



City of Bandon

555 Hwy 101, PO Box 67
Bandon, OR 97411
(541) 347-2437

Bandon by the Sea

CITY COUNCIL CONSENT AGENDA	DATE: 4-1-2024
SUBJECT: CITY COUNCIL AND PLANNING COMMISSION	ITEM NO: 3.10

BACKGROUND:

City Council and Urban Renewal Agency meeting minutes as submitted by Richard Taylor, Minutes Clerk

- February 20, 2024, City Council – Work Session
- February 21, 2024, City Council – Special Meeting

FISCAL IMPACT:

None

RECOMMENDATION:

Motion to approve as part of the Consent Calendar Items.

SUBMITTED BY:

June Hinojosa, City Recorder



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Bandon by the Sea

**MINUTES
CITY OF BANDON CITY COUNCIL
AND URBAN RENEWAL AGENCY BOARD
WORK SESSION**

COUNCIL CHAMBERS, 555 HIGHWAY 101, BANDON, OR 97411
TUESDAY, FEBRUARY 20, 2024
Livestreamed via Zoom Meetings

COUNCIL MEMBERS PRESENT:

Mary Schamehorn, Mayor
Joshua Adamson, Councilor
Peter Braun, Councilor
Chris Powell, Councilor
Geri Procetto, Councilor
Madeline Seymour, Council President
Brian Vick, Councilor

STAFF PRESENT:

Torrey Contreras, City Manager
Shala Kudlac, City Attorney
June Hinojosa, City Recorder
Dana Nichols, Planning Director
Chief Cory Dhillon, Bandon Police
Sgt. Matthew Whitmer, Bandon Police
Andrea McMahon, Executive Assistant to City Manager
Nicolette Cline, Planning Assistant
Richard Taylor, Minutes Clerk

1. CALL TO ORDER/ROLL CALL

Schamehorn called the meeting to order at 1:30 p.m. Roll Call was taken as indicated above. Adamson used Zoom to join the meeting. All other Councilors and City Staff were present in the Council Chambers.

2. PRESENTATION

2.1 Presentation regarding federal, state, and local laws pertaining to homelessness as set forth by the Ninth Circuit Court of Appeals, Oregon state law, and the Bandon Municipal Code

Noting that there had recently been a visible increase in homeless people in Bandon, primarily in and around Old Town, Contreras provided a slideshow overview of laws and court rulings that formed the framework for the City's public camping ordinance.

- Cities were required to shoulder responsibility for addressing homelessness but were generally not equipped to do so. No external funding sources were available to assist them. As required by state law, Bandon adopted public camping regulations on June 26, 2023. The City had no funding or staffing dedicated to the homeless issue and no designated shelter or campsite in the City.
- U.S. Constitution's Eighth Amendment prohibited states from punishing an involuntary act or condition—such as homelessness—that was the unavoidable consequence of one's status or being. Ninth Circuit Court of Appeals ruled in *Martin v. City of Boise* that a city could not punish individuals for sitting, lying, or sleeping in public if there were a greater number of homeless people than available beds for shelter. In a later ruling, *Blake v. City of Grants Pass*, the same court held that cities could establish and implement restrictions on public camping and enforce health and safety laws to protect the general population.
- In House Bills 3115 and 3124, the Oregon Legislature reinforced *Martin* and *Blake*, stating cities and counties could regulate time, place, and manner of acts of sitting, lying, sleeping, or keeping warm and dry outside on public property, if their laws were "objectively reasonable" based on the totality of the circumstances as applied to all stakeholders, including persons experiencing homelessness.
- HB 3124 called for cities to give 72-hour written notice, posted at all access points to the area where camping was taking place, prior to removing someone engaged in camping on public property, or their property. Emergency exceptions were allowed for criminal activity or health and safety concerns. Property removed or abandoned must be stored for at least 30 days, except for items deemed to have no value or utility, anything unsanitary, weapons, drugs, or stolen property.

