

**Regular Meeting of the Planning Commission
at Bandon City Hall, on Facebook, and via Zoom Meetings
September 28, 2023**

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:

- Shala Kudlac, City Attorney
- June Hinojosa, City Recorder
- Dana Nichols, Planning Manager
- Officer Damon Price, Bandon Police

1.0 CALL TO ORDER

Slothower called the meeting to order at 7:00 p.m.

2.0 ROLL CALL

Roll Call was taken as indicated above. Starbuck joined the meeting using Zoom. The other Commissioners and City Staff members were present in the Council Chambers.

3.0 CONSENT AGENDA

3.1 Regular Meeting Minutes – August 24, 2023

Hearing no objections or corrections, Slothower approved the August 24, 2023, minutes as written.

4.0 PUBLIC COMMENT

Susan Miller, a resident of Bandon

Miller requested some “maintenance assistance” from the City to remove the dry, dead gorse that was in the City right-of-way along Carter Avenue between Lincoln Avenue and Harrison Avenue, next to the Donut Hole. She said it was “a fire burst waiting to happen” and she had recently come to the Planning and Public Works Departments at City Hall with that same request.

5.0 ACTIONS

5.1 Reschedule the October meeting date: October 19 at 7:00 p.m.

Nichols explained that an Oregon Planners Conference was being held on the regularly scheduled Planning Commission meeting date in October, so she had requested to have the meeting moved to October 19, 2023. She also requested a change to the November meeting date, since the meeting would fall on Thanksgiving Day if the Commission adhered to its regular schedule.

Orsi moved to reschedule the Commission’s October 2023 meeting to October 19. Jurkowski seconded the motion and it passed by unanimous voice vote (7:0:0):

- AYES: Frey, Jurkowski, Norman, Orsi, Slothower, Scobby, Starbuck
- NAYS: None
- ABSENT: None

5.2 Reschedule the November meeting date: November 16 at 7:00 p.m.

Starbuck moved to reschedule the Commission's November 2023 meeting to November 16. Frey seconded the motion, which passed by unanimous voice vote (7:0:0):

AYES: Frey, Jurkowski, Norman, Orsi, Slothower, Scobby, Starbuck

NAYS: None

ABSENT: None

6.0 HEARINGS

6.1 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 opened the Public Hearing at 7:05 p.m. He read aloud the rules and procedures for conducting a Public Hearing.

Jurkowski stated that she had walked in the area of the proposed development before any plans for the project existed. Starbuck said he had walked through the property in question many times and knew several people who lived near the property. Neither Starbuck nor Jurkowski believed their site visits would influence their decisions on the application.

Scobby noted that quite a few of her neighbors had submitted testimony and she was aware that the project would have a large impact on the character of her neighborhood. She added, "I have carefully weighed any perceived or actual conflict of interest with this project, in respect to the proximity of my home to the site, and I am confident that there is no actual conflict of interest, as defined in the code, and I am also confident in my ability to objectively weigh the application against the Comprehensive Plan and the City's code." Scobby said she would be happy to recuse herself "for the good of the order" if there was a challenge to her objective role on the Commission. She also acknowledged having ex parte contact in the form of conversations with neighbors where the topic of the project had come up and where she had encouraged them to come to the meeting and voice their concerns.

Orsi reported having ridden his bicycle through the property to get a sense of the topography.

Norman offered that he had driven by there a number of times but had not conducted a site visit. He had received a couple of emails requesting information, and he referred the writers to material on the project that could be found on the City's website and suggested they could attend the meeting in person or on Zoom. Norman also told them that a written record of the meeting would probably be available on the City's website within a week.

Nichols did not think the Minutes Clerk could meet that time frame, but a video of the meeting would be posted by early the following week.

Frey figured he had driven by the site literally thousands of times and had walked through and around the site before it was sold to the applicant. He had also seen the applicant's presentation to the City Council on the project and had read and heard comments on social media and in conversations. Frey did not think any of this would sway his opinion, one way or the other, or create a conflict of interest.

Jurkowski testified that she had watched the Council meeting on Zoom.

Nichols stressed that what mattered was whether the Commissioners had gained anything from any "inadvertent discoveries" they mentioned.

Slothower emphasized that what mattered was whether anything the Commissioners had observed would influence their vote on the application.

Beginning the Staff Report, Nichols announced that a Type III Public Hearing was taking place on the request for a Conditional Use Permit (CUP) to construct a new resort and for variances to certain height restrictions, as well as a plan review for commercial design standards, parking, and signage. She said the applicant had requested consolidating the application—allowed by state law—which meant some items that normally would be Staff decisions would be heard as part of the Public Hearing.

The site of the proposed Gravel Point development contained an old subdivision that looked like a window pane on the map and was made up of many small lots and a street configuration that Nichols observed, “probably doesn’t match what we’d actually want to see” on that site. As part of the applicant’s proposal, there was a request to dedicate an additional right-of-way to connect Carter Avenue and extend another public street northeast for future growth. This would require the City Council to approve the applicant’s request to vacate the existing rights-of-way.

The Gravel Point project would be developed on several parcels that totaled almost 25 acres, east of Beach Loop Drive, north of Carter Avenue and south of Face Rock Drive. On the east, the property abutted land in the Donut Hole. As part of her presentation, Nichols displayed a map outlining the project site.

Nichols explained that the Planning Staff’s procedure was to review an application for conformance with the applicable criteria in the Bandon Municipal Code (BMC). For this application, Staff examined Conditional Use criteria, the criteria for a variance, the Controlled Development I (CD-1) zone criteria, and standards for signage, commercial design, and off-street parking and loading.

