

## **Additional Testimony**

- 1. Letter from SAW Jacques, LLC dated February 21<sup>st</sup>, 2024**
- 2. Additional Testimony from Appellant Bruce Spencer dated February 20<sup>th</sup>, 2024**
- 3. Public Testimony**
  - a. Bremmer**
  - b. Barlow**
  - c. Christensen**
  - d. Coddington**
  - e. David**
  - f. Friedman**
  - g. Giddens**
  - h. Jappe**
  - i. Michael (1)**
  - j. Michael (2)**
  - k. O'Dea**
  - l. O'Dea & Bremmer**
  - m. Polequaptewa**
  - n. Post**
  - o. Schroeder**
  - p. Schroeter**

# SAW Jacques, LLC

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Madam Mayor and Distinguished Members of the Bandon City Council,

As the current owner and sole investor of Bandon Beach Ventures, LLC, I would like to express my gratitude and excitement for the proposed Gravel Point project which has been presented to you this February 21st, 2024. Brett Perkins of Perk Development, whom I have entrusted with representing my interests in developing and managing this phase of the project, has done a great job over the last twenty (20) months interacting with the City staff and Boards and the public to include incorporating meaningful comments to present this development for Bandon.

With Brett's assistance, we have hand-selected a competent core team of design, planning, and entitlement professionals, which are representatives of world-class organizations. The collective experience amongst this team is impressive and each of these professionals are highly respected amongst their peers. This core team stands before you this evening in my absence. I have full confidence, as should each of you, that this development team can and will deliver a world-class hotel project for the residents and visitors of the City of Bandon.

I fully support this team and this project and am committed to seeing this project through. We look forward to seeing this project receive approval this evening to provide this community a legacy project that they can be proud of for years to come!

Regards,

Stuart Jacques  
Managing Member  
SAW Jacques, LLC.

Bruce R. Spencer  
1349 Strawberry Drive SW  
Bandon, OR 97411

February 20, 2024

Bandon City Council  
555 Highway 101  
Bandon, OR 97411

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

Dear Sirs/Madams,

You should have my previous testimonies to the Planning Commission regarding the Gravel Point project, as well as my appeal to the City Council. This testimony includes the current concerns and objections I wish to submit for your consideration. For purposes of this document, unless otherwise noted, I will refer to the entire applicant team, including investor(s), developer(s), consultant(s), attorney(s), applicant, etc., as 'applicant'.

Note that the applicant has testified in their Applicant's Combined Responses to Both Notices of Appeal, page 5, section V(B), that issues on appeal are limited to those stated in the notices of appeal, and cite *Miles v City of Florence* as support for their position. This is incorrect on two counts. One, that case was brought before the Oregon Land Use Board of Appeals (LUBA), which is a different level of appeal than this. Two, this is a de novo hearing, which allows for any and all issues to be raised. I respectfully request the council protect my substantial rights from prejudice, as well as any other Bandon residents' rights, and disallow the applicant's claim that no other issues can be raised during this proceeding.

Note also that in the same document in six of the ten Applicant's Responses to issues I appealed, the applicant incorrectly states 'Procedurally, Mr. Spencer does not explain how or when this issue was raised below' and further states 'and therefore it is waived'. Bandon Municipal Code Section 16.04.070(E)(2)(c)(4) requires a statement demonstrating that the appeal issues were raised during the comment period for appeal. In the first instance the applicant asserts non-compliance with this code section, I specifically noted 'It was brought up during the public meetings by multiple parties' (the code does not state the issue must be raised by the appellant, only that was raised). In the second through fifth instances I specified 'several areas that were addressed during the Planning Commission's proceedings'. In the sixth instance the issue was brought up by the applicant. I request relief from applicant's claims in this area.

Regarding my appeal under 16.04.070(B)(2)(b), the applicant argues 'Nor does he (Mr. Spencer) argue that the notice was in any way deficient'. This is incorrect, as my appeal states specifically 'location of the meeting was not included on the Notice of Public Hearing dates September 7<sup>th</sup>, 2023', nor does it include the right to appeal to the Bandon City Council. This does not comply with the code section noted. The applicant also argues this 'has not prejudiced Mr. Spencer's substantial rights'. I disagree. As the applicant noted, 'there is no argument the City failed to mail such notice'. I am a member of a neighborhood, a community. Any violation against one of us it impacts, and did impact, all of us. However, I cede this point for this hearing, but retain the right to ask it be addressed at future appeals.



One concern with this project is it just does not belong where it is currently proposed to be developed. Among the many issues raised by multiple parties are:

- Traffic
- Utilities
- Total land use

Another concern I have is whether the proper due diligence has been performed on the applicant, the applicant's applications and plans, and the applicant's assumptions, including:

- Project viability
- Other social and economic factors

The applicant has addressed some of these issues, but to date has not been able to mitigate the concerns of many of the residents regarding these items.

### ***Traffic***

The applicant has submitted some detailed traffic studies and 'official' reports. I write 'official' because as I have noted in previous testimony the publisher of one of the traffic studies submitted used the term 'we' several times in her Planning Commission testimony, in the context of her being part of the applicant's team. As such at least some of the information in the studies, and maybe a material amount of the information, could be construed as not independent from, and therefore biased for, the developer, and the reports and studies should therefore be reviewed and analyzed in that context.

That is if you can understand the reports. I've tried to read and comprehend these reports multiple times and they are beyond me. You need a PhD to first decipher the information, and then to determine its viability and applicability. Do you know what you do not need a PhD for? Using common sense. Everyone knows the roads the applicant is going to have to use for the construction and operation of the resort are not designed for the 2 – 3 years of constant utilization and abuse that will be inflicted upon them by the heavy machinery and commercial construction vehicles. Anyone arguing differently likely has an agenda. That will not only inflict permanent and costly damage to our roads, but will forever change the character of those roads. Nor are the roads designed for the subsequent additional cars, vans, buses, motorcycles, RVs, etc., that will traverse those roads once the development is completed. Traffic from both construction and ongoing operations will put a blight on the surrounding areas in various ways that were communicated by many other residents during Planning Commission testimony, including:

- Access to the resort through residential communities
- Impacts to safety of pedestrians, cyclists, joggers, dog walkers, etc.
- Continued degradation of road infrastructure
- Impacts to support and emergency services
- Safety of students and families near schools
- Parking for regular and extraordinary events, like Circles in the Sand
- Additional trash, garbage, waste
- Other nuisances as outlined extensively in BMC 8.08.