- Bandon's public camping ordinance (Ordinance #1656) regulated camping on City-owned property, including public rights-of-way and parks. It established objectively reasonable regulations, addressed health and safety concerns, and provided for the humane treatment of individuals experiencing homelessness. Time, place, and manner restrictions were instituted that balanced the rights of people without shelter to use public spaces to meet their basic needs, while managing those spaces to ensure public resources would remain available for use by all Bandon residents.
- Specific provisions of Bandon's ordinance included:
 - Campers must maintain a minimum 500-foot distance from child care facilities or schools.
 - If permitted for temporary shelter on private property, a maximum of three vehicles would be allowed.
 - To discourage establishment of permanent campsites, campers who were given notice to relocate were required to move at least one block or 600 feet, whichever was more restrictive.
- Ordinance #1656 did not identify a designated shelter or campsite. Individuals could be offered transportation assistance to regional shelters but often refused to move from Bandon.
- Copies of the ordinance were made available to everyone in attendance at the Work Session.

3. PUBLIC COMMENT / 4. DISCUSSION

4.1 Discussion regarding possible solutions for addressing homelessness in the City of Bandon

Schamehorn: Bottom line is 9th Circuit Court of Appeals ruled someone cannot be cited for simply sleeping in public, taking that option away from local jurisdictions.

Dhillon: Disabled veterans given special consideration as "emergency exceptions" under HB 3124. No designated spot for a homeless camp in Bandon because nobody wants it in their neighborhood. The only penalty for violating the City's ordinance is a fine, which has no impact on someone who does not know where the next meal or place to sleep will be. Bandon Police offer homeless persons a ride to Coos Bay, where there are more resources, but they rarely agree to do that.

Erik Schirmer, Project Manager, Coos County Homeless Response Office: Recent Point-in-Time count in Coos Bay/North Bend estimated homeless population at 400 sheltered and unsheltered; in Bandon there were 23.

Dhillon: Homeless population in Bandon swells during the summer, with a constant population of 10 to 15. Bandon Police contact homeless people every day and work with Red Cross to offer bus passes out of town.

Whitmer: Bandon Police officers carry supplies for homeless in patrol vehicles—bottled water, small medical supplies, granola bars.

Dhillon: Possible solution would be acquiring Pallet Homes and placing them at several local churches, providing a resource and giving more authority to enforcement of Bandon's ordinance.

Theran Coleman, Community Resource Officer, Coos Bay Police: There are 22 Pallet Homes at the Devereux Center's Coalbank Village homeless housing project in Coos Bay, with a plan to double that number.

Reverend Jim Vickery, First Presbyterian Church of Bandon: Church gives away "survival bags" and participates in food distribution. Has too little property or facilities to be able to help serve the homeless on site.

Coleman: Coalbank Village has several camp-style community showers funded by Advantage Health. Devereux Center is a nonprofit.

Schamehorn: Tara Johnson, Devereux Center Director, has obtained over \$1 million in funding recently.

Dhillon: When a camp is condemned, confiscated property is stored in the old fire hall next to City Hall. Seized property is unsanitary and the City has to pay to have it destroyed.

Pastor Don Conn, Faith Baptist Church: Before COVID, church helped people find jobs and homes in the community. Those helped by the church after COVID had no desire to improve their lives, and a couple tons of trash had to be hauled away after they left.

Dhillon: The City could offer churches credits for utilities and garbage services in exchange for sponsoring Pallet Homes.

Carol Stange, Bandon resident: Coquille has designated areas for tents. Churches in residential areas set aside fenced areas.

Nan Sands, Bandon area resident, representing Pacific Community Church: New church pastor John Simpson is interested in working with the homeless on church property and his father's adjacent property, south of Bandon.

Schamehorn: Father Lindley of St. Timothy's Episcopal Church in Brookings made the national news. He persists in feeding the homeless in defiance of the city's requirement for a permit. Church is in a residential zone.

Father Doug Hale, St. John Episcopal Church, Bandon: Interesting to determine what freedoms churches have and still be sensitive to neighbors. St. John is in residential area, across from the high school. Homeless services at that location would not be popular. The church in Brookings is also in a residential area, but it opted to pick up the slack when other feeding sites closed during COVID.

Bob Schroeder, Bandon resident: Wilsonville, Oregon, designated a grassy area adjacent to city hall for overnight camping and required campers to leave by 8:00 a.m.

Schamehorn: Coos County has no jail space. District Attorney will not prosecute anyone for sleeping in a parking lot. Homeless people in Bandon recognize the City has no leverage. Would Bandon residents rather have homeless people congregate in one place or be scattered around town?

