

**STAFF REPORT
OF THE PLANNING DEPARTMENT
FOR THE CITY OF BANDON, OREGON**



FILE NUMBER: 23-026

LOCATION: 335 1st St SE
Map Number 28S-14W-30BC/TL 995Z1

APPLICANT: Coos Curry Consulting Group, Sheri McGrath
PROPERTY OWNER: Port of Bandon, Lessor

REQUEST: Approval of a request to construct a new Port Office. Requires a Certificate of Appropriateness.

REVIEWING BODY: Dana Nichols, Planning Manager

NOTICE DATE: July 26th, 2023

RECORD CLOSED: August 9th, 2023 at 5:00 PM

APPLICABLE CRITERIA: BMC (Bandon Municipal Code) Chapters:

- 16.04 Administration and Enforcement
- 17.48 Marine Commercial (C-3) Zone
- 17.76 Shoreland Overlay (SO) Zone
- 17.84 Architectural Review (AR) Overlay Zone
- 17.90 Signs
- 17.96 Off-street Parking and Loading

I. Procedural – Required Burden of Proof

The development standards of the Bandon Municipal Code will be listed below organized by each of the applicable chapters listed above. Bandon Code language will appear in italics and staff will include both the applicant's findings, and our own, where needed. The applicant has requested a consolidated review, so the Staff Report will cover the Plan Review, Certificate of Appropriateness, Shoreland Overlay, and Signage.

Title 17 – Chapter 17.48 – Marine Commercial (C-3) Zone

17.48.010 Purpose

The purpose of the C-3 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.

Finding: The request is for a new Port Office, which Staff finds meets the purpose of the zone. The Port of Bandon manages the adjacent Marina, and the building will be used to issue and manage moorage licenses.

17.48.020 Permitted uses.

In the C-3 zone, the following uses are permitted outright provided that the use promotes the purpose of the zone, and all other requirements of this title are met:

- A. Boat basins;*
- B. Piers, docks and bulkheads;*
- C. Seafood processing, storage and sales;*
- D. Marinas and boat services;*
- E. Boat storage, manufacturing, maintenance, repair and moorage;*
- F. Fishing supply sales, manufacturing and storage;*
- G. Dredging, filling and channel maintenance;*
- H. Governmental services and offices which relate to marine activities;*
- I. Aquaculture and accessory facilities;*
- J. Public utilities, including service structures.*

Finding: The request falls under governmental services and offices which relate to marine activities, which is an outright permitted use.

17.48.070 Yards.

Except as provided in Section 17.104.060, in the C-3 zone, minimum yards shall be as follows:

- C. On the High Dock, structures exceeding five (5) feet in height shall be separated horizontally from each other by a minimum of fifteen (15) feet.*

Finding: The distance between the new structure and the Prowler Building (to the south) is 39', 6". Staff finds this criterion has been met.

17.48.080 Height of Building.

In the C-3 zone, no building containing a permitted use shall exceed a height of twenty-eight (28) feet, and no building containing a conditional use shall exceed a height of twenty (20) feet.

Finding: The proposed structure is 21' 2" tall and is a permitted use.

17.48.090 Lot coverage.

In the C-3 zone, buildings shall not occupy more than seventy-five (75) percent of the developed lot or lots.

Finding: The applicant has stated that Tax Lot 900 consists of several acres and sub-lease assessor designations. Existing and proposed structures cover no more than 18% of the total acreage. Staff finds this criterion has been met.

Title 17 – Chapter 17.76 – Shoreland Overlay (SO) Zone

17.76.010. Purpose

The purpose of the shoreland overlay zone is to implement the provisions of the shoreland management units adopted in the city's comprehensive plan. The uses for each shoreland management unit are shown

in Table 17.76.130, Shoreland Uses/Activities Matrix. These management units are shown on the city's zoning map.

The requirements of this overlay zone are applied in addition to the requirements of the underlying zone. In cases where the requirements of this zone overlap or conflict with the requirements of the underlying zone, the more restrictive shall apply.

