

# REGULAR PLANNING COMMISSION MEETING

## BANDON CITY HALL

July 28, 2016

COMMISSION:  David Kimes, Chair  
 Sheryl Bremmer, Vice-Chair  
 Daniel Graham  
 David Reed  
 Harv Schubothe  
 Blythe Tiffany  
 Ben Fisher

STAFF:  Matt Winkel, Interim City Manager  
 Michelle Hampton, City Planner  
 Brad Owen, City Planner  
 Fred Carleton, City Attorney  
 Denise Russell, City Recorder

### 1.0 CALL TO ORDER

The meeting was called to order at 7:00 p.m. by Chair David Kimes.

#### 1.1 Roll Call

Roll was called, with those present and absent shown above.

### 2.0 CONSENT AGENDA

#### 2.1 Minutes of Commission Regular Meeting and Public Hearing, June 23, 2016.

Vice Chair Sheryl Bremmer noted that she had given a few typographical changes to the City Recorder prior to the meeting.

Commissioner Daniel Graham made a motion to approve the minutes as amended, and Commissioner Harv Schubothe seconded the motion. Chair Kimes called for the vote. The minutes of the June 23<sup>rd</sup> Regular Commission Meeting and Public Hearing were approved with amendments.

### 3.0 PUBLIC COMMENT

Chair Kimes opened the meeting to public comments, an opportunity for citizens to speak on issues not on the Agenda.

Chair Kimes recognized Carol Fisher for public comment. Ms. Fisher asked the Commission who has the keys to the gate on the end of Ohio Street. Interim City Manager Matt Winkel responded that Richard Anderson, the Director of Public Works would have a key to the gate. Ms. Fisher then asked what are the neighbors supposed to do when the tsunami comes and Ferry Creek overflows onto their property. Mr. Winkel said that the City has a checklist of priority items, including opening the gate at the Jetty, and the one at Ohio. He said either Mr. Anderson, the Public Works Department, the Police Department and/or the Fire Department will work through the priority list.

Ms. Fisher asked if they would come through the County side. Mr. Winkel said yes; but once a prediction is made that an earthquake, tsunami or other natural disaster is going to occur causing the waters to go up that far, they would go up Ohio. Otherwise, they would come in from the County side.

Ms. Fisher thanked Mr. Winkel for the clarification.

Seeing no other questions or comments on items not on meeting's Agenda, Chair Kimes moved the meeting forward on the Findings of Fact.

#### **4.0 FINDINGS OF FACT**

##### **4.1 CONDITIONAL USE: WILLIAM (BILL) CLARK – REQUEST TO SITE A MINI-STORAGE FACILITY AND A 600 SF RESIDENCE AS AN ACCESSORY USE AND STRUCTURE, ON PROPERTY LOCATED AT 28-14-31, BB TAX LOTS(S) 4500 THROUGH 5100. PROPERTIES ARE ZONED GENERAL COMMERCIAL (C-2)**

City Planner Michelle Hampton apologized that the Findings of Fact were not included in their Commission packets, but she does have them for the Commission's meeting tonight.

Ms. Hampton reported that the Findings of Fact are based upon the same information and conclusions as the earlier Staff Report, upon which the Commissioners denied the application. She asked the Commission to approve the Findings of Fact as submitted.

Mr. Graham made a motion to approve the Findings of Fact as submitted, and the motion was seconded by Vice Chair Bremmer.

The Motion to Approve the Findings of Fact was passed 5-0-2, with Commissioners David Reed and Ben Fisher abstaining.

#### **5.0 HEARINGS**

##### **5.1 CONDITIONAL USE: JOHN DANIELSON/ELIZABETH MAY/BARBARA DANIELSON—725 BEACH LOOP DR. (28-15-25CB, TL 1000) – TO OPERATE A VACATION RENTAL DWELLING IN AN EXISTING SINGLE-FAMILY DWELLING IN THE CONTROLLED DEVELOPMENT (CD-1) ZONE**

Chair Kimes opened the Public Hearing at 7:04 p.m. He read the pertinent rules, policies, procedures and addressed the applicable criteria to which testimony must be addressed, pertinent to the Public Hearing on this matter. They are available in writing as part of the public record in the City Offices, as part of the permanent record of the file.

Chair Kimes had made a site visit. No one on the Commission declared a conflict of interest; and none were challenged by the public from participating in the Hearing.

Chair Kimes called upon the Planning Department Staff to give the Staff Report.

Ms. Hampton gave a historical overview of the project. In the past, she said, it had been a three-unit apartment. In 1995, it had been converted into a single family dwelling. At the time of the conversion into a single family dwelling, she said, there had been a garage added to the property at the south east edge of it. The owners at the time closed the existing garage, and moved the ingress and egress to the back side, using an alleyway. The main access to the dwelling is through an alleyway, south east of Seventh Street.

At the time of the Staff Report, Ms. Hampton explained, the Planning Staff had only received one letter of testimony, and that letter was in support of the project. However, as of this afternoon, the

Planning Department did receive two additional letters, and those are in opposition to the Conditional Use Permit.

Ms. Hampton explained that the two letters of opposition to the application expressed two primary concerns. The primary expressed concern, she said, regarded the saturation of Vacation Rental Dwellings (VRDs) in that area. The City regulations allow no more than 30% VRDs in a 250 ft. radius area of the property. But the Staff checked numerous times, and there are no other VRDs in the applicants' specified area. Ms. Hampton noted for the Commission that this location is probably the only place in Bandon that has zero VRDs within the set radius.

Therefore, Ms. Hampton said, this Conditional Use Permit application *does* meet the criteria for the 30% limit on VRDs in the area, effectively negating that concern expressed in the two letters of opposition.

Ms. Hampton explained that the other expressed concern in the two letters of opposition was that of a "blind" corner at the access. This, she offered, is a legitimate concern, in that vacationers unfamiliar with the area, will need to negotiate that very sharp, blind corner at the access point to the proposed vacation rental. However, she told the Commissioners, she believes these concerns can be addressed by having very clear communications and guidelines from the property management to the renters on how to safely access the property, and maybe putting something at the alleyway that makes it clear where the off street parking is located. The property has the off street parking to meet VRD requirements, she said.

In summary, Ms. Hampton told the Commission that the Staff Report and the Staff continue to recommend the Commission's approval of the VRD application; all of the criteria required for a successful application has been met.

Commissioner Reed asked if there was additional on street parking. Ms. Hampton noted again that the property has sufficient off street parking in the back to meet requirements, she said.

There were no further questions from the Commissioners to the Staff.

Chair Kimes opened the floor for public testimony. He read the rules and procedures of conduct for public testimony, which are part of the record at the City Offices for review, and is part of the project's permanent record. He also requested that all people wishing to address the Commission sign their name and address at the podium for the public record.

With that, Chair Kimes invited the Applicant to make a presentation or remarks. The Applicant waived the opportunity, preferring to address any questions or concerns raised during the course of public testimony at the end of the Public Hearing.