Coleman: Coalbank Village has strict curfew rules, enforced by a full-time employee. It is a safe place where the homeless can develop a sense of stability and work on getting back on their feet. Tara Johnson has partnered with Florence on a similar village and would be willing to help in Bandon.

Schirmer: A Pallet Home that can shelter two people costs around \$7,500.

Coleman: There is grant funding available.

Schirmer: Homeless Response has grant-writing services.

Sheila Howe, Holy Trinity Catholic Church Pastoral Council: When people come to Holy Trinity for services, they are sent to the Police Department for help with gas, given food vouchers for McKay's Market, and offered temporary housing at the Shooting Star Motel. Families are the biggest challenge, especially with domestic violence situations. Working with the Red Cross, Holy Trinity and St. John the Baptist Catholic Church in Port Orford housed refugees from the past summer's fire near Port Orford. Holy Trinity foresees collaborating with other Bandon churches to minister to the homeless.

Vickery: Prior to COVID there was an active ministerial alliance. Problem with housing people in hotels and motels is they often want the church to be responsible for any damages. More collaborative work could be done to mitigate food insecurity without additional resources. First Presbyterian also gives cards for gas and McKay's Market, but a central source for relief would help.

Dhillon: Police provide short-term food and water. A "homeless officer" may be designated at tomorrow's department meeting.

Schamehorn: The City could provide seed money from Revenue Sharing funds, maybe up to \$5,000.

Pastor Jim Minkler, Seabird Chapel Church of God: Some churches in Bandon have done much more than just put people up. The whole congregation of Faith Baptist Church rallied around homeless people. Seabird Chapel has often put people up in hotels. Some hotels have declined to house homeless because they caused damage. Churches in Bandon want to help but they are small and it takes a lot of money and effort to support the homeless. Seabird has five acres but can no longer provide space for homeless to stay because it operates a school on site.

Dhillon: We need to talk to the homeless, find out who wants to be helped, and focus resources on them.

Charlotte Carver, South Coast Regional Early Learning Hub, Bandon resident: Homelessness is a complicated issue. People become homeless for many reasons. In the past school year, six children in the Bandon School District were considered unsheltered homeless and eleven were "doubled up," living in less than ideal situations.

Cannot tell if someone is homeless by looking at them. Some people are working but living in their cars or in RVs. Addiction and mental health contribute to homelessness. Families have different needs and would benefit from a separate place to go for help. A warming shelter helps people survive extremely cold nights. A ministerial association can help churches pool their resources. A nonprofit can more easily obtain grant funding.

Coleman: South Coast Gospel Rescue Mission is trying to establish a family unit.

Schirmer: Salvation Army in Coos Bay has a project to build eight tiny homes, specifically for families.

Joyce Pell, Bandon resident: Find out what the people who are experiencing homelessness want. Some people who are "houseless" do not consider themselves homeless by choice.

Schirmer: The Point-in-Time count does not include the people who are "doubled up."

Schamehorn: Would be good to find out how many people are working but cannot find a place to live here. Bandon's median rent is \$2,200/month and people also need to pay the first and last month and give an address, which some people do not have. Maybe the City could establish a grant-funded account to help working people get into housing if they can afford rent but not the up-front costs.

Whitmer: Marissa Nuez is an individual Bandon resident who has helped local homeless on her own and recognizes their varied situations and needs.

Nuez: Mother of three, she noticed someone freezing during a snowstorm in February 2023 and began to make weekly hot meals for a group that was camping at the Odd Fellows Cemetery. Coordinated with the Restoration Worship Center Food Pantry and others in the community for food, clothing, and other resources, and came to know people and their stories. Some appreciate her help and others take advantage of it. Some of the homeless in Bandon have had their belongings vandalized and been attacked and shot at by local residents.

Dhillon: Homeless are frequently victims of crime, including assaults and sexual assaults. They usually have a negative opinion of law enforcement, so they don't want to report those crimes. Police do not want to bother the homeless unless they receive a complaint.

Nuez: Community of homeless people at the Odd Fellows Cemetery tended to get along well, but there were crimes such as theft within that community.

