the type or location of access ways and parking areas where off-site traffic would be affected. An increase in the floor area is not being increased and common space is not being reduced. No setback requirements are being reduced and no amenities are being reduced or eliminated. There are no changes to the site features, structure or use.

.080B *“A minor modification shall be approved, approved with conditions or denied following the director’s review based on the findings that:*

- 1. No provisions of this title will be violated; and*
- 2. The modification is not a major modification.*

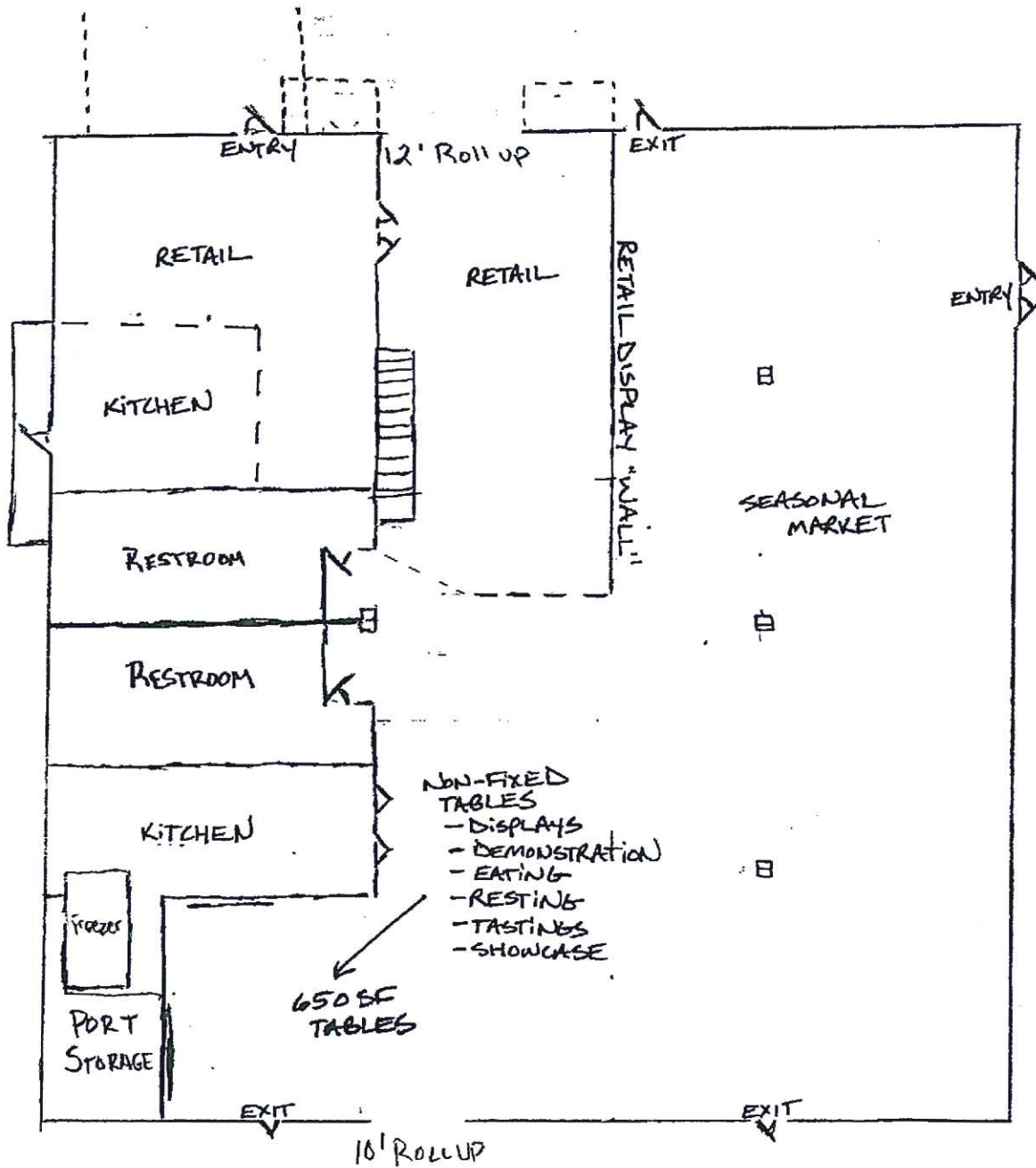
There are no provisions being violated and the modification does not meet the criteria for a major modification as listed in Section A above.

.080C *“Procedures for the notice of the director’s decision and the appeal process are contained in the zoning ordinance. The decision may be appealed as per Chapter 16.04.”*

The applicant is aware of the appeal process and understands the timeline associated with the permit process.

.100C *“A conditional use permit shall become void if the use is discontinued for a period of one year.”*

The market has been in continual use since its conception and approval as a seasonal market. The applicant understands that the permit will become void if the use is discontinued for a period of one year.

