

**CITY OF BANDON, OREGON
MINUTES**

**Planning Commission Special Meeting, October 5, 2023
Council Chambers, 555 Highway 101, Bandon, OR 97411
Livestreamed via Zoom Meetings and on Facebook**

PRESENT: COMMISSION

Bill Frey, Commissioner
Sally Jurkowski, Vice Chair
Gordon Norman, Commissioner
Tom Orsi, Commissioner
Catherine Scobby, Commissioner
Gerald “Bear” Slothower, Chair
Donald Starbuck, Commissioner

STAFF

Torrey Contreras, City Manager
Shala Kudlac, City Attorney
June Hinojosa, City Recorder
Dana Nichols, Planning Manager
Sgt. Matthew Whitmer, Bandon Police

1.0 CALL TO ORDER/ ROLL CALL

Slothower called the meeting to order at 7:00 p.m. Roll Call was taken as indicated above.

2.0 HEARINGS

2.1 CONTINUED: 23-045, Request for approval of a Conditional Use Permit to construct a new resort - 110 room hotel, two restaurant spaces, meeting rooms, and spa, as well as 32 villas/suites; request for approval of a variance to certain height restrictions and plan review for commercial design standards, parking, and signage.

Slothower introduced the new City Manager, Torrey Contreras, and opened the Public Hearing at 7:01 p.m.

Jurkowski declared that she had walked on the property earlier in the day. Scobby noted that she had overheard conversations and been party to conversations involving the Gravel Point project. Frey, Norman, Orsi, and Slothower had no new ex parte contact to report.

Nichols provided an addendum to the Staff Report on the project for the Commissioners and members of the public who were in attendance. Staff had requested additional evidence from the applicant on items specified in the Staff Report itself. The addendum recommended a condition of approval requiring the applicant to present options for mitigating measures to alleviate the anticipated increase in traffic congestion at the Seabird Drive/Highway 101 intersection. The addendum stated:

- The City did not request access to the development from Carter Avenue via Spinnaker Drive and Lincoln Avenue. The request was for Carter Avenue to extend to Beach Loop Drive for connectivity. A street making a north-south connection was also required. The City also insisted on public rights-of-way along public streets through the development.
- The applicant’s variance request regarding the roof on the Meadow Lodge building was not because of the height but due the roof pitch architectural feature, one element of the approval criteria for allowing a 35-foot height.
- While the Bandon Municipal Code (BMC) required eight dedicated RV (recreational vehicle) parking spaces, the applicant had only requested two. The Commissioners had the authority to change the number of off-street parking spaces.
- A Conditional Use Permit (CUP) was valid for one year, but the Commission could set a shorter or longer period if it was deemed appropriate. After receipt of a CUP, the applicant would have one year to obtain a Zoning Compliance permit, then two years in which the first building permit should be acquired. Five years were allowed for a project to obtain all necessary permits.

Having chosen not to conduct a Geologic Assessment Review (GAR) at the time of the application, the applicant would have to come to the Commission for a CUP modification if a GAR indicated the need for any additional review of structures or locations due to the site’s high landslide susceptibility.

A request had been made to leave the hearing record open an additional seven days, which would allow an additional seven days for responses, followed by seven more days to permit the applicant to respond.

There were follow-up questions by Frey and Norman.

Adam Gould, Gould Law Firm, Coos Bay, OR, representing the applicant

- The purpose of the CD-1 (Controlled Development 1) zone, stated in BMC 17.20.010, was to “recognize the scenic and unique qualities of Bandon’s ocean viewfront and nearby areas” and that a mix of uses including residential, tourist, commercial, and recreational would be permitted and should “enhance and protect this area’s unique qualities.”
- The property in question was covered by invasive gorse before the applicant arrived, and the applicant was restoring it to its natural state.
- In response to letters submitted by attorney Sean Malone on behalf of Oregon Coast Alliance, Gould countered that a variance request could be submitted in conjunction with a CUP on an appropriate form, and in accordance with appeals court precedence.
- Regarding the applicant’s traffic impact study, 2021 was not selected as a slow year for traffic on streets that would be affected by the development; rather it was a relatively high traffic year.

Christopher Bell, DLR Group, project architect

- A slideshow began with the location of the project in the context of existing lodging in the Beach Loop area and potential housing and infrastructure developments.
- Adjustments to project plans were made in reaction to comments from neighbors about privacy and lighting, the proposed entrance to the development, the angle of villas on the south end of the property, the screening of loading bays behind the hotel, and the distance of buildings from the western boundary.
- The Dune Lodge was shown to sit below the ridgeline of the dunes, and the Meadow Lodge was concealed from surrounding homes by trees.