The CD-1 zone was intended to allow a mixture of uses, including residential, tourist commercial, and recreational. The applicant was requesting a hotel and commercial retail sales and services, considered Conditional Uses in the CD-1 zone. Responding to the stated purpose of the CD-1 zone, “to recognize the scenic and unique qualities of Bandon’s ocean front and nearby areas,” the applicant had proposed structures that were “built into” the landscape. Nichols noted that Staff had requested that the applicant provide additional information about setbacks, because the plans that were submitted did not show setbacks for all structures. However, the site plans did show that all setbacks exceeded the City’s requirements for the CD-1 zone.

Nichols covered the height regulations for structures in the CD-1 zone. West of Beach Loop Drive, there was a 24-foot height limit. The limit east of Beach Loop Drive was 28 feet, which could be exceeded up to a maximum of 35 feet, only if:

- The additional height did not negatively affect the views from surrounding properties.
- The additional height did not cut off sunlight from surrounding properties.
- The additional height did not negatively affect the aesthetic character of the neighborhood.
- All portions of any roofs above 28 feet were sloped at a minimum of 3:12, down and away from the highest point of the structure. Nichols theorized that this restriction was probably intended to prevent a building from being a big, imposing 35-foot-high block that would cut off sunlight. She thought the 3:12 pitch would minimize the bulk of a large structure’s roof line.
- The front, side, and rear setbacks were increased by one foot for each foot or portion of a foot that the highest point of the structure exceeded 28 feet.

The applicant had requested a variance to the 3:12 roof pitch. Staff recommended that the Commission should request additional evidence, to determine whether the first three criteria were met.

Since the applicant was requesting a Conditional Use Permit, Nichols discussed the purpose of conditional uses, in terms of two questions: “Are the conditions right for the use to exist?” or “Are there conditions we can place on the application to make it right for it to exist?”

Approval criteria for CUPs included:

- The project must meet the general sense of the Comprehensive Plan (Comp Plan), which Nichols described as the guiding document for development in the City, with the Municipal Code being the enforcing agent for the Comp Plan. She noted that the Comp Plan did not have specific requirements that applied to the Gravel Point application, although it did indicate that “tourist commercial” uses were appropriate to Beach Loop Drive.
- Regarding dimensional standards and purpose, adequate size requirements, and site characteristics, Nichols observed that the project planned to utilize the topography of the 24.8-acre site, with only 8.5 percent devoted to development, leaving 78 percent open space, including improved and enhanced wetlands.
- Staff needed to address the project’s utilization of public facilities and determine if there was sufficient infrastructure to meet the project’s needs. Nichols stated that although Bandon had a need to expand its raw water storage capacity for dry periods, that was different from the water system’s overall capacity, which was said to be adequate for more than a decade into the future, according to the City’s Water Master Plan, especially inside the city limits.
- The applicant provided a transportation impact analysis that focused on three main points of concern—the future intersection of Carter Avenue and Beach Loop Drive, the intersection of Beach Loop Drive and Seabird Drive, and the intersection of Seabird Drive and Highway 101. Nichols pointed out that the latter was acknowledged as a problem, whether or not the Gravel Point resort was approved. She said ODOT (Oregon Department of Transportation) had already determined that a signal was warranted at Seabird and 101, with an “F” rating.
- To minimize the project’s impact on the neighborhood as required, the applicant pledged to provide buffering from adjoining residences, and structures would be located far from the property lines.

Nichols covered the three items the Commission would evaluate in conducting a Plan Review for the project:

- Signs: Three signs were requested—one at the main entrance at Carter Avenue and Beach Loop Drive and two side entrance signs. Nichols noted that the applicant needed to supply the linear street frontage to be able to calculate the signage allowance, although it appeared the applicant had met the requirement.
- Commercial Design Standards: Due to its size, the Gravel Point project’s landscaping plan, screening, lighting, pedestrian amenities, building façades, and roof pitch would need to be reviewed. Staff asked for additional evidence to ensure these plans met the City’s code requirements.
- Parking: The developers planned to provide 164 vehicle parking spaces and 16 bicycle parking spaces. Only two RV (recreational vehicle) spaces were planned.

Nichols offered some details on the requested variance to the code requirement for a 3:12 roof pitch on portions of a building above 28 feet in height in the CD-1 zone. The developers proposed a “shed roof” style that would also function as a “green roof.” She believed they would need to provide more information before a decision could be made.

Some of the public comments received prior to the hearing concerned wetlands on the project site, which were also discussed in the project narrative that accompanied the Gravel Point application. The City's Wetlands Inventory map identified two wetlands on the property, labeled TUP-5 as part of the Tupper Creek watershed and JOH-6 as part of the Johnson Creek watershed. These were not considered "significant wetlands" and therefore were not regulated by BMC 17.102. Nichols said the City did notify the Department of State Lands (DSL) with a Wetland Land Use Notification as required, because the applicant would be subject to DSL rules.

Staff's recommendation to the Commission was to continue the hearing to its next regular meeting, October 19, 2023, to allow submission of the additional evidence requested in the Staff Report. Nichols reported that there had been a request in the public comments to leave the hearing record open for an additional seven days.

Norman asked why the wetlands on the property were not classified as significant.

Nichols responded that the Staff Report provided details of the City's code requirements, and she explained that the wetlands on the property did not meet any of the criteria used to identify locally significant wetlands.

