



## STAFF REPORT

CITY OF BANDON  
PLANNING DEPARTMENT  
PO BOX 67  
BANDON, OR 97411  
T: (541) 347-7922  
E: [planning@cityofbandon.org](mailto:planning@cityofbandon.org)  
[www.cityofbandon.org](http://www.cityofbandon.org)

**Planning Action:** Plan Review

**Application File Name (Number):** Jenkins (21-095)

**Request:** Plan Review approval for the construction of a single-family dwelling at 1195 Three Wood Drive.

**Applicant:** Earl Jenkins

**Property Owner:** Earl and Edina Jenkins

**Lead City Staff:** Megan Lawrence, City Planner

**Review Date:** September 1, 2021

**Subject Property/Location/Size:** The subject property is located at 1195 Three Wood Drive, and is approximately 0.27 acres in size. The subject property is also known as 28S-15W-36CC, Tax Lot 3307.

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

**Relevant Dates:**

- Application Received: July 21, 2021
- Deemed Complete: August 16, 2021
- Notice of Plan Review sent: August 17, 2021
- 120 Day Deadline: December 14, 2021

**Purpose of Staff Report:**

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

**Ordinances Referenced:**

17.20 Controlled Development 1 Zone

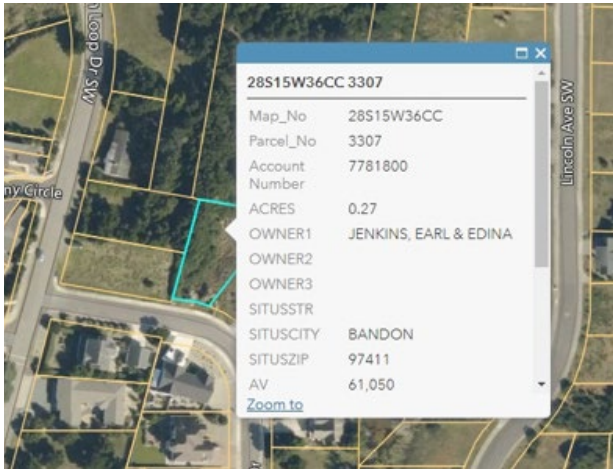
**I. Relevant Facts**

**Background – History of Application**

A Plan Review application was submitted to the City on July 21, 2021. The application was deemed complete on August 16th, and Notice of Plan Review was mailed the same day to all property owners of property within 100’ of the subject property.

**Detailed Description of the Site and Proposal**

The property is located in Three Wood Drive Subdivision in the City of Bandon’s CD-1 zone. The project site consists of one subdivision lot that is approximately 0.27 acres in size. City of Bandon water, sewer, and electric are available to the project site. The applicant is requesting approval to build a one-story, single-family dwelling with attached garage.



**II. Procedural – Required Burden of Proof**

The development standards within the Controlled Development 1 (CD-1) Zone are contained in Chapter 17.20 of the Zoning Code. Bandon Code language will appear in italics.

**Chapter 17.20 – CONTROLLED DEVELOPMENT 1 (CD-1) ZONE**

**17.20.010 Purpose.**

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

**FINDING:** This application is for a single-family dwelling, which is a residential use.

**17.20.040**      **Limitations on use.**

- A. *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 Reviewing Body 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 Chapter 16.04).*
  2. *Siting of structures should minimize negative impact on the ocean views of existing structures on abutting lots. Protection of views from vacant building sites should also be taken into consideration. Where topography permits, new structures should be built in line with other existing structures and not extend farther out into those views.*
  3. *Metal-sided buildings are not permitted in the CD-1 zone*

**FINDING:** Notice of Plan Review was mailed to properties within 100 feet of the project site on August 16, 2021. The project materials were also posted to the City's website and available for review in the Planning Department.

The applicant has not proposed to construct buildings into a protected viewscape, and no metal-sided buildings have been proposed.

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

**Finding:** The applicant has proposed to incorporate into the design of the dwelling (1) gables, (2) a dormer, (3) pillars, (4) posts, (5) roof pitch greater than 3/12, (6) covered porch, (7) recessed entry, (8) garage finished with materials similar to the proposed dwelling, (9) offset of the building, and (10) eaves. The proposed design features exceed the minimum requirement of eight elements, with at least four incorporated into the face of the home.

**17.20.060**      **Lot size.**

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

- B. *Lots shall have a minimum of forty (40) feet of physically accessible street frontage.*

**FINDING:** The subject property has approximately 52 feet of physically accessible street frontage from Three Wood Drive.

- C. *Lot depth shall be at least ninety (90) feet.*

**FINDING:** The lot ranges in depth between 140.9 to 160.5 feet.

**17.20.070**      **Yards.**

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

- A. *The front yard shall be a minimum of twenty (20) feet.*

**FINDING:** The applicant has proposed a front yard setback from the face of the dwelling to the front property line of approximately 58 feet.