Then Chair Kimes invited anyone in the public who wished to speak on the Conditional Use Permit to step forward for testimony. There were none who spoke in favor of the VDR application, and none who spoke against it.

Chair Kimes asked Staff if they had any further comments. There were none.

Mr. Schubothe made a motion to close the Public Hearing, and Mr. Graham seconded it. The motion to close the Public Hearing was passed unanimously.

With the Public Hearing closed, Chair Kimes invited Commissioners to comment.

Mr. Graham noted that the application appears to meet all applicable criteria, but inquired how Commissioners might feel about this use in and around a neighborhood.

Mr. Schubothe replied that regardless of how any Commissioner or the Commission as a whole feels about the use of a particular property, their guiding protocol has always been “Does it meet the criteria?” In this case, Mr. Schubothe said, according to the Planning Department Staff, it does.

Mr. Graham said that he agrees – but, he added, he does have concerns about access, especially when it involves a blind corner. Maybe that is a discussion to hold at another time with Public Works. But, he agrees for now, if it meets the Code, it meets the Code.

Mr. Reed noted that there is only one entrance, off the alley. He asked if street side parking would be a requirement. Ms. Hampton responded no, stating that there is more than enough off street parking provided behind the house.

Ms. Tiffany stated again, the application meets all the criteria, as long as it includes the guidelines and communication between the management and tenants about accessing the area.

Chair Kimes indicated that any motion to approve could specifically include that caveat.

Ms. Bremmer noted that the Commissioners appear to be in agreement with the Staff’s recommendation, but she wanted assurance that everything will be spelled out clearly in the permit; she mentioned 15 conditions that are on the last page of the Staff Report, including use of the alley for access.

Chair Kimes said he agreed that it has to be a condition of approval.

Ms. Bremmer moved to approve the Conditional Use Permit of John Danielson, Elizabeth May and Barbara Danielson to operate a vacation rental dwelling in an existing single-family dwelling at 725 Beach Loop Drive in the Controlled Development Zone, with 15 conditions, with special emphasis on the 15<sup>th</sup> condition. The motion was seconded by Ms. Tiffany.

The motion to approve the permit was passed unanimously by the Planning Commission.

## **5.2 REQUEST TO OPEN SEGMENTS OF 9<sup>TH</sup> STREET AND NORTH AVENUE AND INSTALL A DRIVEWAY IN THE 6<sup>TH</sup> STREET RIGHT OF WAY -- TOM STADELMAN**

Ms. Hampton noted that on the advice of City Council, that this is not a Formal Public Hearing.

Chair Kimes recognized Interim City Manager Matt Winkel to present the request, as this request and application is being brought to the Commission by him.

Mr. Winkel noted that the Commissioners have a lot of information on this particular item in their packets. He called the Commissioners’ attention to an aerial map on the screen, so that they can see exactly the area that is being discussed. He told the Commission that Tom Stadelman is requesting the opening of portions of 9<sup>th</sup> Street and North Avenue to install a driveway in the 6<sup>th</sup> Street right of way; along with several other items.

Mr. Winkel explained that the area is near Ohio Avenue going south along Highway 42, and showed the area on the large screen for the Commissioners. There has been a great deal of development south on Ohio. He further explained that the Applicant owns a great deal of property to the west of that area. Therefore, he is requesting three different street uses or openings, Mr. Winkel said; one is to open 9th Avenue and extend it into the undeveloped area for access into the area. Mr. Winkel has suggested to Mr. Stadelman that he may also want to request the opening of North Avenue in order to accomplish many of the things he wants to do, in fact, the City may actually require the opening of that street in order to meet the requests before them. Mr. Stadelman was also requesting to put in a driveway off of Sixth Street, in order to serve the property he owns there; and that is where, Mr. Winkel said, the concepts of opening North Street became part of the conversation. Mr. Winkel proposed the idea to Mr. Stadelman, because without opening North Avenue or some cross streets, what the community would end up with is some extremely long cul de sacs; ending up with something as long as 1,000 ft., in excess of the City's construction standards. So the Application has been changed to include North Avenue. And, Mr. Stadelman is asking for a number of waivers from the City's street construction standards.

Typically, Mr. Winkel said, a simple street opening is the role of the City Council to approve, like when the Applicant did the 12<sup>th</sup> Court project. There was already a plotted development with sites, and he was also given waivers from the City's street construction standards. These waivers, just like the street openings, are the decision of the City Council.

However, there are some things that are going to be impacted by both the driveway use and the opening of 9<sup>th</sup> Street, Mr. Winkel said, so he thought it would be appropriate to bring this issue to the Planning Commission to get their input on how the City should proceed with these openings. He noted that the placing of a driveway at 6<sup>th</sup> Street makes it extremely difficult then to ever open up that street. So if a developer ever wanted to build further west, they would have to utilize Mr. Stadelman's driveway in order to access their property.

So, Mr. Winkel wanted to bring this discussion and plans before the Planning Commission so that they might give some guidance to the City Council in the matter; particularly regarding opening a street in to a driveway, which the City almost never approves, due to the fact that if there was ever a need to extend the street further to accommodate future developments, there would be a private driveway in the middle of it to deal with.

Some of the construction standards that Mr. Stadelman is seeking waivers to include paving width; curbs and gutters – Mr. Stadelman does not want to put in any curbs or gutters – he is proposing surface drainage instead of underground drainage. This has been allowed in some areas near Mr. Stadelman's property, most recently in the opening of the 12<sup>th</sup> Court area – although the developer did have to provide engineering for the drainage.

Further, Mr. Winkel explained, this still results in some very long cul de sacs. The turnaround at the end of one of these Mr. Stadelman is proposing be a hammerhead, although the Bandon City Code calls for a full cul de sac for safety reasons. The Commission may want to recommend that Mr. Stadelman get some input from the Fire Department on the safety issues, if he is allowed to put in the hammerhead. Mr. Winkel said that the opening of 9<sup>th</sup> Street may lessen concerns regarding the hammerhead turn around that Mr. Stadelman is proposing. In the past, he said, the Fire Department has been willing to accept hammerhead turn arounds if in fact, there is an opportunity for extending the street in the future to accommodate additional development. However, current plans look as though that will be the end of the street, and a full cul de sac

would be required to meet the City Codes. The other exception that Mr. Stadelman is requesting is the opening of 6<sup>th</sup> Street for a driveway.

Again, Mr. Winkel explained, street openings would typically be brought before the City Council. However, due to the unique exceptions requests, safety issues and other concerns, Mr. Winkel said it is the option of the Staff to bring it before the Planning Commission. Mr. Winkel wants to know if there is any further information the Planning Commission needs, or to have a conversation with Mr. Stadelman, in order to make a Commission recommendation to the City Council.

