

October 26, 2023

To: City of Bandon Planning Commission  
c/o City of Bandon Planning Department  
555 Highway 101  
Bandon, Oregon 97411

From: Brett Perkins  
Managing Member  
Perk Development Group, LLC

Re: 23-045 – Type III Consolidated Application – Gravel Point

Dear City Planning Commissioners,

We ask that the City Planning Commission approve our Consolidated Type III Conditional Use Permit application.

We are requesting a Conditional Use Permit to develop and operate a hotel and restaurant. As a part of the application, we are simultaneously requesting Approval for the increase of height from 28' to 35' for the Meadow Lodge pursuant to the Bandon Municipal Code. This request has been granted to several other applicants within the city limits and CD-1 zone. We are also requesting a minor variance to the Height of Buildings in BMC 17.20.090, specifically for a "Flat Roof" instead of a "3:12 Pitched Roof." This request has also been granted to several other applicants within the city limits and CD-1 zone.

The record contains substantial evidence that all provisions of the Bandon Municipal Code have been satisfied or are capable of being satisfied through conditions of approval. Our project prioritizes environmental conservation, and we intend to be good neighbors in the community.

All procedural requirements have been satisfied. On July 11, 2023, our project was posted publicly for all residents to review application, findings, plans, and supplemental documentation. The notification was posted on the City of Bandon's website and posted on the property itself with multiple signs stating where to view specific information. Further, City Staff sent notifications to the residents who are within the required area of notification.

Our team has met with many members of the community. We have communicated in person, by phone, email, social media, etc. Not only has our team been responsive in this forum, but it has also met with groups on-site, inside their homes, and at places of business to discuss the project and potential questions. We intend to continue to

meet with members of this community as we move forward in the design process.

During the September 28<sup>th</sup> hearing, we emphasized the desire to have collaborative community involvement with open lines of communication. It is our goal to embrace the local community's ideas and work toward various goals in a collaborative way. Our intent is to host engagement opportunities such as community update meetings, town halls, design charrettes, and panel discussions as we move forward into Schematic Design. It is our goal to embrace the local community's ideas and work toward various goals in a collaborative way. It has been our primary goal to establish a consensus on project goals, identify realistic strategies and a preliminary design for the project, develop ideas and lessons learned from experts, and to have an established project program developed before conducting integrated design charrettes with the local community.

We have reviewed all comments that have been submitted to the City of Bandon. Below we respond to various comments. It is our goal to help clarify all outstanding questions that the City Planning Commission and any potential appealing body may have.

### **Section 1: Demand for Improved Circulation for Beach Loop Road**

A Traffic Assessment is included in the record. The traffic engineer concluded that impacts on traffic would be minimal in comparison to the current traffic patterns on Beach Loop Road and Seabird Drive. The traffic engineer concluded that the industry standard for traffic assessments is conducted for PM Peak Hour trips, not AM Peak Hour trips for hotel use. The projections have forecasted that at 100% hotel occupancy, which includes land use and size, the restaurant operated as a "stand alone" restaurant, there would be a maximum generated PM Peak Hour trips of 111 trips. The assessment assumes that every guest and every patron of the restaurant would utilize their own vehicles, which is highly unlikely given that many hotel guests utilize rideshare and shuttle service as part of group travel. At the intersection of Seabird Drive and Highway 101, the performance of the intersection after development would be .73 which falls below the .80 threshold standard set forth by Highway Capacity Manual LOS and ODOT, which is the pertinent measurement for this intersection. The intersections along Beach Loop Road will still be A-rated after development. **Therefore, there will be no significant negative impacts due to traffic.**

The Oregon Department of Transportation Data (ODOT) confirmed traffic counts during 2021 were the highest traffic counts recorded in recent memory. In 2022, there was a significant drop in traffic counts. The traffic assessment was not manipulated or skewed to show reduced numbers during the COVID-19 pandemic. The Traffic Assessment provided by the licensed traffic engineer, the City of Bandon 2010

Transportation System Refinement Plan<sup>1</sup> forecasts, and ODOT Data (Submitted as Evidence) are the only expert documents relating to traffic in the record.

As of May 2023, the City of Bandon has been underway on a study that would update the 2000 TSP and address the gaps in walking, cycling, and public transportation infrastructure and develop realistic projects for implementation (Discussed openly on October 5, 2023). Part of this planning would include a *Beach Access Path*. This study aims to address pedestrian safety concerns on Beach Loop Road. This issue is something that has been talked about and planned well before we acquired these parcels, and was approved on August 7, 2023, before our hearing commenced.