Finding: This chapter applies to this request because the property is located along the Coquille River, which is considered a coastal water. The use is outright permitted in the underlying zone and is mapped as 3A in the Shoreland Overlay, which outright permits water-related commercial uses.

Because the use is outright permitted, both in the underlying zone and the Shoreland Overlay zone, and because the special provisions do not apply, there are no other applicable criteria relevant to this application.

Title 17 – Chapter 17.84 – Shoreland Overlay (SO) Zone

17.84.010 Establishment – Boundaries

This chapter establishes the architectural review overlay zone (AR) and makes the district subject to the architectural review overlay zone regulations. The boundaries are shown on the architectural review overlay zone map.

Finding: The subject property is located in the architectural review overlay zone, according to the architectural review overlay zone map.

17.84.015 Purpose.

The purpose of this chapter is generally the promotion of 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;*
- 2. Foster civic pride in the beauty and accomplishments of both the past and present;*
- 3. Protect and enhance the city's attractions to tourists and visitors and the support and stimulus to business and industry;*
- 4. Strengthen the economy of the city;*
- 5. Promote the use of the historical district, its landmarks and scenic areas for the education, pleasure and welfare of Bandon citizens. (Ord. 1446 (part), 2000)*

Finding: The proposed new High Dock building is subject to the Architectural Review Overlay and will be constructed with the purpose of this zone in mind.

17.84.030 Certificate of Appropriateness (COA)

- A. *No buildings or structures shall be erected, reconstructed, altered, restored or painted, within the AR overlay zone; and no sign, light, fence, wall or other appurtenant fixture hereinafter called "appurtenant fixtures" shall be erected or displayed within the AR overlay zone on any lot or visible from the exterior of any building or structure, and no landscaping or plantings shall be located unless an application of a Certificate of Appropriateness (COA) has been approved in accordance with this chapter. Further, no zoning compliance or other permit shall be granted for any such purpose in the Architectural Review Overlay Zone until a COA has been issued.*
- B. *The Planning Director shall be the Reviewing Body for COA's except as noted in subsection C of this section.*
- C. *The Planning Director is authorized to issue administrative decisions regarding the following items without notice: routine maintenance projects, replacement of existing appurtenant fixtures of like material and design, landscaping, painting (if the colors are consistent with the approved color chart), signs, and other actions determined by the Planning Director to have little or no impact on the building or streetscape. The Planning Director may refer any application to the Planning Commission.*

Finding: The applicant has applied for a Certificate of Appropriateness to confirm that their design meets the requirements of this zone. The Planning Director may approve an application for a COA.

17.84.040 Application for COA.

- A. *All applications for a COA shall be filed with the Planning Department on the prescribed forms and upon payment of the prescribed fee. All information required in the application shall be submitted before the matter is scheduled before the Commission or by the Planning Director. All plans, elevations, colors, materials, textures, landscaping and such other information as required on the application checklist and/or deemed necessary by staff to determine the appropriateness of the exterior features of buildings in question shall be included as part of the application.*
- B. *Within 15 days of the application being submitted to the City, the Planning Department shall notify the applicant in writing of what information, if any, is needed to complete the application. Upon receipt of the requested information, the application shall be deemed complete.*

Finding: The applicant filed a COA request with the Planning Department on a prescribed forms and paid the required fee. The applicant requested a consolidated application, so the request has been noticed in conjunction with the rest of the applications.

17.84.044 Notice and Review.

Notice shall be provided and review shall occur in accordance with Chapter 16.04.

Finding: The request requires exercise of discretion, so the application has been noticed as a Type II request, with proper notification.

17.84.060 Standards and Guidelines.

The following criteria shall be considered appropriate to the proposed improvement before a certificate of appropriateness shall be approved.