Misty Golden, homeless in Bandon: Has worked from time to time but suffers with pain from a back injury due to a car accident caused by a texting driver. Currently has family helping her, has not given up, and does not want to live around people who have drug problems. A homelessness task force would be good.

Schamehorn: The Bandon Ministerial Association was very active in the 1970s and 1980s and ought to get back together.

Braun: A task force would be a good next step.

Christine Hall, President, Friends of Bandon Parks & Recreation: As an action to follow up this Work Session, a Council member should meet with the ministries to organize future efforts.

5. AGENDA ITEM FOR NEXT WORK SESSION (none)

6. ADJOURN

Schamehorn adjourned the Work Session at 3:04 p.m.



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**MINUTES
CITY OF BANDON CITY COUNCIL
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SPECIAL MEETING**

COUNCIL CHAMBERS, 555 HIGHWAY 101, BANDON, OR 97411
WEDNESDAY, FEBRUARY 21, 2024
Livestreamed via Zoom Meetings

COUNCIL MEMBERS PRESENT:

Mary Schamehorn, Mayor
Joshua Adamson, Councilor
Peter Braun, Councilor
Chris Powell, Councilor
Geri Procetto, Councilor
Madeline Seymour, Council President
Brian Vick, Councilor

STAFF PRESENT:

Torrey Contreras, City Manager
Shala Kudlac, City Attorney
Paula Burris, Finance Director
Dana Nichols, Planning Director
June Hinojosa, City Recorder
Sgt. Matthew Whitmer, Bandon Police
Officer Zack Carpenter, Bandon Police
Officer Jesse Macy, Bandon Police
Nicolette Cline, Planning Assistant
Richard Taylor, Minutes Clerk

1. CALL TO ORDER/ROLL CALL

Schamehorn called the meeting to order at 6:00 p.m. Roll Call was taken as indicated above.

2. PUBLIC HEARING ITEMS – Public Hearing items are required to be duly noticed and are subject to public comment.

2.1 A *de novo* Public Hearing for the Appeal of the Planning Commission approval of Planning Action 23-045, a request for a Conditional Use Permit to construct a new 110-room hotel, two restaurant spaces, meeting rooms, and spa, as well as 32 villas/suites and a site plan review for commercial design standards, parking, and signage on property zoned Controlled Development 1 in the City of Bandon. The subject property is located at Township 28S Range 15W Section 36BC Tax Lot 219 and Section 36C Tax Lots 400, 500, 600, 700, and 1500.

Schamehorn opened the Public Hearing at 6:02 p.m. The applicable substantive criteria for approval of the application were contained in the following Bandon Municipal Code sections:

- 17.20 Conditional Uses in the Controlled Development 1 (CD-1) zone
- 16.12 Conditional Uses
- 17.94 Commercial Design Standards
- 17.96 Off-Street Parking and Loading
- 17.90 Signs
- 16.04.070 Type III Procedure – an appeal of reviewing body’s decision of the Bandon Municipal Code and the policies of the Comprehensive Plan

A Notice of Appeal was filed by the Oregon Coast Alliance (ORCA) and a separate Notice of Appeal was filed by Mr. Bruce Spencer, a Bandon resident.

Schamehorn: Declared *ex parte* contact. In late 2023, contacted Sheri McGrath, consultant for the Gravel Point project, asking what projects had been completed by PERK Development, the Gravel Point developer. Was called by Bret Perkins of PERK, who told her they had not developed any projects and gave her names of venture capitalists who might fund Gravel Point. Schamehorn asked McGrath to have Perkins provide information in writing about PERK’s potential projects in Coos Bay. Was contacted by the city’s attorney who had been contacted by the developer’s attorney, who told

her she had made *ex parte* contact. Schamehorn apologized for having made that contact while trying to learn about projects PERK had already developed, though not seeking information about the project itself.

Braun: Visited the site two days earlier for a better understanding of the location and its topography.

Nichols presented the Staff Report, accompanied by a slideshow.