This request not only involves dead end streets, the opening of closed streets, but also frontage on City property; action on a street that involves a previously approved variance (folks that were approved to add on a sun room, but if North Avenue went through, they had to remove that sunroom); and in opening up 9<sup>th</sup> Avenue, they would be crossing a wetland, a stream, and a riparian area.

There may be other considerations, Mr. Winkel added, that the Commission may want to address, which is why the Commission has been given quite a bit of information in their packet on the rules and regulations. The exceptions which are requested, he said, and the requirements for granting those, are also fully detailed in the Commissioners' packets, including the wetlands delineation (provided by Mr. Stadelman), the riparian crossing regulations, and the setback areas regarding the stream that runs through the area.

Mr. Winkel stated that there have been concerns raised by neighbors in the area on a variety of these issues; and he felt the Planning Commission meeting would be a good opportunity for people to express their thoughts. Mr. Winkel said that he is not advocating for or against this application, but rather, is looking for a possible input from the Commission that he can then make a recommendation to the City Council regarding Mr. Stadelman's requests.

Mr. Graham thanked Mr. Winkel for bringing these requests to the Commission for input, because there are complications and concerns relative to them. Mr. Graham had a couple of questions he wanted to ask. The first was 'how many – if any -- lots would become undevelopable if the streets were put in according to current street standards?'

Mr. Winkel said he did not believe any of the lots would be undevelopable if standard streets were put in. However, he reminded the Commissioners that there already are streets out there without curbs, he said. It is a matter of does it benefit the neighborhood to go from a 16' or 20' street to a 28' street in some cases? he asked.

The flip side of that, Mr. Winkel explained, is what happens in many of these cases is that you never get there if you continue to do this one project at a time, varying each street's specifications. The likelihood of them every being made standard or uniform simply won't occur, he said, unless someone forms a local improvement district – because, he explained, the City very seldom builds streets (except in rare instances).

Any new subdivisions, Mr. Winkel added, like ones north of Seabird -- where it starts as completely vacant land and people come in and put in a number of streets at once -- the streets are built in full compliance of the street standards of the City Code, because the City is compelled to enforce compliance.

The standard street, Mr. Winkel explained, is 28' wide, with curbs, gutters and underground drainage; it is 10" of base and 2" of asphalt; with a sidewalk on one side. That, he said, is the standard street that one would see in a brand new subdivision.

Mr. Graham told Mr. Winkel that he understands what he is saying – and admittedly, there have been actions in the past that grant exceptions to the City Street standards; the question is, do the Commission and the City want to continue to operate that way?

Mr. Graham continued that it seems the Commission has allowed some various housing sizes out in that development, in a sense, allowing exceptions to set backs. Mr. Winkel said that the right of way remains the same, as the setbacks are measured from the property line; so it would not impact the buildable area. However, Mr. Winkel said, there are places with 60 ft. right of ways; and places where the right of ways were going to be split in half, but never were. There's plenty of room, Mr. Winkel said, to put 28' streets in the developable area out there.

Vice Chair Bremmer asked for a point of clarification from Mr. Winkel. She noted that Mr. Winkel wrote a memo to Mr. Stadelman on June 24<sup>th</sup>, 2016, wherein he asked Mr. Stadelman to submit a unified proposal, addressing a number of specific items, including wetland mitigation, stream crossing, riparian area protection, etc. Vice Chair Bremmer asked, "Did Mr. Stadelman submit an actual proposal?"

Mr. Winkel said that Mr. Stadelman submitted everything that the Commission found in their meeting packet. Vice Chair Bremmer than asked again, "So he submitted no proposal?"

Mr. Winkel clarified that the proposal includes a map of the area with Mr. Stadelman's intentions for the driveway and street openings on it; and he has done his wetland mitigations, Mr. Winkel added. However, Mr. Winkel, said, the Commission may have questions or want more specifics on both.

Mr. Winkel said he does not know how much more information the Commission would like to have on even the crossing out there. Even if the Commission recommends going to 24' there, other issues may be required to be addressed, i.e. if the culvert needs to be extended, Mr. Winkel said. He then called the Commissioners' attention to the Army Corps of Engineers letter included in their packet regarding wetlands mitigation and the riparian areas. He noted that they are very limited as to what they can do with those riparian area setbacks, and the developer will have to show the City in detail how he is going to get across that.

Mr. Graham said that he thinks what the Commission would like to hear in a case like this is "What do you want?" Is he looking for the Commission to say, "Yes, we do like the project," or "No, we don't like the project?" The Commission, in the absence of an application, can't say yes or no to the project. But, Mr. Graham said, the Commission could certainly discuss the streets, and he personally could see how the development would work out there, even with the stream and riparian issues. Mr. Graham said he 'gets' wanting to finish a project/development once it's been started, and it could happen if the developer is willing to work with the neighbors. It could probably be built with the standards that are already out there, he added. But the Commission has no authority in the absence of an application to approve or disapprove.

Mr. Winkel assured the Commission that he is not looking for them to approve or disapprove. Just have a discussion and possibly provide some guidance to the City Council as they consider the issues of street closings and variances to street construction standards.

What happens in these cases, Mr. Winkel explained, as a developer, like Mr. Stadelman, begins to go through the approval process, he thinks they reach a point where they begin to assess the project -- what are the costs, obstacles, requirements, drainage engineering issues, culvert crossing designs, bridge designs, etc. that will be encountered with moving forward; only to find after expending all those costs, when he brings a formal application to the City, it is rejected. Maybe he would like to find out his possible options before expending a lot of money.

Mr. Reed noted that Mr. Winkel made a point of saying that if the improvements are not made they will never be made. Mr. Winkel clarified “you mean full City specs? He does not believe so. That’s a very large ravine to cross out there, he added; and there is a lot of developable land up there. Mr. Winkel said he is looking for some guidance from the Commission – what kind of additional information would it need to make a decision on this fairly complicated situation? What should the City Council be looking for? We need to be able to make a decision on this project, with a lot of concerns and issues associated with it, with the wetland and the riparian area.

Ms. Tiffany asked, isn’t it fairly standard procedure when a developer comes in wanting to do something, to ask them for a plan? The City doesn’t typically have a developer walk in and say, “Can you approve this, because I might want to do this, or I might want to do that,” she asked.

Mr. Winkel responded, “You’ve got what Mr. Stadelman wants to do (the map).”

But that’s not a plan, Ms. Tiffany countered.

Mr. Reed added that it’s a generalized concept, with some information or details, but not a plan.

Ms. Tiffany queried that Mr. Winkel said Mr. Stadelman didn’t want to submit a plan because he didn’t want to spend all of that money; but isn’t that what the City would require of any contractor/developer when asked to open streets or turn one into a driveway?

