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Public Comments regarding the
Bandon Beach Hotel Zoning Code Text Amendment

18-003

Documents presented to the Planning Commission
on April 26th, 2018

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4/19/2018

(Included in packet)

Allen Bollschweiler

1041 Newport Ave. SW

1. I object to the process. I contacted the planning department last fall when the utility locations were marked. I asked what was planned and was told that the office had not yet received a proposal. I asked to be informed of any meetings regarding buildings proposed for this site. I did not receive notification of their March 7th working session. If I had I could have spoken to the planners assumption that the view from my house would "be less impacted by a taller building". I was not given an opportunity to ask questions, therefore, I would like to have the following questions answered well prior to this matter appearing before the council.
 - Why a zone code amendment instead of a zone variance?
 - What are the functional differences between a zone code amendment and a zone variance?
 - How is this type of zoning change in the best interests of the community and how will it not have a detrimental effect on refuge and the wildlife in it?
 - How would doubling the allowable building height in any case and especially at this prominent location this close to the beach be in the interests of the community?
 - How will the diminished side offsets be in the interests of the community given that the building will loom over pedestrian traffic?
 - Why does the planning department diminish the effects of a building of the proposed height to the beach loop road view shed and simply ignore the effects on the view shed approaching the refuge from the beach in both directions?
 - Why would a taller, wider, deeper building not appear larger than the existing building as claimed in the planning document?
 - Has the Fish and Wildlife Service been consulted on potential effects of this zoning change to the refuge. Further, have they studied the potential effects of all of the proposed changes including increased visitors to the refuge?

To speak to the two key questions noted in the planning report, No the council should not approve a change to the zoning to allow for a bigger and taller hotel. Simply put, the potential benefits described in the planning report do not require the zoning change. A hotel built within the currently available building envelope could still provide for the desired commercial enterprises and incorporate a public toilet and visitors center. The effects of a larger building at this location will diminish the qualities that attract people to Bandon. By the planners own admission, a building of the size proposed would be the tallest building in the city and it will dominate the views along the beach in both directions for miles.

To the second question, the potential negative effects of the proposed development far outweigh the potential benefits identified by the proponent. A large commercial presence bounded on three sides by the refuge is neither appropriate nor is it an addition to Bandon's simple quiet charm. The commercialization of the refuge is not in the interests of the community or the wild life that calls the refuge home.

Increased vehicle traffic will exacerbate the reduction of the view shed and negatively impact the existing quiet neighborhood. There is no community need to be accomplished by changing the current zoning of this site.

Thank you.

Email Contact Info: lee7wynne@gmail.com or by phone: 530-569-0115



Testimony Bandon Planning Commission 4-26-18

My name is Stephen Brown. I live at 803 Ohio Ave, NE, Bandon

Good evening. Thank you for the opportunity to comment on this ill-conceived proposal.

I want to draw attention to submitted comments prepared by Oregon Shores Conservation Coalition and their attorneys.

I am a member of Oregon Shores Conservation Coalition, and also served on the Board of that organization for a number of years.

Oregon Shores is a preeminent public interest organization dedicated to preserving the natural communities, ecosystems and landscapes of the entire coastal region, while conserving the public's access.

But, First, I would like to request that the administrative record before the planning commission on this issue be left open for an additional 7 days from the date of the close of record to remedy any prejudice faced in submitting comments due to staff's non-adherence to procedural requirements.

To briefly summarize:

The proposed text amendment is inconsistent with the City of Bandon's Comprehensive Plan and would negatively impact scenic and natural resources and The Oregon Islands National Wildlife Refuge.

The purpose of the CD-1 Zone "is to recognize the scenic and unique qualities as much as possible by carefully controlling the nature and scale of future development in this zone."

The applicant's proposed text amendment is not only inconsistent with the Comprehensive Plan, but is in direct conflict with the general framework of the CD-1 zone, which implements the comprehensive plan.

The proposed text amendments do not meet the Applicable Criteria for a zoning code text amendment.

The staff report misconstrues the applicable criteria..

Potential benefits associated with a possible future project are not relevant considerations for a text amendment.

Staff appears to be biased in favor of the applicant.

Without addressing applicable comprehensive plan policies, staff states that it is “supportive of a hotel building that is significantly taller than that allowed under the current ordinance and we are supportive of the four-story design.”

Because of staff’s stated bias, the Planning Commission should disregard the majority of the staff report and determine that the proposed text amendment is not consistent with the comprehensive plan.

The presence of the refuge alone should provide a sufficient reason to deny a text amendment that would allow for an oversized and out-of-place commercial structure adjacent to the refuge and the natural assets it provides.

The applicant has not demonstrated that the text amendment and resulting maximum allowable structure will not have an adverse effect on the functioning of the Refuge.

A text amendment is not required for the stated purpose of “to allow for the demolition of the current motel and construct a new hotel on the property.

4

The proposed text amendment is inconsistent with the Comprehensive Plan and therefore the Planning Commission needs to recommend denial.

I'VE LIVED HERE 28 YEARS

FIRST SAW
LET ME
I AM OK WITH A
NEW NOTE

I HAVE PICTURES BUT FELT THREE MINUTES
WOULD PREVENT THEM FROM SHOWING.

GOOD EVENING COMMISSIONERS, MR. KISZLE
AND FELLOW CITIZENS,
AS I VIEW THE ROOM TONIGHT
I'M REMINDED OF HOW MUCH WE HAVE
IN COMMON WITH EACH OTHER. LIKELY
ALL OF US AGREE TO THIS, WE CHERISH
OUR BEAUTIFUL, BOUNTIFUL WILD RIVERS
COASTLAND. IT IS A DROPPED
BOGGOYS COASTLINE. NO DUBET IT BRINGS PROSPERITY

AFTER SO MANY YEARS OF SETTING
INTO THE CONCEPT OF PRESERVING THIS
TREASURE AS A FREE + WILD RESERVE THIS LOCATION IS
HUMAN AND CREATURES

FOR ALL OF US TO FEEL RESTORED. NATURAL
IN THE WAY THE CREATOR BUILT IT. NOW AS YOU'VE
HEARD BEFORE BUILD IT AND THEY WILL COME, SO WE COME!

NO MATTER HOW
AND OR LIMITED

THE SENSE OF INSPIRATION FOUND
WITH THIS VIEW FROM THE POINT ON THE WILD RIVER COAST
IS AMAZING! ITS PRECIOUS WE FEEL MAY PROTECTIVE / IT'S NOT THE MAN II
OVER IT.

GIVE LASTING
RESERVE

MADE ECO SYSTEMS WHICH INSPIRE.
THEY RESPECTFULLY SIMPLY GIVE US
MERELY, TEMPORARY SHELTER + SNACKS. THE WILDNESS

IS THE INSPIRATION!

AFTER DILIBERATING IMENSIVELY
UNABLE TO CALM INTO A POINT
TO USE AS A BEARING, A DIRECTION:
TOWARD THE BEST PRACTICE, IN
DECIDING THE FATE OF OUR BEAVER
COUNTRY POINT. IT WAS THEN DURING A TIME
GOING OUTSIDE TO WASH MY WINDOWS IT CAME TO
ME, NOW LOOKING THROUGH THE
CLEAN WINDOWS IT WAS CLEAR. THE DECISION
WAS, LIKE COQUILLE POINT, RIGHT IN
FRONT OF US. TO DO NOTHING.

4.0 PUBLIC HEARINGS

4.1 ZONE CODE TEXT AMENDMENT

(link is external)

– Bandon Beach Hotel – To modify the Bandon Municipal Code Section 17.20 Controlled Development 1 (CD-1) Zone, to allow for a building height up to 45 feet, side yards of 5 feet, a rear yard of 5 feet, and a 55% lot coverage with up to 75% impervious surface, on specific properties located in the CD-1 Zone in the City of Bandon.

5.0 FINDINGS OF FACTS

6.0 DISCUSSION/OTHER

7.0 COMMISSIONERS' COMMENTS

8.0 ADJOURN THE REGULAR MEETING

By changing the code to allow almost doubling the height limitation and reducing the setbacks and allowing a higher % of impervious surface we are increasing greatly the value of this property.

If we would have done this before Margaret Gorman sold this property she would likely have gotten double what she finally settled for.

If we do this it is only fair to all Bandon residents to get some of that money back. I would like it to be in the form of infrastructure improvement, in particular we should get the long asked for Beach Loop bike and walk path from old town out to Beach Loop and on south to the the city limit where the state parks start.

**Planning Commissioners:
REGARDING THE PROPOSED BANDON BEACH HOTEL**

I want to be on the record that there is no reason for this building to be 3 stories high when the other buildings in the area are only 2 stories. The height of this building will be intrusive and dominate the skyline in this picturesque low profile beach town. Do we really need more hotel rooms in Bandon? Will this larger hotel be accommodating tourists who would be staying at other already existing hotels? Why not build a hotel with the same profile as the hotel that is there right now.

The larger hotel will also, concentrate a lot more people in this small area and will degrade the experience of everyone else. Since the parking lot for guests will not be on site, there will be people walking to and from their cars and clogging up the street. There will undoubtedly be hotel guests parking in the extremely small public parking lot during the day and making it more difficult for sightseers to easily access Coquille Point. If it were a smaller hotel, the guests could park on the hotel site.



Dulce Havill
Bandon, Oregon

April 25, 2018

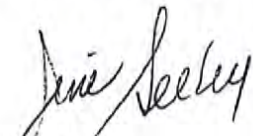
To: Bandon Planning Commission and Bandon City Council

For the past 20 years it has been my honor and pleasure to work with the Keiser family through my position with KemperSports which has allowed me to be involved in a number of Keiser initiatives including the creation and operation of Bandon Dunes Golf Resort. I can personally attest to the commitment of the Keisers to the communities in which they have worked and in their unselfish support of the triple bottom line concept of Community, Conservation, and Economy.

For the past seven years I have served as Executive Director of the Wild Rivers Coast Alliance (WRCA) and have been very involved in supporting triple bottom line initiatives on Oregon's South Coast bringing funding assistance to projects unrelated to Bandon Dunes Golf Resort yet funded by proceeds from Bandon Dunes. In that role I have learned about the pressing needs of the south coast region in a wide range of matters relating to health, housing, education, working landscapes and seascapes, and economic challenges. Among those learnings is that the direct and indirect economic impact of visitation and tourism has grown to nearly 25% of the economy in the region.

Having been a resident of Bandon now for seven years, I have also become involved in the Oregon Community Foundation, Oregon's Regional Solutions Advisory Council, the South Coast Development Council, Greater Bandon Association's Economic Development Committee and other programs. All of this involvement is to help identify the most effective ways to leverage the funds from Bandon Dunes to positively impact the most pressing needs in our region. As an example, WRCA through the Gorse Action Group worked closely with USF&W in the past year to co-fund the removal of gorse on Coquille Point and prepare a program to prevent its regrowth.

To quote Mike Keiser, "The South Coast of Oregon is one of a kind - 100 miles of largely undeveloped coastal, primeval landscapes. Let's preserve it, restore it when necessary, and pay for it with clean tourism." Bandon Beach Hotel is an example of increasing economic development from clean tourism through improvement to an already existing use. That is what has been done at Bandon Dunes, replacing a gorse-choked and unproductive former working landscape with an environmentally friendly, now world famous golf resort. Bandon Beach Hotel has an opportunity to become another example of Mr. Keiser's vision.



Jim Seeley

Bandon South Jetty Resident

April 25, 2018

To the Bandon Planning Commission and the Bandon City Council,

My name is Marie Simonds and my husband Jeff and I are local Bandon residents who have lived in the area for almost 15 years. Jeff is the Director of Resort Operations at Bandon Dunes and has worked at the resort in various capacities since we moved to the area. For the past 7 years, I have worked as the Program Manager at Wild Rivers Coast Alliance and have the privilege of interfacing with our south coast communities to grant funds made available by Bandon Dunes Golf Resort for a triple bottom line (conservation, community and economic development) purpose.

In addition to working in our community, Jeff and I are both active volunteers, engaged in civic work for the betterment of Bandon. We actively participate in coaching youth sports programs for Bandon Youth Soccer, Bandon Youth Basketball and Bandon Junior golf. Our family volunteers to serve our community during holidays meals and our sons received the Patriotic Citizens Award for their work procuring donations of coats and warm clothing items for the Bandon VFW this past Christmas. Additionally, I have recently been appointed to the Bandon School District Board and am working with a dedicated group of parents on a parent-teacher organization to assist Harbor Lights Middle School.

Jeff and I are committed to our community and keenly interested in the future of Bandon. We support the proposed Bandon Beach Hotel as the kind of development that will continue to enhance Bandon's economic prosperity and community offerings. We look forward to continuing our work both in a professional and civic capacity to make Bandon a better place to live, work and visit.

Sincerely,

The image shows two handwritten signatures in black ink. The signature on the left is for Jeff Simonds, featuring a stylized 'J' and 'S'. The signature on the right is for Marie Simonds, with a more fluid, cursive style.

Jeff and Marie Simonds

Bandon Residents

April 26th, 2018

As a longtime Bandon resident, mother of an Ocean Crest 2nd grader, PTA president, school board member, business owner, Manager of local manufacturing business Cardas Audio, member of the Oregon Community Foundation South Coast Leadership team, and president of the Bandon Chamber of Commerce,

I would like to express my strong support for the hotel project Mr. Keiser is proposing at Coquille Point. As Keiser has shown with Bandon Dunes, he is capable of factoring in & minimizing environmental impact while providing gorgeous facilities with architecture that is both modern & classic. All while providing much needed jobs, increased income to local businesses, and tax revenue to our area. The hotel he intends to build at Coquille Point would no doubt continue that tradition, and yield many benefits to Bandon, and its tourism industry.

At last night's Bandon Chamber of Commerce meeting, attorney Robin Miller and Chris Keiser made a presentation about the project. Even if the plan was to create a new structure on undeveloped land, the digitally rendered concepts shown at the meeting (and published previously in the Bandon Western World) would be a wonderful addition to our town. The fact that their gorgeous vision would replace one of the most visually unappealing buildings in all of Bandon makes this an obvious project to approve. Furthermore, the plan is to create a quality hotel with amenities for not only its guests, but also for other visitors to Bandon, and local residents. Whereas the current motel operating at the location provides few jobs (mostly limited to front desk & house keeping), and has nothing to offer but limited lodging in a fast deteriorating building.

During last night's presentation, I learned of opposition papers filed on behalf of an out-of-area environmental group to stop this project. This is quite disappointing, although not unexpected. The same group has thwarted plans to turn land south of town, currently infested with gorse & scotch broom, into a public golf course. I wonder if any of these outside agitators has ever bothered to visit Bandon, and if did, would they stay at Bandon Beach Motel?

As a frequent business traveler, it is perhaps only a slight exaggeration to state that few people in Oregon, especially near the Portland area, really know where Bandon is. Historically, when telling people that I'm from Bandon, they've misheard Bandon as "Bend". This has gotten better over the years - thanks in no small part to Bandon Dunes. It would be very unfortunate if narrowly focused activist groups from outside the area, with more knowledge of the courts than of the economy and ecosystem of Coos County, put the kibosh on yet another Keiser backed proposal that would bring jobs, tax revenues and a better quality of life to our residents.

I ask that you approve this project, for the sake of the people, environment and economy of Bandon.

Angela Cardas
1050 8th St SW, Bandon OR 97411
angela@cardas.com
(541) 936-2755

Thursday, April 26, 2018

John McLaughlin
Planning Director, City of Bandon
555 Highway 101, Bandon, Oregon 97411

re: *Supplemental Remarks, Text Amendment to (CD-1) Zone
"Bandon Beach Hotel" at Lots 5 and 6, Block 27, Plat of West Bandon*

Dear Mr. McLaughlin:

Today is Thursday, April 26, 2018 – the date of the initial hearing on our Text Amendment proposal. I see that new information was submitted at or after the end of the day yesterday, and I'm not perfectly sure I received everything for advance review. We are happy to accommodate the request to hold the record open, for all parties, for at least another seven (7) days, or for a time period specified by the Bandon Planning Commission. I enclose supplemental information which I hope will be helpful this evening.

1. *Parking and Traffic Considerations.* It bears reminding that the land comprising this project is a 30-unit motel (former *Gorman Motel*), a restaurant (former *Three Gables Restaurant*) and the 22-unit *Bandon Beach Motel* — all uses which will find future expression in what we call the *Bandon Beach Hotel*. Kelly Sandow P.E., a traffic engineer recommended by the City's engineering firm of record, estimated that this project will result in fewer trips overall – there will be fewer "peak one-hour trips" (32, down from 45) and fewer "Saturday peak daily trips" (360, down from 577). Ms. Sandow also concluded:

The DMV crash records for the intersections of 11th Street at Beach Loop Drive at 11th Street at Portland Avenue were obtained from ODOT. There were no reported crashes at these locations during the past 6 years. Therefore, it can be concluded that there are no significant safety issues with the current geometry or levels of traffic. A field investigation was performed for the intersections of 11th Street at Beach Loop Drive and 11th Street at Portland Avenue as well as 11th Street and Beach Loop Drive. There were no concerns with geometry, lines of sight for drivers, or other issues that would cause significant safety issues.

This good news should be considered in context with existing overall popularity of the beach – my understanding is that USF+W estimates that Bandon Beach drew an estimated 340,211 visitors between September 2015–August 2016. We believe that the Bandon Code would require about 34 parking spaces to this project; our present plans offer up 60 spaces. But please let us know if you want even more parking devoted to this area.

2. *"Rare and Sensitive" Plants Considerations.* Liza Ehle, a former Bandon Planning Commission Chair, a leader in the effort to oppose the "David L. Davis" Coquille Point Bluff Condominiums, and a landscaping contractor and advisor to the USF+W Refuge, offers a supportive opinion:

The vegetation has to be adaptable; extreme conditions of salt, wind and rain work to move, nourish, select and control what grows, how big it grows and when it can colonize. All USFW and others can do is keep out competition like gorse, remove foot traffic on open ground, and educate the public that they are in a site of natural selection and amazing diversity. Per square foot, you can find many, many different combinations of plants that all decided to live there based on soil type, moisture, wind protection, sun or shade, pH, time of year, etc. Rolling terrain, lee sides of rocks or trees, low pockets of moisture or dripping fog off a taller species all impact each of hundreds of species available to grow here. The shade of the building is just one factor of many that will create selection but not a significant one as an argument against this structure. More important is careful construction footprint, limiting off-trail dog and foot traffic, and quick action where major storm events cause erosion. Meanwhile, constant wind depositing/redistributing seeds and regulating moisture and temperatures as well as constant salt inundation are the largest factors of success/failure of the vegetation.

I would strongly encourage the continuation of anything that increases public awareness and protection of this ecosystem at Coquille Point, as well as any project that guides, directs and educates the public about our headlands. Although a 3 story motel seems to be counter-intuitive to this effort, in fact, it can give an appreciation to the uniqueness of the site with longer visits and the addition of an interpretive area. New orientation of the parking lot for USFW, dark sky lighting as well as careful glazing and flyway design considerations are all part of the proposed project which vastly improve the existing structure.

I do appreciate the Bilderbeck's thorough knowledge and inventory of the species located on our local headland, and their diligence in protecting the site. Their points are good ones and worthy of consideration as the project moves forward. Most can be addressed in conditions placed by the planning commission. What will, however, preserve and protect the site most is education, clear trail systems and increased awareness of its uniqueness. This is always a bittersweet compromise in a wildlife habitat....we want people to respect it, but in order to do so, they need to be there to understand it.

So too, Michael "Migs" Scalici, offers a supportive opinion:

Based on this shadow length analysis and on field observations that took place in the third week of April, the existing Bandon Beach Motel does not cast a shadow long enough during hours of photosynthesis to adversely affect the plants growing on the bluff slope and in the seeps This shadow length analysis also leads to the conclusion that there is no evidence to suggest that sensitive plants or floral biodiversity would be adversely impacted by the increased roof height that is being proposed for the Bandon Beach Hotel.

3. *Audubon Considerations.* We have already expressed our admiration for the USF+W "bird friendly" design recommendations, and we like the recommendations of the Audubon Society expressed in its letter of April 23, 2018, and after consultation with the City we may well incorporate these recommendations in a final design to be reviewed in the subsequent design review process. We are aware that there was considerable citizen controversy in Bandon over "dark skies" design requirements, but we like these principles and we will watch out for the advice from other agencies as well.
4. *Considerations about Development within 100 feet of the Refuge.* We pointed out in our January 12, 2018 application that Ordinance #1335, adopted August 15, 1994, acknowledges that nearby privately owned parcels were available for development but should be given "special consideration" in a plan review. This City Ordinance was adopted into our Comprehensive Plan as a "special policy" and among other properties applies to everything east of Portland Avenue S.W. In some sense, this is a "setback for a setback," as USF+W acknowledges that the purpose of the flat plateau is to provide a "buffer" between mainland development and the all-important bluff and offshore rock resources. This policy has been interpreted and applied multiple times, so we have local jurisprudence telling us what this policy means. For example, the planning decisions for Brownfield development off Portland Avenue S.W., the McClave-owned development off 8th Street S.W., and the Mary Catherine Ball development off Beach Loop Drive, directly on the USF+W Refuge Bluff, should be incorporated into the record, to provide a reference – I believe both developments were approved and not barred from development. Also to this end, I believe the Bandon Planning Staff should direct a formal inquiry to USF+W, asking if the Bandon Beach Motel and any of these structures have adversely affected the function of the Refuge, and most importantly: what kind of developments does USF+W *not* want to see adjacent to its bluff resources (windmills, fat rendering plants, discotheques?)
5. *USF+W Compliance with Order #3366.* Concurrently with the City's formal inquiry to USF+W, we might ask how USF+W can continue to invest in and improve Coquille Point to comply with the DOI Order #3366, which requires recommendations, by July 2018, for new and/or increasing existing recreational opportunities on USF+W sites.

6. *Demassing the Structure, the Footprint, and View Opening.* In response to a personal inquiry, we enclose our architect's diagram showing the footprint of the existing structure with respect to the property lines and setbacks, together with a proposal for how a new structure might fit in with the requested setback relief.
7. *Impervious Surface Considerations.* In reply to a personal inquiry, we enclose our architect's calculation that there will only be a 5.2% net increase in impervious surface under our present concept plan.
8. *The Legacy of the Sunset Motel.* The "Vern Brown" Addition of the late 1980s was one of the most impactful comprehensive plan decisions in memory – not only did the development close off an ocean "peek" view from Beach Loop Drive pedestrian and vehicular users but it cascaded down the bluff. The decision was controversial and seems to have ignited the citizen movement to stop the "David L. Davis" Coquille Point Bluff Condominiums. It is instructive to note that, today, the Sunset Motel is not vilified, but regarded as a great credit to Bandon, celebrated for its delivery of astounding views and good memories.
9. *Solutions and Amenities.* The motivating principle behind the Bandon Beach Hotel project is to advance the interests of the City of Bandon as well as the USF+W Refuge System.
 - a. Fulfill a historical vision for the end of 11th Street;
 - b. Remove eyesores and failed businesses;
 - c. Replace with a hotel we can be proud of, as a community;
 - d. Provide additional parking;
 - e. Open up an appealing view corridor from Beach Loop Drive;
 - f. Delete the planned, view-blocking "port-a-potty" structure from Refuge land, sweep it into the non-Refuge private land, and pay for it at private expense;
 - g. Provide a comforting café and meetup space – an "indoor refuge" and contact station to support the USF+W; and
 - h. Open up opportunities for all people and families to be enriched and edified by the Coquille Point resource.

Robert S. Miller III for Chris Keiser, agent and attorney-in-fact for Steere Bandon Associates, L.L.C.



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www.bytheseagardens.com
OLCB #5365 & ODA #134566

April 25, 2018

Bandon City Council
Bandon Planning Commission
RE: Bandon Dunes Motel Expansion to Coquille Point

I was requested by Jim Seeley to comment on the Bilderbeck's well-researched letter regarding the natural vegetation at the USFW Oregon Islands Refuge at Coquille Point. As many know, I have a very complex knowledge of the site, its planning issues, wildlife significance and had a primary role in assuring USFW's stewardship of the site over 25 years ago. I was not a proponent of the original "Gorman Motel". However, vegetation is not one of the issues that drove my interest in the area; what does interest me it that it is a strongly self-selecting environment full of tiny microclimates, complex diversity and amazing resilience for adapted species.

The history of the vegetation on that site is mostly a series of man-made disturbances dating back to the NaSoMah tribal times where the area contained middens, encampments, and food processing areas. The early development of the incorporated city saw the historic Natatorium in very close proximity to the motel site which was aggressively excavated and developed with parking nearby. This era was followed by neglect and partial inundation by gorse with pockets of shore pine when the Kronenberg County Park was located where the existing USFW parking lot is now. Many vehicles and humans created a wide variety of rustic trails that led through areas of small grasses, groundcovers, perennials that inhabited the site with salal, huckleberry and shore pine wherever the gorse allowed small openings. The public who wanted to access the beach and headlands typically cut through the easiest terrain without regard to native vegetation or erosion. During the period of the Roberts, et al ownership, this was periodically mowed with a flail mower until the headland finally received protection status through USFW acquisition of both public and private property with the exception of the Gorman parcel. USFW spent considerable expense to eradicate gorse, first on the flat terrain, then on the bluffs, and to replant three primary species: salal, huckleberry and shore pine. The mortality rate over the first two years was astronomical. The replanting was considered a major failure and my company was called in to consult about reasons for this failure of

indigenous species. In fact, attempts to replant, to create diversity and to "improve" vegetation were all moot without controlling foot traffic on the site and not taking into account that things adapt there from the seed stage, not by transplant from nursery grown stock. The paved trails were the best possible solution to restoring plant diversity on that site and my advice was leave it alone, seed with native grasses when they could in fall and early spring for erosion, and always eradicate gorse in all areas. Otherwise, however, my advice was that it will repair and replant itself if undisturbed. Since that time, I have played a significant role in gorse control out there and been over every inch of the terrain including the bluffs many times and discussed this current project with USFW.

My professional conclusion is this: The vegetation has to be adaptable; extreme conditions of salt, wind and rain work to move, nourish, select and control what grows, how big it grows and when it can colonize. All USFW and others can do is keep out competition like gorse, remove foot traffic on open ground, and educate the public that they are in a site of natural selection and amazing diversity. Per square foot, you can find many, many different combinations of plants that all decided to live there based on soil type, moisture, wind protection, sun or shade, pH, time of year, etc. Rolling terrain, lee sides of rocks or trees, low pockets of moisture or dripping fog off a taller species all impact each of hundreds of species available to grow here. The shade of the building is just one factor of many that will create selection but not a significant one as an argument against this structure. More important is careful construction footprint, limiting off-trail dog and foot traffic, and quick action where major storm events cause erosion. Meanwhile, constant wind depositing/redistributing seeds and regulating moisture and temperatures as well as constant salt inundation are the largest factors of success/failure of the vegetation.

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Liza Ehle, By-the-Sea Gardens, LLC

SHADOW ANALYSIS AT COQUILLE POINT

INTRODUCTION

I read the Bilderbacks' report, "The Flora of the Oregon Islands National Wildlife Refuge: IV. Coquille Point Unit." They certainly seemed to compile a comprehensive record of the flora growing on Coquille Point. This report suggests that the steep coastal bluff and seeps (located toward the lower end of the bluff) had the greatest biodiversity, while the vegetation on the coastal terrace around the motel consists largely of low diversity vegetation and has a significant percentage of non-native plant species.

The issue has been raised concerning the impact of the increased height of the proposed hotel from 24 ft to 45 ft may have on the sensitive plants or floral biodiversity at the Coquille Point Unit. To respond to this concern, I conducted a shadow length analysis of the area.

FIGURE 1 shows the area of interest for a shadow analysis that I conducted. It includes the Bandon Beach Motel and the coastal bluff adjacent to it, which is part of the Coquille Point Unit.

SHADOW ANALYSIS

I performed a shadow length analysis using an online calculator to estimate the shadow length of the existing 24-ft tall structure and the proposed 44-ft peaked structure, as well as of the 70-ft bluff itself. I used a website, <http://planetcalc.com/1875/> for this analysis, which uses the formula:

$$L = h / \tan (a)$$

L, length of shadow

h, Object height

a, Angle between the sun and horizon (*assuming the ground covered by the shadow is flat*)

The input data required the following data:

- a) The height of the object: 24 ft for the existing building, 45 ft for the proposed hotel, 70 ft for the bluff.
- b) Date(s): April 20 and May 15.
- c) The latitude and longitude of the site: 43°6' 48.9996", 124°26' 1.2696".
- d) The time zone: -8.

April 20 was used so that the actual shadow could be measured in the field and photo-documented. I returned on the sunny morning of April 22 to get a few images I hadn't gotten on the 20th. May 15 was selected as a date of robust vegetative growth.