The applicant has argued the development will include walking paths that will mitigate foot traffic on Beach Loop. However residents have countered people are unlikely to go out of their way to walk on these paths for a variety of reasons. The applicant has argued the city is looking into a path system on Beach Loop. However that is in the pre-planning stages, and has its own series of issues to overcome before determining viability. The applicant will presumably submit a construction traffic mitigation plan(1), and be responsible for repairing any damage to city property, both factors which they will rely upon in arguments for the approval of the use of our city streets. I encourage the City Council to make the approval of this project contingent upon the applicant developing a direct access from Highway 101 in the way the is least impactful to the city and county residents and environment. Obviously, an undertaking of the magnitude of this resort, as well as what is expected to be future development on a total of 90 acres +/-, is going to impact some residents one way or another. But it is also attainable, or at least should be attainable with some effort, by an applicant with this scale of a development plan and the types of resources that should be available to them. This could be an opportunity to lessen the overall impacts to the community, and potentially offer some benefits to those affected. This access could also benefit the applicant in both the short term and long term, as they can control the optics of the entrance and exit, and the direct access to their resort could provide some sense of exclusivity to their clientele.

- (1) Bandon Municipal Code Section 10.16.030 designates truck route designations, which excludes truck traffic on 11<sup>th</sup> Street, Seabird Drive, and Beach Loop Drive. An exception is provided for bona fide delivery vehicles under 10.16.050(B) provided they adhere to the norms for such activities. An exception is also available for Special Permits under 10.16.050(E) by separate application and approval.

### ***Sewer and Water/Utilities***

For years the residents of Bandon have been told the infrastructure for sewer and water was critically concerning. It was not that long ago that Bandon citizens were being given guidance and even instructions and classes regarding what and what not to put down their toilets as well as how to use other resources. The most recent Water System Master Plan from June 2022 indicates many projects needed for improvements. In the January 2023 City Manager Newsletter we were asked how we want 'to pay for a reliable water system?'. Bandon voters have twice within two and a half years been asked to vote for utility rate increases, September 2020 and May 2023. Reasons given each time included arguments that infrastructure was old and unable to be maintained under the then current conditions.

- From the prior City Manager in 2020, [theworldlink.com](http://theworldlink.com) July 8, 2020: Chandler uses an example of having to pay for car repairs. "If you have an old car, you don't know what's going to break this year, or what it's going to cost, but you know something will,"
- And from the City Manager's Newsletter August 2020 'like a 30-year old car, we know things will likely break, but we can't exactly predict just what or when'.
- From the November 2020 newsletter, a six month freeze was placed on new water connections to allow the city to reevaluate their water supply in light of then current room for realistic population forecasts in relation to being able to continue providing service as well as safe fire flows.
- From the January 2021 newsletter, 'Bond sale to fund capital improvements to the water and sewer plants' to replace aging equipment and provide a more resilient system.
- From the March 2021 newsletter, 'We are still trying to determine the best way to address periodic shortages in streamflow', and 'We had an issue with one of the clarifiers at the wastewater plant'. This issue was also the one that requested wipes not be flushed down toilets, even if they were flushable, as they clog the sewer plant.
- August 2021, the entire newsletter was dedicated to water in Bandon.



- From October 2021, the city investigated groundwater as a severe draught backup. November 2021 provided an update.
- February 2022, how to report a power outage.
- March 2022, entire first page dedicated to SDCs.
- April 2022, utility supply chain issues, increased costs, increasing parts inventory for break downs.
- July 2022 addresses 'misinformation being spread', and differentiates between water capacity capital improvements. Still, water conservation and finding a summer backup water source were addressed.
- September 2022 included utility status updates.
- October 2022 a page and a half dedicated to explaining the problems city officials have obtaining financing and grants for utility projects and programs, in part blaming the 1995 Bandon City Charter for stalling the reservoir project.

Utility issues are raised in over half of the City Manager Newsletters, and is often afforded substantial space in those newsletters. Is it no wonder many residents have a concern they are now not being told the truth? Is it no wonder the residents of Bandon feel we have been duped now that city officials and the Gravel Point applicant are providing reports and statements that the water, sewer, and electrical systems will not be negatively affected by this project? On top of that, we are being told that TOT is the answer to all of our problems. We just voted a second utility increase in less than two and a half years, in good faith based on the information provided to us by our city managers. We had an operating surplus in Fiscal Year 2022 – 2023, and are now being told we are underfunded in the Fiscal Year 2023 – 2024 budget, even with the recent rate increase? And more taxes are the fix.

Also consider BMC 8.04 outlines specific goals, regulations, and compliance requirements for garbage and waste management areas. Make sure to look at this application closely. This development will be a tax on us. Initially it may not be a direct tax like the TOT, or like the utility fees we have voted to increase twice in two and a half years, or the 11.26% in property taxes we pay. But we will pay for it with safety and security on our streets, enjoying our city parks, the impacts to the surrounding neighborhoods, trash at our state parks and beaches, congestion through Old Town, increased cost of living, more homelessness, the overall livability of our city. Things like this lead to vandalism, graffiti, and eventually more and more crime, and bigger city problems like open drug use. When this causes us to have to repair our roads, fix broken infrastructure, burden our court system, increase our social programs, we are going to be asked to vote for even more taxes.