He’s not here asking for a permit to build the streets, Mr. Winkel clarified. Mr. Stadelman, he explained, just wants to know if he is going to be allowed to open the streets. And while the City Council will make that decision, Mr. Winkel said, he wants to know how much detail does the Commission need to say ‘yes,’ we will approve you doing so, provided you do this, this and this. The Commission knows he needs a street crossing over the riparian area. Maybe, Mr. Winkel said, the Commission will just say, “Based upon what has been provided, we are not going to recommend any of these street openings or street construction variances.”

Ms. Bremmer responded that she has one huge, overarching safety concern under that umbrella of concerns, but it is the big one -- the applicant needs to have a specific statement from the Fire Chief that those substandard streets or cul de sacs are adequate for safe fire protection to that area. If one looks at the map, she said, towards the bottom of it where it shows the development along 12<sup>th</sup> Court/Avenue -- in 2010, Mr. Stadelman came before the Commission with plans for a development and to take down some trees. The Commission went out there, and was promised there would be no tree cutting of huge trees, among other promises. She recalled the night that Mr. Stadelman came before the Commission to request their approval on his plans there, she made the approval motion that there be absolutely no action on that property until the Commission was provided with a wetland delineation for it. And the Commission was promised by Mr. Stadelman at that time, that the Commission would get that wetland delineation before the end of the year.

But, Vice Chair Bremmer continued, by January, 2011, they had no wetland delineation. And it wasn't supposed to be just any wetland delineation, she said, it was to be an *approved* wetland delineation. And now, the Commission *still* doesn't have that wetland delineation, she said.

So, Vice Chair Bremmer explained, what this picture currently looks like to her is – and she would like to hear otherwise, if this isn't the case – but these piecemeal developments are encroaching onto – and surrounding -- that green area where no action was supposed to take place without an approved wetland delineation to be delivered by December 2010.

Will the Commission in the future, she asked, be approached by the same developer citing all of the developments around that initial area, saying, “Gee, this is the next logical step, and shouldn't we just be allowed to go ahead and finish it?” – with a substandard street, with substandard drainage, and substandard everything, including a substandard building that doesn't go along with anything that the City Council has to approve of, and make all kinds of exceptions here. And yet, Ms. Bremmer continued, other areas of the City have developments that have followed the rules and the Code – and they have wetlands, too, and have to have wetland delineations, too. The area along the bluff, she said, has to have wetland delineations, too, as does the area along the jetty; but not this one. And this, she said, is why she does not like all of the exceptions; but, she added, she is not the one making the decision.

Further, Vice Chair Bremmer said that her recommendation would be that the first thing the City should have to have is the Fire Chief's written approval of these sorts of substandard streets in that area. There are plenty of people, Ms. Bremmer continued, who live out there – many are in the crowd at this meeting. And it is not just about someone's desire to build this, she added, but rather, “are you safe with this?” “Is this something that you can live with?” she asked. She said that she has read what people have written regarding the developer's intent; but she would really like to hear from them firsthand.

Ms. Bremmer concluded by saying she is loath to recommend substandard street plans anymore, believing that the City needs to stop accepting substandard street applications, except in the most extreme of cases; and, this instance doesn't seem like that, because she doesn't have enough information to evaluate it. What she would like to see from Mr. Stadelman is him going to the Fire Chief and getting that approval for his planned substandard streets and a turnaround that would not be standard. Further, Ms. Bremmer states, there is an indication in the information provided that Mr. Stadelman wants a rezoning of the area, and he wants a variance, and he wants an incomplete application, because there is no preapproval of the Fire Chief.

Finally, Ms. Bremmer said that Mr. Stadelman has more work to do to make his requests fully understandable from his point of view. This, she said, is her recommendation.

Mr. Graham is the Fire Chief's statement of approval a standard part this type of application?

Mr. Winkel noted that wetland delineation is – but the applicant has that in this instance. Vice Chair Bremmer noted that they do have that. But they don't have anything that justifies why the drainage must be substandard. She added that she would like a statement from the developer as to why the drainage needs to be substandard. Vice Chair Bremmer said that she believes the City Code requires the drainage to be standardized underground. Yet she saw references in several emails in her packet that the drainage would be accommodated in a ditch – she said that she considers a ditch to be an inept way of dealing with drainage.

Mr. Winkel confirmed that City standards require the drainage to be underground.

Mr. Graham asked to where would the ditch carry the drainage water. Mr. Winkel admitted he did not have an answer.

In summary, Mr. Graham noted that the developer needs to address the three aforementioned items – Fire Chief statement of approval of the substandard roads and hammerhead; the drainage questions, including why it has to be substandard; and to what location will the ditch deposit drainage. Mr. Graham asked his fellow Commissioners if there were any items of information they would like to see from Mr. Stadelman in order to make a recommendation.

Mr. Fisher said he would like to see more information on the grade of the proposed substandard roads. He said he would like to see at some future point no further acceptance of substandard roads in the City.

Mr. Graham asked if it is okay to have an area of town with substandard roads, yet another area of town cannot have substandard roads. Chair Kimes answered that in his opinion the answer is no.

Mr. Graham asked, “Then how did we end up with this to begin with?” Mr. Kimes responded that the issue first arose regarding 11<sup>th</sup> and 10<sup>th</sup> Streets. The decision was made that it did not make much sense to expect people to put in a 24’ street with gutters, curbs, sidewalks and drainage that people would have to travel a gravel road to access. So the standard was lowered for 11<sup>th</sup> and 10<sup>th</sup> Streets on that basis.

Mr. Winkel spoke about this as well, speaking about how Ohio Avenue fit into the mix.

Mr. Kimes said that the question put before them at the time was can we open 10<sup>th</sup> and 11<sup>th</sup> as a 16’ wide paved street, since it takes a gravel road to get to it. And that’s how we got started down this path, he explained.

But Mr. Kimes said, he agrees with Mr. Fisher – at some point in time, the City is going to have to say ‘no more’ to variances on street construction codes.

Mr. Graham added that once the City sets a precedent of variances like that, it opens the gates for other requests. Mr. Kimes agreed. But Mr. Graham said that what he is reading in the paperwork from opponents to this request is that it will negatively impact a family in the neighborhood that was granted a variance earlier, and approval of these variances will negate their previous variance approval.

Mr. Winkel noted that if one looks at the Transportation Plan, which was adopted prior to doing all of the construction and street construction standards, this area was designated as a brown street area. We actually had back in the 1990s, people putting in gravel streets in that area. Then once the street and construction codes were completed, it actually left out some areas like the proposal area. But then, given its historical development guidelines, are 24’ streets something even the neighborhood wants? he asked. He then gave some examples on the map where may that would not be preferred, and asked, if inasmuch as his suggestion to Mr. Stadelman was to open North Avenue, is it appropriate for North Avenue to be a standard 28’ street with gutters, etc. Is that better, or does a 24’ street have less impact on the neighbors?

Ms. Bremmer admitted that there is some logic to what Mr. Winkel had said. But, the people who live out there and daily experience the living out there, should have some input to it. But the other thing she sees that is a negative, is that not only does this request ask for all these conditions, all these extra special circumstances, but now it asks to go further, and not even have a street, but rather convert a street into a really long driveway.