Nonetheless, our team has proposed to incorporate a trail system that would alleviate pedestrian traffic away from Beach Loop Road. This trail system would also bring to fruition Chapter 3, Section 1, Appendix 1 of the *City of Bandon Scenic Resources Inventory*<sup>2</sup> for Beach Loop/Bluff Viewshed, in which Site BL-8 was identified and inventoried to illustrate the public accessibility to and scenic values of the viewshed. Until we purchased this property, this was an unrealized and unavailable option, as this has always been privately-owned land. Our proposed plan has made this viewshed, which includes the delineated wetland and dune located off Strawberry Point, a realistic and accessible viewshed opportunity for the benefit of the public, residents, and guests with the trail system along this specific viewshed route. Our proposal is to restore this area for the benefit of the citizens and visitors of Bandon.

Our team has also proposed connecting Beach Loop to Carter Street if the City would like. This is an existing Right-of-Way that was never developed. Some comments have assumed that hotel guests would utilize Carter Street to access the hotel, and that is untrue. The only reason for hotel guests to drive down Carter Street would be for an inadvertent wrong turn. The implementation of connecting Beach Loop to Carter Street is a request from the City of Bandon. With that said, we are not opposed to closing this entrance for emergency access-only and/or access for the City of Bandon to maintain its wetland property adjacent to our parcels on the southern portion of the site. We are agnostic to whether the connection from Beach Loop is open for access to Carter Street.

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<sup>1</sup> City of Bandon. 2010. *Bandon Transportation System Refinement Plan*. Prepared by: Davis Evans and Associates, Inc.  
[https://www.cityofbandon.org/sites/default/files/fileattachments/general/page/10146/bandon\\_transplan\\_.pdf](https://www.cityofbandon.org/sites/default/files/fileattachments/general/page/10146/bandon_transplan_.pdf) Accessed August 2023.

<sup>2</sup> City of Bandon. *Scenic Resources Inventory*.  
[https://www.cityofbandon.org/sites/default/files/fileattachments/planning\\_department/page/10146/scenic\\_resources\\_inventory\\_final.pdf](https://www.cityofbandon.org/sites/default/files/fileattachments/planning_department/page/10146/scenic_resources_inventory_final.pdf) Accessed October 2023.

## **Section 2: Demand for Improved Streets, Water, Sewer Facilities**

Our team conducted a study on the capacity of the streets, water, sewer, and infrastructure facilities in the City of Bandon. We have reviewed the Bandon Water Management and Conservation Plan of 2003<sup>3</sup>, and the Bandon Revised Water Master Plan of 2022<sup>4</sup>, the Bandon Comprehensive Plan, and the Oregon Statewide Land Use Planning Goals and have analyzed the capacity of every system that would be affected by our proposed development. Our team has also met with Jim Wickstrom, Electric Supervisor, and Tim Lakey, Public Works Supervisor, and have concluded that our project does not exceed the capacity for water, sewer, or power for the proposed Gravel Point Development.

As of 2022, the treated water peak average for average daily demand was 1,440,000 gallons per day (6 Year Average). The treated water capacity is averaging 488,414 gallons per day. This results in a delta of approximately **951,586** available gallons per day before reaching the peak factor. If Gravel Point were to operate the hotel, amenities, food & beverage areas, & spa areas as a normal hotel without any efficiencies, our average daily demand would be 21,773 gallons per day. We have proposed pursuing a LEED Gold Certification. LEED Gold forecasted water usage savings for Gravel Point are approximately **23%**, which would result in a **16,844** gallon per day demand for Gravel Point Hotel. Furthermore, we have requested a variance for a flat green roof which also has water conserving elements associated with greige water harvesting. If we should be approved for this variance, we would look to further reduce our demand with surplusage of an additional 481,987 gallons per year. This would reduce our average daily demand to **15,520** gallons per day. Gravel Point's forecasted LEED Gold water usage is approximately **3.1%** of the current overall average daily water distributed through the City of Bandon.

Bandon Power currently distributes 6,722,747 kwh of power to 3,954 customers per month. Gravel Point would require 282,188 kwh of power per month as a normal hotel. A LEED Gold Certified hotel would reduce that usage by 30% to 224,208 kwh of power per month. Gravel Point's forecasted LEED Gold electricity usage is approximately 3.3% of the current overall electricity distributed through Bandon Power.

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<sup>3</sup> City of Bandon. *Bandon Water Management and Conservation Plan of 2003*.