- Proposed uses of the subject property—hotel/motel and commercial retail sales and services—are listed as conditional uses in the CD-1 zone.
- An aerial map showed the project would be bounded by Face Rock Drive on the north, Beach Loop Drive and a neighborhood along Strawberry Drive on the west, part of the Donut Hole to the east, and residential neighborhoods along Carter Avenue and Three Wood Drive to the south.
- An overview of the site plan showed the central location of the two lodges, with villas spreading out toward the north and south. Renderings and elevation drawings of the lodges and villas were displayed.
- Developer planned a new street configuration and would request vacation of existing platted roads within the subject property in a separate application to be heard by the Council at a future date.
- After multiple Public Hearings and testimony, the Planning Commission had approved the Gravel Point application with conditions on November 2, 2023. A Notice of Decision was mailed on November 7, 2023. Two valid appeals were received.
- Changes were made in the application after the Planning Commission’s approval:
 - Applicant withdrew the hotel height variance request; only an elevator shaft would exceed the 28-foot height limit, reaching 35 feet within the CD-1 standards.
 - Number of vehicle parking spaces was increased to 178, with nine dedicated RV spaces.
 - Decreasing the building height caused an increase in size for the two lodges and a slight building coverage increase.
 - A more concrete road and infrastructure proposal was submitted, clarifying setbacks.
- Staff determined the application comported with the intent of the CD-1 zone and met the standards for development.
- Utilizing the site’s topography, only 8.5% percent would be developed; 80% would be open space.
- Significant screening and buffering along property lines was planned to minimize the project’s impact on surrounding neighborhoods.
- Although finding the City had sufficient utility and infrastructure capacity to support the development, Staff added conditions for a construction traffic mitigation plan and a storm drainage mitigation plan.
- Staff recommended approval of the applicant’s request for a two-year Conditional Use Permit.
- The City’s Water Master Plan determined the City had sufficient water rights and water plant capacity to cover its projected growth but lacked raw water storage. City Engineer confirms current potable water supply can serve the applicant’s proposed use. If the water line on Beach Loop Drive needs an upgrade, the developer’s System Development Charges (SDCs) will help cover the cost.
- Transportation studies estimated that the development’s impact on key intersections would not exceed Oregon Department of Transportation (ODOT) or City of Bandon standards.
- A street connecting Face Rock Drive to 20th Street SW to Highway 101 would be outside the project site boundaries and would cross through private properties not within Bandon City Limits. It could be developed as a collector street when development happens on those properties.
- Staff conducted a Plan Review addressing signage, commercial design standards, and parking.
- The project site contained two identified but not significant wetlands, not subject to protection.

Dan O’Connor, O’Connor Law, LLC, attorney for the applicant: O’Connor introduced representatives of the applicant who were present:

Garrett West, O’Connor Law
Sheri McGrath, Coos Curry Consulting
Darren Sandeno, Parametrix

Brett Perkins, PERK Development
Chris Bell and Mark Giles, DLR Group



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O'Connor: Developer's objective is to develop a first-class hotel site in the City of Bandon. Application meets all applicable standards and criteria. Applicant agrees with Conditions of Approval in the Staff Report. Thanks to City Staff for helping the applicant bring forward a better proposal than what was initially approved by the Planning Commission.

Responding to the appeal by ORCA, the Meadow Lodge height was lowered.

Revised application reflects a right-of-way configuration requested by the City and addresses the concerns of residents on Lincoln Avenue, Spinnaker Drive, and Carter Avenue. Applicant agrees to construct a barrier on the Gravel Point side of Carter Avenue to prevent entry or exit. Signs would be placed around the hotel to direct guests toward Beach Loop Drive.

In response to questions in Spencer's appeal about the development's economic benefits to the City of Bandon, the total SDCs for the project would be \$1,311,971. Annual real property taxes would come to \$903,000, of which the City's share would be around \$250,000. Based on 50% occupancy, \$1,673,000/year was expected in Transient Occupancy Taxes (TOT).

Including structures and other impervious surfaces, the project would have only 20% lot coverage, leaving 80% as open space. The site could potentially have become a 200-home residential development with 65% impervious surfaces.

The developer wants to be part of the community. Will provide walking paths open to the public throughout the property and contribute \$20,000 to the City toward engineering and planning for a pathway along Beach Loop Drive when the building permit is issued.

The project will be developed to Gold LEED (Leadership in Energy and Environmental Design) Standard Equivalent, with a "living roof."

Applicant requests that the appeals be denied and the application approved.