“Where does it stop?” Ms. Bremmer asked. “Where is a good place to draw this line?” She stated she would like to see the line drawn, at the very least, by saying no to the really long driveway. If the developer really wants to get into those properties, he can build a street, rather than a driveway. It has to be a street, she said; it needs to be available to everyone. It just makes sense; build a street to get to the properties, she said.

Chair Kimes said that the Commission would like to hear from the people who want to give testimony. He noted that as Code Compliance Officer, he had made a lot of trips to the area – but he wants to hear from the people who daily live there. “What do you want to see happen?” he asked.

Paul Mounts, 1108 6<sup>th</sup> Street SE took the podium, and referred to his written statement. He said he had spoken with Fire Chief Lanny Boston today. The Fire Chief told Mr. Mounts that he would reiterate what he had told Mr. Winkel the day before -- that he would approve of no substandard streets. With that issue addressed, Mr. Mounts stated that on July 25<sup>th</sup>, he had gotten an email from City Planner Brad Owens with all of the attachments pertaining to the Stadelman request, dated April 19<sup>th</sup> through July 22<sup>nd</sup>, between Mr. Stadelman, Mr. Winkel and the State of Oregon Stewardship Forrester to pertinent parties concerning Mr. Stadelman’s proposal regarding all of his property west of 2<sup>nd</sup> Avenue, the lot west of North Avenue, and North of 6<sup>th</sup> Street. Also included in this packet is a copy of Mr. Winkel’s statement with a verbal request that the Planning Commission review the information and determine if Mr. Stadelman has provided complete enough information to make a recommendation to the City Council.

Mr. Mounts said that if he were a councilor he would say there is not enough information – there is not a unified, definitive plan. Mr. Stadelman has taken the time of the City Manager, without giving information about what he wants to do, what it will cost to do it, and without making a formal request to the Planning Commission. Mr. Mounts said that he personally had to write a request to the Planning Commission for a project, and had to pay a fee. He asserted that it should be standard procedure to be upheld for everybody.

“Where is a concise Master Plan for all of the proposed development?” he asked. “Why would the Planning Commission or any other governmental approval body even think of opening streets and disturbing neighborhoods until such a time as they are presented with a plan outlining the entire scope of development?” he asked.

Mr. Mounts then asked, why should neighbors have to wait for defining information until a development is well along? What potential future good is such an ill-defined development supposed to accomplish? He believes there are seven neighbors in the audience tonight, he said, who would be impacted one way or another by this development. He is concerned as well about the development of North Avenue, not suggested initially by Mr. Stadelman, but rather by Mr. Winkel.

The neighbors, who will be significantly affected, want to see a concise, unified plan, Mr. Mounts said, before they see their streets torn up – essentially, to do otherwise would be putting the cart before the horse.

When developer first contacted Mr. Winkel, Mr. Mounts said, he only wanted to open 9<sup>th</sup> Street, and place a 16' driveway into the north right of way of 6<sup>th</sup> Street, west of North Avenue. Mr. Winkel stated in his July 28<sup>th</sup> document to the Planning Commission, that he suggested opening North Avenue. And this has now become Mr. Stadelman's revised proposal. There is no indication of what the proposal, which would place a driveway in the 6<sup>th</sup> Street right of way, would do in terms of impact, or that it was ever discussed with the owner of the adjacent property, who's property may decrease dramatically if a driveway were constructed right next to her property line. As for the other intentions, many of the people who live in the area chose to live there, he said, because they are dead end streets and traffic is minimal at all times.

Mr. Mounts expressed that policy development sometimes flies in the face of reasonable action, as in the City Council's unanimous approval of a variance for a 15' setback so that he and his wife could build a sunporch on an existing concrete slab. Discussion in the City Council Chambers that night appeared to imply, he said, that there would be no consideration of the street being open for a long, long time. Now, he asked, are they going to lose their investment as well as lose the use of that approved sunporch for the rest of their lives?

He urged that Mr. Stadelman be held to existing standards, including the development of a clear, concise plan, as his project moves forward. Mr. Mounts further said that it is ridiculous to believe that a 40-foot or larger fire truck or emergency vehicle could negotiate the sharp turn to or from the steep grade on 9<sup>th</sup> Street. Having a street like North Avenue widened and backed up again their property would greatly reduce the value of their property, he said. He added that there is no discussion in the information provided to address the leaching of fill material into the ditch at the junction of 9<sup>th</sup> and North. He also spoke about the large redwood trees on their property that may be lost to them if their roots are disturbed – and that there is no address of compensation for the loss of those trees in the information.

In conclusion, Mr. Mounts respectfully requested that the Planning Commission make a recommendation to the City Council that they deny Mr. Stadelman's request for variances and street openings.

Mr. Graham asked Mr. Mounts if he has any trouble traversing the streets as they currently exist. Mr. Mounts responded, no, not in any way.

Sandy Rogers, 1122 9<sup>th</sup> Street SE, took the podium and said she lives right where Mr. Stadelman is planning to open that street. She told the Commission that trash trucks have a terrible time servicing the area, because the current streets are so narrow.

Utilizing the projected map of the area, she showed the Commissioners all of the development in the area. Ms. Rogers explained that in case of a fire or emergency, there is one road to get people out and emergency vehicles in – and it is too narrow to accommodate both. She said that one exit road has already been locked off to the residents. She said that if she or her property are injured or hurt, she will hold the City of Bandon responsible because of all of the uncontrolled development. She asked the Commission, "Why do you need to develop anymore?" She urged that they put a moratorium for further development on that whole area, until the City thoroughly addresses the safety issues for the people who currently live there.

Mr. Graham asked if the garbage trucks are having trouble because of cars parked on both sides of the streets. Ms. Rogers said no; they can't maneuver well because the streets are too narrow. She has a driveway on her property that they turn around in.

Again, Ms. Rogers asked, how much more development is the Planning Commission going to allow up there, without the means to get the residents out in the event of an emergency? We're in the middle of a drought -- she said -- what if there is a forest fire in that area? How will the City get the residents out safely -- and how will the City get its people in to fight it? she asked.

Mr. Graham noted that she has a valid point; that the discussion has been focused on isolated streets up to this point. He asked if the lack of streets out there is a concern.

Ms. Rogers responded, it is a huge concern. She cited tsunamis, earth quakes and the like as potential possibilities -- but forest fires happen every day, she said. And yet, she added, she doesn't see any emergency plan or disaster plan coming out of the City; just someone with a key to open the gate if it's needed. How will I know, she asked Mr. Winkel, that that the gate has been unlocked? Why don't we all have keys to unlock the gate? she asked. And where is the disaster or emergency plan to address all of this, before allowing more residences to be build there?

Mr. Winkel explained that all of the residents do not have keys to the gate because technically, it is on private property. That's fine, Ms. Rogers said, then how can you encourage or allow more development up there, when you can't tell us how you are going to get the ones that already live there out?