Prepared by The Dyer Partnership. 10/2003.

[https://www.cityofbandon.org/sites/default/files/fileattachments/general/page/723/water\\_management\\_and\\_conservation\\_plan\\_200310.pdf](https://www.cityofbandon.org/sites/default/files/fileattachments/general/page/723/water_management_and_conservation_plan_200310.pdf). Accessed October 2023.

<sup>4</sup> City of Bandon. *Bandon Revised Water Master Plan of 2022*. Prepared by The Dyer Partnership. 06/2022.

[https://www.cityofbandon.org/sites/default/files/fileattachments/water\\_resource\\_comittee/page/723/revised\\_water\\_system\\_master\\_plan.pdf](https://www.cityofbandon.org/sites/default/files/fileattachments/water_resource_comittee/page/723/revised_water_system_master_plan.pdf) Accessed October 2023.

We have forecasted that \$1,190,375 would be contributed to the Water SDC Fund, Sewer SDC Fund, Storm Drain SDC Fund, and the Street SDC Fund. This is approximately 115% more revenue than was generated in the Year 2022-2023 from All development in the City of Bandon. SDCs for commercial projects are calculated differently than SDCs for residential projects.

Additionally, our team has forecasted Transient Occupancy Taxes (TOT) and Property Tax increases for 2026-2027. TOT, otherwise known as “Bed Tax” is generated from lodgers when they rent a hotel/motel room, campsite or RV space in the county for 30 days or less. It is forecasted that Gravel Point will be the #1 taxpayer in the City of Bandon for both TOT and Property Taxes. TOT replenishes the General Fund (which funds public safety), and our team has forecasted to increase the annual TOT by at least 170% for the City of Bandon. Gravel Point would also account for 31.68% of the total Property Tax Base in the City of Bandon (which benefits Bandon Urban Renewal, The Port, the City, and Southern Coos Hospital and Health Center.

### **Section 3: Demand for Low-Density & Environmentally Friendly Development**

In July 2022, our design team conducted a yield study that was in direct correlation with the City of Bandon’s CD-1 Zoning requirements and with a hotel operator’s internal programming requirements. The design represents a scale of development that is close to the minimum required for their operations. We engaged HVS, a consulting firm focused on the hospitality industry, to conduct a study concerning market feasibility and demand. Our programming requirements were verified through due diligence and market feasibility. We also established our guiding principles for development, which can be found in our Conditional Use Permit Application Plan Set. They are listed here:

#### Design Intent Goals

- 1) Restore the Oregon Coast
  - Use native species and remove invasive species to restore the naturally occurring plant communities across the site.
  - Concentrate and touch lightly – make room for wildlife by leaving much of the site as habitat.
- 2) Buildings should be Good Neighbors
  - Respect the privacy of all residents, existing and proposed, by sinking into the undulating land, screening with the existing trees, and supplementing with new native plant materials.
  - Invite the neighbors in – share the amenities and natural landscape with walking paths and two restaurants.
- 3) Gracious Hospitality

- Attract visitors to Bandon with a high-quality hotel with a resort atmosphere that serves golfers, birdwatchers, and beachgoers that love this stretch of the Oregon Coast.

Gravel Point is proposing an increase in height limit from 28' to 35' for the Meadow Lodge. The remainder of the structures will comply with the 28' height limit. This will allow a reduced building footprint to assist in maintaining the natural character of the site. The more compact footprint allows for the utilization of a single basement for parking to avoid surface parking lots. This extra level and basement in the Meadow Lodge reduces the site's impervious coverage by almost 85,000 square feet. The highest-and-best use for this development requires this approach. The 35' height limit will allow design to maintain the value of the site and allow the financial model to justify the development. The appropriateness of this height request is demonstrated by the positioning of the Meadow Lodge building deep into the site so that the dunes will screen it from view for the neighbors to the west, trees will screen it from view for the neighbors to the north and south, and the neighbors to the southeast are also beyond this glade of trees and over an eighth of a mile away. There are no neighbors to the east. Permission to use the 35' height limit has already been granted to others, including a directly adjacent neighbor. So, there is precedence for this in the neighborhood and no deterioration of views for the neighbors.

Our building footprint is currently less than 10% of the site, while the maximum building footprint in the CD-1 Zoning is 50%. The overall allowable impervious area for the CD-1 Zoning is 65%. Our proposed development only covers 22% of the site. In both cases, we are reducing our allowable coverage by at least 40%, and is therefore considered Conforming and Compatible with the neighborhood as it greatly exceeds the minimum allowances for lot coverage.