B. *Each side yard shall be a minimum of five feet, and the total of both side yards shall be a minimum of thirteen (13) feet, except that for corner lots, a side yard abutting a street shall be at least fifteen (15) feet.*

**FINDING:** The applicant has proposed a 5 foot west side yard setback and 12 foot east side yard setback.

C. *The rear yard shall be at least ten (10) feet except that in such a required rear yard, storage structures (less than fifty (50) square feet), and other non-habitable structures may be built within five feet of the rear property line, provided that they are detached from the residence and the side yard setbacks are maintained. Such structures shall not be used as or converted for habitation, shall not be connected to any sewer system and shall not exceed sixteen (16) feet in height.*

**FINDING:** The applicant has proposed a 10 foot rear yard.

**17.20.080**      **Lot coverage.**

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

**FINDING:** The proposed lot coverage is approximately 30%. The proposed impervious surface is approximately 57%.

**17.20.090**      **Height of Buildings and Structures.**

*In order to maximize the ocean view potential of lots in the CD-1 zone:*

*B. East of Beach Loop Drive and south of Seventh Street SW, except as otherwise permitted in 17.20.100 Exceptions to height limitations, or pursuant to 17.20.090.B.1 (below), no portion of any building or structure shall exceed a height of twenty-eight (28) feet, measured as provided in 17.02 Definitions, "Height of building or structure."*

**FINDING:** The proposed maximum height is 24'4" feet.

**III. Recommendations**

Based on the information provided by the applicant and the requirements of the Bandon Municipal Code, Staff recommends approval with the following conditions added:

**Essential**

1. Approval of the plans is based on information submitted by the applicant. No other approvals are expressed or implied. Any changes to the approved plan shall be submitted, in writing, and approved by the Planning Director prior to implementation. *\*If changes are made to any plans or documents used to make a decision, those changes must be clearly denoted with written documentation describing the need for change. No change is considered approved unless written confirmation from the City approving the proposed change is received by the applicant or the property owner.*

2. Unless otherwise stated in this document, all four property corners must be located and properly marked prior to the first City inspection.
3. All state, federal, and city permits associated with the approval shall be obtained by the applicant prior to construction. *\*It is the property owner/applicant's responsibility to determine if additional permits from other agencies will be required. If additional permits are required, it is the responsibility of the property owner/applicant to obtain those permits.*
4. No preparation of the subject lot shall be allowed prior to issuance of a City Grading and Fill permit, signed by the authorizing designee of the City of Bandon.
5. All construction material and equipment shall be staged on site. No construction materials shall be stored in the City right-of-way.
6. No construction work shall be performed on Sundays or city holidays, except that a person may perform construction work on the person's own property, provided such construction activity is not carried on for profit or livelihood, between the hours of ten (10:00) a.m. and five (5:00) p.m. on Sundays and city holidays. No construction work shall be performed on Saturday before nine (9:00) a.m. or after seven (7:00) p.m. No construction work shall be performed before seven (7:00) a.m. or after seven (7:00) p.m. on weekdays (exclusive of holidays).
7. As-built plans shall be submitted to the City of Bandon upon completion of construction showing all components of the project and utility connections as built.

#### **Electric**

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

#### **Public Works**

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

8. An Erosion Control Plan shall be provided and approved by the Public Works Director prior to any preparation of the site.

#### **With Development of the Site**

1. Any changes to the approved plan shall be submitted and approved by the Planning Department as an Amendment to the approved plan. *\*If Changes are made to any plans or documents used to make a decision, those changes must be clearly denoted with written documentation describing the need for the change. No change is considered approved unless written confirmation from the City approving the proposed change is received by the applicant or the property owner.*
2. Any changes to the approved preparation, construction or final stages of the approved plan shall be submitted, in writing, and approved by the Planning Department prior to implementation. *\*If changes are made to any plans or documents used to make a decision, those changes must be clearly denoted with written documentation describing the need for the change. No change is considered approved unless written confirmation from the City approving the proposed change is received by the applicant or the property owner.*
3. Driveway approach shall be hard surfaced (AC pavement or concrete) from the edge of the City street to a minimum of one foot (1') inside the property line. The driveway will meet the City standards, 10" of compacted  $\frac{3}{4}$ " gravel with 6" of 3800 PSI concrete for parts within the right-of-way.
4. Driveway approach, trenching, service connections, cleanouts and other underground construction shall be constructed in accordance with APWA standards and must be inspected and approved by the Public Works and Electric Departments.
5. Driveway approach forms must be inspected and approved by Public Works Department prior to pour.
6. The applicant shall be responsible for preparation and maintenance of the site to prevent tracking of soil or construction material or debris onto any rights-of-way. All public streets must be kept clean during the construction period. Clean-up costs shall be the responsibility of the property owner.
7. Property lines shall be clearly marked during all phases of ground preparation and construction.
8. Property owner shall be responsible for reconstructing sidewalks, curbs, gutters, and all appurtenant fixtures associated with the realignment of the property's driveway approach. Reconstruction shall be to the City's standards and shall be approved by the City's Public Works Director and/or City Engineer prior to issuance of Certificate of Occupancy.

#### **Prior to Certificate of Occupancy**

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

5. Certificate of Occupancy shall not be issued until final construction of all drainage is approved by the Public Works Director.

**Other**

1. All utilities are considered temporary until a Certificate of Occupancy has been obtained through the City. *\*Temporary services may be discontinued after a six-month period, unless special conditions warrant. It is the applicant's responsibility to submit, in writing, request for extension of temporary services.*
2. The applicant must adhere to all conditions and requirements set forth by the Coquille Indian Tribe, State Historic Preservation Office (SHPO) or both if required.
3. That the plans submitted in this Plan Review shall be in substantial conformance with work completed.
4. All proposals of the applicant shall become conditions of approval unless otherwise modified by the reviewing body.
5. No structure of the proposed development may exceed 28 feet in height.
6. Cornices, eaves, canopies, sunshades, gutters, chimneys, flues, belt courses, leaders, sills, pilasters, lintels, ornamental features and other similar architectural features shall not project more than eighteen (18) inches into a required yard.
7. Plans submitted for Zoning Compliance approval shall be in substantial conformance with the plans reviewed and approved herein.