Ms. Rogers admitted that she is really angry -- because, she said, she is one of those living there that the City hasn't got a disaster plan to get out, while the population grows there with City approved developments. She stated she is completely against this development continuing; and that she agrees with Paul, the area cannot be approved for standard roads -- there simply isn't enough space. It would have to be substandard, she said, because there isn't enough space to do otherwise; and it will go down into the river; and that will mess up the river. But, she asserted, the Commission will do what it wants to do, because it really doesn't care about the people who live there.

Ms. Tiffany countered Ms. Rogers remarks about the Commission not caring about the people who live there. She said she has a problem with people telling her what she thinks and how she feels. After all, she said, why would she be serving on the Commission if she didn't care about the people in her community?

Mr. Reed had a question for Mr. Winkel. He asked if there is a requirement for the City to address access routes out as the density increases in that area?

Mr. Winkel said no. It is an already existing subdivision -- it has been subdivided. There is no requirement for the City to provide double access out of the area. He said that the concept of developing North Street would provide some additional access for those near that route.

Mr. Graham asked when was the last time the City had density studies done?  
Mr. Winkel could not recall if or when one was done.

Ms. Rogers cited that there are over 100 houses accessing Ohio there – and the numbers of people living in them would be far greater. And she said, the City could not possibly, utilizing Ohio, get all the people out and the fire trucks in.

Keri Johnson took the podium. She explained that cars cannot pass each other due to the narrow streets.

Ms. Rogers added that the roads are deteriorating due to all of the construction trucks – even though they are clearly marked ‘no trucks.’ It is ruining Ohio again, she said – the whole street is going to fall apart.

Mr. Graham responded that if nothing else is done, the City needs to look at this situation. He wondered if a density study might be in order, or a close look at an emergency plan. He explained how the results of a density study could lead to recommendations for emergency access points and a plan.

Ms. Fisher approached the podium again. She spoke about access regarding the county side of Ohio; it is all gravel, she noted, and the County won’t allow it to be paved. So, she said, the residents are stuck. She said that the Commission is slated to adopt the Hazard map in September, and offered that the Commission not act on anything new in the area until that Hazard map is done and adopted. She noted that the area is definitely in the hazard zone – why not wait to make any recommendation to the City Council on this request until then?

Mr. Graham clarified that he does not believe the Commission is going to make a recommendation to the City Council on this, but rather, is having the discussion to see what additional information may be required for the Council to make an evaluation. He assured Ms. Fisher that their intent at this meeting is not to make a formal recommendation or take any action; but rather have a discussion and assess what additional information might be helpful.

Chair Kimes asked if there were any further comments.

Mr. Graham inquired if anyone living in the area wanted to express any other concerns. Now is the time, he said, from a planning perspective to present any other issues.

Mr. Mounts approached the podium. On the proposal to open up North Avenue, he wanted to inform the Commission of the limited space (35’) in which to put a road, with a 5’ depression with water in it. What kind of a street can be put there? he asked. Not one that the Fire Chief will approve, he said.

Mr. Graham explained that the Commission has already established that Mr. Stadelman will need to have a statement of approval from the Fire Chief for the substandard street construction. So, he said, that requirement will either come back as a straight yes or no.

Chair Kimes recognized Bob Fisher, 12<sup>th</sup> Street and North Avenue, to the podium for comment.

Mr. Fisher suggested that the Planning Commission do a field tour of the area. He noted that the Commission may be working in the dark on this project; and that they would be benefitted by visiting the neighborhood. He suggested while there, the Commission could take a look at Ohio, where he says, the road is caving in on both sides.

Chair Kimes recognized Tom Stadelman for comments.

Mr. Stadelman stated that Mr. Winkel had done a good job of laying out his requests and reasons for the same. He wanted to provide a little background, he said, to bring the Commissioners up to speed on what is going on in the area.

He said that his family has developed virtually all of the area out there – and that the folks in the audience obviously liked the area enough to move out there. Mr. Stadelman asserted that if it were not for his family doing that development, none of those folks would be living out there. He added that Mr. Fisher made a very good point. In fact, he said, he would like it very much for the Commission to tour the area and take a look at their most recent development project.

Mr. Stadelman said that of course he cares about the area – he lives there, too. He does understand their concerns about the hill, and as a driver, he is aware that he needs to be cautious about other people driving up and down the hill. He also explained that the proposal he has made has been designed for the least amount of impact on people who live there. As for his investment in the area, the lot that some want designated for a park will not be a park, he said. If people want a park there, he would be happy to sell it to them; and he doesn't need a fortune for it, he said.

Further, Mr. Stadelman encouraged the Commission to do the work of planning. He would like to have a long range plan of development for the community, particularly for this area. He explained his reasons behind his request for variances and street openings, and that he does care for the people in the area. He admitted to being confused by the conflicting assertions of some opponents, indicating at times that the streets are too narrow for traffic or escape routes, but opposing the development of wider streets.

And, he said, that as his development continues, the neighborhood will have less to fear from a forest fire, because there is not going to be a forest left to burn. Of course, he said, he wants to save as many trees as he can, but much of the dense forest will be gone.

Mr. Stadelman gave a historical perspective going back to 2001 when he first put streets in the area. The standards at the time called for the streets to be 24' gravel. Mr. Stadelman wanted to do more, and went to the Council for approval to do 20' paved roads. He reminded the Commission that this area has been a subdivision for over 100 years; this subdivision is nothing new.

Mr. Stadelman went on to explain why he is opposed to the opening of the gate on Ohio – because he doesn't want the County trucks utilizing the streets of the subdivision.

He explained again that he is attempting to do less impact on the neighborhood, not more. He does not want Mr. Mounts to have to tear down his sun room because he has to put in 28' streets with curbs and gutters. He is trying to do something nice in the area, with minimal impact on the current residents.

Mr. Stadelman told the Commissioners that if they want to see a grand plan for the development, he will be happy to do one.

Chair Kimes noted for Mr. Stadelman that his five minutes to speak was passed seven minutes earlier, but he would allow him to continue as long as he stayed focused on the matter at hand.

Mr. Graham asked Mr. Stadelman, how hard would it be to take some of the existing streets and bring them up to current standards, with easements, setbacks, etc. Mr. Stadelman said it could be done. Mr. Graham said that anytime something is widened, there is less of something else. Mr. Stadelman said there would be fewer trees.

Again, Mr. Stadelman said that Mr. Fisher made a great point – anyone is welcome to tour his development and take a walk on his property. He assured the audience that he wants to be a good neighbor and to do the right thing. But, for that, he needs the assistance of the Planning Commission.

He wanted to address specifically two items raised during the meeting, he said. The first, the assertion that the City should not allow any new development on his properties; he noted that this has been an established subdivision for decades. The second, that in 2011 he failed to produce a required wetland delineation on his property. In truth, he said, that wetland delineation was completed, and if the Commission did not see it they need to speak with the City because it is there in the City records, dated on the receipt.