Schamehorn: ORCA submitted a 1,000-page document at the 3:00 p.m. deadline on the day of the hearing. Previous submission, from attorney Sean Malone, dated November 23, 2023, mainly concerned the height variance, which had since been removed from the application.

Cameron LaFollette, Executive Director, ORCA, appellant: Due to new material submitted, ORCA requested that the record be left open for at least seven days. Details supporting ORCA's testimony were in the new documents submitted earlier in the day.

Bandon does not have infrastructure capacity to allow approval of the project. Cited memo by Mary O'Dea and Sheryl Bremmer stating the City's Water and Wastewater Plants were operating beyond their capacity and service life. Future water needs could not be met by Geiger Creek or Ferry Creek. No funding available for deferred maintenance and delayed capital improvements. Existing hydrant flow deficits hamper fire suppression and would worsen with this new development.

The City's reliance on TOT for revenue is not a legal ground for approval of the application.

Bruce Spencer, Bandon Resident, appellant: Representatives of the applicant promote the benefits of their project but will not address the deficiencies, drawbacks, and negatives.

Issues such as jobs and taxes are not applicable to the sections of the code that determine the approval or denial of the application but were mentioned by the applicant. The TOT estimate is questionable, being based on an average \$1,400/night for villas and \$470/night for hotel rooms. Added taxes would increase those figures to \$1,554 and \$522—considerably more than existing hotel rooms or vacation rentals in Bandon.

Local workers are not likely to be involved in constructing this project. More money would stay in the community if single-family residences were built on the same property.

Applicant has tried to limit public's right to testify in the hearing. Numerous specific criteria for approval required by Bandon Municipal Code (BMC) have not been met. Developer does not have experience and ability to complete a project of this scale. Project is not appropriate for Bandon. Substantial number of Bandon residents have concerns. Council does not need to make a decision at this hearing.

PUBLIC COMMENT:

Neal Barlow, Bandon resident: Would rather have a hotel that is trying to be environmentally friendly than same property being bulldozed and filled with homes without regard to the environment. This is the right place for a hotel. Property taxes in Bandon are low and the City relies on lodging tax. New houses are actually a liability in terms of City services they require versus property tax paid.

Schamehorn: Bandon does not have a low property tax because of the TOT. The property tax is statutorily low and cannot go up because the City owns its utilities and collects utility fees. Bandon cannot raise utility rates without voter approval.

Catherine Mills, Bandon resident: Ocean Trails subdivision neighboring the Gravel Point project is zoned R-1, which does not allow access to a commercial complex. Original street configuration on the subject property was for residential use. 85 residents of the neighborhood signed a petition requesting Carter Avenue to be blocked like Madison Avenue and Ohio Avenue.

Sandra Schroeder, Bandon resident: If Carter Avenue is opened, construction traffic will have an impact on her neighborhood. Also concerned about the project's impact on City infrastructure.

Tim Terry, Bandon resident: Not speaking for or against the proposed resort. Seabird Drive and Beach Loop Drive serve mainly residential areas. Traffic, first from construction equipment and later from hotel guests, will substantially increase on these roads. New access to the project from Highway 101 would be preferable.

Robert Schroeder, Bandon resident: Neutral on the project. It is well designed. Modifications have been made that make sense, but the project team has not adequately addressed congestion on Beach Loop Drive. Trail through the resort will primarily be used by guests and not help those who walk on Beach Loop Drive. Would like developer to make financial commitment toward development of walkway along Beach Loop Drive. Urges the City to work with ODOT toward traffic light at Seabird Drive and 101 and to commit to future extension of Edna Lane to Gravel Point site.

Rick Morris, Bandon resident: Circles in the Sand is a small activity that creates traffic problems for the surrounding neighborhood. Concerned about emergency access in the event of fire, earthquake, or tsunami. Supports project's efforts to protect the natural environment. A route to 101 is imperative and should be built at the developer's expense.

Steven Rinkle, Bandon resident: Not in favor of the development in current iteration. Adding access to Gravel Point from Carter Avenue would exacerbate the burden already placed on Spinnaker Drive and Lincoln Avenue, which provide the only access to dozens of homes in Ocean Trails subdivision. Agrees with proposed barrier on Carter Avenue. Recommends post-construction traffic mitigation plan.