Alex Atchison, Parametrix, traffic engineer

- A traffic assessment was not required as part of the application, but the developer chose to proactively address traffic concerns.
- Traffic data from 2009 and 2021 was used to forecast trips created by the project and analyze operations at intersections, comparing with jurisdictional standards, and proposing mitigation if necessary.
- A growth rate of 58% from 2009 to 2021 at Seabird and U.S. 101 was used to estimate the 2021 counts for the Seabird and Beach Loop Drive intersection.
- Oregon Department of Transportation (ODOT) analysis procedures were followed to estimate traffic volumes, including ODOT data showing 2021 counts exceeded pre-pandemic volumes.
- A 2% annual growth rate was added to project 2026 counts after completion of the project.
- Standard methodology was used to forecast 111 new PM peak hour trips based on land use and size of the development, assuming full occupancy of the hotel and a standalone function of the restaurant.
- Existing traffic volumes on Beach Loop Drive were low but would increase due to the project; intersections were expected to operate within allowable standards with additional volumes.

Gould clarified that a geotechnical report was not required at this stage of the application process and would be taken care of during the Zoning Compliance phase.

Sheri McGrath, Coos Curry Consulting

- Architectural updates had been submitted the night before; everything of concern had been submitted.

Norman inquired if there had been a meeting with neighbors of the project during the week since the previous Commission meeting. Bell responded that he had met with about a dozen people on site and incorporated some of their suggestions into an updated plan for the project.

Frey got confirmation from the project team that no community pool or workforce housing were included in the Gravel Point project, and that City utility staff and the City Engineer believed Bandon’s current infrastructure could support the development.

McGrath addressed Frey's concerns that there was insufficient water pressure to serve the hydrants on the perimeter of the development, saying the developer would provide a water reserve on an adjacent property for emergency purposes.

Bell added that there would be discussions with the Fire Department and City Engineer to determine the technical solution to meet the project's requirements, including sprinklers for the hotel. Nichols interjected that Beach Loop Drive near the project already had both a six-inch and a ten-inch water line.

Frey understood that Bandon Power had indicated there would be sufficient power to support a development the size of Gravel Point, provided the applicant purchased items such as transformers. McGrath noted that the Electric Department needed sufficient advance notice for supply orders. It could take up to two years to acquire transformers. The developer would find inconspicuous locations for transformers.

Given Gravel Point's 110-room hotel, 32 suites, 258-seat restaurant, staff of 40 to 60 people, delivery and service vehicles, Frey questioned that it would only contribute 111 PM trips and wondered why there were no estimates for AM trips. Atchison responded that PM data was the industry standard. Frey brought up the number of public comments that expressed concern about the potential traffic flow caused by the development, through residential areas, past City Park, and through Old Town.

McGrath stated that under the conditions discussed with the City, Carter Avenue would be extended to Beach Loop Drive, with a north-south "stub" provided that would enable a future connection, when a master plan annexation would require access. Atchison added that another roadway to the development would not be warranted, based on projected usage and guided by years of survey data for other similar facilities.

Scobby suggested additional access could be made a condition of approving the project. McGrath was dubious that the Commission could require annexation to bring in a new road. Slothower agreed. Scobby was concerned about the impact of construction and delivery traffic on Beach Loop Drive. She advised the formation of a Local Improvement District (LID) with plans in place to improve Beach Loop Drive.

Slothower covered the ground rules for public comment. The following citizens spoke:

Laurea Arnoldt, a resident of the Bandon area

Recommended conducting a geotechnical report early in the development process. Feared the project's planned "bioswales" would affect wells east of the development. Did not look forward to the proposed reservoir near her property and worried about the reservoir being located where liquefaction was likely in an earthquake. Questioned the credentials of the consultant who conducted the wetlands delineation.

Juston Potter, a Bandon property owner

Felt the project offered a great opportunity for Bandon. Urged everyone to accept it for the future.

Claudine Hundhausen, a Bandon resident

Thought a geotechnical engineer working with a developer had a financial interest and little incentive to question a project's viability. Require an independent person to conduct geotechnical reports. The people of Bandon intended the CD-1 zone to be primarily residential. Uses that were conditional could be rejected by the Commission or City Council. The project's anticipated \$1 million in SDCs (System Development Charges) would not cover the full cost of new infrastructure.

Jason Youmans, a Bandon resident

Bandon's water system had no reservoir and a tank on the hill, like Port Orford's, where the hydrants ran dry on one occasion. Water pressure in his part of Bandon dropped in half around 5:00 p.m. daily and stayed low for two hours. The perpetual state of construction in Bandon would require a reservoir and an upgrade to the sewer system. There would be increased stress on roadways from heavy vehicles.