The time range used was 07:00 to 14:00. Prior to 7 a.m., little photosynthesis is occurring, and after 2 p.m., shadows have already shifted to the east and northeast of the building, where the shadow is no longer cast on Coquille Point, but on man-made infrastructure.

These data are shown on the following pages.

RESULTS of the SHADOW LENGTH ANALYSIS, *EXISTING MOTEL*

TABLE 1, PLOT 1 show the calculated shadow length of the existing motel height of 24 ft (solid curve) and the proposed hotel peak of 45 ft (dashed curve) at half-hour intervals from 07:00 to 14:00 for the date, April 20. To measure the actual shadow lengths, the site was visited at 08:00, 09:30 and 10:00. The 08:00 shadow is shown in FIGURE 2. The calculated shadow length was 49 ft (white arrow in FIGURE 2). The measured length, measured from the center of the motel was 82 ft. On the southern edge, it cast a shadow on a sliver of the top edge of the bluff (PHOTO INSET to FIGURE 2). The rather large discrepancy is due to the ground that is sloping away from the motel toward the west.

At 09:30 on April 20, the calculated shadow length was 27 ft; the measured length was 38 ft. And at 10:00, the calculated length was 23 ft; the measured length was 35 ft. These lengths were 1.4 times longer than the calculated lengths.

RESULTS of the SHADOW LENGTH ANALYSIS, *PROPOSED HOTEL*

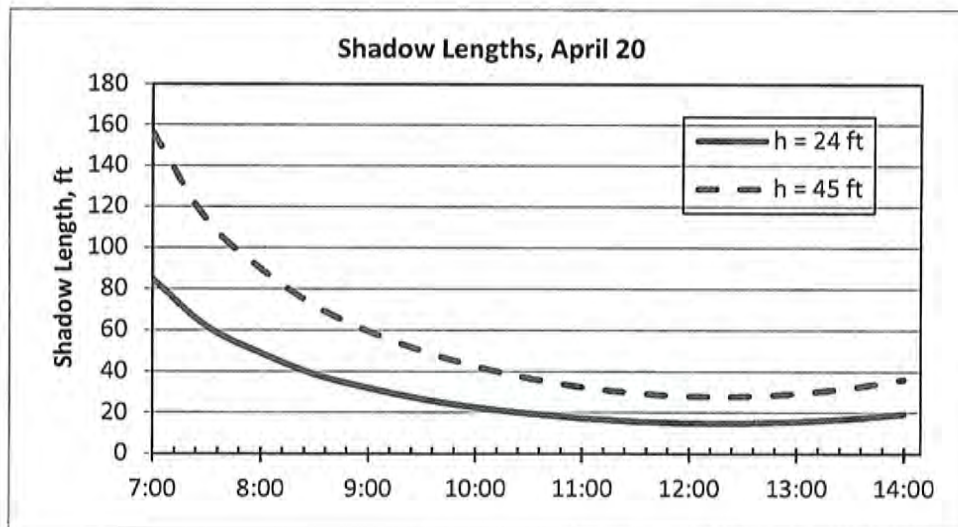
The proposed 45-ft high peak would have a calculated shadow length of 90 ft at the model date and time of April 20th at 08:00. Based on the measured vs. calculated shadow lengths, the actual length would likely be approximately 1.6 times that length, or 140 ft. However, with the proposed hotel's peak nearly 50 ft to the east of the shadow cast by the existing structure. Thus, the additional morning shadow coverage attributable by the increase in peak height would be offset by this distance.

The April 20th 08:00 shadow would resemble that shown in FIGURE 3. This analysis suggests that at the modeled time of day, the proposed hotel would cast its shadow between 20 and 36 ft longer than the existing motel's shadow.

TABLE 1: Shadow Length for April 20 using the existing motel height of 24 ft and the proposed hotel height of 45 ft, <http://planetcalc.com/1875/>. The bracketed numbers were shadow distance measurements taken at the respective times. The bold numbers are the measured/actual shadow length factor. The measured lengths are longer since the ground is sloping away.

Time, Apr.20	h = 24 ft	h = 45 ft	Diff (ft)
7:00	89	166	77
7:30	64	117	53
8:00	49 (82) 1.7	90	41
8:30	39	72	33
9:00	32	59	27
9:30	27 (38) 1.5	50	23
10:00	23 (35) 1.5	42	19
10:30	20	37	17
11:00	18	33	15
11:30	16	30	13
12:00	15	28	13
12:30	15	28	13
13:00	16	29	13
13:30	17	32	15
14:00	20	36	16

PLOT 1: Shadow Length data for April 20 for the existing and proposed building heights.

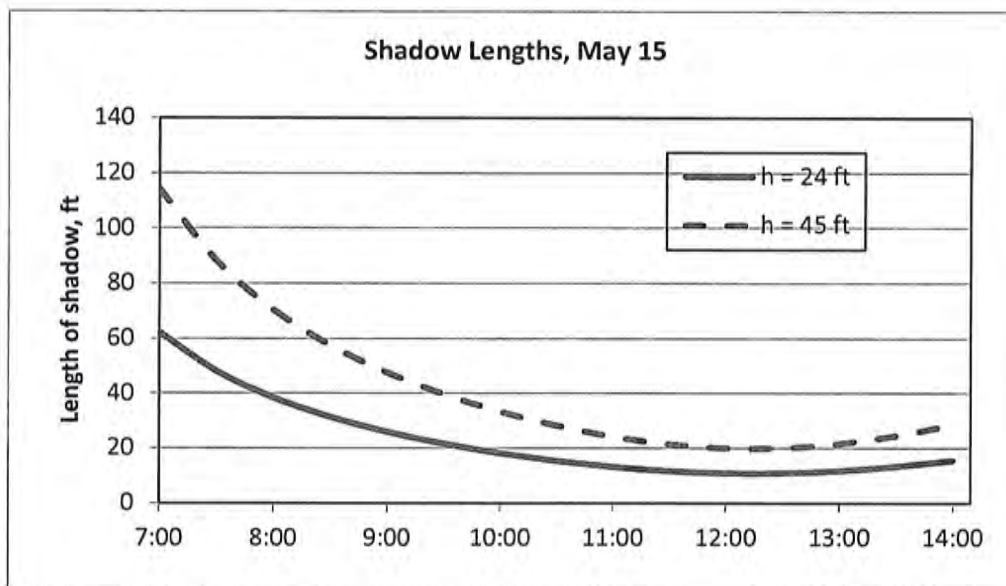


The same analysis was calculated for May 15 (TABLE 2, PLOT 2).

TABLE 2: Shadow Length for May 15.

Time, May 15	h = 24 ft	h = 44 ft	Diff (ft)
7:00	63	115	52
7:30	48	89	40
8:00	39	71	32
8:30	31	58	26
9:00	26	48	22
9:30	22	40	18
10:00	18	33	15
10:30	15	28	13
11:00	13	24	11
11:30	12	21	10
12:00	11	20	9
12:30	11	20	9
13:00	12	22	10
13:30	13	24	11
14:00	16	29	13

PLOT 2: Shadow Length data for May 15.



RESULTS of the SHADOW LENGTH ANALYSIS, *BLUFF ESCARPMENT*

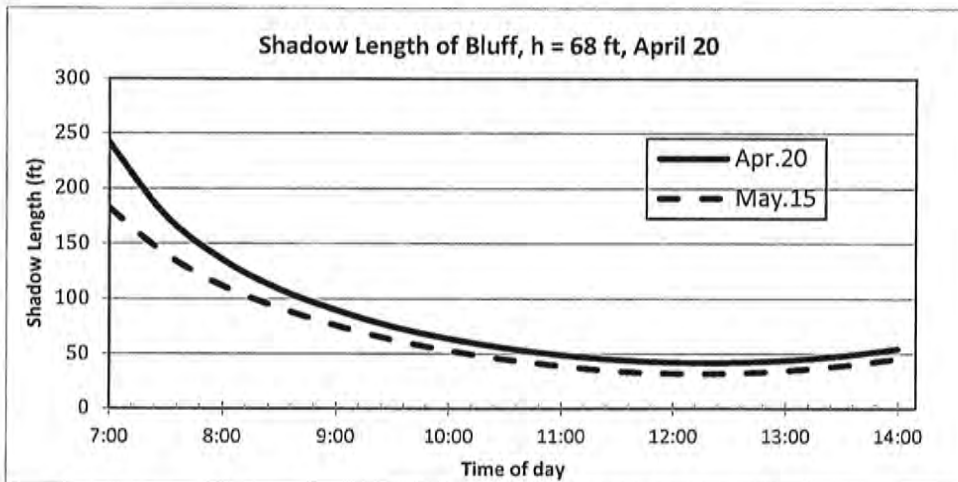
Using GoogleEarth Pro, the top of the bluff at the edge of the parking lot about 65 ft south of the stairs is 82 ft. The elevation of the base of the beach of an orthogonal down the scarp is 14 ft. This creates a shadow object height of 68 ft. The distance from the scarp edge to the beach is 104 ft. This creates an average slope of 65%.

TABLE 3 & PLOT 3 reveal the calculated shadow lengths of the bluff using an object height of 68 ft. At 08:00 on April 20, our model time and date, the calculated shadow length would be 136 ft. Using measured lengths of this shadow, and field observations between April 20 and April 23, the shadow at our model moment extended well onto the beach and was 270 to 280 ft. PHOTOS 1-3 show ground photos from both the stairs and the beach revealing this significant shadow.

TABLE 3: Shadow Length Cast by the 68-ft Terrace Scarp, April 20, May 15, <http://planetcalc.com/1875/>

Time	Apr.20	May.15
7:00	243	183
7:30	176	141
8:00	136	112
8:30	109	92
9:00	90	76
9:30	75	63
10:00	64	53
10:30	56	45
11:00	49	39
11:30	45	34
12:00	42	32
12:30	42	32
13:00	44	34
13:30	48	39
14:00	55	45

PLOT 3: Shadow Length data for an object with a height of 68 ft.



SHADOW of the STAIRS

It was difficult to measure the shadow cast by the stairs that descend to the beach. PHOTOS 4-6 however, reveal the rather significant shadow it creates in the early morning- especially on the lower end of the scarp north of the stairs. Being directly over the bluff scarp, it casts a shadow all day across a strip 6 to 8 ft wide (FIGURE 6)

PLANT SPECIES

The Bilderbacks' report pointed out that the steep coastal bluff and seeps had the greatest biodiversity. As stated above, this area is not impacted by shadows from the existing motel, nor would biodiversity be impacted by the proposed hotel.

They state, "The small rush, *Juncus capitatus* (Capped Rush), holds the state record as the first reported occurrence of the plant in Oregon. This rush is a native to Europe, Asia and North Africa https://species.wikimedia.org/wiki/Juncus_capitatus, <https://www.brc.ac.uk/plantatlas/plant/juncus-capitatus>, and as a non-native, wouldn't warrant any special attention by biologists.

This report also states that, "Populations of *Toxicoscordion fremontii* (Fremont's Death Camus) are rare on the southern Oregon coast with only 6 coastal locations reported for the taxon. The population on the Coquille Point Unit as well as two other populations in the Bandon area represent the most northern limit of the range of the taxon." This plant, along with the edible camus lily, *Camassia quamash* and Tolmie's mariposa lily, *Calochortus tolmiei* are very well represented on the west side of the Holocene sand dune on the Bandon Dunes Golf Resort property. These plants occur on about 5 to 6 acres in the area above the 16th fairway of the Bandon Trails golf course and backing Bandon Trail's 17th tee box.

CONCLUSIONS

Based on this shadow length analysis and on field observations that took place in the third week of April, the existing Bandon Beach Motel does not cast a shadow long enough during hours of photosynthesis to adversely affect the plants growing on the bluff slope and in the seeps (FIGURE 2, PHOTO 4).

This shadow length analysis also leads to the conclusion that there is no evidence to suggest that sensitive plants or floral biodiversity would be adversely impacted by the increased roof height that is being proposed for the Bandon Beach Hotel. The proposed hotel's peak, being 50 ft eastward of the existing motel would create a shadow that would only extend 22 to 38 ft beyond the existing shadow at the model time (April 20 at 08:00), adding a mere 0.09 acre of additional shadow, only a small fraction of which reaches the top of the slope at the southern edge of the shadow area (FIGURE 3).

It is the bluff escarpment at Coquille Point that casts a full shadow on the plants growing on the slope until about 9 a.m. during this investigation period (PHOTOS 1 & 2). In addition, the shadow cast by the stairs that descend down to the beach casts a broad shadow to the north in the morning hours, an area which otherwise would see more morning sun (PHOTO 3-5). Throughout the day, the stairs cast a nearly all day shadow in a 6-8 ft wide strip along a 200-ft length, covering 0.03 acre of area on the plants underneath them (PHOTO 6).

W. Scali

PHOTO 1: April 20, 2018 at 08:00 from the gazebo looking south. All the shadow is cast by the bluff.



PHOTO 2: April 22, 2018 at 07:54. Panoramic looking south to southwest. All this shadow is attributable to the height of the bluff, and would stay in shade for the next hour.



PHOTO 3: April 23, 2018 at 07:56. Panoramic looking NE to SE of the 68 ft tall bluff. All this shadow to the right (south) of the stairs is attributable to the height of the bluff. Most of the shadow to the left (north) of the stairs is cast by the stairs.



PHOTO 4: April 22, 2018 at 07:53 from the upper landing of the Coquille Point stairs looking NW to North highlighting the shadow cast by the stairs and that by the existing motel.

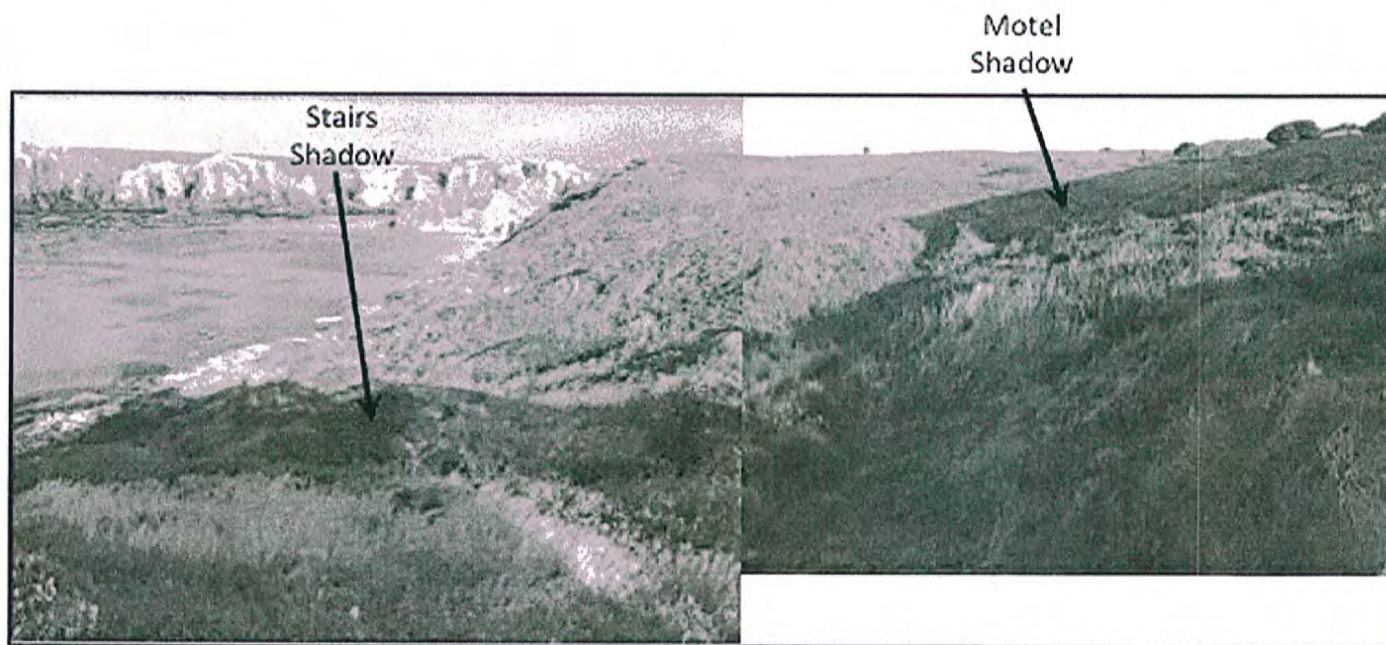


PHOTO 5: April 22, 2018 at 07:53 from the upper landing of the stairs looking down the bluff at the shadow cast by the stairs.

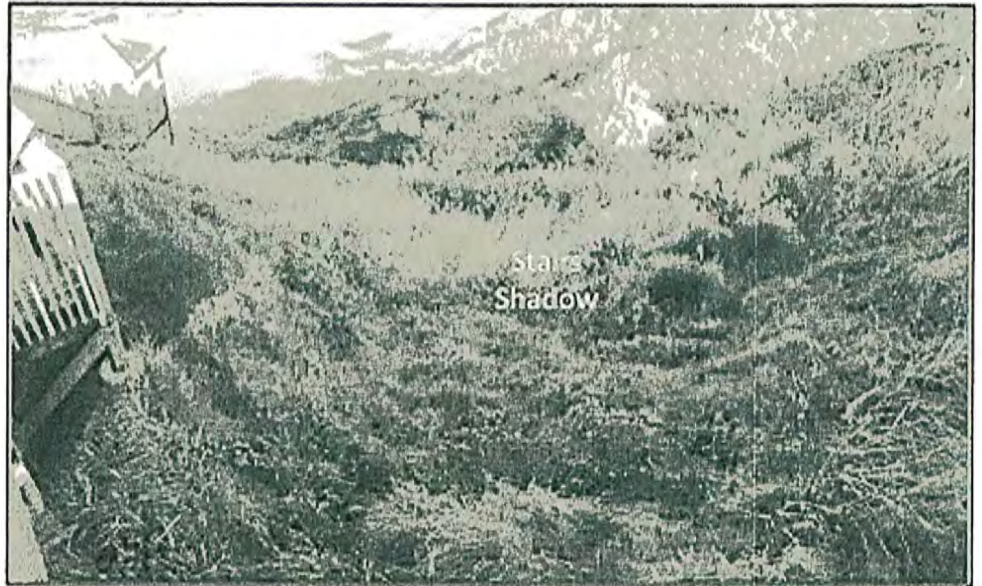


PHOTO 6: April 23, 2018 at 15:24. This late afternoon photo shows the shadow cast by the stairs at this time of day.

FIGURE 1: The Bandon Beach Motel and a portion of Coquille Point showing the photo points.



FIGURE 2:

Shadow that was cast by the existing 24-ft tall Bandon Beach Motel at 08:00 on April 20. Shadow length calculated by <http://planetcalc.com/1875/> was 49 ft. It was measured in the field at 82 ft, which is 1.4 times the calculated length.

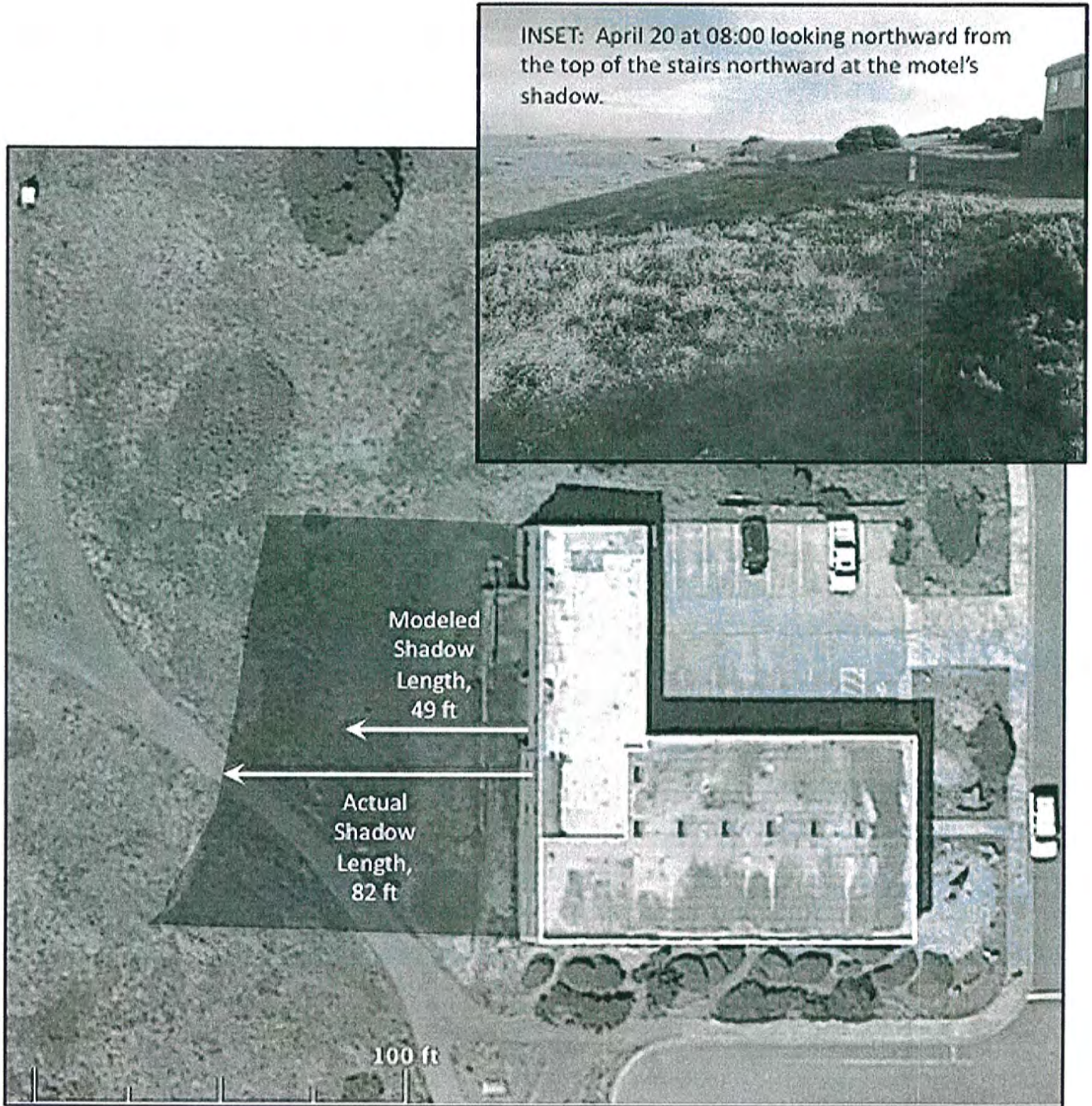
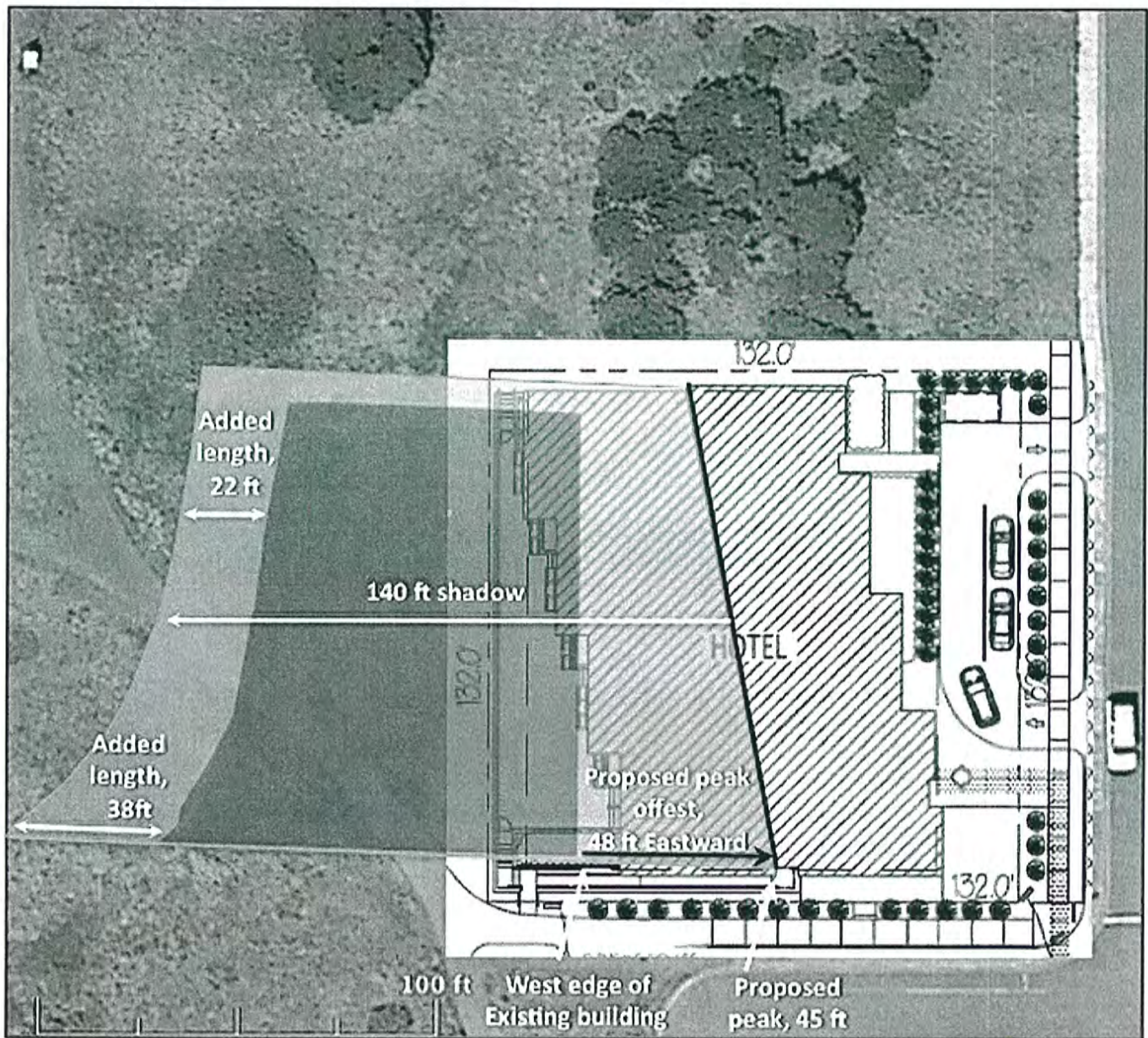


FIGURE 3:

Shadows that would be cast by a 45-ft peak structure at 08:00 on April 20 is overlaid on the field verified shadow cast by the existing structure. The shadow length was calculated at 90 ft. Based on the sloping away of the ground to the west, 90 ft*1.6 , the actual shadow length of a 45-ft peak at would be 140 ft. However, the proposed hotel peak would be nearly 50 ft east of the existing west edge of the motel.

The shadow at this time of day would be 22 further westward at the center of the shadow and approximately 38 ft further at its southern end where the escarpment's slope steepens.



TECH MEMO

TO: Robert S Miller III, Attorney

FROM: Kelly Sandow P.E.
Sandow Engineering

DATE: April 17, 2018

RE: Bandon Beach Hotel Traffic Assessment



As per your request, Sandow Engineering has provided an assessment of the vehicle traffic associated with the remodel and expansion of the Bandon Beach Hotel in Bandon, Oregon.

DEVELOPMENT DESCRIPTION:

The development proposal is to remodel and expand the existing Bandon Beach Motel located at the northwest corner of Portland Avenue at 11th Street. The existing structure is 22 units with parking facilities on site. The proposal is to expand the structure to a 44-room hotel. Vehicle usage on-site will be restricted to check in and drop-off only. Sixty parking spaces will be provided in dedicated lots located on the south side of 11th Street between Portland Avenue and Beach Loop Road.

The Bandon Beach Hotel will be developing 4 existing tax lots under the current proposal. Tax lot 1600 contains the current motel that will be remodeled. Tax lot 4100 will be developed as a parking lot; the previous use was a 1,400 square foot (approximate) restaurant. Tax lots 4900 and 4800 will also be developed as a parking lot; the previous use was a 30 room motel.

TRAFFIC LEVELS:

At 22 rooms, the existing motel will typically experience 16 vehicle trips in the hour with the highest use and 180 vehicle trips throughout a peak Saturday. At 44 rooms, the hotel will typically experience 32 vehicle trips in the hour with the highest use and 360 vehicle trips throughout a peak Saturday. The levels of traffic are illustrated in Table 1.

The three lots being used for parking were previously used for businesses. The lot at the southwest corner of 11th Ave and Portland Ave was previously used as a restaurant and the lots at the southwest corner of 11th Ave at Beach Loop Drive was previously used as a motel. Both of those uses generated vehicles when in operation. Once developed into the parking lots, those vehicles trips will no longer have the opportunity to generate vehicle trips on the system for the foreseeable future. Table 1 provides an estimate of the traffic to these lots.