A. Landscaping

- 1. Planting Material. Removal of mature trees and shrubs is discouraged and should not be done unless there is no alternative. Care should be taken to select plants appropriate to the landscaping requirement (shade, groundcover, screening, etc.). Consideration should be given to the future care and maintenance of all plant material.*
- 2. Landscape Continuity. Plants and other landscaping elements (fences, walls, steps, etc.) should be used to create continuity among buildings, especially along the street edge and front yards.*

Finding: The applicant is not requesting to remove any mature trees and shrubs, as there are none present on the high dock. The applicant has not submitted a landscaping plan showing any landscaping elements. This will be added as a condition of approval.

- B. Fences.** *The height and design of fences should relate to their intended use and to the principal structure on the lot. Where fences are used they should be of wood, iron, stone or plant material. Chain link or similar metal fences, plastic, fiberglass or plywood fences are discouraged.*

Finding: The applicant has not proposed any fences, though a screen will be included for trash. Screening will match the exterior of the new structure and the existing wood landscaping components.

- C. Sidewalks and Driveways.** *Where walkways and driveways are necessary, asphalt should be avoided. Brick and other materials indigenous to the area are appropriate for walkways. Aggregate concrete or gravel are appropriate for driveways.*

Finding: The applicant has stated that: The High Dock is established, so no new drive surfaces are proposed. The ramp and sidewalk around the structure will be made of concrete in order to meet the floodplain requirements for materials below the base flood elevation.

D. Building Design

- 1. Building Size and Surroundings. The height, width and depth of the building should be compatible with the nearby buildings, especially those most adjacent.*
- 2. Scale. Buildings can be made to appear larger or smaller than they actually are through the use of architectural elements and details. Buildings should have an apparent size which relates to adjacent structures, the intended use and the height of the human being.*
- 3. Alignment. The building should be aligned parallel to the existing structures or the street, maintaining the traditional pattern.*
- 4. Orientation. The entrance location and primary facade of the building should be oriented in the same or similar direction of nearby buildings.*
- 5. Building Shape. The ratio of height to width of the different elevations of the building should be consistent with that of nearby buildings.*

6. *Scale of Opening. The ratio of open surfaces (windows, doors) to enclosed surfaces (vertical and horizontal) which is similar to nearby buildings.*
7. *Directional Emphasis. The building shape, size, open and enclosed areas and building elements should together give a directional emphasis (vertical and horizontal) which is similar to nearby buildings.*
8. *Foundations. Exposed foundation walls should be as inconspicuous as possible and compatible with total architectural style of the structure.*
9. *Outbuildings. Size and scale of outbuildings should relate to the primary structure on the lot and should not be located so as to compete with or distract from that primary structure.*

Finding: This section of the High Dock contains two existing structures: a two-story restaurant abutting First Street and a single-story business. The proposed structure is a one-story structure located approximately 39' north of the existing structures. The proposal is consistent with the height and square footage of both structures. Staff finds that the scale of the building is consistent with surrounding structures and that it is aligned with other surrounding buildings. The entrance is oriented towards the parking lot, which is the same as the abutting structure. The building shape is consistent with surrounding structures and the scale of openings are also similar to nearby buildings. The building shape, size, open and enclosed areas and building elements provide directional emphasis to similar nearby buildings. The building is located in the floodplain, and the poured concrete wall foundation is consistent with the adjacent buildings. No outbuildings are proposed.

E. Architectural Features

1. **Roof Form.** The size, shape and type of roof should complement those of nearby structures.
2. **Openings.** The height, width and shape of door and window openings should be compatible with nearby buildings.
3. **Projections.** Projecting elements (dormers, bays, cupolas, turrets, etc.) should be compatible with those (if any) on adjacent structures and should be an integral part of the structure. Marquees should have sufficient roof slant to shed debris which could accumulate and create a fire hazard.
4. **Additions.** Additions such as porches, decks and exterior stairways should be compatible in size, shape and type with those found in nearby buildings and should be integrated into the overall design of the structure.
5. **Exterior Wall Form.** The size, shape and texture of exterior walls should be compatible with that of nearby buildings.