Vice Chair Bremmer noted that Mr. Stadelman’s assertion that the Commission has not been out to the area was not true. She has been out to the area, she looked at his development and his property. Mr. Stadelman countered that he never implied that no one from the Commission had visited the property.

Mr. Graham reminded Mr. Stadelman that the Commission throughout the meeting had developed a list of five items or so to guide him towards providing adequate information to the City Council for their evaluation of his requests. He asked if they have given him sufficient suggestions to help him in that effort.

Mr. Stadelman said no, that essentially, the Commission had not given him anything. Mr. Graham reminded him that the Commission’s purpose was not to make a decision on this, if that is what he was looking for.

Mr. Stadelman responded that he was not looking for the Commission to make a decision, but ideally, he wanted the Commission to discuss it, and tell him what they want from him. He noted that he is not a mind reader, and he needs them to tell him exactly what they want to see.

Mr. Reed countered that when he came on the Commission, the City Staff gave him a complete book that is the Bandon Municipal Code. In it, he said, it tells any developer exactly what is needed, required and expected for development of any kind in the City. He said that just because historically something was accepted in an area, doesn’t mean that the same former standards fit the municipal codes of today. He reminded that Mr. Stadelman that people used to throw excrement out of their windows – they do not do that anymore.

Mr. Stadelman countered with approved development within the past five years – “and that’s not good enough for you anymore?” he asked. He added that if they want 28’ streets up there, he will put in 28’ streets.

Mr. Reed again told Mr. Stadelman that all he needs to comply with is written in the Bandon Municipal Code. But he said, Mr. Stadelman is loath to follow the code, and that is why his development looks the way it does up there, with streets that are too narrow.

Mr. Stadelman countered that if the Commission feels that way, then they should make that recommendation to the Council. But he believes that the Commission should take a little time and think about it. If the Commission likes the book, then they should go ahead and live by it.

Mr. Reed said that Mr. Stadelman is not understanding why things are set up the way they are.

Mr. Stadelman countered that if the Commission likes the book (BMC), then that's what they should abide by.

Mr. Graham suggested to Chair Kimes that it may be time to close the discussion.

Chair Kimes asked Mr. Winkel if he got what he needed from the discussion. Mr. Winkel replied that he got some of what he needed. He is in a bit of a quandary – is the Commission saying to Mr. Stadelman that if he provides the five aforementioned items, then his recommendation for approval is assured? Or are the Commissioners saying to him that if he gets the five items and then comes back, that you will give him more things to get before making a recommendation to the City Council?

Mr. Winkel again assured the Commission that he was not seeking a decision tonight, but rather seeking their input on whether or not Mr. Stadelman's request is ready to go to the City Council.

Chair Kimes noted that he has not seen or heard anything tonight that leads him to believe the development should not be in compliance with current city standards.

Mr. Winkel asked for clarification from Chair Kimes. Is he saying that the development must be done in compliance with the city standards.

Chair Kimes answered in the affirmative.

Ms. Tiffany said she is not in agreement with turning the street into a driveway.

The Commissioner and Mr. Winkel continued to discuss the nuances of the request. Commissioner Harv Schuboth admitted struggling with the concept of a development where 15% of it meets city standards, but 85% of it does not. There was not agreement or consensus on a recommendation as to whether to follow the City standards, or grant variances.

City Attorney Fred Carlton noted that he does not have an answer for the Commission. However, there are 'clog' points all over the city of Bandon. Right or wrong, they do exist throughout the town, he said. He cited Bates Road, Upper Michigan, Golf Estates, Jetty Road, etc. as examples. The same concerns that some in the audience expressed about access roads out of the neighborhood in case of an emergency could also be said about most of Bandon. Is it right? he asked. No, but that is how the City was developed; it has pockets with limited access all over the city.

Chair Kimes said that what he has heard throughout the meeting is that there are City standards that the developer doesn't want to follow because he has not had to do it before – and he does not believe that is a good enough reason to avoid following the City standards.

Upon more discussion on what the Commission wants there, the consensus was that in the absence of a fully developed plan, it could not make a valid assessment of what it would recommend there.

Dr. Cook took the podium to explain to the Commission that in the telephone conversation she heard between Mr. Mounts and the Fire Chief, Mr. Boston was adamant that no way would he approve the requests, nor be able to navigate the hill of North Avenue with his emergency trucks.

Mr. Graham reminded everyone that the Commission cannot override the decision of the Fire Chief, the Forestry Service, Fish and Wildlife, nor any other agency that needs to approve of these plans before the Commission.

Ms. Johnson asked if the developer could explain how many houses are planned for the development.

Mr. Stadelman showed via the visual screen the development sites. There are 30 lots per block, and Mr. Stadelman explained how many blocks he owns and exactly where. A rough estimate is 10 homes per block, he said, on lots that are 40'x100'

Mr. Stadelman stated that the Commissioners do have a development plan in their packets. He said that if he has to spend more money on roads, then he has to build more homes in the area to cover the investment increase. If he is allowed to do what he is proposing, then he does not need to develop as many homes to cover his costs. He noted that he likes to leave trees on each lot, and the placement of those trees goes into his development plans.

Ms. Johnson came back to the podium to offer some rough numbers based upon Mr. Stadelman's remarks. She moved to Bandon from California two years ago, and she loves her neighborhood; it is quiet and peaceful. But according to Mr. Stadelman's numbers, she said, 10 homes per block equals 20 cars with two car garages, and then teenagers with their cars adds another 5 cars. She said that equates with an additional 25 cars in their neighborhood, along that narrow road. It will be more congested with cars, people and more homes. In conclusion, Ms. Johnson said that she is against the development in her neighborhood.

Mr. Reed asked for clarification – did he just hear in Mr. Stadelman's remarks that if he is allowed to do his development as he is proposing, then it will be limited to ten homes per block; but, if he is required to comply with City standards, then by way of ransom, there will be more than 10 homes built per block.

Chair Kimes affirmed.

Ms. Tiffany said that she really does not know how the Commission could make any kind of a concrete recommendation to the City Council at this point. She said she does not feel that anything Mr. Stadelman said made the case for his request. The only recommendation that she thinks the Commission could make to the Council is that the Commission would follow the code as best they could. The Council needs more information than what has been provided thus far. She added that one of the things the Council would need is a plan – and while Mr. Stadelman thinks he has a plan, the Council should have some kind of basic idea of what he wants to do there – other than just build a street or put in a driveway. He needs to answer the questions, she said, “Why are you putting in a street? Why are you putting in a driveway?” He needs an overall plan – the Commission would require that of anyone else, she added. She added that she did not see how the Planning Commission could make any other recommendation at this point.

Vice Chair Bremmer would like to know if there are places in the development where substandard streets are necessary. She noted that there are quite a few previous variances in this development.