TABLE 1: VEHICLE USAGE LEVELS

		Previous Use	New Hotel
Tax lot 1600 (Motel/Hotel)	Peak One Hour	16 trips	32 trips
	Daily Trips (Saturday Peak)	180 trips	360 trips
Tax Lot 4100 (Restaurant)	Peak One Hour	15 trips	0 (parking lot)
	Daily Trips (Saturday Peak)	229 trips	0 (parking lot)
Tax Lot 4800,4900 (Motel)	Peak One Hour	14 trips	0 (parking lot)
	Daily Trips (Saturday Peak)	168 trips	0 (parking lot)
Total Vehicle Trips	Peak One Hour	45 trips	32 trips
	Daily Trips (Saturday Peak)	577 trips	360 trips

The levels of vehicles usage after the development is completed will not exceed the levels previously experienced in this area.

IMPACTS:

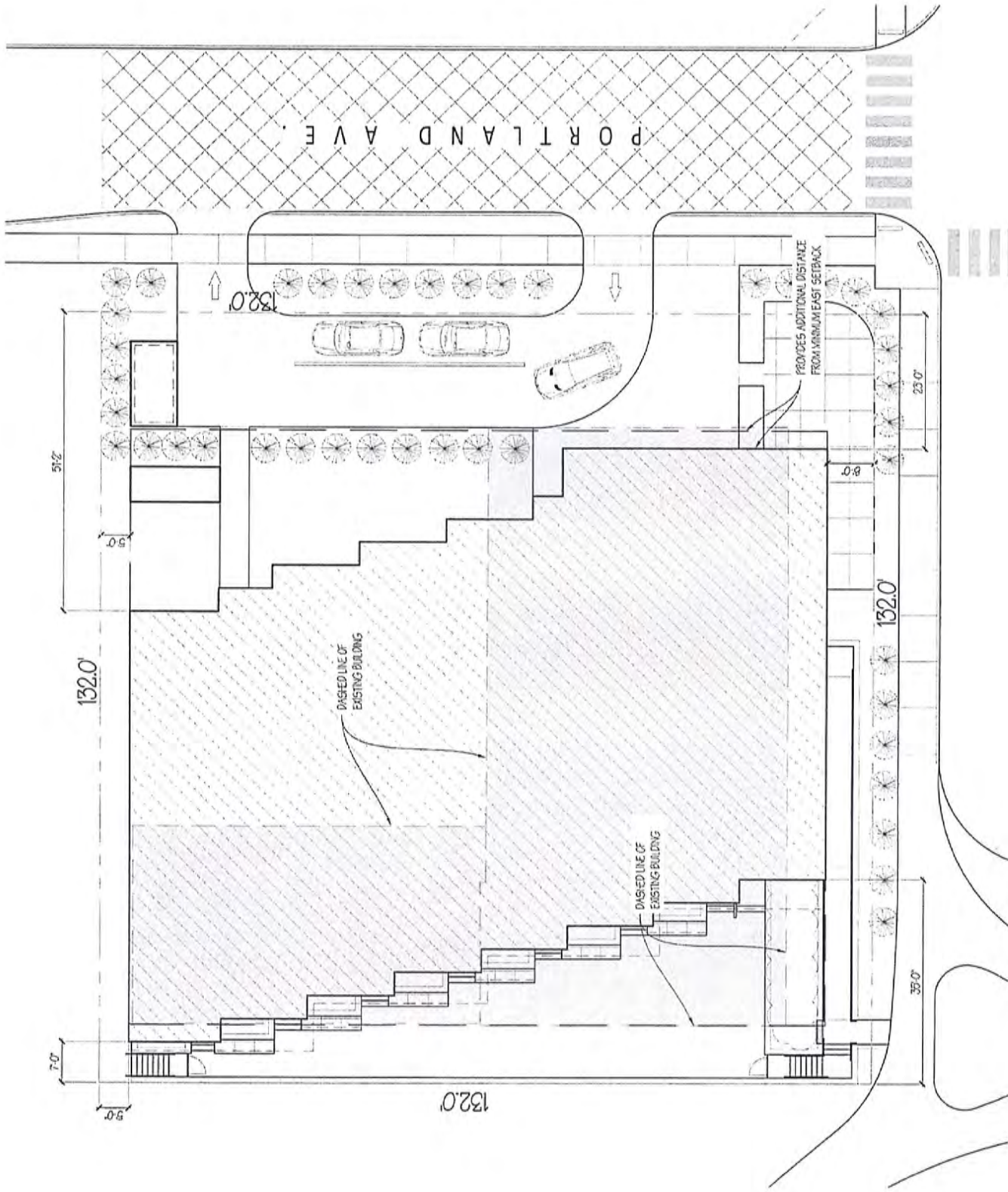
The main routes to the motel will be 11th Street and Beach Loop Drive. The greatest vehicle impacts will be to the intersection of 11th Street at Beach Loop Drive. This intersection is an all-way stop with an average of 30-foot cross-section on all approaches. This type of intersection is designed to handle up to 1,200 cars in an hour and 12,500 cars in one day. There is sufficient capacity at the intersection handle the development traffic.

The DMV crash records for the intersections of 11th Street at Beach Loop Drive at 11th Street at Portland Avenue were obtained from ODOT. There were no reported crashes at these locations during the past 6 years. Therefore, it can be concluded that there are no significant safety issues with the current geometry or levels of traffic.

A field investigation was performed for the intersections of 11th Street at Beach Loop Drive and 11th Street at Portland Avenue as well as 11th Street and Beach Loop Drive. There were no concerns with geometry, lines of sight for drivers, or other issues that would cause significant safety issues.

FINDINGS:

The proposed development will generate vehicle trips at levels that do not exceed historic levels for this area. Based on the levels of traffic generated, review of crash history, and field measurements, it is my professional opinion that the adjacent intersections and roadways will operate safely and efficiently with the completion of Bandon Beach Hotel.



1 ARCHITECTURAL SITE PLAN - WITH REQUESTED SETBACK RELIEF

1/16" = 1'-0"

NORTHWORKS

Bandon Beach Hotel

Impervious Surfaces Assessment - 1600 Parcel
04.25.18

Lot Area (Sq. Ft.) **17,424**

Existing Surfaces

Location	Area (Sq. Ft.)
Motel Ground Floor Footprint	5,314
Motel 2nd Floor Wing with Covered Parking & Paving (Beneath)	2,135
Open Parking Lot and Paving	4,256
Total Existing Impervious Area (Sq. Ft.)	11,705
% of Lot Area (Existing)	67.2%

Proposed Surfaces

Location	Area (Sq. Ft.)
Building Footprint	9,042
Drive Aisle Paving	1,472
East Walkways	676
Outdoor Terrace Seating (Southeast Corner)	670
Other Hardscapes & South Ramp to WC's	752
Total Proposed Impervious Area (Sq. Ft.)	12,612
% of Lot Area (Proposed)	72.4%
Net Increase - Proposed vs. Existing (Sq. Ft.)	907
Net Increase - Percentage	5.2%



Bandon Oregon

April 6 at 11:48am · 🌐



The building to the left with the balconies is the Vern Brown addition at The Sunset Oceanfront Lodging. If I did not live in Bandon I would want that view when visiting. www.bandon.com.



Like

Comment

Share



Christine Moehring, Barbara Jordan Wampler and 671 others

Oldest ▾

58 Shares



Jeannie Goldring We stay there every year when we come to visit! They just remodeled the rooms last year too. Very nice You really can't beat the view. It's breathtaking

Like · Reply · 2w · Edited





To Bandon City Council Members and Fellow Bandon Citizens,

My name is David Hisel and I am the local Branch Manager for Banner Bank. I have lived in Coos County for nearly two decades now, and most recently in Bandon for the last 6 years. I am fully committed to this community and serve it with all of my heart, and most of my free time. I currently am a member of the Bandon Economic Development Committee, a sub committee of the Greater Bandon Association. I serve in youth sports and community programs all throughout the year. I am active on the Board (s) for Bandon Youth Baseball, Bandon Youth Soccer, Bandon Kiwanis, Chairman for Bandon YoungLife, as well as a Bandon Rotary member. I support this community with my time and financial resources in many other ways as well.

I say all of this in hopes to have a "vested" community member such as myself have their voice heard and stance considered sincerely.

I am in full support of the proposed Bandon Beach Hotel project and am in support of making the necessary zoning adjustments to accommodate them.

When you drive or walk to the end of 11th ST, which I often do several times a week, you tend to just feel like you're hitting a dead end, and an eye sore at the very least. No doubt the Pacific Ocean is one of the most beautiful things to see, but the Coquille Point area looks sad and lacking. There is a very small parking lot, which often times is full of tourists and has no spots available. There are no bathrooms, which makes it difficult for families with children to visit long. There is no beautiful landscaping to match the beautiful ocean, and lastly you have to look at one of the ugliest motels in the area sitting right on the purposed site for what could be a top notch hotel.

I have listened to people on both sides of the argument, and quite frankly there is no good reason that I have heard to slow down or stop this project. There has been careful planning to address all of the valid concerns from local citizens and not to mention the great value added to the USFW and the general public. Bandon needs projects like this that will make our city more attractive and give us access to better and more abundant facilities and accommodations.

Let's make Bandon a better place to live and a better place to visit! Please pass the zoning request and help move this project forward!

Sincerely,

David Hisel

1095 Oregon Ave. • P.O. Box 39 • Bandon, OR 97411

541-317-2441 bannerbank.com

Member FDIC Equal Housing Lender





Megan Lawrence <mlawrence@ci.bandon.or.us>

Fwd: Response to New Bandon Beach Motel Proposal


John McLaughlin <jmclaughlin@ci.bandon.or.us>
To: Megan Lawrence <mlawrence@cityofbandon.org>

Thu, Apr 26, 2018 at 10:36 AM

----- Forwarded message -----

From: Rose Hart <rose.dl.hart@gmail.com>
Date: Wed, Apr 25, 2018 at 10:34 PM
Subject: Response to New Bandon Beach Motel Proposal
To: jmclaughlin@cityofbandon.org

Hello,
I hope that this is the correct email address to express concerns regarding the new hotel proposal. See you tomorrow.
Thank you.

 2018 04 25 Rose Hart New Bandon Beach Hotel.pdf
21K

To: Bandon Planning Commission
From: Rose Hart, 966 Beach Loop Dr SW
Re: Amending the CD-1 code a new Bandon Hotel on Coquille Point

The current Bandon Beach Hotel does not need a unique code revision in order to allow it to have an “attractive revitalization”.

Amending the Height Requirement

To allow any kind of a height code change above the twenty-four feet the current code requires of new construction sends the wrong message.

1. Other residence and business owners have had to build to current code.
2. There is no need to make an adjustment. A new or remodeled hotel can be built on that site conforming to the current CD-1 code.
3. Any code change to increase the height lessens the value of the point as a wildlife refuge. A taller building lessens the perception of Coquille Point as a wildlife refuge to more of a regular vacation spot with little concern of the wildlife there. I already see violations of the leash law, trash on the point and on the beach, people climbing on the rocks during nesting times. A “resort-style” facility on the point itself denigrates this special spot.
4. A larger building will reduce my view of this special place. It will be a physical obstruction of my view of the ocean and its off-shore sea stacks. It will obstruct my view of the beautiful night sky because of the illumination necessary for a large parking lot and its walkways.

Amending the Setback

1. Again, it serves to decrease the value of point as a wildlife refuge.
2. It is not needed nor necessary. Many other possibilities exist to serve the function of a hotel that do not require a setback modification.
3. It is an affront to those who have built to the current zoning.

Amending the Permeability Requirement.

Creating a greater storm runoff near a wildlife refuge places the animals in need of the refuge at greater runoff risk. We must expect stronger and more violent storms as our climate changes. To service this need, and possibly an increasing need, places a greater burden on the city of Bandon.

Sincerely Submitted,
Rose Hart



Megan Lawrence <mlawrence@ci.bandon.or.us>

Fwd: Response to Bandon Beach Motel proposal

1 message

John McLaughlin <jmclaughlin@ci.bandon.or.us>
To: Megan Lawrence <mlawrence@cityofbandon.org>

Thu, Apr 26, 2018 at 10:37 AM


----- Forwarded message -----

From: Max Jones <m113355@gmail.com>
Date: Wed, Apr 25, 2018 at 9:50 PM
Subject: Response to Bandon Beach Motel proposal
To: jmclaughlin@cityofbandon.org

Hello,

Hope this is the right email address! See you tomorrow.

Thanks

 Bandon Beach Motel proposal.pdf
292K

To: Bandon Planning Commission
From: Robert Jones, 966 Beach Loop Drive
Date: April 25, 2018
Subject: Bandon Beach Hotel Proposal

I would like to respond to the presentation given at the March 7 work session of the Planning Commission. I offer four criticisms of the proposal. In addition, I offer my own ideas about how an appropriate development could succeed while conforming to the zoning provisions and enhancing the neighborhood.

My criticisms:

1. There is no justification for exceeding the height limitation provision of the zoning ordinance for the CD-1 zone. In fact, as the subject property is the only structure on the west side of Portland Avenue, the provision should be applied more strictly to that property than to any other in the neighborhood.
2. Similarly, there is no justification for exceeding the setback provisions of the zoning ordinance for the CD-1 zone.
3. It is not acceptable to appropriate the public parking area of the Wildlife Refuge at 11th Street and Portland Avenue for private use by failure to provide parking at the facility.
4. Attempting to bypass zoning provisions by simply creating a new zone is an affront to the whole concept of zoning ordinances.

I believe a development on 11th Street from Beach Loop Drive to Portland Avenue could succeed by enhancing Coquille Point, and in particular the Oregon Islands National Wildlife Refuge, for the benefit of all. The development itself would be the primary beneficiary: it would be the major facility in the neighborhood, with significant visual presence at the intersection of 11th Street and Beach Loop Drive and with public areas directly adjacent to the entrance to the Wildlife Refuge.

This idea has four main elements, shown on a diagram below.

A. Parking lot that combines the current lot for the Wildlife Refuge with the lot currently occupied by the old motel. This lot would serve both the refuge and the restaurant. It could be enclosed by a low wall, say 36" or 42", to keep noise and light from the refuge.

B. Two story building. Upstairs, a restaurant with a superb view of the refuge, the beach, and the offshore rocks. Downstairs, a bar with good views, along with public restrooms and other public facilities.

C and D. Two story lodging structures with parking. The upper floor rooms along 11th Street would have fine views. (Such rooms at the Table Rock Motel have balconies and are quite pleasing.) Rooms on the upper floor of building D could have direct access to the restaurant.



Currently there is no restaurant serving visitors staying at Coquille Point. A plan such as this suggestion this would offer a spectacular experience to both residents and visitors, not just a few affluent guests. Note that the views from buildings B and D are significantly improved by the removal of the existing motel.

Thank you for your consideration.



Megan Lawrence <mlawrence@ci.bandon.or.us>

Fwd: Keiser's Hotel on Coquille Point

1 message

John McLaughlin <jmclaughlin@ci.bandon.or.us>
To: Megan Lawrence <mlawrence@cityofbandon.org>

Thu, Apr 26, 2018 at 12:21 PM

----- Forwarded message -----

From: Josh Meredith <josh@cardas.com>
Date: Thu, Apr 26, 2018 at 12:05 PM
Subject: Keiser's Hotel on Coquille Point
To: jmclaughlin@cityofbandon.org

I am writing to express my support for Mike Keiser's proposed hotel at Coquille Point in Bandon.

I am a Bandon resident, living near the Library, on 8th St SW. The new structure would be an improvement to the neighborhood, and to the entire city of Bandon.

I attended last night's Bandon Chamber of Commerce meeting, in which representatives for the project made a presentation. The artistic renderings they shared are gorgeous, and would complement the area nicely. Any concerns I may have had about the environmental impact were allayed.

Perhaps due to Bandon's historic fires, we don't have a plethora of classic, interesting architecture. In the last few years, with the construction of Face Rock Creamery, and the facelift performed on the Bandon Professional Center, our town is starting to show some style and character. The hotel the Keisers are proposing would replace a structure that isn't aging well, both in terms of structural integrity and architectural style, with something both beautiful and functional, bringing jobs and visitors to our town.

All of my best,

Josh Meredith
Bandon, Oregon



Megan Lawrence <mlawrence@ci.bandon.or.us>

Fwd: Keiser Development in the City of Bandon

1 message

John McLaughlin <jmclaughlin@ci.bandon.or.us>
To: Megan Lawrence <mlawrence@cityofbandon.org>

Thu, Apr 26, 2018 at 10:35 AM

----- Forwarded message -----

From: Dave Nordahl <david_nordahl@outlook.com>
Date: Thu, Apr 26, 2018 at 8:11 AM
Subject: Keiser Development in the City of Bandon
To: John McLaughlin <jmclaughlin@ci.bandon.or.us>

Hi John,

Please forward my comments to the Planning Commission.

thanks!

Planning Commission:

I just wanted to weigh in on the plans for the Bandon Beach Motel site. I looked at many hotel properties throughout Oregon before

I chose the Inn at Face Rock. I felt that Bandon was (and is) a world class destination, and that the foresight that City

Planners had maintaining the beautiful character and charm of the City has played a big part in preserving the natural beauty

and history of Bandon.

I believe that the Keiser plan is not consistent with Bandon's character in many ways as outlined below:

1. The design of the hotel is inconsistent with the look and feel of the community.
2. The proposed hotel is too large for the lot.
3. There is inadequate parking for the development on the lot.
4. The height of the project exceeds current guidelines. Approving the height variance will open pandora's box for future development of coastal properes. If the City approves this development I believe that it will be the start of many other projects that will forever obscure the beautiful views of the Ocean.

I am not against the development of this lot, but I am against the development as proposed.

Sincerely,

Dave Nordahl

Bob Fischer
P.O. Box 1985
Bandon, 97411
bobfi1@frontier.com

April 26, 2018

The Gorman Motel's Building Permit: A Chronology

(Adapted from Stan LeGore's "Coquille Point Newsletter," April 26, 1990, Issue No. 14, and the Minutes of the Regular Meeting of the Common Council of the City of Bandon, May 1, 1990.)

This chronology shows that the Bandon Planning Commission rejected the entire plans for Gorman Motel repeatedly (five times, actually) on the grounds that the motel plans were illegal and nonconforming -- in violation of the Comprehensive Plan, the Bandon Zoning Ordinance, state and city basic building codes, and a sewer hook up that would violate city, state and federal law, because Bandon's sewer system was already at overcapacity and the overflow was being dumped into the bay.

Nevertheless, the contractor, Frances Stadelman, went ahead and built the motel.

The only permission to proceed with construction came from a November 9, 1989 letter that the City Manager, Ben McMakin, sent to Mrs. Gorman telling her that she could go ahead with concrete work even though her plans have not been approved. The City Manager did not tell the Planning Commission or the City Council about his letter until the following month.

On May 1, 1990, when all of the major construction was finished and the final touches were being added, the City Council voted 4 to 2 to overturn the Planning Commission's denial and to issue a CD-1 Conditional Use Permit with 18 conditions.

"The City must not deliberately violate zoning and building rules now just because mistakes were made in the past."

City Attorney Myron D. Spady, April 10, 1990

Gorman Hotel Building Permit Chronology

May 1989 Original motel application turned in.

June 29th Gorman receives Conditional Use Permit approval from Planning Commission.

August 31st Don Sparks, local building official, noticed that the motel plans submitted to Salem for Fire and Life Safety review were not the plans approved by the Planning Commission, the reason for the new plans being that Mrs. Gorman had switched architects.

October 3rd City planning staff informs Mrs. Gorman's architect that a Plan Review is required by the Bandon Zoning Ordinance.

October 26th Planning Commission rejects motel plan review. Major changes are required, and even basic building code requirements were not met.

October 31st Planning Commission sets aside all the land west of Portland Avenue for special Periodic Review. This includes proposed motel site. The study is allowed at least six months.

October 31st Oregon State Parks releases a proposal for a park at Coquille Point that would include all the property from Portland Avenue west to Ocean.

November 7th Voters pass charter amendment as first step toward establishing permanent open space at Coquille Point.

November 8th Mayor James Cawdrey writes a letter to the Oregon Resource Management Task Force urging action to protect the wildlife resource at Coquille Point from development.

November 9th City Manager Ben McMakin writes a letter to Mrs. Gorman. It stipulates that she may go ahead with concrete work even though her plans have not been approved. If she fails to gain approval, then she must remove the concrete at her own expense.

November 28th State Parks holds a major meeting in Bandon to figure out how to establish a park at the Point. State and national agencies and elected officials were represented, as well as the Nature Conservancy and Defenders of Wildlife. All were appalled by the construction in progress, and there was concern that the motel would make a park unfeasible.

November 30th Motel plans are again presented to the Planning Commission. They are essentially the plans that were rejected in October. There was much discussion as

to the authority by which the concrete was poured, since Planning had not yet approved plans.

December 1st The City Manager authorizes construction and paving of the ramp in the public alley.

December 5th Council places a building moratorium on Coquille Point. Proposed motel is excluded because of concern for legal liability since construction has already started.

December 6th Planning rejects the entire motel plan. Plans still do not meet basic building requirements and raise serious questions about conformance with the Comprehensive Plan and the Bandon Zoning Ordinance.

December 19th City Council is presented with a proposal by U.S. Fish and Wildlife Service to expand the existing wildlife refuge to include all land at Coquille Point west of Portland Avenue.

December 27th City Council extends time for Gorman motel use permit. Applicant argued that substantial construction had been completed, so the time must be extended. At this meeting the City Manager stated quite clearly that no building permit had yet been issued, not even for the foundation. The City Attorney also confirmed that no building permit had been issued. Council extended time limit for the conditional use because extensions have been routinely granted in the past, regardless of any problems with the plans.

March 8th Planning Commission finalizes denial of motel modification request. They find, as they have found since October 26th, that this plan is an attempt to put too much building on too little ground. The effects spill over into the adjacent streets and public areas. Planning cite specific non-conformance with the Bandon and use laws.

April 10th City Council hears an appeal of the Planning Commission decision. The applicant argues that Bandon did not follow the rules in other cases, so Bandon should not follow the rules now. In fact, the rules were changed before the original motel application in May of 1989. The City Attorney makes it clear that the City must not deliberately violate zoning and building rules now just because mistakes were made in the past.

An attorney representing the opponents explained to the Council that granting the proposed modifications would be in violation of existing Bandon law, both in the Comprehensive plan and the zoning ordinances. Also, it appears that allowing the motel to use the sewer system would violate local, state, and federal law.

May 1, 1990 Regular meeting of the City Council. Council President Reed Gallier, moved that the Planning Commission's denial of the application for modification of the conditional use be reversed, and the application be approved with a list of 18 conditions. Mr. Gallier's motion carries 4 to 2.

Sean T. Malone

Attorney at Law

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Suite 200-C
Eugene, OR 97401

Tel. (303) 859-0403
Fax (650) 471-7366
seanmalone8@hotmail.com

April 25, 2018

Via Email

Planning Commission, City of Bandon
c/o John McLaughlin, Planning Director
555 Highway 101
Bandon OR 97411
(541) 347-2437
planning@cityofbandon.org
jmclaughlin@cityofbandon.org

Re: ORCA Testimony on Zone Code Text Amendment, Bandon Beach Hotel, 1090
Portland Ave (18-003)

Dear Members of the Planning Commission,

On behalf of Oregon Coast Alliance, please accept this testimony on application file no. 18-003, a proposed site-specific zone code text amendment. For a single property, a legislative amendment is proposed to increase the height, decrease the side yard setbacks, and increase the allowable lot and impervious surface coverage. Given that it is immediately adjacent to the Coquille Point part of the Oregon Islands National Wildlife Refuge (NWR), the proposal to increase the level of development is environmentally irresponsible and should be rejected. This type of site-specific accommodation for a particular property smacks of special treatment and serves to adversely affect surrounding properties and significant Goal 5 resources. By approving the proposed site-specific legislative amendment, the City will be telling its constituency that the rules apply to everyone except the applicant. Such inequity should not be endorsed by the City because this is not representative of Oregon's comprehensive land use system.

Because it is such an important natural resource, it is important to review what is at stake with the proposed amendment. According to the Federal Register, Vol. 71, No. 207, *see* Exhibit A, Coquille Point is one of two headlands of the Oregon Islands NWR. The rocks, reefs and islands of Oregon Islands Refuge and wilderness lands were acquired to serve as a refuge and breeding ground for birds and marine mammals. The Coquille Point headland was acquired in 1991 to provide a buffer zone between the refuges offshore islands and mainland development;

protect a bluff zone for the wildlife species that are dependent on it; and provide one of the best opportunities along the Oregon coast for wildlife observation.

I. Whether the Proposal is Quasi-Judicial v. Legislative

The first matter, which has been somewhat glossed over, is whether this matter is a legislative decision or a quasi-judicial decision. *See Strawberry Hill 4 Wheelers v. Benton Bd. Of Comm.*, 287 Or 591, 602-03, 601 P2d 769 (1979). Whether the decision is legislative or quasi-judicial has significant consequences for processing the application. The local government should apply the four factors from *Strawberry Hill 4 Wheelers* in making this determination.

The staff report takes the position that this is a legislative amendment. Assuming *arguendo* that it is, in fact, legislative, if the City ultimately does not adopt the proposed ordinance, then the applicant would not be able to appeal the land use decision to LUBA. *See ODOT v. Klamath County*, 25 Or LUBA 761 (1993) (where a local government's final decision is not to adopt a legislative amendment to its acknowledged comprehensive plan and land use regulations, ORS 197.830(2) and 197.620(1) deny standing to appeal such a final decision to LUBA). Therefore, the City may reject the proposal without any possibility of appeal. Moreover, because this is a legislative decision with no permit at issue, the County can deny the proposal without liability at a later time. On the other hand, if the proposal is approved, the decision can be appealed to LUBA by opponents, and opponents are not subject to the raise it/waive it rule. The notice of hearing for this matter implies that the raise it/waive it rule applies – that is incorrect. That rule applies **only** to quasi-judicial decisions. As is demonstrated above, the application falls far short of satisfying – or even identifying – the applicable approval criteria for the legislative amendment.

However, if the proposal is quasi-judicial, then a host of protections and rights accrue to the parties before the Planning Commission. *See* ORS 197.763. Therefore, it is important to identify what type of decision is before the Planning Commission so that the public understands which set of legal standards apply.

II. The proposed amendment is a post-acknowledgment plan amendment and therefore must comply with the state law requirements for amending land use regulations

Because the proposal will amend the City's land use regulations, the proposal is a post-acknowledgment plan amendment. When amending land use regulations, the local government must comply with particular procedural requirements. *See* ORS 197.610-197.625. The failure to follow these procedural requirements can have significant and substantive consequences on appeal. The staff report and record do not demonstrate whether these requirements have been and will be satisfied.

III. The proposed amendment is not suitable given the slope, geologic stability, flood hazard, wetlands, and other relevant hazard or resource considerations.

The local criteria require that the amendment be consistent with the geologic stability, flood hazard, wetlands, and other relevant hazard or resource conditions. Other relevant resource conditions are identified below, as Goal 5 resources, for which the City must carry out an ESEE analysis. *See* OAR 660-023-0040 through -0050. Previously, in 2014, the Coquille Point stairs were closed due to geologic shifting of Coquille Point. While the stairs were subsequently re-opened, prior shifting is indisputable and the ultimate proposal – an enlarged hotel – must be geologically sound. The applicant has not demonstrated what would be necessary in order to demolish and then reconstruct on the subject property and how that may affect the previous instability. Development on Oregon’s coast is inherently subject to geologic instability and should be a primary consideration when proposing to enlarge existing development.

Moreover, the Oregon Islands NWR hosts a dizzying array of bird species, *see* Exhibit ___, and increasing the size of the existing development will inevitably result in bird deaths. While the applicant intends to reduce bird strikes, it cannot ensure that the increased height will not increase the number of bird strikes.

IV. The proposed amendment will adversely affect the City’s and the developer’s ability to satisfy land use, transportation and utility service needs or capacities

Clearly, if approved, the proposal will lead to a greater degree of development in the area, restricting the capacity of the area. While the staff report notes that the project’s increase in traffic would likely assume the traffic loss from a nearby hotel that has closed, that simply restricts the ability of other development in the area because this single property will significant levels of traffic. As noted above, geologic shifting has occurred.

Moreover, by “spot zoning” the subject property, that means that other property owners cannot use their own property to its fullest potential if the subject property is taking a disproportionately large portion of the transportation and utility service needs or capacities. This is the type of disproportionate treatment and favoritism to the applicant that should raise the concern of the City’s residents.