### **Transient Occupancy Tax (TOT)**

The TOT calculations projected by the applicant bear further analysis. Has anyone performed an analysis or any other due diligence on the TOT data provided by the applicant? The applicant's table reflecting the 2022-2023 total amount received by the City of Bandon as \$803,289 is incorrect. The actual amount was \$1,424,680 (audited financials, pg 49). That is a 77% higher amount than in the applicant's documentation. In addition, the applicant's tables reflect occupancy taxes decreasing in this current fiscal year from their already incorrect low figures. That seems self-serving and inaccurate as this new fiscal year has the additional 3.5% occupancy tax implemented. ***This new 3.5% is an almost 60% increase over the previous 6% TOT, the current year expected TOT should increase 60% over last year all else being the same.*** I am not sure how the applicant's data can reflect a roughly 10% decrease in collections this year of their already incorrect low figures, nor is this project is needed to increase the tax base above the correct figures.



Their calculated TOT calculations also need some form of due diligence performed on them to determine the validity of the data provided by the applicant. \$1,673,069 has been claimed as first year contributions by the applicant, with subsequent years increasing steeply. Sufficient detail has been provided on the first year figure for anyone voting on this to check the data. Has anyone sought out current hotels, inns, and vacation rentals, to ask their vacancy rates? How about checking to see if their forecasted room rates are viable? The applicant has provided an average room rate of \$1,554 fully burdened (occupancy tax rate applied) for the villas. Has anyone compared that with VRBO or AirBnB? How about the average \$522 fully burdened per room, has anyone compared that to the current room rates for hotels? I have, and what I have found does not add up. Also, these rates are averages per the applicant, meaning they will be materially higher in season. Has anyone a guess what those rates will be, and whether expectations to collect those amounts are realistic?

A couple of other considerations in this area. During the community meeting the applicant held on January 18<sup>th</sup> of this year, they stated they expected overflow from Bandon Dunes as that facility is booked through next summer. However, in previous testimony they stated they were not catering to golfers as they tend to be a different type of clientele GP wishes to attract. Also, if Bandon Dunes is booked, and the applicant expects to benefit from that full booked situation, why are there vacancies in Bandon's hotels, inns, VDRs?

### **Property Taxes**

The applicant has provided a calculation of \$903,378.55 for property taxes the first year of full buildout, which is 2027/2028 on their documentation. This property tax amount would be a boon to the city and county. Property taxes would apply regardless of what was developed on the property. I encourage the City Council to not allow for any negotiation of these amounts as a condition of approval, nor adjust the timing of payments upon completion (eg – prior to 2027/2028 if project is completed before then), and not just for the city amounts but also ensure the county amounts are not negotiated. Nor should any Enterprise Zones or other financial incentives be provided to the applicant for this project.

The same should hold true for System Development Charges and any other fees, permits, remuneration to the city, etc. Has anyone verified the SDCs the applicant states they will end up paying for this project? Has anyone considered that the applicant has stated the break even for SDCs from this project is 86 single family residences, which is a low number of what potentially could be developed on the property. It is likely that in the long term the city will get more in SDCs, permits, and fees from the development of homes in this area than this project.

### **Total Land Use**

BMC 16.08.040 outlines the purpose, applicability, and reporting requirements for, among other things, master plan developments. A Conceptual Master Plan includes describing how future development of a project will include and impact the following:

- Streets and sidewalks, buildings, etc., including walkability, topography, public and emergency accesses,
- Utilities, including sufficiency of facilities to extend services, or requirements for new capacity-related improvements and capital projects
- Ordinance land use, such as consideration for parks and other facilities, and compliance with the city's Comprehensive Plan



This document should be in detail sufficient enough for City officials to determine how future development addresses the items above and impacts current infrastructure, and is required for developments where the owner has in excess of 40 contiguous acres. *BMC 16.08.020(A) has a caveat that 16.08.040 does not apply to property line adjustments and lot consolidations, and instead refers those land uses to 16.08.120. However, 16.08.120 does not outline that property line adjustments and lot consolidations application shall conform to Oregon Revised Statute 92, as 16.08.020(B) outlines, making the 16.08.020(A) exception for property line adjustments and lot consolidations inapplicable.* Therefore under 16.08.010(A)(3) a Conceptual Master Plan addressing 16.08.010(C), (D), and (E), which would have been required at application if the exception was duly nullified, should be required before approval of any phase of development. This plan then should be reviewed for content, completeness, applicability, and impacts, and amended by the applicant for any and all items of concerns and objections noted by the City Council.

In addition, it just makes common sense to have this information from the applicant where it is obvious future development is going to occur.

### **Project Viability**

I believe the council still needs to address whether code has been applied correctly to the facilities the applicant is proposing to build. Regarding the 32 stand alone units, my appeal included an argument that the developer did not apply for nor were complying with the conditional use permit for Vacation Rental Dwellings (VRD). The applicant rebutted, as they had previously, with Bandon Municipal Code sections defining VRDs, and positioning these units as hotel/motel rooms. The applicant has at various times referred to these units as 'associated suites' and 'villas', and the applicant's plans reflect kitchen and laundry facilities, a patio with a spa, two full baths and a powder room, each unit being two floors. The applicant's documentation refers to these units as 'hotel/motel' rooms, and argues as such they are not subject to conditional use permits for VRDs. The applicant cites code sections for definitions of motel rooms and VRDs. However, the applicant did not provide the definition for hotel, which BMC 17.02 defines as 'a building in which lodging is provided to guests for compensation **and in which no provisions are made for cooking in the lodging rooms**' (emphasis added). Furthermore, the BMC code definition of motel, which was provided in the applicant's rebuttal, states 'consisting of individual sleeping quarters'. It does not define motel as including or consisting of kitchen and laundry facilities. At best this could be interpreted as ambiguous regarding the additional facilities planned by the applicant. However a quick online search shows the definition of motel as 'a roadside hotel primarily for motorists, typically having rooms arranged in a low building with parking directly outside'. These units are not designed for motorists, but tourists, and are not arranged in a low building with parking directly outside. Further, they do not fall in any other way under the definition of motel. So these units are neither hotel or motel facilities, and therefore are not a conditional use under 17.20.030(E), and therefore the application should have been rejected at submission.

