

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



FILE NUMBER: 21-113

LOCATION: 2953 Spinnaker Drive
Map Number 28S-15W-36CD/TL 614

APPLICANT: Simplicity Homes, LLC
PROPERTY OWNER: Rita Hatstrup

REQUEST: Approval of a Plan Review (PR) to site a new single-family dwelling on property zoned Controlled Development 1 (CD-1) in the City of Bandon

REVIEWING BODY: Dana Nichols, Planning Manager

NOTICE DATE: November 5th, 2021

RECORD CLOSED: November 22nd, 2021 at 5:00 PM

APPLICABLE CRITERIA: BMC (Bandon Municipal Code) Chapters:
17.20, Controlled Development 1 (CD-1) Zone

I. 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. *Drive-up uses are prohibited.*
- B. *All new uses or structures or major exterior alterations of existing structures in the CD-1 zone shall comply with the following:*
 - 1. *The developer shall be required to gain approval from the planning commission during a plan review in public session regarding the design and siting of new structure(s) and all other requirements of this title. The approval or denial of a proposed land use resulting from this review will occur as a limited land use decision and shall require notice to property owners in the notice area (see Section 17.120.070).*
 - 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.*
 - 3. *Metal-sided buildings are not permitted in the CD-1 zone*
- 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):*
 - 1. *Garage constructed with finish materials matching the residence;*
 - 2. *Hip roof;*
 - 3. *Roof with a pitch at or greater than 3/12;*
 - 4. *Gables;*
 - 5. *Mullioned windows;*
 - 6. *Eaves with a minimum projection of six inches;*
 - 7. *Tile or architectural grade shingles;*
 - 8. *Dormers;*
 - 9. *Offsets on the building face or roof of at least twelve (12) inches;*
 - 10. *Cupolas;*
 - 11. *Covered porch – a minimum of thee feet;*
 - 12. *Pillars or posts;*
 - 13. *Bay windows;*
 - 14. *Window shutters;*
 - 15. *Clerestory windows;*
 - 16. *Horizontal lap siding on 100% of the exterior, cedar shake or shingle or single siding on 100% of the exterior, or combination of cedar shake or shingle siding or lap siding with stone.*

FINDING: Staff followed the required noticing procedures, sending a Notice of Plan Review to properties within 100 feet of the project site on November 5, 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 applicant selected: (1) covered porch, (2) architectural grade shingles, (3) eaves, (4) horizontal lap siding, (5) matching garage, (6) window shutters, (7) roof pitch at or greater than 3/12, (8) offset in the building face or roof. Staff finds this criterion has been met.

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:

- A. For a single-family dwelling, a lot shall be a minimum of five thousand four hundred (5,400) square feet.
- B. Lots shall have a minimum of forty (40) feet of physically accessible street frontage.
- C. Lot depth shall be at least ninety (90) feet.

FINDING: The 13,009 square foot lot is 123 feet wide at the street (Spinnaker) and approximately 100+ feet deep. Staff finds these criteria have been met.

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.
- 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 site plan shows that the front yard setback is 20 feet, the north side yard setback is 45 feet, the south side yard is 10 feet, and the rear yard is over 30 feet. Staff finds these criteria have been met.

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: Lot coverage (2,909/13,009) is 22.4% and impermeable surface is (3,922/13,009) is 30.1%. Staff finds these criteria have been met.

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 16.42.010 Definitions, "Height of building or structure."

FINDING: The proposed maximum height for the new structures is 19 feet 1 inch. Staff finds this criterion has been met.

II. Discussion

The subject property also contains conservation easements, which were required sites for wetland mitigation for the original subdivision, *The Moorings*. The north side of the property has a 35-foot conservation easement, and the east side of the property has a 15-foot conservation easement. These areas are deed restricted and cannot be built in or dumped in. The subject property is Lot 13, and part of Lot 12, shown below. Lot 12 was divided between Lots 13 and 11 through a "boundary line adjustment" in 2003.

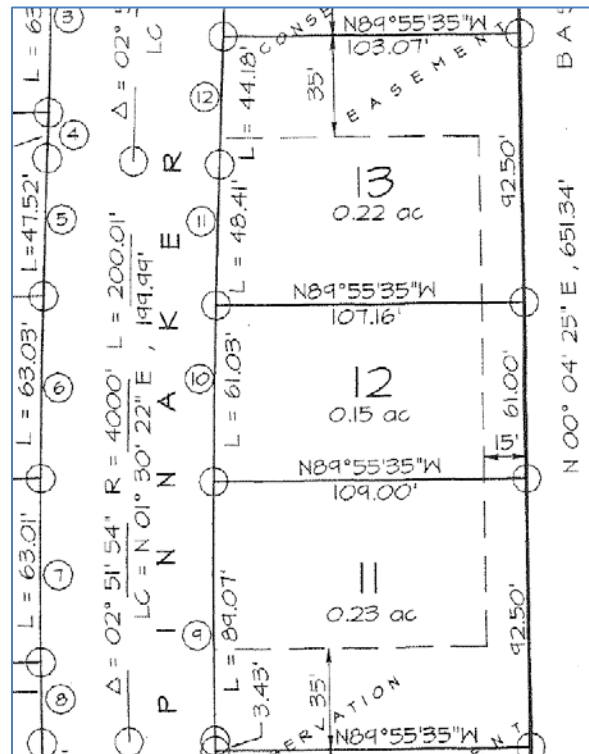


Figure 1 Subdivision Map, *The Moorings*

Notice was sent to the Department of State Lands to gather additional information about the required removal-fill allowance, the response to which has been made a part of the record of this application. A condition has been placed on the application requiring compliance with applicable permitting from the Department of State Lands. The response also stated that the exact boundaries of the deed restricted area may need to be surveyed if not already on file.

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.

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.
8. Plan Review approval expires two years from the date of approval.
9. The applicant shall determine if a permit from the Department of State Lands is required for the proposed work and obtain it prior to start of construction.

10. No dumping, building, or driving through the conservation easement is allowed, during construction, or after certificate of occupancy. The boundary of the conservation easement must be strung during construction to ensure compliance with this condition.