There have been several comments made to the Planning Commission that are not directed at the relevant criteria or based upon the facts or information provided. With regards to proposing an environmentally friendly or "eco-friendly" development, we have proposed several measures to ensure that we are accommodating the sites flora and fauna, and our Design Intent Goal #1, #2 & #3. Aside from mitigating the threat of gorse on the site, we received an approved Wetland Delineation from the Department of State Lands on October 3, 2023. We have proposed on-site mitigation of the wetlands.

I spoke with Samantha Stranger on September 8, 2023, to discuss her input on the Landscaping Plant List, in which we submitted a revised Landscaping Plan. We also spoke on the record and followed up by meeting with Darcy Grahek on October 6, 2023, and discussed goals of reintroducing native species of plant-into the wetland environment that may have been pushed away from the gorse invasion. We talked about reintroducing native plants and species on other areas of site and have designed a right of way system that works around delineated wetland and critical

areas. Additionally, we have proposed bioswales and methods for efficiency in water management.

We have proposed leaving as many trees as possible, which provides many benefits for the birds that call the site home. It is our goal to ensure that we are sensitive to the habitat in the surrounding area. Our project has proposed a flat “Green Roof” in which we have asked a variance in the Commercial Design Standards for sloping requirements only. We have two primary goals for the proposed flat green roof design. The first goal is to create and enhance a habitat in which birds can nest, feed, and reproduce. The second goal is to filter and manage stormwater runoff in an efficient manner. We also have goals to reduce impervious surfaces in general and provide open space for a park-like setting within a controlled development area.

Our mass grading plan provides evidence that we are providing minimal touches to the site. We have proposed a balanced grading scheme in which all native soils would remain on site. Native soils, in excess, will be used for non-structural areas and are intended to enhance improve the native habitat areas on the site. This is significantly less than many sites with dramatic changes in topography. Lastly, we have proposed at the very minimum developing a LEED Gold Certified Building by the United States Green Building Council (USGBC). A LEED Gold Certified Building would be 23% more efficient than a standard building.

#### **Section 4: Demand for Workforce Housing for the Area & Good Paying Wages**

During our informal Pre-Application Meeting with the City Staff on December 8, 2022, we discussed the high demand and need for workforce housing in the City of Bandon and within the County. We have understood the growing demand for workforce housing due to the increasing demand for workers at Bandon Dunes Golf Resort and other employers in town. Eco-Tourism is also listed as a statewide planning goal for the area, in which this project is a proactive and reactive project for the City of Bandon.

According to the 2018 Bandon Housing Needs Assessment<sup>5</sup>, it was forecasted that the need for Market Rate Housing was approximately 90 units. However, we have reviewed the Revised Draft Bandon Housing Needs Forecast (2023)<sup>6</sup> and understand that the demand for Workforce and Market Rate housing has increased to over 500

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<sup>5</sup> City of Bandon. *Bandon Housing Needs Assessment*. Prepared by South Coast Development Council, Inc. January 2018.

[https://www.cityofbandon.org/sites/default/files/fileattachments/general/page/10146/bandon\\_housing\\_needs\\_assessment\\_final.pdf](https://www.cityofbandon.org/sites/default/files/fileattachments/general/page/10146/bandon_housing_needs_assessment_final.pdf) Accessed October 2023.

<sup>6</sup> City of Bandon. *Revised Draft Bandon Housing Needs Forecast*. Prepared by FCS Group. 4/23/2023.

units for the City of Bandon.

We have heard the concerns about housing and the ability to accommodate the workers needed for Gravel Point. We have suggested an area on the adjacent 59.30 acres near Bandon City Park for up to 60-units of workforce housing that could reasonably accommodate up to 120 people/employees, which would exceed the forecasted number of employees for Gravel Point. We don't anticipate every employee needing housing, but our goal would be to provide enough housing that we could account for a net-zero impact.

To further demonstrate that we have been committed to assisting the city alleviate some pressure, our team recently proposed on the City of Bandon & Bandon School District RFP for Housing Developer<sup>7</sup> for 4-6 Acres of workforce housing across the street from Bandon High School. We were not selected. We are still exploring other options for workforce housing and will continue to work with the City of Bandon on finding a solution.