The applicant also includes two restaurant facilities in their plans. Restaurants do not fall under the definition of commercial retail sales and services. While restaurants and other retail sales and services share some commonality, restaurants are a distinct category from retail establishments. Restaurants are designated as a 'commercial food service use', vs 'commercial retail sales and services'. Restaurant employees are not considered retail employees. Restaurant business owners are not considered retail business owners. Business activity codes for restaurants are consistently different than retail. Tax and zoning regulations are distinct between the two. Where applicable, Sales Tax is can be different between



the two. As such the facilities planned by the applicant are not a conditional use under 17.20.030, and therefore the application should have been rejected at submission.

In my appeal to the City Council I noted the developer listed themselves as an LLC several times in various application documents. As of the date of my appeal the LLC did not appear to be registered with either the state of Oregon, where it is conducting business, or the state of California, where its business is located. Here is a list of documents I found with Perk Development Group, LLC listed:

- Applicant's Combined Responses to Both Notices of Appeal, undated
- Restated Combined Application for A Conditional Use Permit, Site Plan Review, and Approval to Increase Building Height to 35 Feet, undated
- Preliminary Geotechnical Engineering Report date February 13, 2024
- Applicant Rebuttal #1 dated October 26, 2023
- Applicant Rebuttal #4, undated
- Consolidated Request Gravel Point Project Narrative and Proposed Findings of Compliance, undated
- Updated Project Narrative, date stamped August 21, 2023

As of Friday February 16, 2024 this entity is still not listed with either the Oregon or California SOS (see attached).

In addition, here is a list of documents I found with Bandon Beach Ventures, LLC listed and corresponding, important dates:

- Geotechnical Design Report Beach Loop Subdivision, dated October 18, 2022
- Statutory Warranty Deed dated July 13, 2022

While Bandon Beach Ventures, LLC was registered in Alaska at the time, it was not registered with the Oregon Secretary of State to do business in the state of Oregon until March 3, 2023. I have the following concerns with these issues:

- Has anyone who has voted or is going to vote on this, or anyone who has accepted any documentation from the application, or provided any recommendation to the city council, or any other city official, performed any review to determine whether the applicant is registered to conduct business in this state? Has the proper business licenses?
  - o Conducting business includes among a host of other things, registering with the proper authorities, entering into contracts, opening bank accounts, procuring and paying for goods and services, purchasing and disposing of assets, hiring employees, and so on. The applicant is precluded from doing any of these because they have already put themselves out as doing business as an unregistered LLC. What happens to the city of Bandon if they knowingly enter into an agreement with a business attesting to be an LLC when it is in fact not registered as such?
  - o Bandon Municipal Code Section 9.08.010, Unsworn Falsification, states 'No person shall knowingly make any false written statement to a public servant in connection with an application for any benefit. This application should have been rejected at the first instance of the applicant's use of Perk Development Group, LLC.'

It has been brought up by Bandon residents in testimonies to the Planning Commission that the applicant is attempting to fit a square peg into a round hole, and that the project just doesn't fit logistically in its current location. At the risk of appearing accusatory, does anyone feel comfortable this developer can bring this project in as planned? The applicant has had three separate legal firms representing them in basically a little over a year and a half. Multiple short-term transitions of professional staff can be construed as concerning. Their web site lists 22 projects in 6 different states 'in the works'. I do not see any track record of previous developments being completed. I don't see any as



having yet broken ground. Has the developer provided a list of previous projects? Are any of them of the scale of Gravel Point? Were they completed to plans? What were the takeaways from these projects, both positives and 'learning opportunities'. Are financial commitments supported? Are appropriate bonds and insurances in place(2)? Have previous recipients of developments been contacted to obtain their feedback on the developer?

- (2) Best I can tell the developer does have a bond under a different business for \$20,000 in the state of Oregon, which is in line with Single Family Construction, not of a commercial project of this scope. In addition, best I can tell the developer, again, under a different business, is insured for \$1M, and again not appropriate for the level for this type of development. I am not suggesting the project be rejected because of this, I am just pointing out that these amounts are not appropriate for a project of this scale, and should be rectified if they have not been already.

### **Other Social and Economic Factors**

As I have stated previously, the existing hospitality options in Bandon cannot find and retain talent to adequately run their businesses. Some Old Town businesses had to reduce hours and in some cases days last tourist season. Restaurants have had to close or cancel existing reservations due to staff and supply issues. Hotel no-vacancy signs are often up not because there is no vacancy, but because there is no staff to administer to and clean the available rooms. Not only are help wanted signs on windows, but there are signs informing patrons that the business is understaffed and as such appreciate the understanding that service will be affected. Business owners are concerned Gravel Point will poach employees, some are concerned Gravel Point will offer signing bonuses, obviously to the existing businesses' detriment.

In addition, the applicant states they will be bringing in good jobs, which I interpret as full time good paying jobs. Jobs in which individuals will be challenged to progress, jobs that add stature to the city. Jobs that pay you enough to meet your basic needs, that offer potential for advancement, jobs that allow you to provide better opportunities for your family. During the January 18<sup>th</sup> 2024 community meeting the applicant stated they would be providing in the range of 120 – 125 jobs. Are these full-time, permanent, year round jobs? Or is the annualized FTE figure lower than the 120 – 125?

How will construction jobs be filled? The applicant states 'while there may be a shortage of residential contractors, there is no shortage of commercial contractors'. Yet they later state 'labor in fact will be an issue'. In an organic growth environment, local contractors, suppliers, technicians, professionals, etc., all benefit from that growth. Building an individual single family residence in Bandon can run roughly \$300,000, give or take depending on a variety of factors. And the money spent stays in our community. When large scale projects have to source outside services, as is clearly going to be the case, more of the money leaves our community, and local businesses and economies are stifled.