Finding: The proposed Gable Roof is consistent with the existing structures on the High Dock. The openings are compatible and consistent with the nearby buildings. All proposed projections are consistent with the eave style overhang on the surrounding buildings. There are no cupolas or otherwise “different” features proposed. This is a new structure, so there are no proposed additions. The exterior walls will have wood and painted features consistent with nearby structures on the east end of the High Dock.

F. Materials

1. *Type.* The type of materials used should be selected from those acceptable materials already present in the area. An effort should be made to maintain the spectrum of materials already historically present.
2. *Pattern.* The pattern created by the unit size of the material (bricks, siding, shingles, etc.) and the method of application should be similar to those already present in the area.
3. *Texture.* The texture of materials (both visual and tactile) should be similar to those of materials present in the area.
4. *Color.* The color of the materials should be natural wood or muted tones which are compatible with surrounding structures.

Finding: The structure will be constructed with wood materials and the siding will look similar to other surrounding structures. The applicant has selected natural tones and colors, as well as a green that is listed in the approved color palette.

G. Utilities and Mechanical Equipment

1. *Utility Lines.* All utility lines should be underground and entry fixtures located away from high-use areas and main entrances or screened in an approved manner.
2. *Exterior Lighting.* All lighting should be appropriate to the building and its surroundings in terms of style, scale and intensity of illumination. Low voltage systems are recommended and site lighting will be considered on an individual case by case basis.
3. *Solar Energy Devices.* Where solar energy is to be used as a primary or complementary source of heat or other energy, solar collection devices should be located on the rear or other non-public side of the building, or on roof surfaces which are not visible from adjacent streets or other public areas in the city. Solar collection devices which are not attached to the building should be located only in the side or rear yard.
4. *Mechanical Equipment.* To minimize the impact of mechanical equipment on the appearance of the building and the community, window air conditioning units or condenser elements should not be located on the facade. Antennas and satellite dishes and other receiving equipment should be located where they are not visible from the front facade. Mechanical equipment on the ground should be screened with a fence or plant materials, or housed in a structure which is in harmony with the surroundings. Mechanical equipment attached to the side or roof of a building, including heating vents, should be kept as low as possible and covered or painted to blend with the background.
5. *Dumpsters, trash receptacles for the exclusive use of a business, or other storage areas shall be screened or fenced or otherwise not visible from the street.*

Finding: The applicant has stated that the Port of Bandon will work with the City of Bandon Public Works Department and Electric Department on the location of utilities. All lighting will be shielded, in a style similar to what is already out there. Solar is not proposed. All mechanical equipment and storage areas will be screened, which has been included as a condition of approval.

Title 17 – Chapter 17.90 – Signs

17.90.010 Purpose

The purpose of this chapter is:

- A. to ensure that signs are designed, constructed, installed and maintained to promote safe public automobile, bicycle, and pedestrian traffic;*
- B. to protect the health, safety, property and welfare of the public;*
- C. to provide prompt identification of businesses and residences for emergency access;*
- D. to promote economic development;*
- E. to provide clear achievable standards and balance the need of business with the desire to preserve and enhance the visual character of the City.*

Finding: The applicant submitted a sign permit application, which requires a Certificate of Appropriateness for material and design. Staff is also reviewing the sign request for conformance with Chapter 17.90.

17.90.130 Marine Commercial (C-3)

A. Permitted Signs

- 1. In the case of a property with a single street frontage, the total area of all signs shall not exceed one (1) square foot for each one (1) linear feet of lot frontage on that street.*
- 2. In the case of a property on a corner, or with multiple street frontages, the total area of all signs shall not exceed one (1) square foot for each one (1) linear feet along the primary street (which shall be determined by the property owner), plus one (1) square foot for each two (2) linear feet along the other secondary street(s), provided those additional signs are located along the respective secondary street(s).*
- 3. A sign shall be set back at least ten (10) feet from an adjoining residentially zoned lot.*
- 4. Portions of this zone located within the Architectural Review Overlay zone shall also be required to comply with the Architectural Review Overlay regulations.*

Finding: This property does not abut a street and does not adjoin a residential lot. Staff finds that because of the irregularity of the lot, the front façade of the structure can be used as a minimum allowance of linear feet. The front façade is ~64'. The requested signage is 36 square feet, which is less than the allowed amount. Staff finds these criteria have been met.