Mike Claassen, Bandon resident: Surprised that Gravel Point was approved, given years of serious water and sewer problems in Bandon. Concerned about increased traffic on Beach Loop Drive, with so much pedestrian traffic. More than just \$20,000 is needed to improve the walkway.

Kay Hardin, Bandon resident: What projects has the developer already completed? Would like to be able to see them and verify their work.

"Bear" Slothower, Bandon resident: The ORCA representative cited unsubstantiated information and has no idea what is happening in Bandon. City Staff has told him the infrastructure can support the project. From 200 to 500 people attend Circles in the Sand events for a few hours. There is a shuttle service to the event, but it still creates much more traffic than Gravel Point would. The project would be good for Bandon.

Nancy Post, Bandon resident: Beach Loop Drive is one of Bandon's most significant scenic resources. It is on the Oregon Coast Bike Route and is world famous. The traffic impact study only addresses intersections, not the condition of the roadway. It is time to begin talking about solutions for Beach Loop Drive, though they may be complicated and expensive. Dumping more traffic onto Beach Loop Drive to keep traffic off Carter Avenue, Lincoln Avenue, and Spinnaker Drive is not a wise solution. Pathways through Gravel Point do not offer a view except into the backyards and windows of Strawberry Drive residences.

Jen Procter Andrews, Bandon resident: What is being given away to the developer? The property is irreplaceable. What kind of community benefits package—if any—has been negotiated with the developer? The development will completely change the area.

Pam Jenson, Bandon resident: Traffic from Gravel Point should not all be directed onto Beach Loop Drive, where most Bandon visitors already want to drive. Resort employees will also have to use Beach Loop Drive to come and go from work. Traffic has increased significantly on Beach Loop Drive in recent years. Concerned about whether Beach Loop Drive will be able to handle an evacuation.

Kammie Bunes, Bandon resident: Developer should be required to pay to extend Edna Lane so the resort can be accessed directly from 101. Complete improvements should be made along Seabird Drive and Beach Loop Drive for safety's sake. ORCA acts on behalf of the values of the ocean shore and the best interests of Bandon. Their contribution should not be disparaged.

O'Connor (applicant's rebuttal): Strongly disagree with ORCA concerning capacity of utilities, having met with engineers, and having reviewed the City Engineer's presentation of the current Water Master Plan to the City Council. ORCA referred to the 2003 Water Master Plan instead of the 2022 plan. There is no evidence that any City utility has insufficient capacity.

Regarding criticism of developer's \$20,000 contribution toward a Beach Loop Drive pathway study, it would be in addition to \$305,000 transportation SDC paid by the developer at the time a building permit is issued. A previous miscalculated water SDC amount has been corrected and all SDC figures have been vetted by the City.

Quarterly meetings with neighbors are anticipated during the construction phase. Issues will arise during construction of a large project, and the developer welcomes being contacted and resolving issues. Developer was born and raised in Coos Bay and looks forward to working with the City.

Requesting the City impose a barrier on Carter Avenue at the Gravel Point property's boundary line, as brought up several times in public testimony.

STAFF COMMENT:

Nichols: Beach Loop Drive, Seabird Drive, and 11th Street SW are termed "collectors" in the City's Transportation System Plan (TSP). Franklin Avenue is also shown as a collector in the TSP, with an unopened portion that eventually will go through the Donut Hole and connect with Seabird Drive to alleviate some of the congestion on Beach Loop Drive.

The Staff Report did not mention a Condition of Approval requiring the applicant to sign an anti-remonstrance agreement to the formation of a Local Improvement District (LID) covering the developer's share of the construction of sidewalks and bicycle lanes on Beach Loop Drive. The Council has funded planning for a pathway on Beach Loop Drive. The City hopes to obtain grant funding and install those facilities before the Gravel Point project, if approved, is completed.

Bandon's Water Master Plan indicates the Water Treatment Plant has capacity beyond what is needed for anticipated growth. When an application reaches the building permit phase, the County will review the plan for consistency with fire flows and call for an upgrade if necessary. Additional reservoir might be required in the future to equalize pressure in southern part of the City. Dredging project is underway to triple the capacity of the City's raw water impoundment facility.