Norman observed that not everyone thought the main entrance to Gravel Point should be at Carter Avenue and Beach Loop Drive, and he wondered if there was any way to have a more direct connection from the resort to Highway 101. He speculated that ODOT's position on traffic signals might make that difficult.

Nichols conveyed her understanding of ODOT's stance on signaling the intersection of Seabird Drive and Highway 101. She said it would be difficult and expensive to put a traffic light there because of motorists approaching the intersection on 101 from the south at a high speed, coming off a long, deep dip. Nichols could not say what ODOT's position might be on putting a signal at other intersections north of Seabird that would have a lower speed limit and less challenging topography. She pointed out that Face Rock Drive might be the only street that could connect to the highway, but a new road would have to pass through a parcel that had some wetlands, and there was no existing right-of-way platted through the private property in that area.

Hinojosa informed the Commission and Staff that there were 100 people attending the meeting on Zoom, the maximum the City's account would accommodate. She added there had been quite a few people who were unable to log in to Zoom as a result. Hinojosa relayed a message from City Manager Dan Chandler that said, "It's important, I think, to continue the hearing and allow people who weren't allowed to testify a chance to testify, rather than just keeping the record open."

Frey asked Nichols if the applicant would receive a copy of the Staff Report and be aware of the additional evidence that was requested. She responded that the report went to the applicant at the same time as the Commissioners received it, so they might provide additional evidence during their presentation in the hearing.

Slothower invited the applicant to make a statement.

Sheri McGrath of Coos Curry Consulting, a longtime resident of the Bandon area, represented the Gravel Point project and was joined by its developer, **Brett Perkins (PERK Development)**, a native of Coos Bay who was "eager to contribute his knowledge and resources to developing here in Bandon." She was also accompanied by the project's architect, **Christopher Bell (DLR Group)**, who was going to narrate the applicant's presentation.

McGrath said the presentation had been updated to reflect public comments and the Staff Report, and to gain clarification on what the developer was requesting. She stated that the application was not a request for a resort but was a request for what was listed in the Bandon Municipal Code—hotel/motel use, restaurant, spa, walking trails, and whatever was allowed in the CD-1 zone.

McGrath said the applicant had provided written comments in response to the public testimony that had been received, trying to address everyone's concerns. "We are here to be good neighbors," she emphasized. "Like I said, we are local."

McGrath addressed City infrastructure, which seemed to be the main concern expressed in public comments. She noted that the Gravel Point project was estimated to pay \$1,191,561 in System Development Charges (SDCs)—equivalent to 87 new residential homes—making "a significant contribution to infrastructure in our community." Those fees would go toward rebuilding and maintaining all public facilities, including water and sewer. Additionally, the Transient Occupancy Tax (TOT) collected by Gravel Point in its first year was estimated to reach \$1.6 million. "The City of Bandon relies greatly on TOT. That pays for the police force," McGrath pointed out.

McGrath declared that the applicant was agreeable to Staff's proposal to extend the hearing. Since the application had been deemed complete on August 21, 2023, the 120-day review period would end on December 19, 2023. McGrath asked for the hearing to be extended and to hold open public comment until October 12, 2023, suggesting that the Commission's October 19, 2023, meeting would be acceptable, but going past that date might make it impossible to meet the 120-day review period.

Bell displayed a map highlighting the project's location and the primary access to the site, from Seabird Drive to Beach Loop Drive. He downplayed the significance of the Carter Avenue entrance to the site, saying it was created at the City's request to "keep the neighborhood connected."

An illustration was shown of the planned entrance to the development, with the Dune Lodge and its restaurant terrace facing back into the site. The hotel, dubbed Meadow Lodge, could be seen farther back in an existing grove of trees.

Examples were shown of the type of 16-foot "cutoff" light fixtures planned for street rights-of-way in the development, as required by the City. Bell displayed proposed primary and secondary signage, which he maintained would be well below the maximum sizes allowed.

The next slide was an aerial view of the subject property with topographical lines superimposed on it, illustrating how the developer was "trying to leave the canopy alone...trying to leave the wetlands alone...trying to leave the topography alone, to the extent that we can," Bell said, "because we like it. It makes it interesting. We don't want to go flatten the site and make it into some other site, so we're going to some lengths to try and maintain and enhance that landscape that we're seeing there today."

Another map of the property showed planting zones envisioned by the project's landscape architect. Bell noted that there had been comments about some items on the plant list being non-native, and he gave an assurance that those plants would be edited out over time. He stressed that "100 percent intent of the list" was to restore the native landscape.

The map that followed showed the general configuration of structures on the site. Bell pointed out the Carter Avenue connection and he mentioned another roadway, just south of the hotel building, which curved to the northeast and allowed for a future eastward connection to Highway 101. He drew attention to how the two "commercially scaled buildings" were situated in the center of the site, significantly pulled in from the edges, while the rest of the structures that spread out over the remainder of the site were designed in "domestic scale architecture...to reflect the scale and character of the neighbors."

Bell responded to comments about "screening," particularly in the southeast corner of the site. He said the earlier drawings only showed screening where it was mandated by the code, because the philosophy of the project was to leave it unfenced, open, and natural. Bell indicated that the developer was happy to provide screening where the neighbors desired it, and the western, northeastern, and southeastern property lines were highlighted on the map to represent landscape buffers for the surrounding neighborhoods.

Using a map of parking areas, Bell explained that there were some scattered parking spaces around the villas, except in the area of the dunes. To minimize impact on the landscape and the neighbors there, the only vehicles allowed would be golf carts, and there was a walking path to the dunes rather than a road. Vehicle parking was mainly under the two lodge buildings to protect the landscape, with overflow surface parking along some of the roadsides.