V. The proposed amendment is not consistent with the comprehensive plan

The Comprehensive Plan and its policies are overwhelmingly implicated by the proposed amendment. As such, the City has a long, uphill climb to approve this amendment for the applicant. There are a number of applicable policies, as well as protected goal 5 inventoried sites. Just a few of the applicable provisions are as follows:

- “The fourth important natural area is the Oregon Islands National Wildlife Refuge administered by the United States Fish and Wildlife Service. The numerous sea stacks of the Oregon Coast comprise this refuge. Bandon has many, very beautiful offshore rocks which are part of the refuge. Even though the rocks are

not within the city limits, they are still an integral part of the City and its outstanding natural setting.”

- “The above mentioned four areas of natural importance are significant fish and wildlife habitats with characteristics similar to Oregon estuaries in general.”
- Wildlife and Scenic Waterways: “Inventoried areas are the National Wildlife Refuges (Oregon Islands and Bandon Marsh), and riparian areas.”
- “Immediately offshore from Bandon is a group of rocks, all of which are included as a part of the Oregon Islands National Wildlife Refuge. This refuge system is administered by the United States Fish and Wildlife Service (USF&W). The refuge is dedicated to the wildlife found on it and for management of the wildlife habitat and protection and preservation of endangered or rare wildlife. The rocks off Bandon are used by several endangered species. The California Brown Pelican appears in the area from about August to November. This species suffered a very large population loss and is now beginning to recover. Bald Eagles and Peregrine Falcons have been observed in the area. Other commonly observed species include Double Crested Cormorants, Pigeon Guillemots and the Common Murre. The offshore rocks represent vital habitat to many seabirds who nest there. Burrow nesting species, such as Tufted Puffins and Leach’s Storm Petrels, require areas that are inaccessible because their burrows are easily trampled. Human disturbances have been known to cause panic and destruction of young birds in breeding areas. For these reasons, the rock islands are off-limits.”
- Goal 17: “The City shall also strive to reduce the hazard to human life and property, and the adverse effects upon water quality and fish and wildlife habitat resulting from the use and enjoyment on the Coastal Shorelands of the Coquille Estuary.”
- “[E]xisting views may be obstructed by larger residential structures, and more and larger tourist commercial uses.... The purpose of this Goal 5 process is to ensure that public interests related to scenic resources quality and access are fully addressed. This process is not intended to ensure private property owners any rights or privileges beyond what is afforded in the Zoning Ordinance.” (emphasis in original).
- “The potential conflicting activities and uses identified are those currently contained in the zoning ordinance as permitted or conditional uses, *as well as the construction, reconstruction and enlargement of buildings and structures* on the west side of Beach Loop Drive, on the Jetty, and on the Waterfront north of 1st Street. Statewide Planning Goal 5 requires the City to protect or conserve significant scenic resources.”

- The ranking of significant viewpoints also includes several applicable viewpoints, including the “[e]nd of 8th St. SW west of Beach Loop,” “Coquille Point NWR,” etc.
- “The City shall also manage these coastal shorelands in a way that is compatible with the characteristics on the adjacent estuary.”

Not only are these various policies, inventoried resources, and other statements part of the comprehensive plan, of which the amendment must be consistent with, but they also implicate various statewide planning goals, including Goal 5.

VI. The proposal is not consistent with Statewide Planning Goals

The local government must find and demonstrate why the amendment is consistent with statewide planning goals. *See* ORS 197.835(7)¹. The City has not set forth any attempt to demonstrate consistency with all applicable statewide planning goals.

One statewide planning goal that is clearly applicable is goal 5. The proposed amendment is inconsistent with the City’s inventoried Goal 5 Geographic Viewsheds and the identification of the NWR as inventoried wildlife habitat. The Comprehensive Plan acknowledges that “The potential conflicting activities and uses identified are those currently contained in the zoning ordinance as permitted or conditional uses, *as well as the construction, reconstruction and enlargement of buildings and structures* on the west side of Beach Loop Drive, on the Jetty, and on the Waterfront north of 1st Street. Statewide Planning Goal 5 requires the City to protect or conserve significant scenic resources.” Comprehensive Plan, Page 173. Here, the City will be required to conduct an ESEE analysis because the proposed enlargement of height, width (i.e., reduced setbacks), and so forth, admitted conflicts with Goal 5. Enlarging the existing development will result in greater adverse impacts to species that use the adjacent NWR as habitat.

Goal 17 is also implicated, as set forth above, but there has been no attempt to find consistency with that.

¹ ORS 197.835(7) provides that:

“[t]he board shall reverse or remand an amendment to a land use regulation or the adoption of a new land use regulation if:

- (a) The regulation is not in compliance with the comprehensive plan; or

The comprehensive plan does not contain specific policies or other provisions which provide the basis for the regulation if the decision is not in compliance with applicable provisions of the comprehensive plan or land use regulations.”

VII. The Amendment is Inconsistent with Section 17.68

Because the NWR is covered by the section 17.68 of the Bandon Municipal Code, the applicant must demonstrate that the proposed amendment is consistent with section 17.68. The purpose of the Natural Resource and Open Space Zone is to protect important natural resources, such as open space areas, significant fish and wildlife habitats, outstanding scenic views and sites, ecological and scientific natural areas, wetlands and watersheds, historical areas and structures, and areas necessary to maintain or protect the quality of air, land and water resources from inappropriate or incompatible development. Here, the proposed amendment would allow for not only inappropriate but also incompatible development.

VIII. The Amendment must be Consistent with Ordinance No. 1335

Ordinance No. 1335 (attached as Exhibit B), passed in August of 1994 by the Bandon City Council requires that development be compatible with the refuge, amongst other requirements:

“[t]he privately owned properties in the vicinity are available for development under the controlled Development provisions of the Bandon Zoning Ordinance. The establishment of the Wildlife refuge necessitates that when the neighboring private lands are proposed for development activity that special consideration occur. These private lands benefit from the proximity of the refuge, development may only occur in a manner that is compatible with the refuge. The development process must include a review of (but not limited to) the scale of development proposed in relation to the refuge; view protection and enhancement for the refuge along with the other public areas and right of ways, exterior lighting, vehicular traffic, vegetation and landscaping.”

Because the subject property falls within Ordinance No. 1335, the local government must demonstrate compatibility, as well as view protection and enhancement. By allowing a larger development than already exists, it is unclear how the applicant purports to demonstrate compatibility or to protect and enhance views. A larger motel will restrict views. This is another instance the City not identifying all relevant criteria for the proposed amendment.

IX. Request to Leave the Record Open

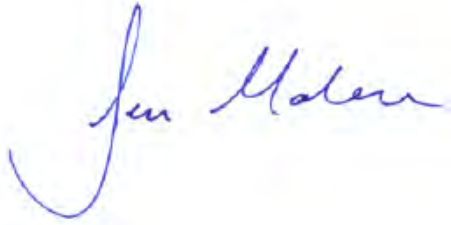
Because there is sufficient ambiguity as to whether the proceeding is legislative or quasi-judicial, ORCA seeks to preserve its statutory rights under ORS 197.763 and requests that the City leave the record open for an additional period of time that is not shorter than 7 days.

X. Conclusion

The application largely fails to demonstrate consistency with state law and the statewide planning goals. The application has not provided an ESEE analysis based on the impact and conflictsto viewsheds or habitat. Beyond that, however, the applicant has not identified all local

applicable approval criteria or demonstrated that all applicable approval criteria have been satisfied. Instead of wading into the above legal issues, the City can choose not to adopt the proposed ordinance and the applicant will not be able to appeal that decision, and, until the application is supported by information sufficient to satisfy all applicable criteria, the proposed amendment should be rejected.

Sincerely,



Sean T. Malone
Attorney for ORCA

Cc:
Client

Enclosure:

Exhibit A – Federal Register excerpt

Exhibit B – Ordinance No. 1335

through wildlife viewing and interpretation on adjacent OPRD lands. Public use on the Cape Meares Refuge is managed cooperatively by the OPRD and the Service through a Memorandum of Agreement.

The Oregon Islands Refuge is located along 320 miles of the Oregon coast, and includes 1,853 rocks, islands and reefs, and two headlands (Coquille Point in Coos County, and Crook Point in Curry County). In 1970, 1978 and 1996, the rocks, islands and reefs within the Refuge were designated wilderness, with the exception of Tillamook Rock. The rocks, reefs and islands of Oregon Islands Refuge and wilderness lands were acquired to serve as a refuge and breeding ground for birds and marine mammals. The Coquille Point headland was acquired in 1991 to: Provide a buffer zone between the Refuge's offshore islands and mainland development; protect a bluff zone for the wildlife species that are dependent on it; and provide one of the best opportunities along the Oregon coast for wildlife observation. The Crook Point headland was acquired in 2000 to provide permanent protection to one of the few remaining undisturbed headlands on the Oregon coast, resulting in increased protection for major near shore seabird breeding colonies and pinniped pupping and haulout sites within the Oregon Islands Refuge. A relatively undisturbed intertidal zone, unique geological formations, rare plants, and cultural resource sites on the mainland are also protected within the Refuge.

The Three Arch Rocks Refuge is located a half-mile west of the town of Oceanside, and is comprised of nine rocks and islands encompassing 15 acres of seabird and marine mammal habitat. The Refuge was established in 1907 and was accorded Wilderness status in 1970. The Refuge is closed to public use to protect seabirds, marine mammals, and their habitats from human disturbance. A seasonal closure of the waters within 500 feet of the Refuge is enforced yearly from May 1 through September 15. Interpretation, wildlife photography, and wildlife observation are all existing public uses of Three Arch Rocks Refuge, which occur offsite at both Cape Meares State Scenic Viewpoint and from Oceanside Beach State Recreation Area.

Preliminary Issues, Concerns, and Opportunities

Preliminary issues, concerns, and opportunities that have been identified and may be addressed in the CCP, are briefly summarized below. Additional

issues will be identified during public scoping.

During the CCP planning process, the Service will analyze methods for protecting the resources of the Cape Meares Refuge in the long term, while continuing to provide quality opportunities for wildlife-dependent recreation in partnership with OPRD, volunteers, and a Friends group.

At the Oregon Islands and Three Arch Rocks Refuges, the Service will identify and consider a wide range of techniques and partnerships in the CCP, for protection of the sensitive and irreplaceable wildlife, habitat, and cultural resources contained within these Refuges. Opportunities for the public to enjoy the Refuges will be examined. The Service will also evaluate the extensive inventory, monitoring, and research needs of these Refuges, within the context of Refuge needs and priorities, and in the wider context of regional, national, and international conservation priorities, and will analyze and determine methods for prioritizing and accomplishing these needs.

Public Meetings

Five public open house meetings will be held in November 2006. The public open house meetings will be held on weeknights between 6:30 p.m. and 8:30 p.m. Addresses and dates for the public meetings follow.

1. November 1, 2006, Newport High School, Boone Center Room, 322 NE Eads St., Newport, OR 97365.

2. November 6, 2006, Oceanside Community Center, 1550 Pacific St., Oceanside, OR 97134.

3. November 8, 2006, Cannon Beach Elementary School, 268 Beaver, Cannon Beach, OR 97110.

4. November 14, 2006, Brookings High School Auditorium, 564 Fern St., Brookings, OR 97415.

5. November 15, 2006, Bandon High School Cafeteria, 550 Ninth Street, SW., Bandon, OR 97411.

Opportunities for public input will be announced throughout the CCP planning process. All comments received from individuals become part of the official public record. Requests for such comments will be handled in accordance with the Freedom of Information Act, NEPA, and Service and Departmental policies and procedures.

Dated: September 25, 2006.

David J. Wesley,

Acting Regional Director, Region 1, Portland, Oregon.

[FR Doc. E6-17940 Filed 10-25-06; 8:45 am]

BILLING CODE 4310-55-P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Pea Island National Wildlife Refuge

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability of the Final Comprehensive Conservation Plan and Finding of No Significant Impact for Pea Island National Wildlife Refuge in Dare County, North Carolina.

SUMMARY: The Fish and Wildlife Service announces that a Final Comprehensive Conservation Plan and Finding of No Significant Impact for Pea Island National Wildlife Refuge are available for distribution. The plan was prepared pursuant to the National Wildlife Refuge System Improvement Act of 1997 and in accordance with the National Environmental Policy Act of 1969. It describes how the refuge will be managed for the next 15 years. The compatibility determinations for recreational hunting, fishing, wildlife observation, wildlife photography, and environmental education and interpretation are also available within the plan.

ADDRESSES: A copy of the plan may be obtained by writing to: Bonnie Strawser, P.O. Box 1969, Manteo, North Carolina 27954, or by electronic mail to: bonnie_strawser@fw.gov. The plan may also be accessed and downloaded from the Service Web site <http://southeast.fws.gov/planning/>.

SUPPLEMENTARY INFORMATION: The availability of the Draft Comprehensive Conservation Plan and Environmental Assessment for a 30-day public review and comment period was announced in the **Federal Register** on February 6, 2006 (71 FR 6089). The draft plan and environmental assessment identified and evaluated five alternatives for managing the refuge over the next 15 years. Based on the environmental assessment and the comments received, the Service adopted Alternative 2 as its preferred Alternative. This alternative was considered to be the most effective for meeting the purposes of the refuge and the mission of the National Wildlife Refuge System. Under this alternative, the refuge will continue to manage very intensively the water levels of the impoundments and the vegetation to create optimum habitat for migrating waterfowl, shorebirds, wading birds, and aquatic organisms. The refuge will continue to allow five of the six priority public uses of the Refuge System, as identified in the National Wildlife Refuge System Improvement Act of 1997. These uses are: fishing, wildlife

observation, wildlife photography, and environmental education and interpretation.

Pea Island National Wildlife Refuge, in northeastern North Carolina, consists of approximately 5,800 acres of ocean beach, barrier dunes, salt marshes, fresh and brackish water ponds and impoundments, as well as tidal creeks and bays. These habitats support a variety of wildlife species including waterfowl, shorebirds, wading birds, sea turtles, and neotropical migratory songbirds.

Authority: This notice is published under the authority of the National Wildlife Refuge System Improvement Act of 1997, Public Law 105-57.

Dated: May 3, 2006.

Cynthia K. Dohner,
Acting Regional Director.

Editorial Note: This document was received at the Office of the Federal Register on October 23, 2006.

[FR Doc. 06-8897 Filed 10-25-06; 8:45 am]

BILLING CODE 4310-55-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Notice of Availability, Draft Restoration Plan and Environmental Assessment

AGENCY: U.S. Fish and Wildlife Service, Department of the Interior.

ACTION: Notice of availability.

SUMMARY: The U.S. Fish and Wildlife Service (Service), on behalf of the Department of the Interior (DOI), as the natural resource trustee, announces the release for public review of the Draft Natural Resource Damages Restoration Plan and Environmental Assessment (RP/EA) for the John Heinz National Wildlife Refuge at Tinicum (JHNWR). The Draft RP/EA presents a preferred alternative that compensates for impacts to natural resources caused by: (1) The release of oil at the JHNWR; and (2) the release of hazardous substances from the Publicker Industries Inc. National Priorities List Superfund Site. Natural resource damages received from the impacts from the release of oil and hazardous substances are being combined and used for restoration activities at the JHNWR.

DATES: Written comments must be submitted on or before November 27, 2006.

ADDRESSES: Copies of the RP/EA are available for review during office hours at: U.S. Fish and Wildlife Service, John Heinz National Wildlife Refuge at Tinicum, 8601 Lindbergh Boulevard,

Philadelphia, Pennsylvania 19153, and online at <http://heinz.fws.gov>. Requests for copies of the RP/EA may be made to the same address and to: U.S. Fish and Wildlife Service, Pennsylvania Field Office, 315 South Allen Street, Suite 322, State College, Pennsylvania 16801.

Written comments or materials regarding the RP/EA should be sent to the State College address.

FOR FURTHER INFORMATION CONTACT: Melinda Turner, Environmental Contaminants Program, U.S. Fish and Wildlife Service, Pennsylvania Field Office, 315 South Allen Street, Suite 322, State College, Pennsylvania 16801. Interested parties may also call 814-234-4090 or e-mail Melinda_Turner@fws.gov for further information.

SUPPLEMENTARY INFORMATION: In July 2005, the DOI, acting as natural resource Trustee, reached a natural resource damages settlement in the amount of \$865,000 for natural resource injuries associated with the discharge of oil that occurred on February 2, 2000, at the JHNWR. The discharge of oil and the remedial activities injured Service trust resources (migratory birds and Federal lands).

In addition, the DOI reached two settlement agreements between 1989 and 1996 for natural resource injuries associated with the Publicker Industries Inc. Superfund Site, located approximately 7 miles upstream from the JHNWR. Natural resource injuries associated with the Publicker Site included injuries to Service trust resources (migratory birds and anadromous fish) from the discharge of hazardous substances. Because of the similar resource injuries associated with the sites, an opportunity exists to combine the Sunoco settlement funds with those acquired from the settlements from the nearby Publicker Superfund Site to create a larger-scale restoration action. The combined funds available for restoration activities from the oil release and Publicker settlements total \$1,523,845. Restoration projects proposed in the Draft RP/EA include wetland restoration at the JHNWR.

The RP/EA is being released in accordance with the Oil Pollution Act of 1990, (33 U.S.C. *et seq.*), the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 as amended, commonly known as Superfund, (42 U.S.C. 9601 *et seq.*), the Natural Resource Damage Assessment Regulations found at 43 CFR, part 11, and the National Environmental Policy Act. It is intended to describe and evaluate the Trustee's proposal to restore natural resources

injured by the release of oil at the JHNWR and release of hazardous substances from the Publicker National Priorities List Superfund Site.

The RP/EA describes and compares a reasonable number of habitat restoration alternatives. Restoration projects which provide similar services as those impacted by the release of oil and hazardous substances and coincide with the primary goals of the JHNWR are preferred. Based on an evaluation of the various restoration alternatives, the preferred alternative consists of removing filled material to restore freshwater tidal wetland at the JHNWR. Restoration of wetlands will compensate for injuries to natural resources, including migratory birds, migratory bird habitat, anadromous fish, and Federal lands.

Interested members of the public are invited to review and comment on the RP/EA. Copies of the RP/EA are available for review at the John Heinz National Wildlife Refuge, 8601 Lindbergh Boulevard, Philadelphia, Pennsylvania 19153, and online at <http://heinz.fws.gov>. Requests for copies of the RP/EA may be made to the same address and to the Service's Pennsylvania Field Office at 315 South Allen Street, Suite 322, State College, Pennsylvania 16801. Written comments will be considered and addressed in the final RP/EA at the conclusion of the restoration planning process.

Author: The primary author of this notice is Melinda Turner, U.S. Fish and Wildlife Service, Pennsylvania Field Office, 315 South Allen Street, Suite 322, State College, Pennsylvania 16801.

Authority: The authority for this action is the Oil Pollution Act of 1990, (33 U.S.C. *et seq.*), the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 as amended, commonly known as Superfund, (42 U.S.C. 9601 *et seq.*), and the Natural Resource Damage Assessment Regulations found at 43 CFR part 11.

Dated: September 15, 2006.

Anthony D. Leger,
Acting Regional Director, Region 5, U.S. Fish and Wildlife Service, U.S. Department of the Interior, DOI Designated Authorized Official.
[FR Doc. E6-16878 Filed 10-25-06; 8:45 am]

BILLING CODE 4310-55-P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[WY-100-05-1310-DB]

Notice of Meetings of the Pinedale Anticline Working Group

AGENCY: Bureau of Land Management, Interior.

ORDINANCE NO. 1335

MODIFICATION OF THE BANDON COMPREHENSIVE PLAN, CHAPTER V
(FORMERLY CHAPTER VII) LAND USE BY AREA

The Common Council on July 11, 1994 held a hearing to consider the modification of the Bandon Comprehensive Plan in relation to Coquille Point.

The Council finds:

1. The hearing was held in accordance with legal notice and procedures. No objections were filed.

2. The Planning Commission has reviewed and confirmed its support of the changes set out below.

3. The Council finds that the changes in the Plan are consistent with the Oregon Statewide Land Use Goals.

THEREFORE, THE CITY OF BANDON ORDAINS AS FOLLOWS:

The Comprehensive Plan of the City of Bandon known as the Bandon 2010 Comprehensive Plan is amended as follows:

Section 1. To be inserted into the Plan as Pages 151
a. b. c.:

Coquille Point represented the major topic of discussion for the City of Bandon between 1988 and 1991. The discussions centered upon development/nondevelopment issues. The discussions quieted in late 1990 when it became apparent that the U.S. Fish and Wildlife Service would purchase approximately 45 acres of land on and near Coquille Point, including beach and bluff areas extending towards the Jetty and the cliff top promontory area.

While the Coquille Point discussions were occurring the City was engaged in the State mandated comprehensive, Periodic Review process. Both governmental entities recognized that other Comprehensive Planning issues needed to be concluded and that it was

ORDINANCE NO. 1335

appropriate to "segment" the Coquille point area from the overall Periodic Review process. The map on page 151b shows the property that was temporarily withdrawn from the review process, including tax lots 500, 600, 700 and 800, map # 28-15-25. The map on page 151c shows the lands acquired by the U.s. Fish and Wildlife Service and added to the Oregon Islands National Wildlife Refuge. The map on page 151d shows the Zoning Districts as applicable to the general area of Coquille Point, two Zoning Districts are evident, the Natural Resource Open Space Zone as applicable to the lands owned by the Federal Government, and the Controlled Development 1 Zone as applicable to privately owned lands in the vicinity.

USFW began working on design concepts for the Coquille Point area and presented their initial concepts in an Interpretive Prospectus, July, 1990, the illustration on page 151e, is from the Prospectus and represents the Coquille Point site rehabilitation and restoration conceptual plan. The site is to be restored thru the use of native materials and vegetation, creating a quality site for public use.

The City at the request of USFW vacated all the streets and alleys in the project area. The vacations occurred in August, 1993 and include portions of 11th Street SW, 10th Street SW, 9th Street SW, Portland Avenue SW, Cliff Drive and H Street, along with the alleys in Blocks 25 and 27, West Bandon Addition. The City has granted USFW the necessary property right to utilize portions of the remaining 11th Street and Portland Avenue right of ways for vehicular and pedestrian access to the refuge area.

The privately owned properties in the vicinity are available for development under the controlled Development provisions of the Bandon Zoning Ordinance. The establishment of

ORDINANCE NO. 1335

the Wildlife refuge necessitates that when the neighboring private lands are proposed for development activity that special consideration occur. These private lands benefit from the proximity of the refuge, development may only occur in a manner that is compatible with the refuge. The development process must include a review of (but not limited to) the scale of development proposed in relation to the refuge, view protection and enhancement for the refuge along with the other public areas and right of ways, exterior lighting, vehicular traffic, vegetation and landscaping.



PASSED to Second Reading this 15th day of August, 1994.

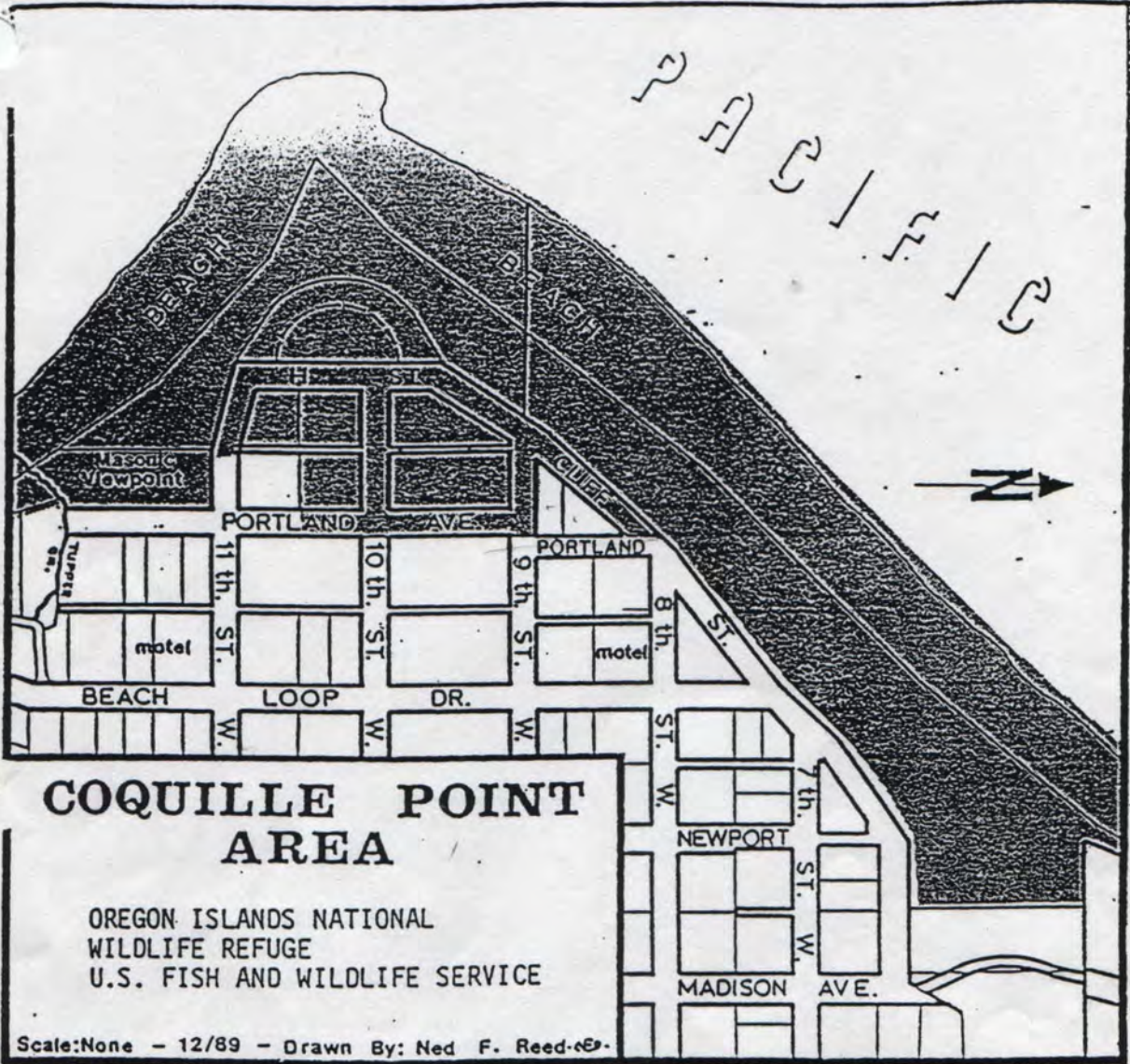
ADOPTED by the Common Council and APPROVED by the Mayor of the City of Bandon this 15th day of August, 1994.

Attest:

Judith A. Densmore, Mayor
Judith A. Densmore, Mayor

Denise M Skillman
Denise M. Skillman, City Recorder

ORDINANCE NO. 1335





Megan Lawrence <mlawrence@ci.bandon.or.us>

Comments for Planning Commission- Zone Code Text Amendment Bandon Beach Hotel

Scott Hilgenberg <scott@crag.org>

Wed, Apr 25, 2018 at 12:57 PM

To: planning@cityofbandon.org, citymanager@cityofbandon.org

Cc: jmclaughlin@cityofbandon.org, Oregon Shores Conservation Coalition <phillip@oregonshores.org>, "Phillip Johnson, Oregon Shores/CoastWatch" <orshores@teleport.com>

To City of Bandon Planning Staff:

Please find attached comments submitted on behalf of Oregon Shores Conservation Coalition regarding the proposed Zone Code Text Amendment requested by Steere Bandon Associates, LLC. Please include these comments in the record for the April 26, 2018 Planning Commission meeting. I will note that in our comments on procedure, Oregon Shores requests that the record period be extended for 7 additional days.


I would greatly appreciate if you could acknowledge that your office has received these comments.

Thank you,

Scott Hilgenberg

Scott Hilgenberg
Land Use Fellow
Crag Law Center
917 SW Oak, Suite 417
Portland, OR 97205
(503) 234 0788

Protecting and Sustaining the Pacific Northwest's Natural Legacy

 Oregon Shores-Coquille Point letter 4.25.18.pdf
1927K



Oregon Shores

Conservation Coalition

Phillip Johnson
Executive Director
phillip@oregonshores.org

April 25, 2018

David Kimes, Commission Chair
Planning Commission, City of Bandon
John McLaughlin
Planning Director, City of Bandon
555 Highway 101
Bandon, OR 97411
planning@cityofbandon.org

VIA Electronic Mail

**Re: Proposed Zoning Code Text Amendment to Modify Bandon
Municipal Code Section 17.20 Controlled Development 1 (CD-1)
(Opposition to Bandon Beach Hotel Proposal)**

To the City of Bandon Planning Commission:

Oregon Shores Conservation Coalition (Oregon Shores) submits the following comments in opposition to the application submitted by Steere Bandon Associates, LLC (applicant) that requests a site-specific amendment to the Bandon Municipal Code (BMC). Please include these comments in the record for the Planning Commission's public hearing set for Thursday, April 26, 2018.