QUESTIONS FROM COUNCIL:

Schamehorn: ORCA's written testimony stated Bandon's former Fire Chief said the City could not meet state fire codes due to a substandard water system in some areas. According to measurements

provided by the Public Works Director, fire flows on two existing hydrants near the project site were inadequate.

Sandeno: Developer still must verify location of hydrants and size of water line to get a better sense of how to address any deficiencies in fire flow. Hydrants can be modified to increase flow and sprinklers and sequestered rainwater might be used to supplement fire flow.

Contreras: Building codes and fire codes dictate the spacing of hydrants on site and development will be subject to fire flow requirements. A Condition of Approval can be added to cover this.

Procetto: What projects has developer done and where?

Perkins: As Director of Project Development for C.W. Driver, a southern California construction company, has been involved with over 20 projects in the past six years, served four years in the Global Real Estate Facilities Department at Exxon/Mobil, developed residential projects in Hawaii and southern California, and single homes in Coos Bay. Began PERK Development, a real estate and project development firm, in 2019. Bandon Beach Ventures, Gravel Point property owner since July 2022, is owned by Stuart Jacques from Anchorage, Alaska.

Vick: Were the TOT figures presented by the applicant based on a room rate of \$400/night?

O'Connor: TOT was based on \$470/room and \$1,400/suite, with a 50% occupancy rate.

Vick: The occupancy rate is reasonable but room rate is exorbitant.

Perkins: Hospitality market study was conducted by a Portland consultant, focusing on Bandon Dunes and similar Oregon facilities.

Braun: What is the possibility of connecting Edna Lane to Face Rock Drive?

Nichols: Two properties abutting the project site do not contain platted rights-of-way. When those properties are developed, the City could require a right-of-way to be dedicated to the City so connection could be made to 101. The City required Gravel Point to maintain a right-of-way near the north end of the site for potential future access to an east-west connection to Highway 101 through the Donut Hole, which will be challenging due to wetlands.

Schamehorn: A connection to 101 would take away a lot of the concerns people have expressed. This has always been a big problem for Bandon.

Seymour: Was an east-west connection considered when the project was conceived?

McGrath: Future connection points were incorporated into the plan after discussions with the City.

Seymour moved to close the Public Hearing and the record. Procetto seconded.

Braun: If the Council closes the record, could it be grounds for appeal?

Kudlac: There has been ample opportunity for submissions to the Council. The record is only required to be open at the first evidentiary hearing. Case law states it is not appealable if the record is closed at the final hearing.

The motion to close the hearing passed by unanimous show of hands vote (6:0:0):

AYES: Adamson, Braun, Powell, Procetto, Seymour, Vick
NAYS: None
ABSENT: None

COUNCIL DELIBERATIONS (8:32 p.m.):

Seymour: Concerned about fire suppression and traffic.

Procetto: Same concerns.

Schamehorn: Must be a barricade on Carter Avenue and a firm plan for construction traffic.

Contreras: Added suggested Conditions of Approval:

- A post-construction vehicular circulation plan for mitigating potential traffic impacts to a level of insignificance, subject to the City's approval, required from the developer within six months of the issuance of a Certificate of Occupancy; and
- Project shall be required to comply with all applicable fire department requirements relative to fire flow and life/safety measures, pursuant to the building code.

Schamehorn: Bandon Rural Fire District should be consulted.

Contreras:

- Apply the \$20,000 contribution pledged by the developer to a transportation circulation route study to investigate the feasibility of an east-west connection and the potential closure of Carter Avenue for emergency access only.

Schamehorn: Would like to see what happens to traffic on Beach Loop Drive after the resort is in operation.

Contreras: Impressed with applicant's willingness to work with the community, by holding a public meeting, soliciting input from local residents that resulted in redesigning some project elements to allay community concerns.

Seymour moved to deny the appeals and approve the application and Staff Report, along with Staff's proposed Conditions of Approval and those Conditions read into the record by the City Manager. Braun seconded the motion and it passed by roll call vote (4:2:0):

AYES: Adamson, Braun, Powell, Seymour
NAYS: Procetto, Vick
ABSENT: None

3. ADJOURN

Schamehorn adjourned the Special Meeting at 8:45 p.m.