Bell offered a detailed map of the setbacks of buildings from property lines and roadways. The hotel building was to be over 300 feet from the west boundary, around 190 feet from the east boundary, and about 155 feet from the north boundary. Along the western property line, the closest structure would be 43 feet away, and the commercial building (the Dune Lodge) would be 87 feet away.

Sketches of the central hotel building were shown, viewing it from different angles. The flat roof requested by the developer was visible. Bell said it would be a “green roof” used to create habitat that would be attractive to birds.

“We have more grey water capture potential on this site than we know what to do with,” Bell proclaimed. He said there would be enough collection and storage capacity to water the green roof.

An artist’s rendering of the Dune Lodge illustrated how it was built into the dune and designed to have its activity facing away from the neighbors to the west.

A set of summer solar and wind study diagrams revealed little impact of shadows from the structures on the property at various times during the day. The winter study sketches showed longer shadows throughout the day that mainly stayed within the property lines.

Bell shared an illustration of how the nearest Meadow Suite villa on the west side of the property would match up with a neighboring home. The occupied spaces were not facing the neighbors, and the height of the villa’s roof was below that of the neighboring home.

The Ridgeline Suite villas in the dunes also faced mainly away from neighboring properties and had a lower profile. A rendering of the Ridgeline Suites showed the golf cart/walking path and lighting that had been reduced to three-foot-high shielded bollard lights due to concerns that had been voiced. Views of the Ridgeline villas displayed their “weathered wood effect” exterior walls over “board-formed concrete.”

The Meadow Suites, situated closer to surrounding properties, echoed the neighborhood aesthetic with their pitched roofs but maintained the color palette used on the other villas.

A schematic of the project’s road and pedestrian path system featured the dark sky compliant bollard lighting locations.

In cross-section diagrams, Bell pointed out the open bioswales along the roadways, which used a “sustainable urban drainage system” to filter and clean the water as it flowed across the site, recharging the aquifer and wetlands in an effort to use stormwater onsite.

Jurkowski had read that some villas might be made available for temporary workforce housing. She wondered how that would be possible for people who could not afford the cost of renting such units.

Bell replied that the developer was looking at a site on the adjacent 60 acres, toward the north by City Park, for workforce housing. He added that there was also an effort to form a partnership with the Bandon Community Swimming Pool organization to find a home for an aquatic and fitness center there, and the developer was studying the possibility of constructing a 250,000 gallon water retention facility on that 60-acre property.

Jurkowski and Slothower were unable to find any reference to housing in the application materials.

McGrath clarified that when the plans were first developed for Gravel Point, ownership of the adjoining property had not yet been obtained. Once that land had been purchased, an additional proposal had been submitted for up to 60 dwelling units of workforce housing for Gravel Point staff on the north side of the 60 acres, along City Park. McGrath said there was so much interest in the potential housing that permission was given to show a little of the future plans. She said the developer was going through wetlands delineations and traffic studies, talking with the Bandon Swimming Pool people about how to incorporate their plans, and considering how annexation would take place.

“Those items are quite a bit down the road at this point,” McGrath observed. “We’re doing our best to propose what is an isolated proposal on this 24.8 acres that’s not required to go through annexation and a master plan process, but also be mindful of the things that the City says that they need, including workforce housing.”

For context of the workforce housing shortage in Bandon, McGrath used the example of traveling nurses, who received a per diem payment for housing. She said that over the following six months there would be, on average, four units available, with 20 or more in rotation. Some of them were vacation rentals and some were hotel rooms or people’s basements. They were rented for 30 days or more, skirting the vacation rental regulations. McGrath acknowledged that traveling medical professionals and other professionals working remotely needed a space to live, but they were using housing inventory Bandon needed for true workforce housing and they could afford to pay higher rents.

McGrath noted that the City’s Water Master Plan called for a 250,000-gallon reservoir that the developer was prepared to provide on the property adjacent to the Gravel Point development, at a location the City Engineer had stated would be ideal.

Concerning the need for a more direct roadway into Gravel Point, McGrath suggested Bandon’s Transportation System Plan (TSP) would be realized as the City continued to grow and the connection to Highway 101 would eventually happen through annexation and after wetland delineation. She emphasized that although the wetlands on the Gravel Point property were not labeled as significant, she and the developer and design team took the wetlands seriously. McGrath praised the architectural team for protecting and enhancing the wetlands even though the City’s ordinance did not apply.

Frey asked what minimum staff size was expected at the Gravel Point development.

McGrath replied that there would be 40 to 60 employees, including groundskeepers.

Norman assumed a needs study had been done prior to proposing the Gravel Point project. He questioned if a 110-room hotel plus 32 additional units was “really necessary for Bandon,” and he wondered if the developer would be able to fill those rooms over the next few years.

“Absolutely,” McGrath responded. “There’s one really odd thing about the opinion of small business in Bandon,” she asserted, “and it’s that all small businesses are struggling to keep employment and keep their doors open, and that’s not accurate.”

McGrath added, “We have continually seen a shortage in rental availability in Bandon alone. There were four hotels on Beach Loop. Now there’s two. So, there hasn’t been an increase in hotel use or development. We’re just literally trading out rooms that are no longer available. This is also creating a problem for vacation rentals, both legal and illegal. Because there’s a demand, people are renting out their inventory that really needs to go back into long-term rental inventory.”

Scobby inquired about the obstacles to making a connection with Highway 101, since she thought McGrath seemed to have a more positive outlook about that than Nichols had expressed earlier.