The applicant requests an amendment to BMC Section 17.20 to allow for an increase in the maximum building height from 24 feet to 45 feet, a reduction in side and rear yard setbacks to 5 feet, and an increased allowance of 55% lot coverage with up to 75% impervious surface coverage. The applicant's request to amend the BMC is the first step taken in an effort to construct an unnecessarily imposing four-story hotel with 48 rooms adjacent to property owned by the U.S.

Fish and Wildlife Service that is part of the Oregon Island National Wildlife Refuge at Coquille Point. As explained below, Oregon Shores opposes this text amendment because it is inconsistent with the City of Bandon's Comprehensive Plan (comprehensive plan or BCP) and will result in adverse impacts to the refuge. Because the proposed text amendment is in direct conflict with the text and purposes of the BCP, Oregon Shores contends that the Planning Commission must recommend denial to the City Council.

Oregon Shores was founded in 1971 to protect the public interest in Oregon's beaches and shorelands. The organization's mission encompasses the conservation of the flora and fauna across the entire coastal region, from the crest of coastal watersheds to the edge of the continental shelf. Oregon Shores is dedicated to preserving the natural communities, ecosystems and landscapes of the Oregon coast while conserving the public's access. Oregon Shores pursues these ends through education, advocacy, and engaging citizens to keep watch over and defend the Oregon coast.

I. Procedural Matters

BMC 17.116.010 requires that prior to approving an amendment to the text of the zoning ordinance, the planning commission must hold a hearing, and that public hearing must be held in accordance with BMC 17.120.080. BMC 17.120.080(C) requires that an application for a zoning text amendment and the accompanying staff report "shall be available for public review ten (10) days prior to the scheduled public hearing." Because the scheduled public hearing is set for April 26, 2018, the staff report should have been made publicly available on or before April 16, 2018.

Attorney for Oregon Shores contacted the city on Wednesday, April 18, 2018, inquiring about the availability of the staff report. Shortly thereafter, a city planner left a voicemail with Oregon Shores' attorney indicating that the staff report was not yet available.

Because the city did not follow its own required procedures governing the availability of the staff report, **Oregon Shores requests that the administrative record before the planning commission be left open for an additional 7 days from the date of the close of the record** to remedy any perceived or actual prejudice commenters faced when submitting comments electronically, or via the Postal Service or hand delivery.¹

¹ In addition to failing to follow the BMC requirement regarding timely staff reports, the planning staff has arbitrarily revised the deadline for electronically submitted comments from April 26th to April 25th, while allowing comments to

II. Existing Ecosystem and Historical Efforts to Protect Coquille Point

The text amendment is proposed to apply only to the specific property at 1090 Portland Avenue SW, Tax Lot 1600, consisting of Lots 5 and 6 of Block 27, Plat of West Bandon located at Coquille Point. As indicated on page 4 of the Staff Report, the parcel directly abuts headland property owned and administered by the U.S. Fish and Wildlife Service that is part of the Oregon Islands National Wildlife Refuge. Immediately offshore is a group of rock islands, which are also part of the Oregon Islands National Wildlife Refuge. The headlands of Coquille Point provide a buffer zone between mainland development and shoreline, intertidal and offshore areas. Staff Report at 2.

The refuge is dedicated to the wildlife found on it and for management of the wildlife habitat, and protection and preservation of endangered or rare wildlife. BCP at 168. The refuge is used by several endangered species. *Id.* The California Brown Pelican uses the area from August to November. *Id.* This species suffered a very large population loss, but is now recovering. *Id.* Bald Eagles, Peregrine Falcons, Double Crested Cormorants, Pigeon Guillemots and the Common Murre have all been observed in the area. *Id.* The offshore rocks represent vital habitat to many seabirds who nest there. Burrow nesting species, such as Tufted Puffins and Leach's Storm Petrels, require areas that are inaccessible because their burrows are easily trampled. Human disturbances have been known to cause panic and destruction of young birds in breeding areas. *Id.*

As the staff report notes, this area has a history of successful citizen-led preservation efforts. *Saving Coquille Point: A Year in Citizen Action in Coos County* provides a detailed summary of how committed local citizens took action to ensure that the scenic beauty and natural functions of Coquille Point were preserved. In the late 1980's and early 1990's, Oregon Shores and local opponents fought off a proposed condominium development in the area, and eventually got permanent protection of the scenic headlands. In 1991, the U.S. Fish and Wildlife Service became owners of the westernmost area of the point, and it was designated as the onshore unit of the Oregon Islands National Wildlife Refuge.

The subject property is surrounded on three sides by this federal land. When evaluating any proposed amendments to existing development requirements for the subject property, the Planning Commission should consider the history of

be submitted via the Postal Service and hand delivery through April 26th. The city's error in not providing the staff report in a timely manner makes the April 25th deadline even more difficult to meet, with only a few business days to review the staff report.

the point, and the community's long-standing efforts to preserve the natural values of this area.

We recognize that many details concerning impacts to this protected natural area are more properly dealt with when considering an actual development application, rather than when considering the legality of a text amendment as a technical matter of land use law and regulations. That said, as a matter of context, approval of the proposed text amendment would open the door to a development proposal which, judging from the preliminary plan provided by the applicant, would be highly problematic.

Located immediately adjacent to a wildlife refuge that has the essential purpose of protecting bird life, the hotel as proposed would almost inevitably cause a large number of bird strikes, possibly at disastrous levels. This would be due not only to its size, but to the fact that a large percentage of its surface would be glass. To put it mildly, this would be at cross-purposes with the values represented by the wildlife refuge, and with the values of those visiting Coquille Point and observing the wildlife refuge, since appreciation of birds is a key component of this experience.

The taller structure would also likely cause increased glare into the wildlife refuge at night, which could be particularly disturbing to nocturnal creatures. Natural vegetation is also a key aspect of the refuge. A taller structure allowed under the text amendment would exacerbate an impact already created by the shorter structure presently occupying the site—unnatural shading of the area atop the bluff, altering the character of the vegetation.

Specific arguments about such impacts will have to be considered when a development proposal is under consideration, but the inescapable likelihood that any such development at this site will have impacts on these important public resources should eliminate any presumption that the text amendment will not lead to negative environment effects.

III. The Application

The applicant requests a BMC text amendment in order to site an oversized hotel at 1090 Portland Avenue SW. The text amendment is inconsistent with the City of Bandon's Comprehensive Plan and would negatively impact scenic and natural resources and the Oregon Islands National Wildlife Refuge. If approved, the revised zoning code would effectively allow for the doubling of the development potential of the site. Currently there is a 20-room motel that sits on the site, which was constructed in 1990. The applicant has proposed a 48-room hotel. Staff Report at 3.

A. Existing Code Provisions for the Controlled Development Zone

The applicant seeks to amend Bandon Municipal Code Section 17.20 Controlled Development 1 (CD-1 zone). 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 this zone.” BMC 17.20.010. Currently, the BMC requires a development site to retain a 20-foot front yard, a 10-foot rear yard, and a total combined side yard of thirteen feet, with each side yard being at least five feet wide. BMC 17.20.070. Development sites that have side yards abutting streets are required to have a side yard of 15 feet. BMC 17.20.070(B).² Buildings in the CD-1 zone cannot occupy more than 50 percent of the lot. Total impervious surface shall not exceed 65%. BMC 17.20.080.

The applicant’s proposed text amendment is not only inconsistent with the comprehensive plan but is in direct conflict with the general framework of the CD-1 zone, which implements the comprehensive plan. The zoning code includes provisions that apply specifically to this area of the city, and those provisions demonstrate a commitment to preservation of views and predictable step-down height limits based on a property’s proximity to the Pacific Ocean. For example, properties located west of Beach Loop Drive are required to be no higher than 24 feet “[i]n order to maximize the ocean view potential of lots in the CD-1 zone.” BMC 17.20.090. Properties east of Beach Loop Drive are given more flexibility than western properties, with the code allowing for height variances on those eastern properties. Yet even those variance provisions require a tradeoff of a 1:1 increase in front, side, and rear setback minimums for each additional foot of height allowed (*i.e.* for a two-foot increase in height, all setback requirements are increased by two feet). This tradeoff is in acknowledgement of the impact that both height and bulk can have on views. BMC 17.20.090(B)(1)(a)(5). Even for those properties east of Beach Loop Drive, heights are limited to 35 feet. BMC 17.20.090(B)(1). Staff acknowledges that the more restrictive height limits for properties west of Beach Loop Drive coupled with the height variances for properties east of Beach Loop Drive allow for opportunities to gain a view of the ocean over the lower buildings on the west side. Staff Report at 6.

B. The Applicant’s Proposed Text Amendment

The applicant asks for excessive exceptions to all of the above-mentioned dimensional requirements for structures within the CD-1 zone located on its

² The subject property abuts both Portland Avenue and the unvacated portion of 11th Street W. *See* attached Assessor’s Map.

privately-owned property. The applicant is requesting a towering 45-foot height limit, 50% reductions in side and rear yard requirements, and unwarranted increases to allowable lot coverage and total impervious surface.

C. Planning Staff’s Modified Text Amendment

Planning staff reviewed the applicant’s proposed text language, and slightly modified it, allowing only a 40-foot height limit, and added a sunset clause:

“17.20.030 K. Coquille Point Hotel

“1. Notwithstanding other provisions of this Section 17.20, a hotel structure located at Lots 5 and 6, Block 27. Plat of West Bandon, Coos County, Oregon, may:

“(a) Exceed a height of 24 feet, but no portion of any such building or structure shall exceed a height of 40 feet, as measured from the average elevation of the centerline of Portland Avenue as it abuts the property;

“(b) Have side yards not less than five feet each;

“(c) Have a rear yard not less than five feet; and

“(d) Have up to 55% lot coverage, with up to 75% impermeable (impervious) surfacing.

“(e) Contain restroom facilities open to the general public;

“(f) This section K. of the ordinance shall become void five years from the date of final ordinance adoption (insert date), unless a conditional use permit for a hotel has been approved and construction has commenced in a significant fashion.”

IV. The Proposed Text Amendments do not Meet the Applicable Criteria for a Zoning Code Text Amendment

BMC Chapter 17.116 requires a demonstration that the proposed zoning code text amendment:

(a) is consistent with the Bandon Comprehensive Plan;

- (b) does not adversely affect the city's or the developer's ability to satisfy land use, transportation and utility, service needs or capacities; and
- (c) only allows for suitable uses in regards to the slope, geologic stability, flood hazard, wetlands, and other relevant hazard and resource considerations.

BMC 17.116.020. Throughout the comprehensive plan are policies that protect the city's scenic resources. The city's zoning ordinance currently reflects how the city implements the plan policies and the extensive protections offered to scenic resources and views, achieved through dimensional restrictions on development relating to location and lot size.

The staff report misconstrues the applicable criteria, and instead of considering the specific requirements of BMC Chapter 17.116, poses two vague questions: (1) should the zoning ordinance be amended to allow a bigger and taller hotel than is currently allowed, and (2) "Are there potential benefits associated with such a new building and enhanced use that outweigh[] the potential negative aspects of the development?" Staff Report at 10. The latter question simply is not a consideration under the applicable criteria. Rather, the city is obligated to determine whether the *proposed text amendment* will be consistent with the city's comprehensive plan. BMC 17.116.020. The applicable criteria do not include consideration of whether some undefined project proposed by the applicant that may or may not be approved in a future conditional use review would be consistent with the comprehensive plan. Staff's analysis provided in the Staff Report at page 11 should be disregarded. Potential benefits associated with a possible future project are not relevant considerations for a text amendment. The Planning Commission must look at the proposed text language and determine whether that text amendment is consistent with the comprehensive plan.

As explained below, the proposed text amendment is inconsistent with the comprehensive plan, and therefore the Planning Commission needs to recommend denial. The plan has numerous policies addressing the need to preserve scenic resources, which include viewsheds, scenic sites, and secondary views. By almost doubling the height limitation for the subject property and increasing the allowed width and length of any future structure, the applicant's proposed text amendment will allow for an oversized visual obstruction to the natural landscape of Coquille Point, negatively impacting views for numerous users including nearby property owners, and both tourists and local visitors. The proposed text amendment cannot be found to be consistent with the relevant comprehensive plan policies.

Staff appears to be biased in favor of the applicant. Without addressing applicable comprehensive plan policies, specifically policies on scenic resource preservation, staff states that it “is supportive of a hotel building that is significantly taller than that allowed under the current ordinance and we are supportive of the four-story design.” Staff Report at 12. Because of staff’s stated bias, the Planning Commission should disregard the majority of the staff report and determine that the proposed text amendment (including both the applicant’s proposed language, and the staff’s modified language) is not consistent with the comprehensive plan.

A. The Proposed Text Language is inconsistent with Bandon Comprehensive Plan Policies on Scenic and Natural Resources

The subject property is part of a scenic resource because it is located within the Bluff/Beach Loop Area Geographic Viewshed. BCP at 173.³ The comprehensive plan provides a number of policies that protect scenic resources. BCP Policy 1 for Scenic Resources provides that “[t]he City recognizes the importance of dimensional standards in the preservation of scenic resources.” BCP at 10. Policy 2 is that “[t]he City shall encourage the appropriate clustering of development, recognizing that residents of the City will benefit from the provision of open space and view corridors.” *Id.* Policy 7 is that “[t]he city shall coordinate and cooperate with federal, state, and local agencies in order to maintain access to scenic resources and ensure high quality visual experiences for the public.” *Id.* at 11. *See also* BCP at 16-18 (same policies for Natural Resources – Viewsheds). All of these plan policies indicate that significant protection exists for Bandon’s scenic resources, where those resources include scenic view sites, viewsheds, and secondary views.

The staff report refers to the requested change in maximum height to be “the most dramatic” and “most noticeable.” Staff Report at 6. The report further states that properties’ views east of the proposed project would be impacted, and

³ The comprehensive plan identifies the following viewshed:

“The Bluff/Beach Loop Area.

“While this area is most known for the expansive ocean views and sea stack formations, it also includes some wetland/dune areas which contain ecological resources as well as provide significant backdrops for some of the residential development along Beach Loop Drive.”

that the existing 24-foot height restriction west of Beach Loop Drive is intended to maintain the incredible asset of the ocean vistas. Staff Report at 6-7. Staff identified the historical development in the area to be one of “lower profile,” with limits on new construction to that of “no higher than two stories[.]” Staff Report at 7. With this as context, and as explained below, it is clear that changing the zoning code to allow for a four-story building with significantly reduced setbacks is not consistent with the above-mentioned policies and text of the comprehensive plan.

i. The Plan Policies Protect the Entire Viewshed, not Just Particular Vantage Points of Certain Sea Stacks

Oregon’s Statewide Planning Goal 5 (Natural Resource, Scenic and Historic Areas, and Open Space) requires local governments to conserve scenic areas and open spaces. In line with this goal, Bandon adopted Section 12 of its comprehensive plan to ensure adequate protection of the area’s scenic resources. Section 12 acknowledges that the city has identified geographic viewsheds, and also mapped, described and photographed representative sites that demonstrate the significant scenic qualities of Bandon’s scenic resources. The plan identifies certain geographic viewsheds “selected for protection[.]” BCP at 173. One of the three protected viewsheds is “The Bluff/Beach Loop Area.” *Id.*⁴

The applicant appears to fundamentally misunderstand the scope and level of protection the comprehensive plan provides for scenic resources. First, Coquille Point National Wildlife Refuge is listed in the comprehensive plan as a highly significant view site. BCP at 175. The presence of the refuge itself should provide a sufficient reason to deny a text amendment that would allow for an over-sized and out-of-place commercial structure adjacent to the refuge and the natural assets it provides.

Not only is the refuge protected as a scenic view site, but the area’s general viewshed is a protected scenic resource. The applicant appears to be arguing that only scenic views that were inventoried in 2002 receive protection under the comprehensive plan. Applicant’s Narrative Letter at 4–5. The applicant asserts that “we do not have to guess at the scenic values we want to protect; the scenic values we want to protect from the “Masonic Viewpoint” [Former name for Coquille Point] are documented by specific photographs in the record.” *Id.* at 5. The applicant argues that so long as specific vantage points captured in photographs as part of the *City of Bandon Scenic Resources Inventory: Beach Loop Bluff Views*,

⁴ See attached excerpt of the City of Bandon’s Comprehensive Plan describing that Coquille Point (including the subject property) is within the Bluff/Beach Loop Area viewshed. BCP 173; 177–179.

Viewshed Documentation BL-2 are protected, all scenic resources are protected. *Id.* The applicant concludes without meaningful analysis that “[a]ll of these protected views will remain perfectly preserved[.]” *Id.* As explained below, the applicant’s narrow view of scenic resources is not reflected in the policies, purposes or text of the comprehensive plan.

Contrary to the applicant’s statements, nothing in the comprehensive plan indicates that the inventory of representative scenic sites associated with the Bluff/Beach Loop Area Viewshed provides a comprehensive or exclusive list of what constitutes the scenic resource. Rather, the comprehensive plan considers the viewshed (which includes all of Coquille Point and land west of Beach Loop Drive) to be part of the area’s significant scenic resource. BCP at 177. The applicant’s position fails to acknowledge the broad protection the comprehensive plan provides for scenic views and resources. The particular photos in the Resources Inventory simply do not capture all aspects of the scenic resources and views protected by the comprehensive plan. As noted above, the plan identifies certain geographic viewsheds “selected for protection[.]” BCP at 173. The Planning Commission should reject the applicant’s position, because agreeing that the comprehensive plan’s scenic resource protections only apply to specific scenic site examples noted in the inventory would be inconsistent with Statewide Planning Goal 5, and the scenic resource policy protections of the city’s own comprehensive plan.

ii. The Proposed Text Amendment is Inconsistent with the Text and Purpose of the Comprehensive Plan

The comprehensive plan’s Land Use Classification provides that the purpose of zoning lands CD-1 is “to recognize the scenic and unique quality of Bandon’s ocean front and view areas and to maintain the quality of Bandon’s ocean front by carefully controlling the nature and scale of future development in the area.” BCP at 71. The controlled district zone is intended to ensure that “[f]uture development is to be controlled in order to enhance the area’s unique qualities.” *Id.* The proposed text amendment would allow for a significantly taller and bulkier structure that would block views from adjacent and nearby properties and create a significant visual impediment to view scenic resources from Portland Avenue and Beach Loop Drive. Accordingly, the text amendment would not enhance the scenic and unique quality of the ocean front and view areas, and is inconsistent with the text and purpose of the plan.

Moreover, the comprehensive plan identifies the Bluff/Beach Loop Area Viewshed as an important resource for the city that requires protection, and such protection is carried out through dimensional standards:

“The Bluff/Beach Loop viewshed is an area of majestic views of the beaches and Pacific Ocean. It contains visual access to the coastal sea stack formations just offshore, including Face Rock, the Cat and Kittens, and Table Rock. The views of the beaches are an important element of the viewshed, and are readily accessible via a number of public access points.”

BCP at 177. The comprehensive plan explains that secondary views that occur over private property contribute to the significance and importance of the viewshed. The plan highlights that view opportunities are “protected by dimensional standards required by the zone.” BCP at 178. Based on the plan, all of the views beginning at the west side of Beach Loop Drive make up the scenic resources of ocean views and views of sea stacks at the very least. The applicant has not demonstrated that changing the existing dimensional standards required by the zone would effectively protect these scenic resources, as required by the comprehensive plan. A text amendment that would permit a significantly taller and bulkier building than is allowed under the current code is inconsistent with the plan’s stated purpose of using dimensional standards to ensure protection of scenic resources, including views within the Bluff/ Beach Loop Area Viewshed.

The plan provides for actions that protect scenic resources that exist in the Bluff/Beach Loop Viewshed. Those actions include encouraging voluntary view and conservation easements and limiting lot coverage. BCP at 179. Changing the zoning code to allow for a bigger and taller structure within the viewshed is inconsistent with these proposed actions. A bigger and taller structure not only impacts primary views from Beach Loop Drive and Portland Avenue, and secondary views of property owners, residents and visitors, but also impacts the ability to view flight patterns of seabirds in the area. The applicant admitted that the area provides one of the best seabird viewing sites on the West Coast. Applicant’s Narrative Letter at 5. Clearly, views of the seabird population increase the value of the scenic resource for the local community and tourists, and placing an oversized structure directly in front of the refuge negatively impacts the viewing experience throughout the viewshed.

The staff report acknowledges that the 24-foot height limit west of Beach Loop Drive is intended to maintain the scenic resources of the ocean vistas. Staff Report at 7. But then staff asserts, without citing any evidence, that the subject property “is located over two blocks from Beach Loop” and that “should someone choose to drive down 11th Street to catch that spectacular view of the ocean, the views available will not be significantly different when comparing the existing two-story motel with a potential new hotel with a height up to 45 [feet].” *Id.* Oregon Shores is perplexed by these unsupported statements. First, the subject property is located one block from Beach Loop Drive, not “over two blocks.” See attached assessors map (identifying tax lot 1600 separated from Ogden Avenue

(former name of Beach Loop Drive) by Portland Avenue right-of-way and two tax lots). The staff report appears to be improperly adding a block due to the existence of an alley or driveway between nearby abutting parcels. Second, the staff report cannot be correct that there is no significant visual difference between the existing two-story structure and the massive four-story hotel proposed by the applicant. If a 45-foot building does not result in view experiences that are “significantly different” from those views that are experienced with the existing two-story motel, why has the city been mandating 24-foot height restrictions for all property owners west of Beach Loop Drive? The city should admit that the change in height and lot coverage does impact views, respect property owners that have followed the existing height limit requirements, and not give this applicant a free pass from the dimensional requirements that implement plan policies and ensure protection of Bandon’s scenic resources.

The scenic resources of Bandon’s ocean vistas encapsulate the open, expansive and natural qualities of the Pacific coastline. An enormous hotel with a highly reflective surface would be an unsightly obstruction to the viewing of Bandon’s most-prized natural and scenic resources. The proposed increases in height, lot coverage, and impervious surfaces are not in line with the protections offered to the scenic resources that Bandon residents value, and would degrade the quality of the Bluff/ Beach Loop Area Viewshed.

iii. The Applicant has not demonstrated that the Text Amendment and Resulting Maximum Allowable Structure will not have an adverse effect on the functioning of the Refuge.

The comprehensive plan explains the importance of the wildlife refuge and requires a demonstration that nearby development does not affect the refuge’s functioning. Special Policy 2 applies to the subject property because it is within 100 feet of the wildlife refuge, and requires that:

“[T]he applicant shall demonstrate that the proposal will have no adverse impact on the function of the Refuge. This shall be accomplished by supplying detailed plans that include proposed landscaping and vegetation, shielded exterior lighting, and noise minimization. In addition, the applicant shall demonstrate how the proposal enhances an identified scenic resource.”

BCP at 12. The applicant acknowledges that the U.S. Fish and Wildlife Service’s Comprehensive Conservation Plan and Wilderness Stewardship Plan provides that the flat headlands east of the vertical bluff of Coquille Point are intended to buffer and insulate the vertical bluff and offshore rocks from development and to reduce

negative interactions between the public and wildlife. Applicant's Narrative Letter at 7.

Without any meaningful analysis, the applicant asserts that the hotel "will have no adverse impact on the function of the refuge[.]" *Id.* A text amendment that will allow for a hotel that serves alcohol and accommodates twice as many occupants as the prior structure will clearly bring more people to the site, many of whom will not be there to observe nature, and create additional risks of negative interactions with wildlife, both on the headlands and the beach, and below the vertical bluff. Clearly, the applicant cannot demonstrate that this text amendment and any resulting oversized structure will be consistent with Special Policy 2.

In addition, the applicant has not demonstrated that the increase in lot coverage and impervious surfaces is warranted, or that such an increase will not have an adverse impact on the refuge. The comprehensive plan explains that the developable portion in the Bluff/Beach Loop Area is reduced to 65% of the lot size in part because of the existence of large lots. BCP at 178. This particular property consists of two lots. Staff Report at 1. The applicant already enjoys significant development potential due to its ownership of two adjoining lots.⁵ The placement of the applicant's proposed structure across two lots allows for a significantly larger development footprint than would occur if single family homes were built on the two lots. In light of these existing benefits, the applicant has not established why it should be entitled to an even larger footprint. Moreover, allowing even more impervious surface would increase the risk of additional stormwater pollution runoff accessing buffer lands of the wildlife refuge. An increase in lot coverage and impervious surfaces is not warranted.

As noted at the outset of these comments, the conceptual plan for the hotel poses many potential environmental impacts. It would almost inevitably lead to bird deaths, possibly at a disastrous level, due to the large percentage of reflective surface, as well as simply due to the height. The greater height relative to the current structure would mean that more artificial light would shine into the refuge at night, potentially impacting wildlife. There are other such possible impacts. These are more properly the subject of a land use hearing on an application for development, rather than a text amendment hearing, but there is every reason to believe that a larger and more impactful structure on the subject property would

⁵ The applicant also enjoys significant buildable space on the subject property due to its proposed off-site parking location. The applicant's off-site parking plan unfortunately creates even more impervious surfaces (and associated parking lot stormwater runoff impacts), as well as additional negative impacts such as increased noise, and is likely to lead to the improper use of the refuge's parking lot for hotel and café guests.

have a deleterious effect on the resources that both the refuge designation and the comprehensive plan are designed to protect.

B. The Applicant's Emphasis on Tourism Policies in the Comprehensive Plan is Misplaced

On pages 10 through 12 of the applicant's narrative letter, the applicant puts forth a loosely connected argument that a text amendment to height and setback restrictions in the controlled development zone is consistent with the comprehensive plan. The applicant's argument is simply misplaced. The applicant seems to be arguing that a use that is already allowed conditionally in the zone should be allowed to reside in a building larger than envisioned by the development code, because it supports the tourism economy. It is unclear why a change in the dimensional restrictions relates to tourism development generally. The policies cited by the applicant relate to the need for tourism and economic development, and a hotel use is already allowed under the existing code. The applicant cites no plan policy that supports modifying height or setback requirements to achieve a more profitable hotel operation. Rather, as explained above, there are specific policies in the plan that identify why the city has setbacks and height limitations: these dimensional standards ensure protection of the area's scenic resources.

The staff report states that the purpose of the site-specific proposed changes to the zoning ordinance text is "to allow for the demolition of the current motel and construct a new hotel on the property[.]" Staff Report at 3. Based on the application and existing code, it does not appear that a text amendment is necessary to demolish the existing motel and build a hotel. Rather, the applicant is simply trying to maximize profits for its commercial enterprise without any regard to the sensitive nature of the refuge or the existing social contract that exists in Bandon through the established zoning code and dimensional requirements. Other community members in the area have been required to abide by the code's dimensional requirements that are necessary to preserve scenic resources in the area. This applicant should be treated no differently.

V. Conclusion

Approval of this text amendment would set a precedent that Bandon is not concerned with preserving the scenic views of nearby property owners, other residents, and tourists who travel to see the sweeping and open ocean vistas of Bandon. Approval would demonstrate that the city is willing to forego the protections provided in its own comprehensive plan and ignore the impacts to the refuge and seabird habitat, all in order to increase tax revenue slightly. The

applicant should be required to meet the existing dimensional standards that are in place to ensure that the scale of proposed development within the Controlled Development-1 Zone maintains and recognizes the scenic and unique qualities of Bandon's ocean front and nearby areas.

Based on the above arguments, the Planning Commission should recommend denial of the proposed text amendment to the City Council. However, if the city nevertheless decides to support the proposed amendment, Oregon Shores would urge the city to, at the very least, require any approval of the site-specific amendment to only be granted after the applicant demonstrates that it can meet the review criteria at 17.20.090(B)(1)(a), but for provisions relating to the 28-foot height limit, replace that limit with the subject property's existing 24-foot height limit.⁶ Applying these provisions that acknowledge the impact of increased

⁶ BMC 17.20.090 governs height of buildings and structures, and BMC 17.20.090(B)(1)(a) provides additional review criteria for specific approvals for buildings that exceed the stated 28-foot height restriction for properties east of Beach Loop Drive:

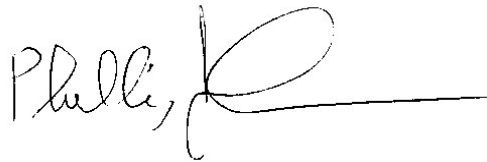
“In deciding whether to approve or deny a request for the additional height, the Planning Commission shall consider and require conformance with the following review criteria. It shall be the applicant's responsibility to provide sufficiently detailed plans, data, and all other information necessary for the Planning Commission to determine whether the proposed additional height complies with the applicable review criteria.