I addressed the above item in a previous testimony. We all agree bringing money into Bandon is an important part of the economy. However, bringing too much building in too quickly, without the resources to support the growth, will increase the cost of living to all Bandon residents, and take away the much-needed services required of the existing residents and businesses. Have you tried to get your house painted recently, or tired to hire an electrician, or get a roof fixed? If so, could you even find anyone? And if you did, how much more did they bid you than they would have three years ago? Two years ago? This will serve to destabilize property values, increase the cost of living for Bandon residents, and further price Bandon residents out of both permanent (ownership) and temporary (renting) housing.



Another consideration is more money (or tourists) means more problems. Tourists do not generally have the experience of driving in Bandon, or have the context of conducting themselves under the ordinances of our town. This generally results in more speeding, more running stop signs, less being courteous to pedestrians and others. They also do not adhere to rules like no climbing on the rocks, no drones, no bothering wildlife, no leaving trash, picking up after your pet. One Planning Commission member when confronted with these arguments during one of the meetings stated that people will just have to obey the laws. That's not realistic. I have seen what politely could be called a scuffle break out between a town visitor and Bandon residents last summer over the polite request of a resident that the town visitor cease their inappropriate use of a drone over Face Rock State Park. Things will not get better with large influxes of tourists all at once. But they might be more manageable with organic growth.

The applicant states their TOT will enable to city to hire safety staff we could not hire otherwise. Has the City Council considered the full compensation package of such staff, including burden in the short term and retirement benefits in the long term? Has the council considered the additional needs mentioned previously, not only the additional staff for crime, but also staff for cleaning graffiti and trash, ongoing maintenance of the infrastructure, additional hospital facilities, and costs of the inevitable social services?

*A couple of other thoughts for this category:*

From The National Coalition for the Homeless:

- 'The truth is that a quality tourism industry is a powerful economic tool, which unfortunately does not always benefit the whole community.' Many individuals and families living in destination areas for long periods of time eventually can not keep up with the constantly-increasing, astronomical cost of living. Home prices and services are too expensive for the average citizen.
- People experiencing homelessness also gravitate to these destinations for a bit of added security. Visible homelessness is certainly higher in these locations.

From The Employment Security Commission:

- Tourism can have both positive and negative effects on homelessness in a destination. On one hand, tourism can contribute to the local economy, generate employment opportunities, and boost infrastructure development, which can indirectly help reduce homelessness. However, on the other hand, tourism can also contribute to the exacerbation of homelessness in several ways.
- One of the main ways tourism affects homelessness is through the rise in property prices and rental costs. As tourist destinations become more popular, the demand for accommodation increases, causing landlords and property owners to raise their prices. This can result in higher living costs for locals, making it harder for them to afford housing and increasing the risk of homelessness. Additionally, as tourist areas expand, the construction of new hotels and resorts often displaces low-income residents, pushing them into homelessness.
- Another impact of tourism on homelessness is the seasonal nature of the industry. In many tourist destinations, the number of visitors fluctuates throughout the year, leading to fluctuations in employment opportunities. During peak tourist seasons, there may be an increased demand for temporary workers, which can provide short-term employment options for those experiencing homelessness. However, during off-peak seasons, job opportunities may be scarce, leaving vulnerable individuals without stable income or housing.

## **In Closing**

The applicant will argue your decision must be made solely on the merits of the objections against the specific code sections listed in the city notices. That is not the truth. Any and all code sections are allowed and encouraged during these hearings. There are plenty of code sections both referenced and

implied that apply to technical aspects of all of these concerns and objections, as well as all of the other concerns and objections raised by other parties. The City Council has the ability, right, and privilege to consider any and all Bandon Municipal Code sections as well as other Bandon governing documents in this hearing.

Bandon Municipal Code 17.04 lists several provisions of the code, including 'To avoid congestion', 'To provide for orderly and efficient growth of the city', 'To protect natural resources', 'To conserve and stabilize property values', 'To protect and enhance the quality of air, land, and water sources', 'To provide adequate space for housing', and so on. Bandon Comprehensive Plan Environmental Quality of Life Goal 6 lists several goals and actions around air, water quality and supply, noise, and waste management. Bandon Comprehensive Plan Land Use Planning Commercial Areas indicates tourist-commercial activities are likely to be proposed in the Seabird and Beach Loop areas, but clarifies 'to ensure that such development does not detract from the aesthetic qualities of the beach area, careful examination of proposed developments will be necessary'. Bandon Municipal Code 17.20.010 certainly intends for a mixed use in this area, but by 'carefully controlling the nature and scale of the future development in this zone'. 'Future development is to be controlled in order to enhance and protect the area's unique qualities'. The applicant argues their project complies with these requirements, many residents disagree. Appeals have been submitted and a new hearing has been opened. You have the opportunity to review and assess all submissions, whether from applicant, appellant, resident, or other. I hope and trust you have the information, or the ability to gather the information, and the concern, to make the decision you feel is right for the people of Bandon, yourselves included. As always, thank you for your consideration.



Bruce Spencer



To: Bandon City Council

From: Sheryl Bremmer, 3221 Natalie Way, Bandon OR 97411

February 17, 2024

RE: Gravel Point Hearing

1. I expect my questions to be answered and my statements to be addressed. My previous questions and statements were not answered nor addressed by the Planning Commission during their hearing of this proposal, but this isn't surprising when the main comment made during the Planning /Commission's Hearing was ""There's going to be development down there anyway so it might as well be this." Is this the best the Planning Commission can do?
2. The easy way to provide the information I ask for would be to make the data available to the public at the City Hall. To avoid communication with the public regarding public affairs is a violation of GOAL ONE.
3. What is the result of any impact statements regarding the City of Bandon's infrastructure, including who researched and wrote the impact statements on streets, utilities, conclusions of the City of Bandon's engineer, a map and text of the wetlands delineation and impacts on the wetlands delineated, signed by the author of the document. Provide a fact-supported study by appropriate engineers and signed by them that the current infrastructure is capable of providing for any future growth within the Bandon city limits and service area.
4. Provide documentation of any wetland mitigations planned with justification as to why such mitigations are necessary and the credentials of the person or firm proposing these mitigations.
5. All impact statements must be provided and easily accessible before development is approved.
6. Detailed plans must be provided identifying drainage management at all appropriate areas of the project.