In her observation, where most of these are it was a matter of time – they were standard then, but today they are not. But now, to follow the City codes, there would be streets where there are no gutters, curbs or sidewalks, but then further down the same streets, all of a sudden, there they are. There are not a lot of houses in the area under discussion, she said. But perhaps because it is forested, or involves wetlands or riparian areas, maybe there could be a tweaking of the codes to make some reasonable accommodations for these.

Vice Chair Bremmer added that she doesn't think it is a desirable thing for a city to say to anyone that they cannot build on their own property. The City could take the tact that everything has to be built standard to the code; but there are always exceptions that will come along.

Ms. Bremmer added that what should be required of any applicant who feels they need or desire to put in anything substandard is a clear, concise statement – with factual evidence to support that statement – as to why this project demands that exception. So, as in the case of the Fire Chief's statement, that statement has to be clear and it must be proven by fact, she said.

In conclusion, Ms. Bremmer said that the aforementioned requirement is something that should be expected by Staff, by the Commission, and by the Council before considering any exceptions to the City's current building standards. She request that that requirement be added to the list of items that the developer needs to produce for the City Council to evaluate the request.

And finally, Ms. Bremmer added that a street is not a driveway.

Mr. Graham admitted to being conflicted. Those who live in the area and spoke tonight seem to be saying that they want less impact, yet they want greater accessibility. The Council needs to decide, he said.

Mr. Winkel read from the resolution that adopted the street construction standards, including those items that allow the City Manager to make a decision upon. He continued that the City Council shall have the authority to make decisions on specific exceptions to the standards, where the City Council determines the exceptions to be in the best interest of the City. But, he explained, there exists no guidelines with which to define the words, "in the best interest of the City." This is why, Mr. Winkel said, he brought this forward to the Planning Commission for discussion, because this is not a simple exception, it impacts a lot of neighbors. What does the Commission feel is in the best interest of the City?

Mr. Reed noted that he does have a concern about the impact of the additional projected traffic in that area, and he would like that concern conveyed to the City Council.

Mr. Winkel noted though, that if a developer wants to put in a development, there is no requirement that they must upgrade the access into the area. He mentioned that the gate issue is a two-way dilemma in trying to strike a balance. He explained it via the map on the screen; and the history of how the gate on private property came to be there to accommodate the public in case of an emergency. He said that that whole hillside has to be replaced, according to the engineers in order to fix Ohio, and it will be a several million-dollar project. He invited the ideas of anyone who has a creative way to address Ohio, or another access route into and out of the area.

Vice Chair Bremmer asked about drainage. Mr. Winkel noted that Mr. Stadelman, before he can do anything out there, has to hire an engineer to address the drainage plan. Then that engineer's plan will be reviewed by the City's engineer. The City Council will not get into that; but Mr.

Stadelman will need to incur that cost in order to move forward. Mr. Winkel said it is a ‘chicken and the egg’ kind of thing – how much in engineering and planning expenses does Mr. Stadelman incur if at the end of the day, the City decides that is not what they want to allow out there?

Mr. Winkel also noted that the extraordinarily long cul de sacs that Mr. Stadelman’s plans call for are even more in violation of the City’s codes than opening up the streets he is requesting. And Mr. Winkel added, he has spoken with NMFS, and the project is going to have to make applications and get approvals for the wetlands, riparian areas and the creek that must be crossed.

In conclusion, Mr. Winkel said he would prepare a list of what all of these approval hurdles are, and bring it to the next Planning Commission meeting. The Planning Commission’s recommendation then will be directed to Mr. Winkel, who will then pass it along to the City Council.

Mr. Mounts asked Mr. Winkel a number of questions regarding the opening of the North Avenue. Mr. Winkel answered his questions, and offered to come back with a summary of rationale for the suggestion to open the street.

Chair Kimes determined it was time to end the discussion on this matter, and moved the Agenda forward to Vice Chair Bremmer’s report.

### **5.3. REPORT FROM VICE CHAIR BREMMER ON ISSUES RAISED AT THE JOINT CITY COUNCIL/PLANNING COMMISSION WORK SESSION**

Vice Chair Bremmer reported that the Commissioners had before them her work on the agreed upon priority item from the Joint Work Session of the City Council and the Planning Commission. The top priority item identified was the South Jetty. She noted that the Commission did not have her full report yet, which she plans to have finished by August 5<sup>th</sup>. But for now, Ms. Bremmer wanted to share with the Commission where she is going structurally with the report. She also noted for the Commission that each member of the City Council received a copy of her initial report in their mailboxes as of this date.

She went over the aspects of the current report, including an introduction, historical background and photos. She went over the three major concerns on the South Jetty as identified during the Work Session, and her preliminary work.

She noted that the work on the Bandon Municipal Code is well underway. The City Recorder is helping Ms. Bremmer with maps. The Environmental Section is almost complete. Ms. Bremmer reminded the Commission that Councilor Hundhausen had asked for soil data, and this section is complete with that data.

Mr. Winkel commended Vice Chair Bremmer who was working simultaneously on three different major projects, including this one.

### **6.0 ELECTION OF OFFICERS**

Chair Kimes opened the floor for nominations of officers for the Planning Commission.

Vice Chair Bremmer nominated Chair Kimes to continue to serve as Commission Chair.

Mr. Schubothe nominated Ms. Bremmer to continue to serve as Vice Chair.

Chair Kimes asked for additional nominations. Seeing none, he closed the nominations.

Chair Kimes and Vice Chair Bremmer were re-elected unanimously.

#### **7.0 COMMISSIONERS' COMMENTS**

Mr. Graham reported on the August 27<sup>th</sup> event, with hot dogs and fun for everyone.

Mr. Reed noted that he has been astounded in his time on the Planning Commission regarding the treatment of the Planning Commission Staff, and the comparative analysis of fee schedule for planning.

Mr. Winkel reported that Brad Owens last day with the City of Bandon is tomorrow. He has resigned, but the City is not losing his services. He will be working as a private consultant on IT issues for the City. Dollar General is pretty close to the review process; and they will be going into the shopping area. He showed the design of the building, and it looks like it will blend in very nicely with the shopping center. It does comply with the City's commercial design standards. He showed samples of the muted colors which will be utilized instead of the corporation's bright yellow and black.

Mr. Schubothe reported on behalf of the Greater Bandon Association. He noted that the organization lost Julie Luu to a move. Her mother in California became ill, and Julie has moved there to assist in her care. The application for a RARE volunteer was accepted, and this time there will be a unique bent to that role. While still classified as a Main Street Manager, the RARE volunteer will be working out of the Planning Department and focusing on planning and design issues. She has her Masters in Regional Planning, and should be a fine asset.

#### **8.0 ADJOURNMENT OF THE REGULAR MEETING**

Chair Kimes adjourned the meeting at 9:30 p.m.

Minutes respectfully submitted by Sandra J. Messerle