- “(1) The additional height shall not negatively impact the views from surrounding properties.
- “(2) The additional height shall not cut off sunlight onto surrounding properties.
- “(3) The additional height shall not negatively impact the aesthetic character of the neighborhood.
- “(4) All portions of any roofs above 28 ft. shall be sloped a minimum of 3:12, and must slope down and away from the highest point of the structure.
- “(5) For each one (1) foot, or portion thereof, that the highest point of the structure exceeds twenty-eight (28) feet, the minimum required front, side, and rear setbacks, as defined in 16.42.010 Definitions, shall each be increased by one (1) foot.”

height on neighboring properties and provide a compromise to allow for additional height would be the correct direction for the city to follow if attempting to allow what we maintain is an inappropriate height increase.

Thank you for the opportunity to provide these comments.

Sincerely,

A handwritten signature in black ink, appearing to read "Phillip Johnson", followed by a long horizontal line extending to the right.

Phillip Johnson
Executive Director
P.O. Box 33
Seal Rock, Oregon 97376
phillip@oregonshores.org

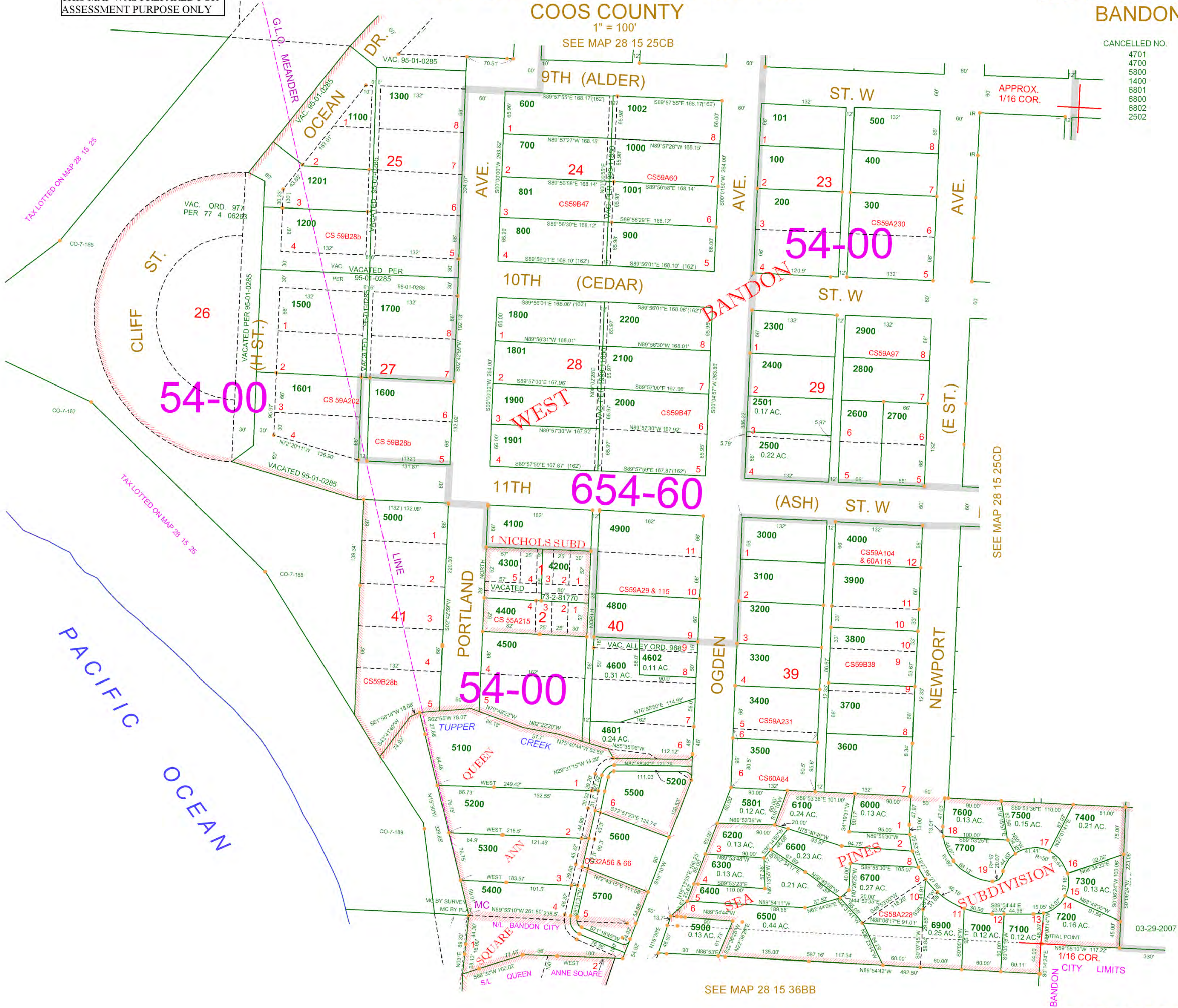
THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSE ONLY

SW1/4 SW1/4 SEC.25 T28S R15W W.M.
COOS COUNTY

28S 15W 25CC
BANDON

1" = 100'
SEE MAP 28 15 25CB

- CANCELLED NO.
- 4701
 - 4700
 - 5800
 - 1400
 - 6801
 - 6800
 - 6802
 - 2502



SEE MAP 28 15 25CCD

SEE MAP 28 15 36BB

28S 15W 25CC
BANDON

CHAPTER 12: SCENIC RESOURCES



Adopted by Ordinance 1512, 10-06-03

As part of the City of Bandon's Periodic Review Work Program, the City has undertaken a Scenic Resources Inventory utilizing the Goal 5 process. For the purpose of the analysis, geographic viewsheds were identified and sites selected for their significant scenic qualities. Each site was mapped, described by its characteristics, and photographed. The results are contained in Appendix 1. Inventory

Bandon has many scenic resources due to its location on the Pacific Ocean and on the Coquille River in Coos County. Many of the views are already protected through public ownership. The challenge to the City is to determine, with assistance from citizens, which views are the most important ones for preservation. The viewsheds selected for protection should be those which define the qualities that the City chooses to maintain in perpetuity--expansive views of the Pacific Ocean, the Coquille River, the Coquille River Lighthouse, and any other views which contribute to Bandon's uniqueness as a coastal community.

GEOGRAPHIC VIEWSHEDS

There are three identified geographic viewsheds:

The Bluff/Beach Loop Area.

While this area is most known for the expansive ocean views and sea stack formations, it also includes some wetland/dune areas which contain ecological resources as well as provide significant backdrops for some of the residential development along Beach Loop Drive.

The Coquille River and its Lighthouse

The Coquille River and its Lighthouse viewed from the Old Town Waterfront as well as from the Jetty and other points within the city;

The Beach views

The Beach views looking toward the City and the sea stacks, cliffs and bluffs rising abruptly above which make the Bandon coast spectacular.

The ESEE analysis highlights the consequences of prohibiting, limiting or fully allowing conflicting uses in the viewsheds. The potential conflicting activities and uses identified are those currently contained in the zoning ordinance as permitted or conditional uses, as well as the construction, reconstruction and enlargement of buildings and structures on the west side of Beach Loop Drive, on the Jetty, and on the Waterfront north of 1st Street. Statewide Planning Goal 5 requires the City to protect or conserve significant scenic resources.

The Goal 5 process will be completed when the City and its residents determine which viewshed sites are significant, and where conflicting uses will be limited, prohibited, or fully allowed. Alternatively, the City may conduct an ESEE analysis each time a proposal conflicts with scenic views as its existing policy requires. However, this approach is onerous and leaves too much uncertainty for landowners and citizens alike. It is proposed that this be removed entirely.

Beach Loop./Bluff Viewshed

Description

The area encompassed by the Bluff/Beach Loop viewshed includes: Ocean Drive west of 4th St., which turns into 7th St SW, and the length of Beach Loop Drive from the north end south to the City Limits. The scenic nature of the area is derived from its proximity to the Pacific Ocean, and is frequented by tourists and residents alike. Beach Loop Drive runs generally north-south along or inland of the bluff, and is accessible from 4th St. SW, 8th St. SW, 11th St. SW, Seabird Dr., and at Beach Junction on Highway 101.



The uses which occur in the viewshed vary from single family homes, vacation rentals, motels, and restaurants to State and Federal park facilities to the Ocean View Care Center. There are areas of concentrated tourist oriented development in the viewshed including the intersection of 11th St. SW and Beach Loop Drive and the area immediately surrounding the Sunset Motel. In the past few years, more structures are being remodeled and enlarged, and tourist related uses are increasing. To document the variety of scenic opportunities, eight sites, numbered BL-1 through BL-8, were inventoried to illustrate the public accessibility to and scenic values of the viewshed.

Zoning and Ownership

The area is zoned primarily Controlled Development (CD-1), except for the Federal land that makes up Coquille Point, which is zoned Natural Resources and Open Space (NR).

Property in the viewshed is mostly privately owned, with the exception of Coquille Point, Face Rock Wayside, the Ocean View Care center, and the City's parking lot and beach access, as well as all streets and rights-of-way. The beaches in the viewshed are owned by Oregonians and managed for them by the State of Oregon.

Statement Of Significance

The Bluff/Beach Loop viewshed is an area of majestic views of the beaches and Pacific Ocean. It contains visual access to the coastal sea stack formations just offshore, including Face Rock, the Cat and Kittens, and Table Rock. The views of the beaches are an important element of the viewshed, and are readily accessible via a number of public access points. These factors, when taken in combination, constitute a significant scenic resource.

Bluff/Beach Loop Viewshed:

Three of the top ten views ranked as significant by residents are located along Beach Loop and the Bluff. The City and U. S. Fish and Wildlife currently protect ranked area #1 at the west end of 8th Street, and will continue to protect that resource as development is proposed. The scenic resource from the Sunset Motel to Coquille Point, accessed by the street right-of-way, was ranked as the second most significant scenic resource. The Ocean View Care Center was also ranked as having a significant view. The PUD ordinance and Policy 2 place protection on scenic values at this site.

The Council considered prohibiting, limiting and fully allowing uses which conflict with scenic resources in this area and made the following analyses:

Economic: Most significant views are fully protected in this viewshed. The City policy to support economic interest, tourism, as it relates to scenic resources along Beach Loop and the Bluff and assist in the formation of a land conservancy is the affordable and feasible way to acquire land or scenic resources in the future. While this policy will not preclude increasing property values, it eliminates the necessity for the City to purchase properties with scenic values. It may also help protect the City's major.

Social: The concept of "neighborhood" has already been impacted by tourist commercial uses in this area. It will become more homogenized as few or no low or moderate income residents can afford to live in this part of the City. This area is close to the city center, tourist commercial uses, the beach, and the community center complex and park. Scenic attractions and tourist uses will be enhanced when the master trail plan is completed and implemented. Trails, when well marked, will encourage less vehicular traffic and safer walking areas for residents as well as visitors on Beach Loop Road.

Environmental: The amount of lot coverage for impervious surfaces is reduced to 65%. Some lots on the west side of Beach Loop Road extend to the ocean and appear much larger than the 5400 square feet required for single family dwellings. The "buildable" portion of these lots is much less due to the ocean bluff.

Energy: The maintenance of walking paths which are user-friendly and the protection of the City's right of way along Beach Loop Drive could reduce some traffic and fossil fuels' use in the future. It may become useful to offer a shuttle to and from Old Town and the Coquille Point parking lot to eliminate some vehicular traffic in both areas.

CONCLUSIONS

The area of primary concern in this viewshed is the west side of Beach Loop Drive. The north-south orientation of Beach Loop Drive allows access for the public at a number of sites identified in the Inventory that are publicly-owned and accessible for various ocean views. There are also secondary drive-by glimpses of the ocean and rock formations. While these secondary views contribute to the overall significance and importance of the viewshed, most occur over private property. These secondary view opportunities are partially protected by the dimensional standards required in the zone.

The preceding analysis identifies the economic, social, environmental, and energy (ESEE) consequences of fully allowing, prohibiting, and limiting conflicting uses within the viewshed. In the case of the

Bluff/Beach Loop viewshed, the consequences of prohibiting conflicting uses would entail the condemnation/purchase of property not already developed in order to ensure unobstructed views over these properties. If conflicting uses were fully allowed, the result would most likely be detrimental to the viewshed as a whole, particularly without meaningful height and setback regulations. By limiting conflicting uses, a balance of view access, preservation of the resource, and assurance of development rights, although slightly constrained, will be achieved as proposed below.

Actions to protect and/or ensure access to the resource

Encourage voluntary view/conservation easements, secure right of first refusal for the sale of publicly-owned property, limit street vacations, enhance existing public sites, and limit lot coverage.





Megan Lawrence <mlawrence@ci.bandon.or.us>

For the April 26 Bandon Beach Hotel Zone Text Amendment Hearing

TI <ti@ti.org>
To: planning@cityofbandon.org

Wed, Apr 25, 2018 at 4:58 PM

To: Bandon Planning Commission
For the April 26 Bandon Beach Hotel Zone Text Amendment Hearing
From: Vickie Crowley

Please accept these attachments for my testimony which I will give at the April 26 hearing.

Vickie Crowley
1425 Beach Loop
Bandon, Oregon

ATTACHMENT 1 — Coquille Point Unit, Oregon Islands National Wildlife Refuge
Clear view of the subject property in relation to the Refuge. The subject property is clearly an intrusion into the refuge.

ATTACHMENT 2 — Refuge Zoning Adjacent to the subject property on three sides. The use of the subject property must be compatible with the property adjacent to it.

ATTACHMENT 3 — Refuge Headland and Shoreland Boundary

Testimony of Dr. Leonard Palmer, Oregon State Geology, at the Council hearing on Coquille Point, 10/23/90, identified Coquille Point as a headland, and defined it as an area west from Portland Avenue. (Also see Comp Plan p. 194). Since the subject property is west of Portland, it is a headland and therefore management must comply with LCDC's coastal shorelines goal.

ATTACHMENT 4 --

This is the last page of the Coquille Point Ordinance. This page was not included with the staff report. The ordinance on this page states, "These private lands benefit from [sic] the proximity of the refuge, development may only occur in a manner that is compatible with the refuge. The development process must include a review of (but not limited to) the scale of development proposed in relation to the refuge."

ATTACHMENT 5 —

The stairway down to the beach has become tilted — surfaces that were once level are now inclined. Even though the stairway was reopened, this shows that this is an active slope.

USFWS closes Coquille Point stairs due to safety concerns

Bandon Western World Jul 1, 2014

http://theworldlink.com/bandon/news/usfws-closes-coquille-point-stairs-due-to-safety-concerns/article_f64dd46e-181b-11e4-bd7a-001a4bcf887a.html

BANDON — The U.S. Fish and Wildlife Service has closed the south staircase at Coquille Point due to public safety concerns.

After inspection and consultation with engineers, the USFWS has concluded the stairs have suffered structural problems as a result of **geologic shifting on the point**. A path and second set of stairs on the north end of Coquille Point at the end of Eighth Street will remain open, allowing Coquille Point visitors to access the beach.

“The safety of refuge visitors and employees is our top priority,” said Roy Lowe, project leader for the Oregon Coast National Wildlife Refuge Complex, which manages Coquille Point.

“Consequently, a determination from engineers that the stairs have additional structural concerns requires us to close them to ensure the continued safety of everyone visiting Coquille Point,” Lowe added.

The USFWS is obtaining the services of a structural engineering firm to inspect the staircase within the next week and provide the USFWS with an evaluation on whether a temporary fix is possible in order to retain safe use of the stairs through the end of October. The USFWS will also begin evaluating options for a long term fix through repairs or replacement.

“We are very sorry for the inconvenience this will create for visitors to Coquille Point,” Lowe said. “I can assure visitors that we will seek expertise and funding to either repair or replace the stairs and once again give visitors an easy way to access the beach.”

The Coquille Point stairs have provided visitors with access to the Bandon beach and rocky intertidal areas at the base of Elephant Rock since their construction in 1998. Coquille Point is managed as part of Oregon Islands National Wildlife Refuge. It is a spectacular place to observe seabirds and harbor seals.

The point overlooks a series of coastal rocks of every shape and size that provide habitat for common murre, tufted puffin, western gull and Brandt's cormorant as well as harbor seal and rocky intertidal invertebrates. A paved trail at the top of the bluff winds over the headland and features new interpretive panels that share stories about the area's wildlife.

=====

ATTACHMENT 6 — A thru D

The southwest corner of the existing motel is within 100' of the stairway and the shifting bluff. Shorelands rules apply to this site. These photos show just how close the existing structure is to the moving bluff.

ATTACHMENT 6 — A — The southwest corner of the existing motel is within 100' of the stairway and the shifting bluff.

ATTACHMENT 6 — B --The southwest corner of the existing motel is within 100' of the stairway and the shifting bluff.

ATTACHMENT 6 — C — The southwest corner of the existing motel is within 100' of the stairway and the shifting bluff.

ATTACHMENT 6 — D — The southwest corner of the existing motel is within 100' of the stairway and the shifting bluff.

9 attachments

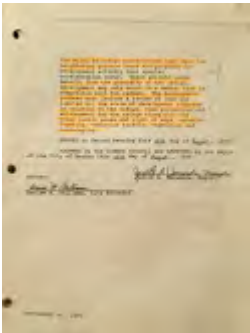
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NR Zone.jpeg
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Goal 17 - Coastal Shorelands.jpg
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Ordinance #1335 page 3.jpg
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New Gorman Motel.jpg
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 aerial.pdf
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 close aerial.pdf
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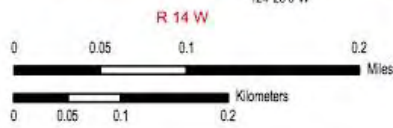


U.S. Fish & Wildlife Service
Oregon Islands National Wildlife Refuge
Clatsop, Tillamook, Lincoln, Lane, Coos, and Curry Counties, Oregon

Coquille Point Unit



PRODUCED IN THE DIVISION OF REFUGE PLANNING
 NEWPORT, OREGON
 LAND STATUS CURRENT TO: 10/20/06
 MAP DATE: 11/7/07
 BASEMAP: 2005 NAD IMAGERY
 MERIDIAN: WILLAMETTE
 FILE: ORG_COQ_PUBLIC_110707.MXD



Chapter 17.68

NATURAL RESOURCE AND OPEN SPACE (NR) ZONE

Sections:

- 17.68.010 Purpose.
 17.68.020 Permitted uses.
 17.68.030 Conditional uses.

17.68.010 Purpose.

The purpose of the NR zone is to protect important natural resources, such as open space areas, significant fish and wildlife habitats, outstanding scenic views and sites, ecological and scientific natural areas, wetlands and watersheds, historical areas and structures, and areas necessary to maintain or protect the quality of air, land and water resources from inappropriate or incompatible development. In an NR zone uses shall be limited to those uses that are consistent with protection of natural values.

17.68.020 Permitted uses.

In the NR zone the following uses are permitted outright:

- A. Wildlife and marine life sanctuaries;
- B. Public parks;
- C. Low-intensity recreational uses which do not include the use of structures;
- D. Harvesting wild crops.

17.68.030 Conditional uses.

In the NR zone, the following uses may be allowed in accordance with Chapter 17.92 and the provisions of this title:

- A. Public utilities and facilities, except that all utilities shall be underground;
- B. Structures for recreational activity or public use, except that such structures shall be built and located so as to minimize their impact on visual and resource values of the area;
- C. Historical structures and rehabilitation of such structures;
- D. Aquaculture and accessory facilities;
- E. Propagation and selective harvesting of forest products;
- F. Grazing;
- G. Nonstructural foredune maintenance, repair or restoration, not including foredune grading.

IDENTIFICATION OF THE COASTAL SHORELANDS BOUNDARY

Goal 17 (Coastal Shorelands) requires land contiguous with the ocean, estuaries, and coastal lakes to be identified as coastal shorelands. The location of the coastal shorelands boundary (CSB) in Bandon has been identified by applying the seven identification criteria in Goal 17. The specific application of each of these criteria is described below; the CSB is shown on maps CSB-1 and CSB-2.

- (1) **Lands which limit, control, or are directly affected by the hydraulic action of the coastal water body including floods** — The flood Hazard Boundary identified by the U.S. Department of Housing and Urban Development is used as the boundary of hydraulic action derived from the Coquille River. The heads of tide on Johnson Creek and the other small drainages along the bluff are at the beach, therefore, these areas are not considered coastal shorelands even though they have small floodplains adjacent the sea. The Flood Hazard Boundary is considered the best published indication of the 100-Year Floodplain for the Bandon area.
- (2) **Adjacent areas of geologic instability** - The portion of Bandon Bluff which has steep slopes (30% slopes and greater) and is subject to storm tides and wave action is considered to be an area of potential geologic hazards. For this reason, the CSB is located along the “top” of the bluff as it extends from the South Jetty area to the City limits south of Johnson Creek.
- (3) **Riparian resources** — Riparian vegetation is found in the area west of Riverside Drive, between the road and the Bandon Marsh.
- (4) **Areas of significant shoreland and wetland biological habitats** — All of these types of areas are within the boundary established by criteria (1) through (3) above.
- (5) **Areas necessary for water—dependent and water-related uses** — First Street has been chosen as the upland limit of lands considered necessary for water-dependent and water—related uses.
- (6) **Areas of exceptional aesthetic or scenic quality** - most of the shoreline along the estuary and ocean in Bandon has scenic qualities and views “primarily derived from coastal water areas.” There are no exceptionally scenic areas outside of the boundary established by criteria (1) through (5) above that would further influence the location of the CSB.
- (7) **Coastal headlands** — All of Bandon’s coastal headlands are within the boundary established by criteria (1) through (6) above.

The boundary descriptions given above and shown on maps CSB-1 and CSB-2 are consistent with Coastal Shorelands Boundary adopted by the Coquille River Estuary Task Force and described in the CoquilleRiver Estuary Management Plan (Volume 111, Part 3, pg 111-5).

the Wildlife refuge necessitates that when the neighboring private lands are proposed for development activity that special consideration occur. These private lands benefit from the proximity of the refuge, development may only occur in a manner that is compatible with the refuge. The development process must include a review of (but not limited to) the scale of development proposed in relation to the refuge; view protection and enhancement for the refuge along with the other public areas and right of ways, exterior lighting, vehicular traffic, vegetation and landscaping.

PASSED to Second Reading this 15th day of August, 1994,

ADOPTED by the Common Council and APPROVED by the Mayor of the City of Bandon this 15th day of August, 1994.

Attest:

Denise M Skillman
Denise M. Skillman, City Recorder

Judith A. Densmore, Mayor
Judith A. Densmore, Mayor

ORDINANCE NO. 1335





Home

Room Rates

Images

Directions

Activities

Motel Features



About the Bandon Beach Motel

We strive to make every guests stay as pleasant as possible. We are working



WINTER SPECIAL
Third night free at
our low winter rates!



Popular Bandon Links

[Find things to do, places to go and a variety of](#)







Megan Lawrence <mlawrence@ci.bandon.or .us>

Item 4.1 Zone Code Text Amendment--Bandon Beach Hotel


Mary Coolidge <mcoolidge@audubonportland.org>
To: planning@cityofbandon.org

Mon, Apr 23, 2018 at 6:00 PM

Commissioners,
Thank you for the opportunity to weigh in on an upcoming Commission agenda item #4.1: Zone Code Text Amendment--Bandon Beach Hotel.
Please find our comments attached.
Best,
Mary

--

Mary Coolidge
BirdSafe and Non-Lead Campaign Coordinator
Audubon Society of Portland
<http://audubonportland.org/issues/hazards/buildings/birdsafe>
Donate to Birdathon! <https://birdathon.everydayhero.com/us/mary>
[Take the Pledge to go Lights Out!](#)
971.222.6112 desk
503.866.3779 cell

 Coquille_Pt_development_ Apr2018.docx.pdf
102K



April 23, 2018
City of Bandon Planning Commission
555 Highway 101
Bandon, OR 97411
planning@cityofbandon.org

Re: Item 4.1 Zone Code Text Amendment-Bandon Beach Hotel, 1090 Portland Ave SW

Dear Bandon Planning Commissioners,

Please accept the following comments from Audubon Society of Portland (Audubon) regarding *Item 4.1 Zone Code Text Amendment-Bandon Beach Hotel*. We would like to flag for you some concerns that we have about this proposed zoning code amendment and conceptual renderings of the proposed hotel expansion adjacent to Coquille Point. While we understand that hotel development itself is not being considered at this hearing, we would like to call your attention to the potential risk to birds presented by an expanse of unmarked glazing and in increase in artificial light at night at this location.

Audubon supports exploration of economic development opportunities in Bandon, but we are concerned about potential natural resource conflicts associated with expansion of development immediately adjacent to a National Wildlife Refuge. The applicant's request to amend Bandon's code to raise the building height restrictions on this site from 24 feet to 45 feet and to reduce yard setbacks, together with conceptual drawings of the proposed hotel "are valuable in clarifying the expectations associated with the zoning code change request" (Legislative Zoning Ordinance Text Amendment Staff Report, 2018). This zoning code amendment opens adjacent refuge lands up to the cumulative environmental impacts of a larger, glassier development that is likely to increase artificial lighting, glare, traffic and noise. Offshore rocks at Coquille Point provide critical habitat for spectacular colonies of breeding and resting seabirds, including records of Brandt's and Pelagic cormorant, Pigeon guillemot, Black oystercatcher, Common murre, Leach's storm petrel and Tufted puffin, many of which are sensitive to anthropogenic sources of disturbance. The headland currently functions to provide a necessary buffer zone between mainland development and the islands, and should not be considered a substitute for side and rear yard development setbacks on the hotel property.

Consistent with Bandon Municipal Code 17.116.020, "*an application for zoning ordinance or comprehensive plan amendment by a property owner or their authorized agent shall be... reviewed to determine the suitability of the uses proposed in terms of...relevant hazard or resource considerations.*" Furthermore, Ordinance 1335 in Bandon's Comprehensive Plan addresses the Coquille Point Wildlife Refuge as follows: "*When property within 100 feet of the Refuge boundary is proposed for development, the applicant shall demonstrate that the proposal will have no adverse impact on the function of the Refuge. This shall be accomplished by supplying detailed plans that include proposed landscaping and vegetation, shielded exterior lighting, and noise minimization. In addition, the applicant shall demonstrate how the proposal enhances an identified scenic resource.*" The proposal for zoning code amendments has not demonstrated considerations that are either compatible with the refuge or that enhance existing natural resources.

We appreciate the applicant's acknowledgement of the potential window strike risk at this location, and encourage the Commission to require that any potential redevelopment require treatment of 100 percent of the glazed area

with exterior patterns, exterior screens or other exterior apparatus to interrupt deceptive reflections. Window collisions kill up to 1 billion birds annually in the US alone, making collisions one of the leading causes of avian mortality. Metadata research on 93,000 collision records across the United States found that 56% of strikes occur on low rise commercial buildings under 11 stories (Loss 2014). Indeed, most strikes occur within the first 40 feet above grade. Therefore, even small scale buildings can present significant strike risk, with higher risk associated with buildings adjacent to high value habitat.

There is also a growing body of research documenting that light pollution has significant deleterious impacts on ecosystems, with demonstrated impacts on nesting and migrating birds, as well as on mammals, amphibians, fish, plants, and on human health. [Recent research looks at potential impacts on Marine Protected Areas](#) from a variety of light sources, including on-shore buildings ([Davies et al 2015](#)). Fatal attraction of seabirds to artificial light at night has also been well-documented in a number of species ([Rodriguez et al 2017](#), [Rodriguez et al 2014](#), [Rodriguez et al 2017](#)). Therefore, we recommend that zoning code amendments and associated development proposals take into consideration the deleterious impacts of artificial light at night and seek to minimize such impacts on adjacent sensitive habitat. At minimum, we urge the the Commission to require strict adherence to best practices to reduce potential impacts, including: elimination of any unnecessary exterior lighting; minimization of light spill from interior lighting; careful consideration of overall light levels so as not to overlight the area; utilization of smart, tunable, dimmable lighting with motion sensors; requirement of fully shielding exterior fixtures so that no light is projected above 90 degrees; specification of exterior lamps that fall below 3,000K and have an S/P ratio of 1.0; elimination of light trespass.

We urge the Bandon Planning Commission to consider cumulative impacts to nearshore and onshore habitat for sensitive seabirds in the consideration of this zoning code amendment. We further urge the Commission to require that any development, especially that adjacent to sensitive habitat, adhere to the highest standards of bird safe building strategies as well as to exemplary lighting standards that minimize skyglow, light trespass into habitat areas, and other forms of unnecessary light pollution.

Thank you for your consideration of these comments.