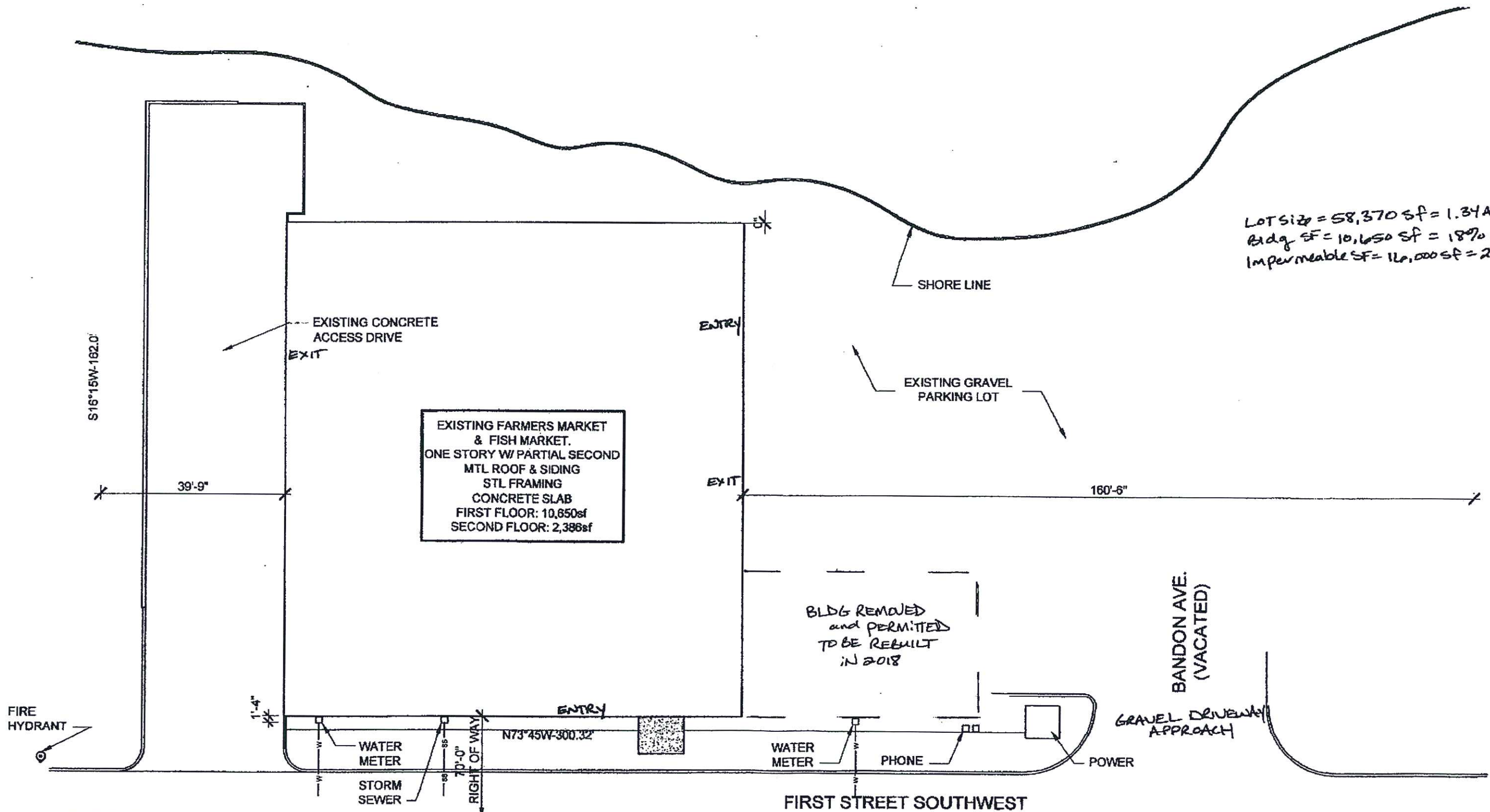


1/16 SCALE

FIRST FLOOR PLAN

350 FIRST STREET SW

Exhibit 1



Lot size = 58,370 sf = 1.34 Acres
 Bldg SF = 10,650 sf = 18% Lot cov
 Impermeable SF = 16,000 sf = 27%