McGrath replied that Bandon's TSP clearly showed east-west and north-south connections through the Donut Hole. The east-west link to Highway 101 would be made via Face Rock Drive or Edna Lane. She said a road could be put through the wetlands, but it would take time. Properties in the area were under Coos County jurisdiction and neither the City nor the landowners in the Donut Hole had chosen to initiate annexation. McGrath believed that there would eventually be a connection. The designated north-south connection in the TSP was Franklin Avenue, which was planned to extend all the way to Seabird Drive and alleviate pressure on the Ocean Trails subdivision.

Bell reiterated that the Gravel Point project included the beginning of a roadway aimed toward the northeast, preparing for an eventual connection to 101.

Frey brought up the traffic studies produced for the project by Parametrix. He perceived that the Parametrix report only addressed PM peak hour trips, which he understood to be the industry standard. He did not see any discussion of possible AM traffic flow—people coming to or leaving the resort, staff coming and going, service and delivery vehicles coming and going, and people coming to the restaurant and/or spa. Because of that activity, Frey felt the AM traffic would increase considerably, and he doubted the two proposed access points were sufficient for a development the size of Gravel Point. He contended a third access point, directly linked to Highway 101, would be a “best case scenario” to handle the volume of traffic during the construction phase as well as after the development opened.

For that to happen, McGrath insisted, the City needed to be in favor of annexation. She stressed that the application under consideration only involved property within the City of Bandon, and the Planning Commission's role was to review the Conditional Use Permit application for a listed use in the CD-1 zone.

Frey retorted that his reading of the municipal code was that the Commission had authority to require additional access points, but he said he understood McGrath's point. Regarding the 111 new PM peak hour trips on local roads estimated by Parametrix due to the Gravel Point development, Frey commented, “Statistics are great. I'm an accountant, so I love them. But statistics can be driven in different directions for different interpretations.” Although not suggesting the statistics from Parametrix were derived to support a particular position, he maintained that the overall increase in traffic would cause people to avoid Seabird Drive, “which would be great for the residents on Lincoln and Spinnaker and Carter.” Given the main entrance being on Beach Loop Drive, Frey asked, “Do we really want hundreds of cars traveling past our school and our park on 11th, or driving through Old Town?”

McGrath restated that this was a question of the City being favorable to annexation and paying its part into developing those roads. She commented that putting in a street was not inexpensive and there was a risk of losing a project altogether if something was required beyond the purview of the project. “We're not talking about annexation of the Donut Hole right now,” McGrath remarked. “The City claims that the infrastructure's not there for that. I don't know about that part.”

Responding to Frey's analysis of the traffic study, McGrath contended that even at double the peak hours, the predicted traffic would still fall within the range stated in the TSP. She pointed out that Parametrix was the same company that was currently updating City of Bandon's TSP, indicating the company's accuracy and reliability.

Scobby thought the applicant was suggesting the main entrance was on a “substandard road” and yet was not proposing to add sidewalks to Beach Loop Drive in front of the development.

“All roads in Bandon are substandard,” McGrath responded, recounting how the City had paved its roads in 2000 by putting asphalt over the existing base layer, without bringing any streets up to full standard.

Concerning recommendations that the applicant should provide sidewalks along its frontage on Beach Loop Drive, she asked, “What do you do when those dead-end?...If a developer contributes part, is the City willing to pick up the rest of it? Does it make sense to do construction two or three different times over the next five-year period, to bring in a sidewalk, or do you disrupt Beach Loop one time, and you do it all?” McGrath did not think the City had the money to do the whole project, but there was the option of forming an LID (Local Improvement District), requiring property owners to pay for their portion of the sidewalk.

McGrath noted that the contiguous ownership of Gravel Point and neighboring parcels would enable the development of a trail system and a road system connecting the Beach Loop area to City Park, moving bicyclists, people walking their dogs, the disabled, etc. off Beach Loop Drive and into the interior of Bandon. She said the project team was especially proud of that.

“As a local,” McGrath told the Commissioners, “I always have mixed feelings about development, right?...So, when I think about where’s my town going, it gets exciting to think about a trail system, a City Park, a protected wetland, an area that does move traffic interior and helps to break that up while the Donut Hole is being annexed, and while future growth and streets are being put in.”

Norman asked how long the construction period would be if the project was approved.

McGrath answered that she had commented on Staff’s recommendation for a one-year permit timeline, saying it was not reasonable. She said the Bandon Municipal Code allowed for a two-year buildout for a CUP, which she found insufficient for a project the size of Gravel Point. Therefore, the applicant was requesting no further restriction on the buildout time allowed by the code.

McGrath said the developer had been told the Public Works permit process would occur before Zoning Compliance, to address the infrastructure and deal with the City Engineer. She anticipated that process to take a year, and by that time plans would have been approved and ground could be broken on the hotel project.

Norman wondered how long construction equipment would be working on the site.

McGrath replied that the remainder of the current year would be spent in hearings. Permitting and building out the infrastructure would take up most of 2024, with at least another year after that devoted to the hotel project.

Jurkowski commented that it took three and a half years before she could live in her new single-family dwelling, because the City required a road to her home that was built to standards. She agreed that a year was not going to be enough.

McGrath noted that there was a difference between residential and commercial contractors, and although there might be a shortage of residential contractors in the area, she was certain there was no shortage of commercial ones.

Perkins, a builder by trade, observed that there were many variables that would affect the length of a construction project. Current circumstances that could cause delays included long-lead procurement items such as transformers, electrical switch gear, roof insulation, and labor. This project was underwritten to have at least a year in planning and a 24-month construction schedule, Perkins said.