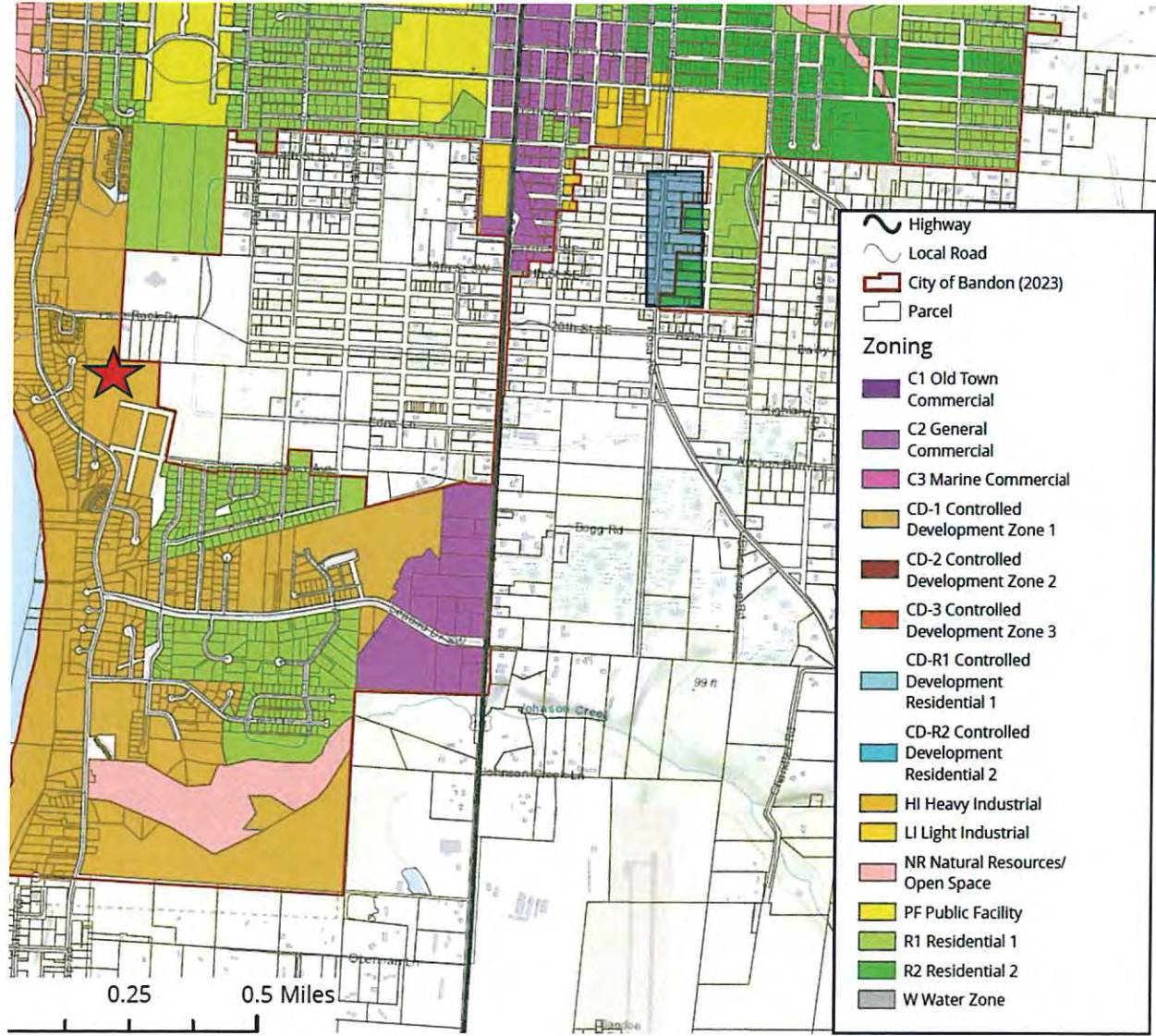


7. We have an aged out water treatment plant and sewer plant What is needed to bring the current infrastructure up to a level that can provide necessary services? Include the name of the engineer who provides the data.
8. Communication is more than merely telling the citizens what has already been decided. Communication is listening to others who are, perhaps, opposed to the proposed topic and allowing people to express their opinions and being open to alternatives.
9. Bandon has a communication problem. Citizens who wish to explain their positions on an issue before the City Council are “granted” three minutes to present their views Three minutes. Woe to the person who does not have internet access or who does not want to or cannot join Facebook. The governing body appears to believe that they can “communicate” via the City’s Facebook page or via their City web page, which is a Byzantine tangle of blind alleys and mazes. Or, one can, councillor Madeline Seymour says, “come before the Council’. What if the statement is longer than 3 minutes?” the City might think about using some of the communication methods used by the applicant.
10. What does the City Council envision as Bandon’s future? Where is Bandon going? What is Bandon? A playground for tourists or a municipality where families can live in a safe stable community? What does the Council see as their responsibilities? What do the citizens of Bandon want? Who are we as a community? Please listen to us.



Entered into Record during public hearing - Feb. 21, 2024  
Neal Barlow

Here is a section of the City's Zoning map ([www.cityofbandon.org/documents](http://www.cityofbandon.org/documents)). The Donut hole is zoned by Coos County as Urban Residential, that is single family dwellings. You can see the planned street layout.