1 SITE PLAN
 G.S.101 SCALE: 1" = 20'-0"

PART OF BANDON FISHERIES BUILDING
 250 1st ST SW
 BANDON, OR 97411
 25-15-25AD TL 1000

NORTH



3-308

Planning Fee Assessment Form

Planning Action:	
Address:	250 1st St SW
Last Name:	McGrath

CITY OF BANDON PLANNING
 P.O. BOX 67
 555 HWY 101
 BANDON, OR 97411
 P:(541) 347-2437
 F:(541)347-1415

APPLICATION TYPE	DEPOSIT OR BASE FEE	FEE ASSESSED
General		
<input type="checkbox"/> Records Request	Hourly Rate + Cost of materials	
<input type="checkbox"/> Research Request (greater than 5 minutes)	Hourly Rate + Cost of materials	
<input type="checkbox"/> Pre-Application Meeting	\$250	
<input type="checkbox"/> GIS Maps	\$25	
<input type="checkbox"/> Public Hearing Notices and Publication	Actual Cost	
<input type="checkbox"/> Third Party Review (Engineering, geotechnical or soils report, etc.)	Actual Cost	
<input type="checkbox"/> Permit Extension (Administrative Approval)	\$200	
<input type="checkbox"/> Re-Submittal Review Fee	30% of original application fee	
<input type="checkbox"/> Re-inspection Fee	\$50	
<input type="checkbox"/> After-the-fact Permit	\$500	
<input type="checkbox"/> Outside City Water Service Request	\$95	
<input type="checkbox"/> Vacation*	\$500	
<input type="checkbox"/> Street Opening*	\$500	
TYPE I		
Residential Zoning Compliance Review		
<input type="checkbox"/> Temporary Structure + Other Type I Review	\$50	
<input type="checkbox"/> Minor Decision -Type I	\$200	
<input type="checkbox"/> Residential Structure Under 1500 square feet	\$500	
<input type="checkbox"/> Residential Structure 1501 - 2500 square feet	\$750	
<input type="checkbox"/> Residential Structure 2501 - 3499	\$1,250	
<input type="checkbox"/> Residential Structure 3500 square feet and up	\$2,500	
Commercial Zoning Compliance Review		
<input type="checkbox"/> Temporary Structure + Other Type I Review	\$75	
<input type="checkbox"/> Accessory Structure/Remodel Under 200 square feet	\$300	
<input type="checkbox"/> Accessory Structure/Remodel Over 200 square feet – or new connections	\$500	
<input type="checkbox"/> Commercial Structure Up to 3500 square feet	\$2,000	
<input type="checkbox"/> Commercial Structure 3501 – 10,000 square feet	\$2,500	
<input type="checkbox"/> Commercial Structure 10,001 or more	\$3,000	
<input type="checkbox"/> Home Occupation Permit	\$300	
<input type="checkbox"/> Sign Permit	\$100	

<input type="checkbox"/> Certificate of Appropriateness	\$100	
<input type="checkbox"/> Property Line Adjustment*	\$350 per adjustment	
<input type="checkbox"/> Final Plat Review	Actual Cost	
TYPE II		
Plan Review		
<input type="checkbox"/> Residential	Actual Cost + \$500 Deposit	
<input type="checkbox"/> Commercial	Actual Cost + \$1,000 Deposit	
<input type="checkbox"/> Subdivision Tentative Plan*	Actual Cost + \$1,600 and \$200/lot Deposit	
<input type="checkbox"/> Partition*	Actual Cost + \$1,000 and \$100/lot Deposit	
<input type="checkbox"/> Appeal of a Type II Decision	\$250	
TYPE III		
<input type="checkbox"/> Planned Unit Development (PUD)	Actual Cost + \$2,750 and \$200/unit Deposit	
<input type="checkbox"/> Variance	Actual Cost + \$500 Deposit	
<input checked="" type="checkbox"/> Conditional Use Permit*	Actual Cost + \$1,000 Deposit	\$500 deposit
<input type="checkbox"/> RV/Manufactured Dwelling Park	Actual Cost + \$500 and \$100/unit Deposit	
<input type="checkbox"/> Appeals	Actual Cost + \$250 or half of original fee, up to \$1,000 Deposit	
TYPE IV		
<input type="checkbox"/> Annexation*	\$3,750	
<input type="checkbox"/> Zoning Code Amendment (text/map)*	\$3,000	
<input type="checkbox"/> Comprehensive Plan Amendment*	\$3,500	
<input type="checkbox"/> Combined Map/Plan Amendment*	\$3,700	

Planning Staff Contact: Dana Nichols Date Assessed: 09/15/2022

Finance Staff Contact: Linda Eckhoff Date Paid: 09-20-22

Receipt Number: 9.134894

CITY OF BANDON
PO BOX 67
555 HIGHWAY 101
BANDON OR 97411

541-347-2437

Receipt No: 9.134894

Sep 20, 2022

250 1st st sw - mcgrath

Previous Balance:	.00
LICENSES AND PERMITS	
conditional use	500.00
100-413-09	
PLANNING PERMIT FEES	

Total:	-----	500.00
	=====	

CHECK	
Check No: 1344	500.00

Payor:		
250 1st st sw - mcgrath		
Total Applied:	-----	500.00

Change Tendered:	-----	.00
	=====	

09/20/2022 12:18 PM