There are at least three (3) other developments being planned or proposed to address the need for housing in the area, which we support. The housing crisis and demand for attainable and affordable housing options is not localized to Bandon, Coos County, or even the State of Oregon. We have provided a reasonable solution to offset our own forecasted impacts to the job market, which should be sufficient at the minimum. The housing projects were shown on a vicinity map provided to the Planning Commission for the October 5th meeting. Comments have been submitted that state the subject site should be dedicated to workforce housing; however, this area of Bandon has not been dedicated to affordable housing ever. The addition of workforce housing near City Park is a new concept and will widen the diversity along the Beach Loop corridor. Historically, affordable housing in Bandon has been located East of Hwy 101.

The Gravel Point project forecasts up to 60 long-term jobs, that include: hospitality management & staff, spa & wellness management, therapeutics professionals, restaurant management and staff, event planning, marketing & advertising staff, valet staff, housekeeping, and grounds maintenance and management. This development would place Gravel Point among the Top 5 employers in the area.

### **Section 5: Demand for Dark Sky Compliant Illumination Plans**

On September 28<sup>th</sup>, we submitted revised illumination plans to the City of Bandon which are DarkSky Compliant street lamps, bollards, and fixtures.

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<sup>7</sup> City of Bandon. *Request for Proposals for Developer of Housing Project*. RFP Submitted on 8/11/203 by Perk Development/TWG.  
<https://www.cityofbandon.org/general/page/request-proposals-developer-housing-project>



Aside from the benefits of reduced light pollution for Bandon residents, our efforts go much further for conservation, which comply with Bandon's Comprehensive Plan and Oregon's Statewide Land Use Planning Goals. Natural Darkness supports ecosystems that have relied on the balance of day/night, we have purposely chosen to preserve the existing tree canopy which promotes natural darkness and nocturnal conservation.

Any earlier proposals were based on speculation of what the City might require as the Bandon Municipal Code is quiet in regard to these requirements. It is our desire to eliminate all unnecessary lighting while providing safety along with dark skies. It appears that the Planning Commission can determine the correct amount of lighting in the absence of clear and objective standards.

### **Section 6: Slope Variance**

We have requested a minor variance to reduce the roof slope to a relatively flat roof pursuant to BMC 16.36.040(B). A variance is necessary because the property has special and unique physical circumstances.

Although Bandon is a highly desirable city to develop in, the property has been vacant for many years. This was for several reasons, including the property not being oceanfront, the ground level on the property having no direct line of site to the ocean because of existing development patterns, existing unique wetlands and dunes on the property that make any development difficult, and because the lack of nearby tourist commercial uses render building homes on the site relatively undesirable.

In order to render the property developable, it is necessary to have enough tourist rooms to fund the development, the use must include tourist amenities, the building footprints must be as small as possible to preserve as many natural landscapes as possible, and a large number of guest rooms must have ocean views to justify prices. Further, stormwater drainage must be mitigated to protect the unique features of the property. All of this requires a special design like the proposed flat, green roof.

The property's problems are pre-existing and will be present for any potential developer. We believe that we can successfully develop the property only if we are granted a variance to reduce the roof slope to a nominally flat design. This would allow us to develop the property in a way that makes it desirable enough for visitors. As indicated by the staff report, this is a minor variance and the minimum necessary to address the special and unique circumstances of the property. Our proposal does not conflict with other City policies or regulations.

There will be no foreseeable harm to adjacent property owners or the public. In fact, the proposed flat, green-roof design will be a benefit to nearby owners and the public

by increasing habitat and green space and decreasing building footprints. Lastly, it satisfies all building codes and engineering standards.

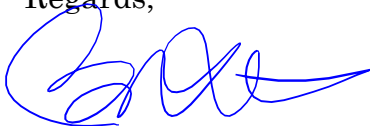
The Oregon Coast Alliance has called for our proposal to either be scaled back to a size that would not justify any development of the property or that large swaths of the property be paved over, and the proposed building footprints be radically expanded. Reducing the size or height of the development would render the property back to its unbuildable state. It would simply be too expensive to develop and there would be insufficient returns to justify development. Further, the elimination of the wetlands and habitats would likely render the property incompatible with development because it would reduce the natural attractiveness of the property. Therefore, we satisfy all the requirements necessary to grant this minor variance.

### **Summary**

In conclusion, our proposal satisfies all applicable standards. We have designed a project that makes environmental conservation a top priority. We have demonstrated that our proposed buildings are intended to be good neighbors to the community and the environment.

We ask the City Planning Commission to approve our request for a Consolidated Type III Conditional Use Permit.

Regards,



Brett Perkins  
Managing Member  
Perk Development