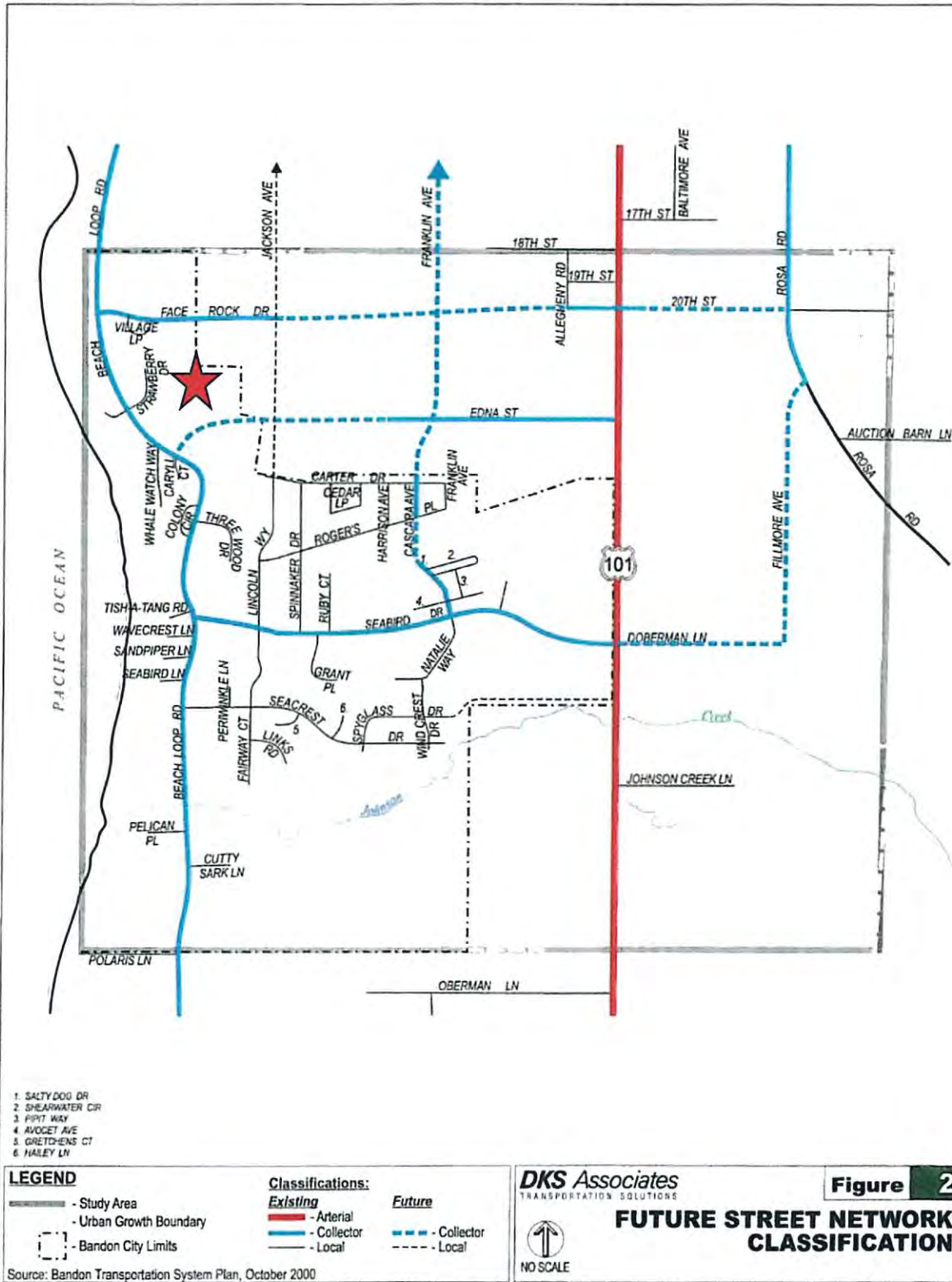
The red star indicates the location of Gravel Point.







This is from the City's Transportation Refinement plan ([www.cityofbandon.org/documents](http://www.cityofbandon.org/documents)) and shows the proposed North/South and East/West connectors.