Title 17 – Chapter 17.96 – Off-Street Parking and Loading

17.96.010 Applicability.

In all zones, off-street parking and loading space shall be provided as set forth in this chapter.

Finding: The applicant is proposing a new commercial development, which requires parking spaces be provided to meet the allowed use.

17.96.020 Off-street parking.

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. When square feet are specified, the area measured shall be the gross floor area of the building but shall exclude any space within a building devoted to off-street parking or loading. When the number of employees is specified, persons counted shall be those working on the premises, including proprietors, during the largest shift at peak season. Fractional space requirements shall be counted as a whole space. Parking requirements for specific uses are shown in the following table:

F. Commercial:	
3. Bank or office (except medical and dental)	One space per six hundred (600) square feet of floor area plus one space per two employees.

Finding: The applicant has stated that: The proposed commercial structure is approximately 1833sf in size. Approximately 325sf will be for public restrooms, a much needed facility in Old Town and on the High Dock for boaters specifically. A portion of the building is used for file storage and is not considered space dedicated to off street parking. The applicant has removed 33sf from the parking calculation to round the number of required spaces to 3. The total required parking spaces would be rounded to 3 if all of the square footage associated with accessory space were used. $1830sf/600sf = 3$ total required parking spaces. The new structure is eliminating 9 parking spaces. The remaining number of parking spaces in excess to those allocated is 8.

Staff disagrees with the applicant’s finding regarding parking. If the new structure is 1834 square feet and the code requires using the gross floor area and requires fractional spaces be counted as a whole space, then 4 spaces are required ($1834/600 = 3.057$). Further the code also requires one space per two employees. While the applicant did not include that in their calculation, the plans show four offices, which would require another two parking spaces. Six total parking spaces are required to meet the code. Since the Port has other parking nearby, staff will include a condition of approval that six parking spaces be maintained for this use.

III. Recommendations

The application may be approved, approved with conditions, or denied. Once the required public comment period has passed, Staff will issue a decision and provide a Notice of Decision to all those who have participated and allow them the opportunity to appeal.

Staff recommends approval of the proposal with the following conditions:

1. All proposals of the applicant shall become conditions of approval.

2. Approval of the plan is based on information provided 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 Department prior to implementation.
3. All state, federal, and city permits associated with this approval shall be obtained by the applicant prior to operation.
4. The applicant shall submit for a Fill & Grade permit from the Public Works Department prior to any ground disturbance.
5. Landscaping and/or landscaping elements shall be installed in the front of the structure.
6. Fencing and screening materials shall be wood, iron, stone or plant material.
7. No mechanical equipment may be located along the front façade. All mechanical equipment shall be screened with a fence or plant materials.
8. Dumpsters, trash receptacles, and storage areas shall be screened or fenced and not visible from the street.
9. Six parking spaces shall be maintained for the new High Dock building.
10. Areas used for parking vehicles and for maneuvering shall have durable and dustless surfaces maintained adequately for all weather use and so drained as to avoid flow of water across sidewalks.
11. Parking spaces along the outer boundaries of a parking lot shall be contained by a bumper rail or by a curb which is at least four inches high, and which is set back a minimum of four and one-half feet from the property line.
12. A standard parking space shall be eight and one-half feet by nineteen (19) feet.
13. All parking lots will meet requirements of the Americans with Disabilities Act.
14. The applicant shall be required to obtain zoning compliance prior to the start of construction.