Nichols asked to clarify that the project’s CUP was valid for one year, and the applicant would have to obtain Zoning Compliance approval during that time. Zoning Compliance approval was good for five years, as long as the applicant got a building permit within two years. This allowed an extended timeline for building a large development.

Norman felt that bringing such a large development to a small coastal community might mean the developer would have to shoulder much of the responsibility of necessary infrastructure improvements.

McGrath countered that developer and owner had volunteered extra resources, such as the 250,000 gallon water reserve the City wanted in south Bandon. Responding to Scobby's question about the reservoir's location, McGrath specified that it would be within the adjacent 30 acres that were inside the Bandon city limits. She suggested the City should consider if it was more important to have that emergency water reserve or to annex the Donut Hole and push through a new road to Highway 101. "Certainly you can't ask a developer to do both," she stated.

Norman asserted that the City would have already annexed the Donut Hole if the residents had wanted to and if it was not cost-prohibitive to provide the infrastructure. He did not believe the City would get a return on its investment with annexation.

McGrath responded that the City would benefit from the right development that would pay back through TOTs, SDCs, and property taxes. She noted that single-family residences did not have a high enough tax rate to accomplish that.

Bell interjected that the project was also designed to affect the demand side of the equation, reducing the demand for water and power by about 30 percent of what would normally be expected of a development of its type. He expected the project to hit the LEED (Leadership in Energy and Environmental Design) gold certification level.

Slothower asked Bell to explain how the "green roof" worked.

Bell described it as a shallow-soil habitat of small plants carefully selected for bird life.

Slothower guessed that would involve native grasses and small shrubs, while Jurkowski figured the plants would be chosen for drought resistance.

Replying to Frey, Bell indicated that the Meadow and Dune Lodges would both have green roofs. Frey followed up by asking for clarification on the maximum roof height of the Dune Lodge.

Nichols explained that the height was established by averaging the height of the structure on all four sides, measured from the native grade (the ground level prior to disturbance) at the center point of each wall to the highest point of the roof. She said part of the roof would look taller due to the slope.

Bell said the eastern part of the lodge had a height of 31 feet and faced inward, into the site, while the western part was much lower.

Frey inquired about the cubic feet of the elevator overruns and how many there were.

Bell estimated each would be ten feet by ten feet, rising about five feet above the roof. Frey thought that amounted to "a variance on a variance," considering the roof height was already requested to be a variance from the maximum, but Bell viewed the overruns as equivalent to chimney extensions, which the code allowed to exceed the height of the roof. He added that they were a great distance from the property line, compared to the typical residential chimney.

Jurkowski wondered how Gravel Point planned to enforce a policy limiting noise.

Perkins answered that there would be a strict policy in place and violators would be fined and repeat offenders would be barred from the resort. The hotel operator would manage the application of the noise policy.

Thinking about the impact of noise on the neighbors, Jurkowski asked how quickly management would respond. Perkins replied, "Right away," and McGrath added that it would be treated like a vacation rental. The hotel would be managed full time on site, and the response would be immediate. She emphasized that disruptive behavior was not anticipated, because the project was "more of a wellness opportunity. It's not a go golf and drink and play and party atmosphere."

Slothower transitioned the hearing to the public comment portion. Members of the public were limited to three minutes.

Carol Stange, a Bandon property owner

Stange and her husband were in the process of building a house on Jackson Avenue SW, near City Park. Slothower clarified that property outside of the Gravel Point project that bordered the Stanges property was not open for discussion.

Catherine Mills, a Bandon resident

Mills believed that connecting the project to Highway 101 by way of Edna Lane, which was already platted, would be a better choice for traffic. She noted that applicant relied on traffic studies from 2009 and during the pandemic in 2021, so she did not think they were accurate.

Nancy Post, a Bandon resident

Post wanted to make sure the Gravel Point development fulfilled its stated intentions—to restore the Oregon coast, to “concentrate and touch lightly,” and to be good neighbors. She planned to talk about graphics she had submitted, but they were not available to be displayed at the meeting.

Post commented that the dune behind Strawberry Drive was “distinctly different from the rest of the site. What might be suitable elsewhere is not appropriate on the dunes,” she maintained. Post felt the path, lighting, and the buildings planned for the dunes would be “disastrous” for Strawberry Drive, the existing wetland, and the wildlife.

“My fear from the beginning,” Post stated, “has been that this is too big for the Planning Commission to decide on their own.” She contended the City Council should be included, and she perceived that the Commissioners had shown indifference by not visiting the site and familiarizing themselves with the surrounding neighborhoods.

Kevin Hunting, a Bandon resident

A resident of the Ocean Trails neighborhood, Hunting spoke in opposition to the project, because “it attaches to our neighborhood” through Carter Avenue. He said most of those who lived in the neighborhood were retirees and full-time residents, and he expected an unwanted increase in traffic, because “the shortest route is going to be Carter. All GPSs are going to lead you there,” he pointed out. Hunting contended there was already more traffic on Seabird Drive than the traffic studies showed.

Hunting told the Commissioners that his family had specifically moved to Bandon from a large city because it was quiet. “Having a big commercial entity a couple of blocks away is too much for us,” he said. Hunting noted that there would be construction vehicles in the area for years, and north winds in the summer would mean “we’re all going to be ingesting dirt for years.” He urged the Commission to have further discussion with the neighbors and to pause and consider if such a big project was good for Bandon’s small community.

Norman asked Hunting what a “pause” would look like, and who else needed to provide input who was not in attendance at the meeting or on Zoom.