Respectfully,



Mary Coolidge
BirdSafe and Non-lead Campaign Coordinator



Bob Sallinger
Conservation Director



Megan Lawrence <mlawrence@ci.bandon.or.us>

Zone Text Amendment--Bandon Beach Motel

Kent and Bev <bevandkent@hotmail.com>

Tue, Apr 24, 2018 at 2:05 PM

To: "planning@cityofbandon.org" <planning@cityofbandon.org>

Dana or Megan,

Below are my comments for the Planning Commission Meeting, on April 26 2018. Please let me know when you receive this. Thanks!

To: Planning Commission Members

RE: Zone Code Text Amendment--Bandon Beach Motel

After careful consideration and reviewing the supporting documents to this proposed amendment, I urge the Planning Commission to deny this request for a text amendment.

I retired to Bandon, in 2013, after owning and operating a service business for 28 years. I mention this because I respect Mr. Keiser's position.

While granting a height amendment to 40 ft may be "minimized" because the property is located more than two blocks west of Beach Loop, and there are no buildings to the north and south of the motel, a 40 ft building will be very unappealing visually, on an otherwise level Coquille Pt.

I am also against granting amendments to side and rear yardage and increasing the impervious surface to 75 percent because ground filtration is an often overlooked, but very critical part of an ecosystem, and every little bit counts.

I have to agree with another submitted comment, that "the existing motel should never have been built to begin with." I am willing to forego a public bathroom, for the existing view. If a replacement motel, built to the existing code, cannot be profitable, perhaps the land could be used for another purpose. Motel rooms built closer to Beach Loop will

still attract clientele, as visitors will not be deterred by the spectacular view at Coquille Pt, two blocks away.

Thank you for your time and consideration.

Beverly Minn



Megan Lawrence <mlawrence@ci.bandon.or.us>

Fwd: New hotel

John McLaughlin <jmclaughlin@ci.bandon.or.us>
To: Megan Lawrence <mlawrence@cityofbandon.org>

Tue, Apr 24, 2018 at 9:31 AM

----- Forwarded message -----

From: Beth Wood <bandonmercantile@gmail.com>
Date: Tue, Apr 24, 2018 at 8:35 AM
Subject: New hotel
To: jmclaughlin@cityofbandon.org

Hi
As a long time business owner I highly recommend that you approve the plans for Michael Keisers new hotel. This hotel would only benefit Bandon and provide needed jobs.

Since moving here in 1985 we have watched Bandon grow, in large part due to the building of Bandon Dunes Golf Course. Michael Keiser has always been a great partner of Bandon and has never mislead us. I think it is time to have a gorgeous new hotel in Bandon.

Sincerely,
Beth and Ed Wood
Bandon Mercantile Co.



Megan Lawrence <mlawrence@ci.bandon.or.us>

Fwd: Kaiser's Proposed Coquille Point Hotel

John McLaughlin <jmclaughlin@ci.bandon.or.us>
To: Megan Lawrence <mlawrence@cityofbandon.org>

Mon, Apr 23, 2018 at 4:26 PM

----- Forwarded message -----

From: Bandon Inn <bandoninn@msn.com>
Date: Mon, Apr 23, 2018 at 2:44 AM
Subject: Kaiser's Proposed Coquille Point Hotel
To: jmclaughlin@cityofbandon.org <jmclaughlin@cityofbandon.org>
CC: Joseph Bain <joseph@baininsurance.com>

I've been asked by Joseph Bain to send my thoughts regarding the Kaiser's proposed hotel at Coquille Point.

I am always a proponent for progress. Both plans look beautiful and would, of course, be an improvement to the area. Adding 40+ more guest rooms to the Bandon area would also be a positive addition in the summer season when there is enough business for all of our lodging partners. Healthy competition is always good though the winter and shoulder seasons are already difficult for our local lodging community.

I understand the City of Bandon would be required to make exceptions to building codes in order for the Kaisers to build according to their plans. I would imagine this is going to be an issue for many. Is this a one time exception or would others be granted the same consideration? How does this affect those who had to abide by the building codes in the past and those who will ask for special consideration in the future?

I know that Bandon Dunes has put Bandon on the map in the world of golf. I am a local; born and raised in Bandon and appreciate everything Mr. and Mrs. Kaiser have done for our community. The addition of another business would provide employment opportunities as well as provide the City of Bandon and our Chamber of Commerce with additional Transient Occupancy Tax income.

There are many pros and a few cons swirling around this project. I suppose my opinion is to, of course, welcome a new business to Bandon but not at the expense of other like businesses and others in our community who wouldn't receive the same building code considerations.

My best to you,

Peggy Backholm - Owner
Bandon Inn

Get [Outlook for Android](#)



Megan Lawrence <mlawrence@ci.bandon.or.us>

FW: Proposed Motel/Hotel at Coquille Point

Joseph Bain <Joseph@baininsurance.com>
To: City - Megan Lawrence <mlawrence@cityofbandon.org>
Cc: City - Dana Nicholes <dnichols@cityofbandon.org>

Sun, Apr 22, 2018 at 1:06 PM

John is not in until tomorrow so here you go!

From: Joseph Bain
Sent: Sunday, April 22, 2018 1:03 PM
To: City - John McLaughlin <jmclaughlin@cityofbandon.org>
Cc: City - Robert Mawson <citymanager@cityofbandon.org>; David Kimes <dkimes@mycomspan.com>
Subject: Proposed Motel/Hotel at Coquille Point

Hello and Good Day,

I am emailing to voice my total support for the new Bandon Beach Hotel proposed by the Keiser family. Here are a few reasons:

1. The creation of various levels of employment opportunities is/should always be a priority. When the majority of the mills shut down around Bandon in 1994 there was a mass exodus of families heading to job opportunities everywhere in the PNW. The arrival and growth of Bandon Dunes has slowly helped reverse that migration and this is a continuation of that trend.
2. This project is the first reach "into" Bandon to help generate additional economic growth within the City limits by the Keiser Family. Not only will this create jobs, but it will bring additional visitors that have the resources to support our existing business and possibly fuel more business starts around the entire community.
3. City finances will improve with a noticeable increase in the TOT, increased electrical usage (we are a utility) and small increase in the property taxes collected due to the property value.
4. The structure is beautiful and will be an upgrade over the current establishment.
5. There are several improvements to landscaping, parking in the area and handicap accessibility.
6. This is decision for today that will have a positive impact for generations.

Respectfully submitted,

Joseph Bain

Bain Insurance Agency

1075 Alabama

4/23/2018

City of Bandon Mail - FW: Proposed Motel/Hotel at Coquille Point

PO Box 659

Bandon, OR 97411



Megan Lawrence <mlawrence@ci.bandon.or.us>

Fwd: Hotel

Dana Nichols <dnichols@ci.bandon.or.us>
To: Megan Worton <mworton@cityofbandon.org>

Mon, Apr 23, 2018 at 11:38 AM

----- Forwarded message -----

From: Corrie Gant <lunagant@gmail.com>
Date: Mon, Apr 23, 2018 at 11:27 AM
Subject: Hotel
To: <dnichols@cityofbandon.org>

April 23, 2018

To the Planning Commissioners:

The city has been very strict with all builders in requiring they adhere to setbacks and height restrictions. Planning department rules state that height restrictions are measured from the lowest points on the building site, not from the average of the site. The city limits the height of a building to 24 feet from the lowest point on the building site to the peak of the building, but this proposed motel is asking to be allowed to be 55 feet high from its lowest point.

Planning department rules state that setbacks on corner lots are to be 15 feet on the side streets, 20 feet from the front, and 10 feet on the back. The artist's conceptual drawings of the proposed hotel's southern view show bike racks and bistro tables, which would be possible in a 15 foot setback, however, they are asking for the rules to be rewritten so that they can have a setback of only 5 feet. It's deceptive to have an artist's rendering showing amenities of bistro tables and bike racks when it's patently obvious that 5 feet is scarcely enough room.

They are proposing a café and bathrooms that will be available to the public, but for how long? When The Commons were built, we were told it was for workforce housing, yet when market analysis determined The Commons was better suited to be condominiums, the goal changed. How long will the public access last before a market analysis is done that determines public access is no longer suitable?

When Margaret Gorman built her motel at this same site, she was not only held to the city's rules and requirements, she was also required to pave Portland street and provide other upgrades for the entire neighborhood. Are we saying that rules do not apply for anyone rich enough to demand a major change in them, for minor concessions?

Respectfully,

Paul Fisher

[56994 Parkersburg Rd](#)[Bandon, Oregon 97411](#)

Dana Nichols | City Planner
City of Bandon
541.347.2437
www.cityofbandon.org





Megan Lawrence <mlawrence@ci.bandon.or.us>

Fwd: Hotel

John McLaughlin <jmclaughlin@ci.bandon.or.us>
To: Megan Lawrence <mlawrence@cityofbandon.org>

Mon, Apr 23, 2018 at 4:01 PM

----- Forwarded message -----

From: Melody <melodygj@harborside.com>
Date: Mon, Apr 23, 2018 at 8:50 AM
Subject: Hotel
To: <jmclaughlin@cityofbandon.org>

I am writing in support of the hotel Mr. Keiser is proposing at Coquille Point. He has proven the value and quality of his developments, and his commitment to contributing to our community. His overall hotel plan seems solid and will be a sight better than what is there now. I believe the Planning Commission should approve.

Melody Gillard-Juarez
[1205 Baltimore Ave](#)
Bandon

Sent from my iPhone.

1087 Beach Loop Dr. SW
Bandon, OR 97411
April 19, 2018

Mayor and City Council
Planning Commission
City of Bandon
PO Box 67
Bandon, Oregon 97411

I strongly object to the proposed Zone Code Text Amendment for the property at 1090 Portland Ave. (Bandon Beach Hotel) for the following reasons:

(1) The proposed amendment is contrary to the purpose of the CD-1 zone as stated in section 17.20.010 of the Bandon Municipal Code:

“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 [emphasis added] of future development in this zone.”

A structure 44 ft. high, about 120 ft. long and 80 ft. wide, at one of the most scenic locations on the Oregon coast, is clearly not consistent with this objective. To better understand the bulk of the proposed structure, it will be about four times the volume of the existing vacation rental directly to the east, which is itself a very large structure.

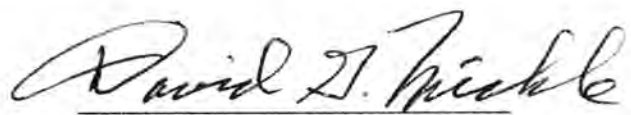
Restrictions in the Code for the CD-1 zone were adopted to insure that structures such as that proposed would not be permitted, and those existing restrictions should be complied with.

(2) Section 17.20.040 of the Code states:

“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 these viewscapes”

Property owners have a right to expect that both they and their neighbors will abide by the existing zoning restrictions, thus protecting everyone from adverse impacts upon their property. In the present case, allowing the 24 ft. height restriction to be modified to 45 ft. has a very negative impact on the views from nearby properties and should not be permitted.

When one owner is allowed to break the rules and adversely effect their neighbors, who have complied with the rules, it sets a dangerous precedent and erodes confidence in the impartiality of those entrusted with insuring that everyone is treated in a fair and equitable manner.



David G. Mickle



Megan Lawrence <mlawrence@ci.bandon.or.us>

Bandon zone code text amendment comments


Robert Schroeter <schroetr345@gmail.com>
To: Planning@cityofbandon.org

Mon, Apr 23, 2018 at 11:28 AM

Hi Megan,
See attached document below with my comments for the upcoming public hearing on April 26th, 2018.
Bob

Begin forwarded message:

Subject: Bandon zone code text amendment comments

 Bandon Beach motel zoning code change comments.docx
12K

Comments for Public Hearing on code text change regarding property in Bandon at 1090 Portland Avenue.

I'm opposed to the zoning code change that the owners of the Bandon Beach motel are looking to have apply to the lot they own where the Bandon Beach motel is currently located.

Specifically I oppose the change in maximum building height from 24 feet to 45 feet (or 40 feet). A building of that size would be out of scale with all the surrounding buildings in the neighborhood which are all 24 feet or less in height.

A building that is 45 feet out at Coquille Point would become the new focal point. It would take away and distract from the natural beauty of the Coquille Point headlands and surrounding beaches. It would stick out like a sore thumb in the neighborhood because it would be twice the height or more of many of the surrounding buildings in the neighborhood. It would also be readily visible from the beach and from Coquille Point.

The Bandon Beach motel in its application for a code change had given a couple examples of other motels in town that were three stories tall as a justification for allowing them to have a code change. Both examples they give though are not comparable or applicable to the Bandon Beach motel lot.

One motel they mentioned was the Vern Brown addition to the Sunset Motel on Beach Loop Drive. This motel is three stories tall and is located on the west side of Beach Loop Drive. The difference here is that the motel is located on a slope below the road so that only one story is at the level of the street grade. So this motel meets the code requirement of being 24 feet high or less at Beach Loop Drive and hence doesn't block views any more than any of the other single story structures in the neighborhood. The height of the building is only apparent from the beach (which isn't to say that it doesn't exactly look all that good - a motel on stilts). The building also consists of three separate units which also have a much smaller footprint than what the Bandon Beach motel is proposing for their new motel.

The other motel they mentioned is the Bandon Inn located on the slopes above old town Bandon. Again the structure is located on the slope so the houses/structures above the motel do not have view blockage. The Bandon Inn also blends in well with the surroundings as the color used is darker so it doesn't stand out and there is vegetation surrounding the buildings above and below on the slope to also help make it fit in better.

The Bandon Beach motel on the contrary is located on the flat area above the bluffs so the full effect of a 45 tall building would be noticeable from quite a distance as the building would tower over all the surrounding buildings in the neighborhood. The building would also block views and solar radiation from houses and developable lots to the east, southeast and northeast much more so than with a 24 foot structure.

As mentioned in the staff report, the Bandon Beach motel owner also owns 4 additional lots in the neighborhood along 11th Street SW between Portland Avenue and Beach Loop Drive. A couple of these lots the applicant proposed to use as parking for the new proposed motel.

These lots did have in the past a motel, restaurant, swimming pool and old house. The motel that was located on the corner of 11th Street and Beach Loop Drive had been constructed in 1972 and had been used for over 50 years until it was torn down in 2013. The former restaurant had been built even before the motel and been in use for even longer. As the staff report mentioned the motel had consisted of at least 30 rooms. The current Bandon Beach motel has at least 20 rooms. Together historically there have been at least 50 motel rooms that were available along with a restaurant and a swimming pool on the lots that are owned by the Bandon Beach motel owner that were all built within the current code height restrictions of 24 feet.

Given that the Bandon Beach motel owners own all of these lots it seems they could easily design and build lodging and restaurant facilities on the lots they own and do so within the current CD-1 zoning codes and within the 24 maximum height as it has been done so in the past. The applicant mentioned they desired to double the amount of rooms at the Bandon Beach motel and they would like to have 48 rooms. As mentioned above there had been 50 rooms in the past on the lots they own.

Another observation regarding the Bandon Beach motel is that currently the motel has 20 rooms and they all have ocean views. From the drawings that the applicant supplied for their proposed new Bandon Beach motel that is to be 45 feet tall it appears that while the motel may have twice as many rooms (or 48 as they stated), only one half to two thirds of the rooms will have an ocean view. The other half or third of the rooms will be facing east and will not be looking at the ocean. Instead those rooms would be overlooking private residences and lots with no opportunity to provide screening to those private residences/lots since the new motel building will be 45 feet tall. So in effect the new motel will still only have the same number of ocean view rooms as the old motel. If this is the case then it would be better if they build part of their lodging on their other lots since half of their new proposed motel will not have ocean views anyways. Doing so will be less impacting to the neighborhood as there wouldn't be a structure towering over all the other houses in the neighborhood, providing a visual distraction and impinging on the privacy of the neighboring houses and lots as the upper floors of the motel would be like a watch tower over the neighboring properties.

The restaurant could be built on the same lot as the previous restaurant had been located and still have an ocean view rather than placing it on the Bandon Beach motel site. Doing so would maximize the potential ocean view rooms of the motel like the current old Bandon Beach motel does with its design while still retaining ocean views for the restaurant/cafe.

The current Bandon Beach motel may have reached the end of its useful life primarily due to its poorer construction, lack of proper upkeep and maintenance and due to the weather and elements out at Coquille Point, but at least the motel design was done within the current zoning requirements so the building is of a size and scale that is in line with the other surrounding buildings in the neighborhood, all motel rooms take advantage of the ocean views and do not overlook adjacent private property infringing on the neighboring lots privacy, and have on site parking right next to the motel so as to minimize vehicle trips, vehicle idling and in general add to traffic congestion at the junction of Portland and 11th Street.

Building the lodging across all the lots that applicant owns rather than just the one at the current Bandon Beach motel lot would also make the parking more efficient and convenient for the motel patrons as they could park closer to their lodging rather having to use a drive-up/drop off at the proposed 45 foot tall motel and then park up to a half block away or more and then walk to the motel (in poor weather a lot of the time). It would also reduce the chance that motel patrons would use the Wildlife Refuge parking lot instead of the motel parking lot.

Lastly the applicant stated that the motel would be “very active” with occupancy most of the time and generate a lot of money for the city through lodging taxes. The only problem with this statement is that the applicant doesn’t provide any facts or data to back up this assertion.

My observation is that half of the year in Bandon tends to be quite slow for many of the lodging and restaurant businesses. In fact the current Bandon Beach motel offers winter rates of “stay two nights and get the third night free”. Even with that special promotion I’ve noticed that the Bandon Beach motel is nowhere near full occupancy during the winter months except for maybe holiday weekends. This also appears to be true with other motels in town such as the Sunset Motel down Beach Loop Drive or the Table Rock motel up Beach Loop Drive. Some of the restaurants in downtown Bandon actually close for a period during the winter months or have reduced hours. So it seems highly unlikely that the proposed new Bandon Beach motel will magically be “very active” with high occupancy rates year around. It is possible that the City could provide an accurate estimate of the monthly lodging stays in town by reviewing what it receives monthly in lodging taxes from all the motels and lodging for the year.

I travel a fair amount for work and recreation which has taken me across the region and country. One such place I’ve been to is Shelter Cove along the California coast. It is located south of Cape Mendocino at the southern end of the Lost Coast. It is a vacation/retirement town on the Pacific Ocean. It also has a road near the bluffs above the Pacific Ocean with lots between the road the ocean. In places where all the lots have been developed with 2 and 3 story houses built right next to each other there is no view of the ocean from the street or lots that are across the street from these 2 and 3 story houses. In effect the houses create a “wall” of development that blocks off views of the ocean.

By allowing this proposed zone code change for a 45 foot building height will (as the staff report mentions) begin a slide down a slippery slope. All future requests for a building height greater than what the current code allows will use this proposed motel as their rationale if the City approves the 45 foot or any height greater than what the current code allows. So in effect if approved the proposed Bandon Beach motel at 45 feet tall would become the first segment of the coastal development “wall” blocking views and detracting from the natural beauty of the Bandon coastal bluffs and beaches.

Bob Schroeter
345 Laurelwood Drive
Jacksonville, OR 97530
(owner of house and property at the corner of 11th Street and Beach Loop Drive in Bandon, OR)



Megan Lawrence <mlawrence@ci.bandon.or.us>

Fwd: Coquille Point new hotel

John McLaughlin <jmclaughlin@ci.bandon.or.us>
To: Megan Lawrence <mlawrence@cityofbandon.org>

Mon, Apr 23, 2018 at 4:02 PM

----- Forwarded message -----

From: Cynthia K Stone <cynthiak.stone@gmail.com>
Date: Mon, Apr 23, 2018 at 2:36 PM
Subject: Coquille Point new hotel
To: <jmclaughlin@cityofbandon.org>

I enthusiastically endorse Mike Keiser's plan to replace the existing hotel at Coquille Point with a modern, environmentally sensitive, 3-story hotel. Tourism is Bandon's most important industry. Keiser has proven time and again that he is a responsible developer and good steward of the land, as well as sensitive to community concerns. The new hotel should bolster the local economy and Bandon's image. I drove around the existing hotel - kind of an eyesore - and couldn't see how a third story is going to impact anyone's view. We all need to look at the big picture and support this project.

Cynthia Stone

Sent from my iPad



Megan Lawrence <mlawrence@ci.bandon.or.us>

Fwd: Mike Keiser's Hotel at Coquille Point

John McLaughlin <jmclaughlin@ci.bandon.or.us>
To: Megan Lawrence <mlawrence@cityofbandon.org>

Mon, Apr 23, 2018 at 4:03 PM

----- Forwarded message -----

From: Dennis Thomason <dennisthomason@gmail.com>
Date: Mon, Apr 23, 2018 at 6:56 AM
Subject: Mike Keiser's Hotel at Coquille Point
To: <jmclaughlin@cityofbandon.org>

I am writing in support of the Hotel for many reasons:

1. The existing structure is ugly and needs to be replaced;
2. Jobs;
3. We need all the motel space we can get during tourist season, Cranberry Festival, 4th of July, etc. All the motels fill up during these times.
4. A nice hotel will add value to the community in that it offers something that is not currently here. Having worked many years at Tiffany's Drug, and managing a vacation rental, I have heard many comments about what tourists and golfers would like to see in Bandon. They want nice shops, nice restaurants, and nice accommodations. We have some nice restaurants, but no fancy hotels and very few really nice shops.

I think the hotel would help to diversify Bandon by offering something that is not currently here, giving another reason for visitors to come here.

Dennis Thomason
1157 8th St NE
Bandon, OR 97411



Megan Lawrence <mlawrence@ci.bandon.or.us>

Fwd: Bandon Beach Hotel

John McLaughlin <jmclaughlin@ci.bandon.or.us>
To: Megan Lawrence <mlawrence@cityofbandon.org>

Mon, Apr 23, 2018 at 4:25 PM

----- Forwarded message -----

From: Chas Waldrop <realestate@chaswaldrop.com>
Date: Mon, Apr 23, 2018 at 6:00 AM
Subject: Bandon Beach Hotel
To: <jmclaughlin@cityofbandon.org>

John,

Definitely a "Thumbs Up" for this New Facility & the Zone Code Text Amendment to Modify the Bandon Municipal Code in the CD-1 Zone for this location.

If approved, and a CUP is granted, it will allow for a much needed "attractive revitalization of the deteriorating Gorman Motel at the end of 11th Street".

When completed, the New Bandon Beach Hotel will be a Superior Quality Accommodation adjacent to Bandon's World Class Ocean Front & Beach Access, creating an Incomparable Destination for Everyone.

Sincerely,
Chas. Waldrop

Sent from my iPad



Megan Lawrence <mlawrence@ci.bandon.or.us>

Fwd: Mike Keiser's Hotel - Coquille Point

John McLaughlin <jmclaughlin@ci.bandon.or.us>
To: Megan Lawrence <mlawrence@cityofbandon.org>

Mon, Apr 23, 2018 at 4:26 PM

----- Forwarded message -----

From: Mary Wilson <danmary@mycomspan.com>
Date: Sun, Apr 22, 2018 at 3:28 PM
Subject: Mike Keiser's Hotel - Coquille Point
To: <jmclaughlin@cityofbandon.org>

Hello,

This is Mary Wilson and I am in favor of Mike Keiser's Hotel at Coquille Point. This will add jobs and bring a quality hotel to our town. Mike Keiser has proven that he is generous to our community and I expect that to continue. Thank you for this consideration.

Sincerely,
Mary Wilson

Sent from my iPhone

Planning Commission
City of Bandon
April 26, 2018

Honorable Commissioners,

In November of 2009, the City of Bandon's Planning Commission wrote these words into the Bandon Municipal Code:

"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 this zone."

And these words, "Future development is to be controlled in order to enhance and protect the area's unique qualities. (Bandon Municipal Code, 10-04-2009)

The current height limit in the CD-1 zone is 24 feet, plus up to 5 feet more for a chimney. The proposed change would allow for a building height up to 45 feet, plus (in this case) 7 chimneys that will extend 5 feet above the highest points of the structure.

This major change in the CD-1 Zone is specifically for Mike Keiser's proposed three-story, 48 room, luxury hotel on the site of the old Gorman Hotel on Coquille Point. A site that has some of Bandon's best views of the beach, ocean and offshore rocks, and a site that is actually inside a mainland unit of the U.S. Fish & Wildlife Service's Oregon Islands National Wildlife Refuge, which surrounds the site on three sides. The proposal includes a request that the Planning Commission approve building the hotel just five feet from the refuge on all three sides.

The City of Bandon's Planning Commission should be mindful of the fact that these changes to the CD-1 zone will set a fateful precedent. If you tell one developer yes, then you have to tell them all yes, and that will lead inevitably to the overdevelopment and disfiguration of Bandon's breathtakingly beautiful coastline.

Bob Fischer
1127 12th Street S.E.
Bandon, OR 97411
541-347-1193
bobfi1@frontier.com



Megan Lawrence <mlawrence@ci.bandon.or.us>

Fwd: New Bandon Beach Hotel - zone code text amendment testimony

Dana Nichols <dnichols@ci.bandon.or.us>
 To: Megan Worton <mworton@cityofbandon.org>

Thu, Apr 19, 2018 at 8:21 AM

----- Forwarded message -----

From: Pam Jenson <pjenson@hotmail.com>
 Date: Wed, Apr 18, 2018 at 4:55 PM
 Subject: New Bandon Beach Hotel - zone code text amendment testimony
 To: "dnichols@cityofbandon.org" <dnichols@cityofbandon.org>

As property owners of the vacant lot on Portland Avenue directly East of the Bandon Beach Motel since 2002 and full-time residents of Bandon since 2013 we are opposed to the zone text amendments for the following reasons:

1. Re-zoning is necessary only because the developer proposes to nearly double the height restrictions and more than double the current number of rooms from 20 to 48. Property owners purchased their property with the understanding and knowledge that the motel was in a certain zone, CD-1, with certain height (24') and other restrictions in place. Our view will be negatively impacted if the developer is allowed to have only 5' side setbacks and 55% lot coverage with up to 75% impervious surface. Section 17.20.040(B.2) states in part: "Protection of views from vacant building sites should also be taken into consideration." Reduction of the corner lot South side setback from 15 feet to 5 feet will eliminate a lot of our property's Southwest view corridor that includes face rock.
2. Section 17.20 appears to be written to require greater setbacks for buildings approved at greater heights (see 17.20.090 B.1.a.(5)) than code but this proposed zone code text amendment has a major opposite effect of reducing setbacks.
3. Probably at least double the traffic flow and more street parking on Portland Avenue concerns us as we do not have rear (East) access to our land. Our driveway will be required to be on the West side of the lot directly across from the hotel entrance.
4. Allowing the Zone Code Text Amendment seems inconsistent with the Section 17.20.010 Purpose statement that includes "carefully controlling the nature and scale of future development". The proposed increases are much larger than presently permitted. Coquille Point is one of Bandon's most natural, scenic, and pristine areas with amazing views. This area should be protected for visitors and locals alike. Allowing a 45' hotel height with 48 rooms will dramatically change the serenity and beauty of this area. In an area of homes with a height limit of 24', a hotel that is nearly double that height would draw attention to itself and not the surrounding beauty of the ocean views, sea life, and off shore rocks.

Thank you for letting us comment. Please include this email in the meeting packet for the Planning Commissioners.
 Sincerely,

Mike and Pam Jenson
 PO Box 1375
 Bandon, OR. 97411-1375

Dana Nichols | City Planner
 City of Bandon
 541.347.2437
www.cityofbandon.org



Megan Lawrence <mlawrence@ci.bandon.or.us>

Zone Code Text Amendment

1 message

Mike Mueller <mulegrows@gmail.com>
To: planning@cityofbandon.org

Thu, Apr 19, 2018 at 9:28 AM

Hi,

I **APPOSE** the request by the Steere Bandon Associates, LLC for the request to modify the Bandon Municipal Code Section 17.20 Controlled Development 1 (CD-1) Zone, to allow for a building height up to 45 feet on specific properties located in the CD-1 Zone in the City of Bandon. My reasons being, that if you allow them to build that high you are going to have to let everyone else that makes the request to allow them too, or I believe there will be lots o law suits against the city. Also serving liquor on those premises will at times will disturb the tranquility of the whole peaceful wildlife refuge experience that people visit the area for. Super Bowls, World Series, NBA Games can get very noisy. I am for keeping the building only at two stories tall and eliminate the liquor & food altogether and just build it as motel rooms like it is now.

Thank You!

Mike Mueller
Volunteer

Myra G. Lawson
1404 Strawberry Dr SW
Bandon, Oregon 97411
April 17, 2018

Planning Department
City of Bandon
Bandon, Oregon 97411

RE: Hotel on Coquille Point

To Whom it May Concern:


As was mentioned in the recent hearing, care must be taken to preserve our precious wildlife refuge while rebuilding the Gorman Hotel.