Wade Troxell, a Bandon resident

Recently moved to Bandon from a city that grew from 85,000 to 120,000 in two decades by proactively investing in its infrastructure. The monthly newsletter in Bandon's utility bill explained that hotel tax revenue was crucial to the City's government, so the project made sense from an economic standpoint. But increased traffic, the impact on wildlife habitat, and stress on City resources, made the development too big for Bandon, its residents, and those who came to enjoy its small-town qualities.

Robert McClernon, a resident of the Bandon area

Lived just outside the Bandon city limits and adjacent to the properties being developed for Gravel Point and potentially for housing and an aquatic center in the future. Residents of the county area affected by those developments should receive notifications. People were receiving inaccurate information on Facebook, reading brochures put out by the developer. The project and its employment opportunities were positive, but consideration should be given to the residents of the Donut Hole.

Nichols clarified that property owners within 250 feet of the subject property were given notice by mail, whether they lived in the City or the county. She advised anyone not receiving those notices to make sure their address was correct with the County Assessor.

Rita Buck, a resident of the Bandon area

Owner of almost three acres in the Donut Hole. Concerned about wildlife and increased summer traffic, disrespectful visitors, and trash on Highway 101. Project is too much for Bandon.

Calan Taylor, a Bandon resident

Lived five years near the dunes and woods and regularly explored the area. Accepted the inevitable change and welcomed a project striving for LEED (Leadership in Energy and Environmental Design) gold certification.

Tammy McKee, a Utah resident

Had family in Bandon. Asked if the development was going to be done in phases or if a Certificate of Occupancy would only be issued at the end of the project. Had witnessed projects done in phases with no guarantee all phases would be completed.

Rebuttal from the applicant:

Darren Sandeno, Parametrix, landscape architect

- A geotechnical engineer enlisted by the project team had produced a detailed final report and a separate memo addressing appropriate treatment for areas susceptible to landslides.
- Wetland delineations on the subject property by a local, independent individual who had conducted a number of them in the Bandon area were recently accepted by DSL (Department of State Lands).
- Darcy Grahek of Stillwater Natives Nursery was being consulted on native habitat management.

Adam Gould, Gould Law Firm, Coos Bay, OR

- The developer was going out of the way to listen to public comments.
- The project would protect and enhance the property’s qualities and restore it from being a patch of gorse.
- Buildings would only comprise 10% of the 24.8 acres; all impervious structures—roads, parking lots, and buildings—would only constitute 22% of the property, compared to 65% allowed by the code. The remainder would be native and natural.
- If this development was rejected, the next owner could fill the acreage with an outright permitted use that could cause even more traffic.

Sheri McGrath, Coos Curry Consulting

- The geotechnical engineering report was being emailed to the City, plus a memo stating that the project was exempt from submitting a report, accompanied by the wetland study.
- The project team put thought into its site meetings with the community, to make the project more compatible with neighbors who had concerns. Some neighbors supported the project.
- Everyone wanted to see Beach Loop Drive upgraded, and the property owner would contribute to an LID for that purpose.

Scobby asked if the project was fully funded, and McGrath replied that funding was in place for all of it.

Jurkowski repeated McKee’s question about phasing. McGrath said the intention was to build it at one time.

Nichols thanked the members of the community who attended the meetings and provided public comments. She emphasized that proposals by the same developer for a reservoir, a community pool, and workforce housing were not part of this project. The Commission could deliberate on the traffic issue, given the public concern, and request mitigation or deny the application.

Norman inquired about how much infrastructure development was covered by SDCs, and Nichols answered that the amount was determined by pre-approved methodology, with the fees going into the City's capital improvement fund.

Frey questioned how the development would serve RVs with only two dedicated parking spaces, and how guests with RVs would be prevented from parking on City streets. Bell responded they would use two regular spaces or parallel parking. McGrath added that potential RV parking included long spaces in front of the villas. There would be no parking on Carter Avenue, but a City provision would allow the development to lease off-street parking within 500 feet.

Slothower closed the hearing at 8:40 p.m. Kudlac pointed out that the Commission would not deliberate or make a decision at this meeting, because the record had to be held open for another seven days.

Nichols explained that the next meeting would be on October 19 or November 2, 2023, depending on whether there was another seven-day request, and whether the applicant requested seven more days to respond. Written material had to be submitted by 5:00 p.m. on October 12 and would be available on the City's website, along with the application and the applicant's presentations.

3.0 ADJOURN

Slothower adjourned the meeting at 8:44 p.m.

Planning Commission Special Meeting Minutes
Submitted by Richard Taylor, Minutes Clerk