

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



**FILE NUMBER:** 21-105

**LOCATION:** 624 Riverside Drive  
Map Number 28S-14W-30AB/TL 700

**APPLICANT:** Coos Curry Consulting Group  
**PROPERTY OWNER:** Dennis Gunter

**REQUEST:** Approval of a Plan Review (PR) to construct a detached garage and carport on property zoned Controlled Development Residential 2 (CD-R2) in the City of Bandon

**REVIEWING BODY:** Dana Nichols, Planning Manager

**NOTICE DATE:** October 27<sup>th</sup>, 2021

**RECORD CLOSED:** November 15<sup>th</sup>, 2021 at 5:00 PM

**APPLICABLE CRITERIA:** BMC (Bandon Municipal Code) Chapters:  
17.36, Controlled Development Residential 2 (CD-R2) Zone

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

The development standards within the Controlled Development Residential 2 (CD-R2) Zone are contained in Chapter 17.36 of the Zoning Code. Bandon Code language will appear in italics.

**Chapter 17.36 – CONTROLLED DEVELOPMENT RESIDENTIAL 2 (CD-R2) ZONE**

**17.36.010 Purpose.**

*The purpose of the CD-R2 Zone is to recognize the scenic and unique qualities of the views overlooking the ocean and the Coquille River and the adjacent properties, and to maintain these qualities as much as possible by carefully controlling the nature and scale of future development in the zone. The vistas and residential character of this area shall be protected by carefully controlling development in the zone.*

**FINDING:** This application is for a garage and carport, which is a residential use.

**17.36.040**      Limitations on use.

- A. *All new uses or structures or exterior alterations of existing structures in the CD-R2 zone shall comply with the following:
 
  - 1. *The developer shall be required to gain approval from the Reviewing Body during a plan review in public session regarding the siting and design of the structure 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 viewsapes.**
  
- B. *It shall be the responsibility of the developer to reestablish any vegetation that is removed, displaced or damaged on or near any bluff area in construction or site preparation. Such reestablishment shall begin as soon as possible after the aforementioned activity is complete. If the reestablishment is not started immediately, the city manager or designate shall require a bond in a sufficient amount to cover the costs of such reestablishment of vegetation.*
  
- D. *Metal-sided buildings are prohibited in the CD-R2 zone.*

**FINDING:** Staff followed the required noticing procedures, sending a Notice of Plan Review to properties within 100 feet of the project site on October 27, 2021. The project materials were also posted to the City’s website and available for review in the Planning Department.

This property is not located on a property with a viewscape and no metal siding has been proposed. The property is not near a bluff line and has not proposed any vegetation removal. Staff finds these criteria have been met.

**17.36.070**      Yards.

*Except as provided in Section 17.104.060, yards in the CD-R2 zone shall be as follows:*

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

**FINDING:** The proposed improvement does not affect the front (east) yard setback, or a side yard setback (south) because there are other structures already on site. The new structures will be 10 feet from the rear (east) and 10 feet from the side (north). Staff finds this criterion has been met.

**17.36.080**      **Lot coverage.**

*In the CD-R2 zone, buildings shall not occupy more than fifty (50) percent of the lot area.*

**FINDING:** The lot is 17,804 square feet, with structures occupying 2,008 square feet, which is 11%.

**17.36.090**      **Height of Buildings and Structures.**

*In order to maximize the ocean and river view potential of lots in the CD-R2 zone, except as otherwise permitted in 17.36.100 Exceptions to height limitations, no portion of any building shall exceed the twenty-four (24) feet, measured as provided in 17.02 Definitions, "Height of building structure."*

**FINDING:** The proposed maximum height for the new structures is 16 feet 6 inches. Staff finds this criterion has been met.

**II.      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:

1. Approval of the plan is based on information submitted by the applicant. No other approvals are expressed or implied.  
**\*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. 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. All construction materials and equipment shall be staged on site. No construction materials shall be stored in the City right-of-way.
4. **Electric:** The electric meter shall not be enclosed. 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 accesses is denied or hazardous.
5. **Public Works:** 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.

6. Applicant must adhere to all conditions and requirements set out by the Coquille Indian Tribe, State Historic Preservation Office (SHPO) or both if required.
7. That the plans submitted in this Plan Review shall be in substantial conformance with work completed.
8. All proposals of the applicant shall become conditions of approval unless otherwise modified by the reviewing body.
9. No structure of the proposed development may exceed 24 feet in height.
10. 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.
11. Plans submitted for Zoning Compliance approval shall be in substantial conformance with the plans reviewed and approved herein.
12. Plan Review approval expires two years from the date of approval.