

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



**FILE NUMBER:** 21-118

**LOCATION:** 2770 Whale Watch Way  
Map Number 28S-15W-36CB/TL 606

**APPLICANT:** Linda Cameron  
**PROPERTY OWNER:** Central Point Properties, LLC

**REQUEST:** Approval of a Plan Review (PR) to add a 158 square foot addition to enclose a sauna and a shower on property zoned Controlled Development 1 (CD-1) 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:  
17.20, Controlled Development 1 (CD-1) Zone  
17.78 Hazards Overlay (HO) Zone

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

The development standards within the Controlled Development 1 (CD-1) Zone and Hazards Overlay (HO) Zone are contained in Chapter 17.20 and 17.78 of the Zoning Code, respectively. 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 residential addition.

**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*

**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.

No metal siding has been proposed. The applicant’s site plan shows the existing viewline and the location of the proposed development. The addition does not extend further out into the viewscape, so Staff finds this criterion has 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 proposed addition affects the east side setback and the rear (south) side setback. The applicant’s site plan shows the addition 7’2” from the side (minimum 5’) and 13’7” from the rear (minimum 10’), so 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 (3,532/9,14,810) is 23.8% and impermeable surface is (4,833/14,810) is 32.6%. 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:*

- A. *West of Beach Loop Drive and north of Seventh Street SW, except as otherwise permitted in 17.20.100 Exceptions to height limitations, no portion of any building or structure shall exceed a height of twenty-four (24) feet, measured as provided in 16.42.010 Definitions, "Height of building or structure."*

**FINDING:** The proposed maximum height for the new structures is 10 feet. Staff finds this criterion has been met.

**17.78.010**      **Purpose.**

*The purpose of the Hazard Overlay Zone is to protect people, lands and development in areas that have been identified as being subject to geologic hazards and to apply review standards to all proposed development activity within the areas subject to geologic hazards by:*

- A. *Identifying areas subject to natural hazards (Landslide, Coastal Erosion, and Liquefaction);*
- B. *Assessing the risks to life and property posed by new development in areas of known natural hazard susceptibility; and*
- C. *Applying standards to the siting and design of new development on lands subject to natural hazards that will reduce the risk to life and property from these hazards.*

**Finding:** The subject property is located along the oceanfront and is subject to the requirements of the Hazards Overlay Zone.

**17.78.030**      **Geologic Assessment Review**

- A. *Except for activities identified in Subsection 2 of this section as exempt, any new development or substantial improvement, as defined in Title 15, in an area subject to the provisions of this section shall require a Geologic Assessment Review.*
- B. *The following development activities are exempt from the requirement for a Geologic Assessment Review:*
  - 1. *Maintenance, repair, or alterations to existing structures that do not alter the building footprint or foundation and do not constitute substantial improvement as defined in Title 15.*

2. *Exploratory excavations under the direction of a certified engineering geologist or registered geotechnical engineer;*
3. *Construction of structures for which a building permit is not required;*
4. *Yard area vegetation maintenance and other vegetation removal on slopes less than 25%;*
5. *Maintenance and reconstruction of public and private roads, streets, parking lots, driveways, and utility lines, provided the work does not extend outside of the previously disturbed area;*
6. *Maintenance and repair of utility lines, and the installation of individual utility service connections;*
7. *Emergency response activities intended to reduce or eliminate an immediate danger to life, property, or flood or fire hazard;*
8. *Construction/erection of beachfront protective structures subject to regulation by the Oregon Parks and Recreation Department under OAR 736, Division 20; and*
9. *Any development or activity to be conducted on a site for which a certified engineering geologist has determined that there are no high or very high geologic hazards present. The City of Bandon is not liable for any type of certification that a geologic hazard is not present on site.*

**Finding:** The applicant submitted a geotechnical report prepared by K & A Engineering, dated September 30<sup>th</sup>, 2021. The report evaluates the site conditions and proposes recommendations for mitigation during construction. In summary, the report states the following:

*We have reviewed the proposed addition project including the nature of the structure and it's proposed location. We have also reviewed known and mapped/published geologic hazard conditions at the site. We have found no unusual or significant geologic hazards that would prevent construction of the project as proposed.*

Based on the information provided in the report, and the statement from the engineering firm above, Staff finds this project is exempt from the full geologic reporting requirements. The engineering firm has recommended that structural design should incorporate recommended seismic design criteria, as listed in the report. With this recommendation in mind, 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.
13. Structural design shall incorporate the recommended seismic spectral design criteria, as listed in Table 1 of the report prepared by K&A Engineering, dated September 30<sup>th</sup>, 2021.