My concern is parking. I undersand that hotel parking will be on Beach Loop Road on the site of the former Gorman Motel. A suggestion would be to underground one layer of parking, providing more spaces. Many neighboring homes have dug below grade for garages with no geologic hazard. Thus, parking on the top would be landscaped without hindering the view and the refuge parking would remain as it is now. Many visitors and residents sit in their cars to enjoy the view daily, and those parking spaces should remain rather than be used by the hotel.

My other concern is the height of the building setting a prescident for other structures on the west side of Beach Loop to add stories. Oregon is famous for saving the beaches for the people. If there is a way, such as a "text amendment" to prevent Bandon's beaches from becoming "walled in", then that would be a solution.

Mr. Keiser stated that he was concerned with adding to the quality of life of the residents and visitors in Bandon, Oregon. Addressing these two concerns with the construction of his hotel would help meet that challenge.

Sincerely,


Myra G. Lawson

cc/Robert S. Miller III

Mr. David Kimes, Chair
Bandon Planning Commission
City Hall
PO Box 67
Bandon, OR 97411

April 15, 2018

Dear Commissioner Kimes and Planning Commission Members;

We are **opposed** to the text amendment request by Chicago-based Steere Bandon Associates, LLC, regarding the proposed Bandon Beach Hotel.

At a recent Work Session Meeting of the Bandon Planning Commission, Steere Bandon Associates, LLC's representatives claim their proposed hotel would "enhance" the area and that Bandon needs tourists. How will building a 45' glass hotel, almost twice the current motel height, in the midst of the beauty of Coquille Point "enhance" anything? Tourists aren't going to flock to Bandon to see the proposed hotel, they're coming for the unsurpassed view, which the proposed hotel will blemish.

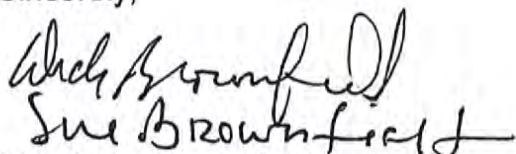
The existing motel has only 20 rooms, all of which face the ocean. The proposed hotel would have 48 rooms, half of which would face east, into our neighborhood. This invades our privacy and will create significant window sunlight reflection, room lighting, traffic and noise issues.

A 45' hotel would be an eyesore, regardless of how modern its design is, because it would be the only man-made object in anyone's view trying to see the ocean and other scenery at the site. The current motel is less obtrusive. The proposed hotel looks like an apartment complex.

Steere Bandon Associates, LLC, stated that they would integrate public amenities, like restrooms, an information center and relief from the elements into their hotel. But that is based on whether they get their 45' height limit approved. Without that third floor, there wouldn't be enough profit in it to provide public amenities.

The existing motel should never have been built to begin with, as it interferes with the scenic beauty of Coquille Point, one of the most beautiful scenic views in the world. Do not compound that mistake with the approval of the Steere Bandon Associates, LLC proposed text amendment.

Sincerely,



Dick & Sue Brownfield
1027 Portland Avenue, SW
PO Box 345
Bandon, OR 97411



Megan Lawrence <mlawrence@ci.bandon.or.us>

Testimony objecting to proposed height amendment

1 message

Mary Lou Gillam <gillam@gci.net>
To: planning@cityofbandon.org

Sun, Apr 15, 2018 at 4:39 PM

Re: Electronic testimony objecting to the proposed Bandon Beach Hotel height amendment

At about 45 feet, the proposed Bandon Beach Hotel would enjoy an inappropriate vertical height compared with the existing height restrictions of about 23 feet which have been honored in the past. As proposed, the hotel would be the tallest structure by far for several blocks, almost twice the height of other structures in the area, just for the benefit of the developer. As a precedent for future construction, this proposed height amendment should be rejected.

I am opposed to the Zone Code Text Amendment which would modify the existing Bandon municipal Code by allowing a 45-foot height for the proposed Bandon Beach Hotel.

Mary Lou Couch Gillam
[1177 Portland Avenue SW](#)
[Bandon, Oregon](#)

APRIL 3, 2018

TO: PLANNING COMMISSION
RE: PROPOSED HOTEL

AS A PROPERTY OWNER SINCE 1978 ON
BEACH LOOP I HAVE TALKED TO NEIGHBORS
AND OTHERS FROM BANDON AND WE ARE
VERY UPSET OVER THE PROPOSED CHANGES
OF THE CURRENT BANDON BEACH MOTEL - I
DO NOT THINK THE RESTRICTIONS ON
HEIGHT AND USING ALL OF THE LOT SIZE
SHOULD BE CHANGED — !

I WILL ~~LOSE~~ SEEING THE SUN SET !!
THERE WILL BE A BIG CHANGE IN NOISE
AND ARTIFICIAL LIGHT !!

ALSO - I HEARD RECENTLY THAT THE
STAIRS AT COQUILLE POINT ARE ALWAYS
CLOSE TO BAD SHAPE - THE SALT AIR
OUT THERE IS VERY DESTRUCTIVE TO
WOOD AND TO PLANTS!

PLEASE FOLLOW (KEEP) YOUR RULES
AND TURN THIS REQUEST DOWN !

(2)
YOU WILL END UP DESTROYING ONE
OF THE MOST BEAUTIFUL AND TOURIST
ATTRACTIVE SITES OF OUR CITY. THE
CITY WILL END UP LOSING MONEY — MAYBE
EVEN LAWSUITS BECAUSE OF THE NOISE,
LIGHTS, STAIRS, ETC.

Anna O'Sullivan
P.O. Box 1437
Bandon, OR 97411

Joy Kodani
3797 Beach Loop Drive SW
Bandon, OR 97411

31 March 2018

To: Bandon Planning Commission

RE: Proposed Bandon Beach Hotel development on Coquille Point

As a fifth-generation Oregonian who spent a large portion of my childhood on the Oregon Coast, I was so happy to return to my home state and find that Bandon has resisted becoming another Rodeo Blvd-type tourist trap, and instead, makes its amazing and beautiful natural resources the focal point of tourism. Having spent years on the East Coast and in California, it is such a blessing to return to my Oregon roots and savor one of the most beautiful beaches this country has to offer. I was very impressed by my first visit to the Coquille Point Reserve, and loved seeing so many people of all ages enjoying access to nature through beautifully maintained paths and staircases, and educational exhibits. I am deeply appreciative and thankful for Bandon's commitment to placing priority on protecting its natural treasures over the lure of rampant commercial development. While I understand that business development is a vital element to the survival of any city, I also am wary of developers pushing their agendas at the cost of a community's character and natural resources. And I am greatly impressed by the partnership forged between Bandon and the U.S. Fish & Wildlife Service to protect this delicate balance between commerce and nature.

In hearing Chris Kaiser's presentation at the Planning Commission's March 7 work session, I was at first impressed with how the Kaisers have been cooperative with the Department of Fish and Wildlife in revamping the design of the hotel to protect flight paths and blend in better with the architecture of the area. Their willingness to adapt the plan, and the promise of much-longed-for public facilities for the nature preserve made their proposal sound all the more enticing. But I feel there were too many assurances and impact factors left unsaid.

According to the Bandon Comprehensive Plan (BCP), "When property within 100 feet of the Refuge boundary is proposed for development, *the applicant shall demonstrate that the proposal will have no adverse impact on the function of the Refuge* (pg 12)." I do not feel that the Kaisers' have adequately demonstrated that their proposal will have no negative impact on the Reserve, or the surrounding community.

For starters, the proposed parking lots with 60 spaces are totally inadequate. With 48 rooms, a restaurant, and up to 13 employees, this will not be enough – especially if the hotel sells out during peak season, as is its history. The Refuge parking (13 car spaces of which 3 are designated handicapped, plus room for several RVs) is already frequently full, even in the off season, with excess cars frequently parked on the grass on the south side of the lot. With the Reserve parking lot closer to the hotel, it also seems inevitable that it will be more enticing to hotel guests who do not want to walk a block or more to their cars. While the applicant's geological report for the area indicates that the 75% impermeable surface does not adversely affect the structure of the area, they do not account for the oil, grease and chemicals from the additional traffic being washed downhill into the refuge. According to the EPA*, 75% impervious coverage increases runoff up to 45% over natural coverage. This creates risk of additional oil, grease, and toxic chemicals from motor vehicles being washed down into the Reserve area. With the city's storm drains already near or at capacity, the hotel will most likely need to install expensive storm drains to provide adequate protection for the Reserve.

With regards to the 45-foot height variance, I believe this is totally contradictory to the City of Bandon Scenic Resources Inventory: Beach Loop/Bluff Viewshed, which states "The views of the beaches are also an important element of the viewshed... a significant scenic resource..." Although not very attractive, at least the current structure is barely noticeable from the beach. Despite the beautiful architecture of the proposed structure, a taller building will significantly detract from the view, and will also further impede the view of nearby neighbors. There is also the disturbing likelihood that setting a precedent like this for one developer leaves an opening for future developers to exploit.

Another issue that I do not believe has been adequately addressed is the traffic impact of the larger hotel and added restaurant. An elementary school, high school, teen center, library and city park are all located on the main thoroughfare of 11th Street, and I would be very surprised if a traffic impact study is not included in consideration of this project.

The proposal includes provide long-sought-after restrooms, a welcome center for the Reserve with information on local attractions, as well as indoor and outdoor lounge space for visitors. Given the seemingly limited square footage as depicted in the proposal images of what the indoor common area would look like, it is doubtful that there will be any sizeable exhibits such as the irrelevantly grand examples that were shown in the workshop presentation as an enticement. However, when Chris Kaiser was asked what would happen if they don't get the 45' height variance, he replied that these public facilities would most likely be removed from the table.

Given all of these considerations and concerns – which are being voiced by numerous other citizens as well – I hope the Planning Commission will deny the proposed variances for the Bandon Hotel, for the sake of the Coquille Point Refuge, and for future development as well.

Respectfully submitted,

Joy Kodani

*Source: [EPA 841-F-03-003, Protecting Water Quality from Urban Runoff](#);

March 20, 2018

Honorable Mayor Schamehorn, Robert J. Mawson City Manager, John McLaughlin Planning Director, Claudine Hundhausen Council President, Dana Nichols City Planner, Chair David Kimes, Council Members, Planning Commission Members

RE: Bandon Beach Hotel Project

The natural beauty of Bandon impressed me most.

First impressions often provide a benchmark. We become familiar and comfortable with existing landscape, views, the beach, public accesses and waysides.

At a recent work session I learned Beach Loop Drive was primarily zoned CD-1 on the West Side and also up to 400' on the East side of the road. Which got me thinking about an idea that I would like to propose to our city officials.

Mr. Keiser's development request for height variance at Coquille Point has been offered with a caveat. I am not a fan of changing the height restriction, but in the proposal the developer is offering an open area lobby and restrooms not restricted to just hotel guests. Mr. Keiser also proposed adding a bike path along 11th with additional parking and landscaping.

I would like to propose that the City of Bandon consider #1. Developing a comprehensive plan to beautify Beach Loop Drive that would include, rental signs to be uniform and approved by the commission, maintain landscape and preserving mature landscape that enhances the natural beauty of this already designated Scenic Road. #2. Create a bike path along Beach Loop that would tie into Mr. Keiser's bike path along 11th.

Bicycles are a great form of transportation and recreational exercise for everyone, a bike path would allow Beach Loop to become the designated scenic bike path and would be a great asset to our community. A bike path would be safe for pedestrians and bicyclists.

In exchange for a height variance and deterring others from wanting to do the same, allow the variance with the open lobby and public restrooms but request that his commitment include a bike path on Beach Loop, or contribute to the construction costs that would offset expenses to have a bike path constructed.

Currently the improvements that Mr. Keiser is recommending are on property he own's. The proposed drawings and plans are good. The Keiser's have a wonderful track record and have created an incredibly beautiful project at Bandon Dunes.

For the city to entertain a height variance it should ask for an additional stipulation that would benefit the town of Bandon that everyone can enjoy.

Bandon Resident

Reasons for Bike Lanes

- Economic Benefits
- Good for Everyone
- If you build it people will ride • Safety Benefits
- What people want

Dedicated bike lanes establish a protective boundary between cyclists and vehicle traffic. (Physical barriers can include plastic posts, trees and other plants, and even parked cars).

Bike lanes improve the environment and the local economy, and provide a safer means of travel for cyclists, motorists and pedestrians.

Bike Lane Website: https://safety.fhwa.dot.gov/PED_BIKE/univcourse/pdf/swless19.pdf



Megan Worton <mworton@ci.bandon.or.us>

FW: Comment Letter for proposed Bandon Beach Motel

1 message

Denise Russell <drussell@ci.bandon.or.us>

Tue, Mar 27, 2018 at 10:47 AM

To: John McLaughlin <jmclaughlin@ci.bandon.or.us>, Dana Nichols <dnichols@ci.bandon.or.us>, Megan Worton <mworton@ci.bandon.or.us>

From: Diane Bilderback <ddbilderback@gmail.com>
Sent: Monday, March 26, 2018 9:01 AM
To: Denise Russel <drussell@cityofbandon.org>
Subject: Comment Letter for proposed Bandon Beach Motel

Dear Denise Russell, City Recorder,

Please forward the following comment letter about the proposed Bandon Beach Motel to the Bandon Planning Commission.

Thank you,

Diane and David Bilderback

To: Bandon Planning Commission

From: Diane and David Bilderback

3830 Beach Loop DR SW

Bandon, OR 97411

ddbilderback@gmail.com

541-347-1335

We have several concerns about the new proposed Bandon Beach Motel and parking.

Dave and I moved to Bandon in 2003 when we retired from Missoula, MT, where Dave was a full professor and had worked as an Associate Dean in the College of Arts and Sciences and I was an Academic Advisor in the Division of Biological Sciences. We have spent many hours on the headland and beaches of Coquille Point as volunteers for the Oregon Marine Mammal Stranding Network, conducting a plant inventory of Coquille Point for USFWS, and watching Black Oystercatcher nests as part of a long term (9 years in 2017) reproductive history of the Bandon nesting birds for both USFWS as well as USGS in some years. Our comments are our own and come from years of working as botanists and watching the wildlife at Coquille Point as well as also being a CD-1 zone Bandon resident.

Oregon's coastal headlands are unique and really function ecologically much like an island as the plants that grow on these wind-swept headlands are often completely different from other headlands. We were surprised at the high diversity of native plants when we did our volunteer plant inventory of Coquille Point Unit of the Oregon Islands Refuge for the USFWS, making this a very unique headland. In addition, we found several rare plants as well that are all located west of the new proposed Bandon Beach Motel.

You may be asking what has this got to do with the proposed Bandon Beach Motel? We are strongly against the proposal to modify the CD-1 zoning text to allow for a building height up to 45 feet, side yards of 5 feet, and rear yard of 5 feet. The current building casts a long shadow over part of the Coquille Point Refuge in the morning and as botanists, it is easy to see how this "shadow" effect is limiting the return to normal headland vegetation. At 45 feet, this shadow effect will be significantly longer and will encroach on the native plants that have been established there on the refuge.

We also object to the proposed 45 foot height because this building will be visible on the beach as opposed to just the headlands. As Bandon residents who live in the CD-1 zone, we have been assured by the strong planning requirements of the CD-1 zone that buildings will not exceed 24 feet and that includes businesses. If this height restriction is waived for this building, we feel that other businesses or property owners will want to build at this height and restrict the view and what is to stop them from doing this, if all they need to do is modify the CD-1 text to allow for this change? Part of what makes Bandon unique is that we don't have large tall buildings close to the beach and that there is a "view" space between buildings when you drive along Beach Loop Drive.

Another concern that we have relates to the larger increase in people on the beach here at Coquille Point. There are a large number of harbor seals who have their pups along this headland. As Oregon Marine Mammal Stranding volunteers, we are often called to this area to help post signs about these pups. Very young pups need to rest on the beach while their mothers forage. Moms then return to nurse the pups. If the pups move because of people or dogs off leash, the mothers often do not return and the pup dies. We have come across people who with the best intentions are trying to "feed" pups. While it is fine to have an interpretative center, it is critical that people understand how important it is that they stand back from the wildlife and observe. Their need to take a photo with the seal or sea lion is life threatening to the animal but they seem not to take this into consideration. If this project is approved, we would ask that this information be stated clearly to visitors in the months of April-August.

This larger number of people brings cars and the problems surrounding parking. Currently, there are many days in the summer when all of the available public parking is taken at Coquille Point. We really question the design of the extra parking for this project being separate from the motel and cafe building and think that there will be an additional pressure on the current Coquille Point public parking. The proposed Bandon Motel parking also may find that the people hoping to stop at Coquille Point Refuge will be parking in the proposed parking for Bandon Beach Motel. Another concern is that we feel that the proposed parking is not adequate for the 48 hotel rooms, the cafe visitors and the staff.

We see that there will be a 75% impermeable surface for these parking areas and hope that runoff from this will be going into the City of Bandon's sewer and NOT down the eroding slopes of Coquille Point onto the beach. There was a sizeable landslide a couple of years ago on the west side of the refuge and as we all know, the headlands are geologically active. Will the City of Bandon's sewer be able to handle this extra burden when we have our days and weeks of heavy rain?

We do support the proposed interpretative center and the public bathrooms.

Thanks,

Diane and David Bilderback



Megan Worton <mworton@ci.bandon.or.us>

Fwd: Letter in support of the Bandon Beach Hotel

Dana Nichols <dnichols@ci.bandon.or.us>
To: Megan Worton <mworton@ci.bandon.or.us>

Mon, Mar 19, 2018 at 8:29 AM

----- Forwarded message -----

From: Sally Jurkowski <sallyjurkowski@gmail.com>
Date: Sun, Mar 18, 2018 at 4:29 PM
Subject: Re: Letter in support of the Bandon Beach Hotel
To: Dana Nichols <dnichols@ci.bandon.or.us>

Dear Planning Committee:

I attended the Planning Committee in regards to the proposed Bandon Beach Hotel project. I listened to the information that was presented and I believe that the positives of the project outweigh any possible negatives. The existing structure does not have the room for the public space that the local people, and tourists, will benefit from with a larger building. I was impressed that there has already been a session where the original plan was submitted. The fact that the input and concerns of the community were listened to really sets a standard that I feel is conducive to a final product that many people will appreciate and enjoy.

I know that there will always be those who don't like change, and that is their right, however, this proposal appears to be a positive addition to our area.

Sincerely,

Sally Jurkowski

On Mon, Mar 12, 2018 at 3:35 PM, Sally Jurkowski <sallyjurkowski@gmail.com> wrote:
Will do, thanks!

On Mon, Mar 12, 2018, 8:43 AM Dana Nichols <dnichols@ci.bandon.or.us> wrote:
Either is fine, so whatever is the most convenient for you!

Thanks!
-Dana

P.S. I am in the process of responding to your other email...just getting some additional information.
Thanks!

On Sat, Mar 10, 2018 at 10:12 AM, Sally Jurkowski <sallyjurkowski@gmail.com> wrote:
Dear Dana,

What is the best way to send a letter for the planning committee in regards to the Bandon Beach Hotel, email, or a printed letter?

Thank you.

Sally Jurkowski

—
Dana Nichols | City Planner
City of Bandon
541.347.2437
www.cityofbandon.org



Megan Worton <mworton@ci.bandon.or.us>

Fwd: Comments on Bandon Beach Hotel

John McLaughlin <jmclaughlin@ci.bandon.or.us>
 To: Megan Worton <mworton@ci.bandon.or.us>

Tue, Mar 6, 2018 at 2:16 PM

Can you include this with other comments for the Planning Commission? Thanks.

JMac

----- Forwarded message -----

From: Ben Fisher <ben@loadly.com>
 Date: Tue, Mar 6, 2018 at 12:28 PM
 Subject: Comments on Bandon Beach Hotel
 To: John McLaughlin <jmclaughlin@ci.bandon.or.us>
 Cc: Mary Schamehorn <marys@coosnet.com>

John, please share with the planning commission:

I have several concerns with the proposed hotel as depicted in the World newspaper and the website promoting the hotel.

I am opposed to granting a variance on height and setbacks. Allowing someone to build a third story will block the view for the property owners to the east of the hotel, will impact the view from the beach, may have an impact on birds traveling through and nesting in the area, and sets a precedent that says it is OK for other developers to build tall structures along Beach Loop Road. I also have some concern that golf enthusiasts may want to "tee up" and hit golf balls off the bluff. US Fish and Wildlife does not have the resources to provide enforcement staff at Coquille Point. The owners should be able to provide staff resources to address bad behavior, with consequences for folks that ignore them.

With 75% impermeable surfaces on the development, where will runoff go? I have not seen this addressed, but would offer that directing runoff to the beach would be bad for the wildlife due to the oils and other chemicals being introduced as well as erosion of the bluff area. If the runoff is directed to city sewers, how will that impact the City's wastewater system, now and in the future as Bandon continues to grow?

60 spaces for parking seems inadequate. The developer apparently anticipates that the hotel guests will only bring one vehicle per room, and that cafe users will limit themselves to 12 cars at a time. I would like to see parking expanded to a 2:1 ratio of parking spots to guest rooms.

What will the impact be on the City Park and 11th Street when the number of rooms offered is more than doubled from the current hotel, and dining is added? Will future development on the properties owned by the hotel owners impact traffic? I would like to see a traffic study done by the City and paid for by the owners to address this. As Bandon continues to develop the City needs to open a connector street to the south. Perhaps the developer would be able to assist the City in this.

One positive: I support having public restrooms available at Coquille Point.

Thanks for your time,

Ben Fisher
 550 11th St., SW
 Bandon

March 3, 2018
Bandon Planning Department

RE: Written public comment Bandon Beach Hotel
Please include my written comment in your upcoming meeting packet.

Let's face it, the prior motel on this property was an eyesore, compounded by the lack of maintenance in an environment that works hard to decompose steel and wood 24 hours a day, 7 days a week.

The first attempted design to site this new structure was met with well-meaning pushback to naturalize and soften the look, as it resembled architecture that belongs in Chicago or any other big city sky line. There it was, a large, cold, glass structure that erupted on the very edge of the continent overlooking some of the most beautiful coastline on the west coast. Architecturally designed and situated to capture every last square inch of the view from no doubt, the expensive rooms within. It wasn't very thoughtful and from the appearance, no consideration was given to the surrounding area or the rich history of Bandon's coast. Luckily for us, meaning those that have chosen to live here and are fulltime residents of Bandon and the surrounding area, get a second chance at this decision to locate or not, another structure that will impact the viewscape for generations to come. Unlike Mr. Keiser who owns the property, it's important to remember he doesn't own the view, it is not his alone, and it belongs to all of us including visitors who flock here to take it in. The process will ultimately involve requests for a zoning code amendment, a conditional use permit, a plan design and ultimately approval of the project before construction can begin.

The most important thing to realize is that this hotel will be located on Coquille Point, home of the Oregon Islands National Wildlife Refuge, a gem of gems that requires no introduction. The developers are requesting to modify the CD-1 zoning text to allow a building height of up to 45 feet for this three story structure. Think about that, 45 feet tall on Coquille Point on the edge of the continent at the end of 11th Street. They have creatively softened the blow of this 45 foot tall structure by including politically correct amenities such as the "information gateway" (their words, not mine) to Wild Rivers Coast Scenic Bikeway, Coos County Mountain Bike Trail System, Fat Biking the Southern Oregon Coast Trail System, Wild Rivers Coast Farm Trail and the Oregon Coast Trail as part of their spiel, as well as a contact station to support the U.S. Fish and Wildlife Service and persons who are mobility challenged and top this all off a sculpture from Washed Ashore. Gateway is a push but it sure sounds good doesn't it? They should consider moving the Chamber of Commerce as well, as I see the plan also includes a "visitor center" lobby. Why stop there? I get it, make it sound attractive for one and all.

Bandon Dunes already owns acres of pristine coastline at their golfing compound. Careful consideration and input is necessary to allow this structure, front and center, on everyone's coast. This is our second chance to get it right. Had Keiser chosen to erect this hotel on the eastside of Beach Loop, reclaiming land through the eradication of gorse and neglect, I could support this project. The historic significance of this location, whether it be Tribal, wildlife, environmental or earthquakes deserves better than this for the generations to come. Coquille Point is a cultural, historic landmark, not a location for three story hotel.

Thanks,
Gina Dearth, retired
89250 Two Mile Lane, Bandon, Oregon 97411



Megan Worton <mworton@ci.bandon.or.us>

FW: Form submission from: Contact Us

1 message

Denise Russell <drussell@ci.bandon.or.us>

Fri, Mar 2, 2018 at 11:01 AM

To: John McLaughlin <jmclaughlin@ci.bandon.or.us>, Dana Nichols <dnichols@ci.bandon.or.us>, Megan Worton <mworton@ci.bandon.or.us>
Cc: Robert Mawson <citymanager@ci.bandon.or.us>

Good Morning All,

Attached is a statement regarding the motel project.

Denise Russell
City Recorder

City of Bandon
P.O. Box 67
555 Highway 101
Bandon, OR 97411

drussell@cityofbandon.org
541-347-2437 Ext. 224
541-347-1415 Fax



PUBLIC RECORDS LAW DISCLOSURE

This is a public document. This email is subject to the State Retention Schedule and may be made available to the public upon request.

From: City of Bandon, Oregon <bandon1@ci.bandon.or.us>
Sent: Friday, March 2, 2018 10:49 AM
To: drussell@ci.bandon.or.us
Subject: Form submission from: Contact Us

Submitted on Friday, March 2, 2018 - 10:48am

Submitted by anonymous user: [50.38.106.15]

Submitted values are:

CONTACT INFORMATION

Full Name Gary Baty

Email maloneybaty@gmail.com

Phone Number 5412521314

Question/Comment

I am concerned about the proposed Bandon Beach Hotel and its impact on Coquille Point. I do not favor any exceptions being made for the height of this building. I am also concerned as to the parking of additional vehicles. I oppose any modifications to the current building codes being allowed for this building. This could be the start of a slippery slope for future builders. Regulations are on the books and need to be followed by all.

The results of this submission may be viewed at:

<http://www.cityofbandon.org/node/77/submission/3531>



Dana Nichols <dnichols@ci.bandon.or.us>

No height variance for Coquille Point Motel

1 message

Ona W <onawca@gmail.com>
To: dnichols@cityofbandon.org

Sat, Sep 16, 2017 at 7:55 AM

I am writing to you regarding the replacement of the Bandon Beach Motel now owned by the Keiser family. I was able to attend the open house at the library and view the conceptual plan presented. I have several concerns and oppose the project as presented.

Coquille Point is one of the most iconic spots in Bandon. Many locals and visitors have been visiting the point over and over through the years. I have visited and lived part time in Bandon for thirty years. I visit Coquille Point almost every day to enjoy the walking path, serenity of the ocean, and stairway to the beach. I am always bringing friends, and recommending it to tourists, birders, wildlife enthusiasts, and photographers alike. I do not support the replacement hotel as offered for the following reasons-

1. The existing structure is 2 stories. A third story variance is not acceptable for the new hotel because that is too large a presence that close to the beach and protected lands.
2. The proposal to build out the lot and then have parking a block away is not logical. People who go to the bistro, visitor center, and hotel are likely to park at the Coquille Overlook lot and cause traffic and parking congestion. This will limit access for locals and visitors.
3. A structure with so much glass does not fit the natural beauty and dignity of the point. It will be a large glaring box reflecting sunlight, confusing birds, and distracting from the tranquility of the area. Outside details should minimize the presence of the building and blend with the natural environment.

I strongly urge you to do all you can to limit the replacement hotel to the existing parameters, deny any variances, and minimize negative impacts on the tranquility and beauty of Coquille Point.

Thank you.

Ona Willoughby



Megan Lawrence <mlawrence@ci.bandon.or.us>

Fwd: Keiser Development

John McLaughlin <jmclaughlin@ci.bandon.or.us>
To: Megan Lawrence <mlawrence@cityofbandon.org>

Thu, Apr 19, 2018 at 12:26 PM

----- Forwarded message -----

From: **Dave Nordahl** <david_nordahl@outlook.com>
Date: Mon, Jul 31, 2017 at 5:03 PM
Subject: Keiser Development
To: John McLaughlin <jmclaughlin@ci.bandon.or.us>

Hi John,

I just wanted to weigh in on the plans for the Bandon Beach Motel site.

I believe that the Keiser plan is not consistent with Bandon's character in many ways as outlined below:

1. The design of the hotel is inconsistent with the look and feel of the community.
2. The proposed hotel is too large for the lot.
3. There is no parking provided for on the lot.
4. The height of the project exceeds current guidelines. Approving the height variance will open pandora's box for future development of coastal properties. If the City approves this development I believe that it will be the start of many other projects that will forever obscure the beautiful views of the Ocean.

I am not against the development of this lot, but I am against the development as proposed.

Sincerely,

Dave