Hunting replied that his neighbors only became aware of the project in the last week or two. He said his wife had posted signs on mailboxes earlier that day to let people know about the meeting. Hunting believed there needed to be more engagement with the public.

Mary Woolley, a Bandon resident

“We’d like to have this resort,” Woolley began, “if it was done properly.” She suggested, however, that there were some aspects of the project that needed to be corrected for it to become a community asset. In terms of the landscaping, Woolley thought the developer should have consulted with a local person who had years of knowledge of native plants and their environment.

In her view, there was a “chasm between what they say they want to do in their objectives and what they are actually planning to do.”

Woolley’s second objection was to the “poorly planned traffic approach to the resort.” She felt it would cost more later to fix the problem by putting in a direct approach from Highway 101, given the cost to repair local streets that would be damaged by local construction and resort traffic. She added that a direct entrance off 101 would give more visibility to Gravel Point and “avoid wreaking havoc with formerly quiet family neighborhoods.” Woolley commented that it demeaned the project to cause the major traffic flow to go through residential neighborhoods.

John Mitchell, a Bandon resident

Mitchell questioned the relevance of the traffic studies conducted in 2021, with minimal traffic flow at the height of the pandemic, and 2009, with projected traffic increases that he believed underestimated current traffic levels, in light of the recent five years of development.

Michael Scalici, a Bandon resident

Scalici supported the conceptual plan for the Gravel Point project. As far back as 2001, prior to the current project, he had been retained as a natural resources consultant by six different clients, to complete wetland delineations on the parcels that formed the adjoining 60 acres north and east of Gravel Point. Most of those clients were interested in constructing residential lots, except for the group that hoped to construct the Bandon Community Pool on one 10-acre parcel. Scalici said these property owners had ideas but lacked financing. After they sold the lots, the property was allowed to go fallow, letting gorse reinvade and pose a fire threat.

Scalici called Gravel Point a great opportunity to develop much-needed workforce housing, additional lodging, a long-sought community pool, walking trails to connect otherwise disconnected communities, and other recreational opportunities. He noted that there were considerable wetland areas throughout the properties, most of which had either been “ditched” in an attempt to drain them or filled in an attempt to bury them. As a result, they ranked low in function and value. With well-thought mitigation plans, Scalici believed those wetlands could provide greater ecological functions and provide effective storm water management, minimizing hydrological additions to the City’s stormwater system.

Tim Terry, a Bandon resident

Terry and his wife Claudia lived on Beach Loop Drive, not far from the project site. He thought the statistics about the potential traffic flow resulting from the project were “misleading and inaccurate.” Terry observed speeding in front of his house daily and he complained that there was “no police deterrent out there, despite my many calls for help.” He believed “a project of this magnitude is going to compound the difficulties...exponentially” on Beach Loop Drive. Terry said it was already unsafe to walk a dog or ride a bike there, and that was where he would prefer to walk or ride his bike, not on a trail that was not on Beach Loop. He was happy to talk with anyone to explore other options.

Darcy Grahek, a Bandon area resident

The owner of Stillwater Natives Nursery, Grahek was curious about what Scalici meant by “enhancing” the wetlands. She also disagreed with combining stormwater into wetlands and viewed those as completely different functions. Grahek noted that fairy shrimp and northern red-legged frogs bred in vernal pools, so diverting stormwater to those wetlands would destroy their function, turning it into stormwater management. She hoped for a clarification of where the stormwater would flow.

Grahek said she liked the message described in the project’s plan, but she saw a lack of expertise in some of the descriptions, such as 12 inches of topsoil, which would never be found in old sand dunes. She concluded with an admonition not to forget the wind, because whatever was planted on the hotel roof would feel the impact of 60- to 100-mile-per-hour gusts from time to time, “and your green roof could easily blow off.”

Don Suva, a Bandon resident

Suva began by thanking the Commissioners. He thought the 32 “villas” in the development should be considered Vacation Rental Dwellings (VRDs), which would cause them to be regulated differently under the municipal code.

Misty Johnson, a Bandon area resident

Johnson voiced concern for the wetlands. Johnson Creek ran behind her property and there was a natural spring on her property because of that, as well as “tons of wildlife.” She was not comforted by the developer’s plan to make the wetlands better. Johnson was also worried about increased traffic on Highway 101, which she had to cross daily to get her mail.

Fred Gernandt, a Bandon resident

Gernandt pointed out that Seabird Drive was 100 feet wide, so there was room to make it work with passing lanes. He added that the speed limit could be reduced on 101 if traffic was too fast, making it unnecessary to put in a million-dollar traffic light.

Nichols and Kudlac discussed whether it was appropriate for the applicant to have time for a rebuttal at this time or to wait until the hearing was continued. They deferred to Slothower, who opted for the applicant to have a ten-minute rebuttal to what had been said at the current meeting, with an opportunity to rebut whatever was discussed at the next meeting.

McGrath thanked everyone for the time and feedback. She had a short list of responses to the public comments. She explained that there could not be two conflicting CUPs, and since the application was for a commercial use, there could not also be an application for VRDs, which were residential uses.

Regarding the comment about lack of expertise, McGrath stated that she had been impressed with the crew that the developer brought in. The geotechnical investigation was performed by The Galli Group, and they decided what the topsoil depth was and the site configuration. Scalici was a local wetland expert, she noted. McGrath clarified that DSL was determining what wetland mitigation and enhancement needed to be done, but she stressed that Johnson Creek would remain protected.

Responding to concerns about speed limit violations, she did not know why police were not monitoring Seabird Drive and Beach Loop Drive. McGrath noted that TOT money helped pay for Bandon Police, so she felt the amount of TOT contributed by Gravel Point might enable the City to hire more than one new enforcement officer.

Addressing the criticism of the traffic assessment, Bell stated that the consultant had applied “adjustment factors” to the 2021 study due to COVID. Concerning landscaping for the development, he said, “We’re very early in this project. We have not done the work that we need to do to come up with the detailed answers about those things.” Bell indicated that kind of work would take place in the year ahead. He invited anyone interested in meeting with him on the project site the following day to see him after the meeting.

Perkins thanked the Commissioners for hearing the presentation and proposal. He told them he was a native of the area, and although he resided in southern California, all of his family was from Coos Bay, North Bend, Bandon, and Coquille, so he visited the area frequently. “There’s nothing more that I would like than to make this project be about the community,” Perkins emphasized, adding, “We’re not just coming in here to take over and destroy. That is not who I am.” He said the project team’s intent was to include the community and meet with them in various ways.

Slothower, Nichols, and Kudlac huddled for a minute and determined that the hearing should be continued to a Special Meeting of the Commission in one week, on October 5, 2023. Enough of the Commissioners expected to be available on that date to form a quorum.

Jurkowski made a motion to continue the hearing to October 5 at 7:00 p.m. and Norman seconded the motion. The motion passed by voice vote (5:2:0):

AYES: Frey, Jurkowski, Orsi, Slothower, Scobby

NAYS: Norman, Starbuck

ABSENT: None

Nichols explained that she and Kudlac had discussed the state laws concerning the timeline for public hearings. If someone asked for the record to be left open for seven days, there could not be another hearing before that date. After that hearing, another request to keep the record open could be made. Because of that and the overall 120-day time frame for processing the application, continuation of the hearing had to take place as soon as possible.

Frey asked if the Commissioners would be able to ask further questions at the next meeting, and she answered, “Yes.”

Kudlac added that there may have been individuals who did not get to testify because they were not able to log into Zoom, and that was the main reason for continuing the hearing. She pointed out that anyone who did not have the opportunity to speak or did not feel comfortable speaking in public could submit written comments to City Hall prior to the next meeting.

Orsi wondered how to communicate with those who could not get through on Zoom.

Nichols answered that notice would be posted on the City’s website, on its Facebook page, and at City Hall, and email notifications would be sent out.

Slothower thanked Nichols for all the work she had done without an assistant for the last month.

7.0 STAFF UPDATE

7.1 Planning Department Report

Nichols reported that there had been a “total slowdown” in new single-family dwelling applications. The total of ten was much lower than nearly 60 at the same time in 2022. She said there were some applications recently for multi-family housing and ADUs (Accessory Dwelling Units). Nichols observed that there was a need for housing all over the country, in part “because there hasn’t been the right kind of housing production happening for years” and because there still was insufficient housing being made.

Recently, Nichols met with members of the Coos County Building Department to discuss the feasibility of implementing a proposed ADU Amnesty Program. The idea was that the City would offer owners of noncompliant or illegal ADUs that may have predated the ADU ordinance to engage in a process to come into compliance without penalty. She said the county would insist on some health and life safety standards being met, but county staff expressed supported fort the amnesty concept.

Nichols provided an update on the City’s request for additional planning assistance to help with the implementation of new code provisions stemming from the Housing Needs Analysis and Buildable Lands Inventory work completed during the past year. The original grant application was unsuccessful because DLCD lacked funding for all the requests it received. However, new funding had become available, and DLCD informed the City that there was a strong likelihood its application would be approved.

Planner Kristan Liechti left her position at the end of August 2023 and the City hired Jason Kral, the Vegetation Management Coordinator spearheading the City’s Gorse Abatement Program, to provide support for the Planning Department.

7.2 Land Use Legislation Report

Nichols shared DLCD's 2023 Land Use Legislation Report with the Commissioners. It listed and summarized all bills related to land use that were passed by the Oregon Legislature during its 2023 session. She anticipated the City would be incorporating some of the measures in those bills into its code cleanup efforts during the coming year.

8.0 OPEN DISCUSSION

Commissioner Comments

Frey thanked everyone who came to the meeting. He encouraged them to let their friends and neighbors know that the hearing was being continued. He thanked Bell for his presentation and complimented Nichols for her work on the project.

Norman observed that the Commission sometimes seemed in a hurry and not sensitive to the fact that it was an effort for citizens to attend Commission meetings and for some people it was "nerve-racking" to stand and testify. "I think it's important that we hear what Bandon citizens have to say," he commented, and he thought it was important to ask questions of them to clarify what they meant. "I think we need to put more energy into that," Norman concluded, "because they are why we're here."

Scobby asked if it would be possible for the whole Commission to have a site visit, since the hearing was being continued.

Nichols advised that site visits could amount to ex parte contact, since the Commissioners would be gaining something outside of the Public Hearing. If every Commissioner attended, it would have to be conducted as a public meeting.

Kudlac pointed out that public notice would have to be given, the public would have to be able to attend, and the meeting would need to be recorded. Responding to a question from Frey, she assured him that individual site visits would be fine if Commissioners declared them at the next meeting.

Jurkowski thanked everyone involved with preparing the information for the Commission about the project.

Orsi voiced appreciation for Nichols' summary of the project.

Slothower noted that he had been apprehensive about how the meeting would turn out with so many people attending, but he was pleased with the overall positive attitude.

9.0 ADJOURN

Slothower adjourned the meeting at 9:11 p.m.

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