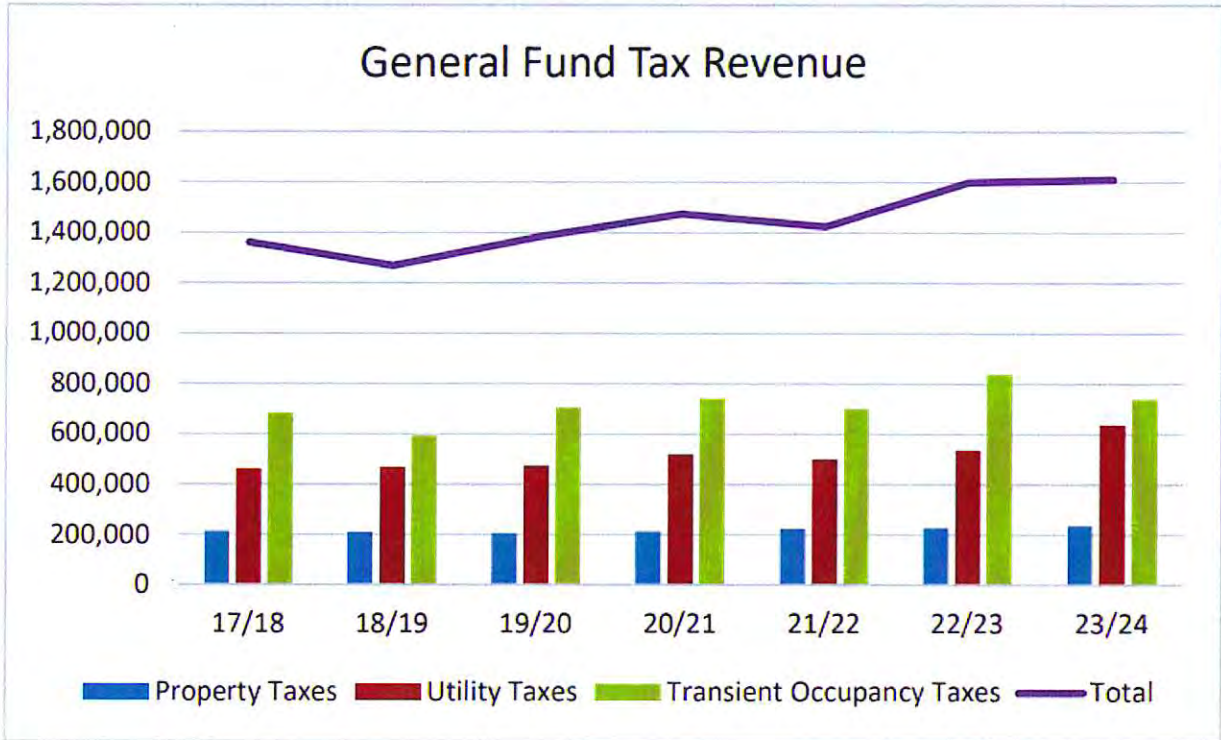


The red star indicates the location of Gravel Point.



The City's budget tells us that lodging taxes are the largest source of income for the City. It allows us to have one of the lowest property taxes in the state. This hotel means more money for the City.

The following was taken from FY 2023-24 City Budget, cityofbandon.org



More houses mean the City needs more police, fire, maintenance, etc. Without new hotel rooms, taxes on residents will need to make up the difference.



February 15, 2024

Bandon City Council

City of Bandon

Re: Gravel Point appeal hearing

I noticed a few things about the Perk Open House. Nowhere in all this information did anyone ask about water and sewer impact. Our water and sewer systems are old and need a great deal of work. Last years and recent newsletters tell us it's going to cost a lot of money just jury rigging the water system and repairing the holding tank. Then, at one of these meeting, we are told that the water system is fine for handling more people and a spa, etc.

Will our very fragile sewer system be able to handle the extra stress. Our newsletters tell us not to throw band aids or the labels on apples, or anything but toilet paper into the toilets as the equipment jams up with too much paper, flushable wipes etc. You want to add another 200 or more vacationers and workers on a daily basis to this? Most vacationers are not worried about the water and sewer system of where they are vacationing.

Will the people who are on wells and septic systems in the donut hole have their water availability reduced? What happens when drought hits? We get our water from a creek. There have been times in past years where we were asked to cut back on watering. Some already have less water pressure at certain times.

Workforce housing is asked about and Perk says at one point it will not be built until Phase 2, later near the park. What happens to the workers until then. WHEN will it be built and since Bandon doesn't have enough workers to fill the slots open now or the construction crews to build a house within 2 years, where will they come from? Where will the workers who are building the worker housing come from and where will they live? It seems a home cannot be built in less than 2-3 years in this area, how long is it really going to take to build this giant resort? The air quality around building something this size is going to be awful.

Also, about the 32 rentals. The size of 2000 sq. ft.+ rentals all in a row, looming over the previous neighborhood, goes against the percentage mandate of not too many rentals near each other. Doesn't that come under too many rentals close together? What happens to the already established hotels, motels and vacation rentals? You can only cut the money pie into so many pieces.



I wonder how a company can plan to build a resort and not actually have a good plan about the roads to get to it. Our roads are not equipped to handle heavy equipment nor are our neighborhoods equipped for heavy equipment and heavy traffic. The neighborhoods they are planning on driving through are mostly retirees who walk and ride bikes. Younger families with children. The trucks and workers will have to go past a school and city park all day. If they go through town and onto Beach Loop through 4th and Ocean Drive, there are tourists with kids and dogs wandering around oblivious to traffic. They are looking at the ocean. That's why they come here. For a safe, beautiful, quiet vacation.

IF Perk wants to build a resort, they should buy land South of town where there is plenty of rough land right on the ocean. Rt. 101 would be their use road and Bandon would still get the tourist dollar with shopping and restaurants. They want to build in Bandon town because it's cheaper than having to pay for water and sewer systems to be brought in. Are we in the business of making things cheaper for developers? I sure hope not.

One last thing. This company is very new. Where are the projects that they have already built successfully? Has the town figured out what it will do if this project does not get completed or there are problems with it? It's expensive to sue a company

I think this development is inappropriate and too risky for the area.

*Lynn Christensen*  
*Andrew Christensen*

Lynn and Andrew Christensen

1373 Strawberry Drive, SW.

Bandon, Oregon 97411

Phone. 541-347-8622



Christensen  
1373 Strawberry Drive  
Bandon, OR 97411

RECEIVED

FEB 15 2024

BY: \_\_\_\_\_

Bandon City Council  
City of Bandon  
Re: Gravel Point appeal hearing

FEBRUARY 18, 2024

TO: BANDON PLANNING COMMISSION AND CITY COUNCIL

SUBJECT GRAVEL POINT DEVELOPMENT

FROM RICK CODDINGTON 1460 STRAWBERRY DRIVE

I am against the proposed development for the following reasons.

1. The increased traffic from such a project would be hazardous to the people using Beach Loop. The amount of heavy equipment could lead to the deterioration of our roads. One of the entrances to the property is through the residential area on Carter. I believe the main entrance is off of Beach Loop across from Caryll Ct. This is on a turn on Beach Loop. Getting on to Beach Loop right now from Caryll is not easy as it is a blind corner. This is unfair to the residents of these areas. Vehicle, bicycle and pedestrian traffic on Beach Loop is already dangerous and this project would just make it worse. The noise from the traffic during the building and construction stage is not fair to the current residents in the area. After completion there would be increased noise from the tourists staying at the hotel.
2. Part of the development calls for 32 suites. These suites are over 1200 square feet are 2 bedrooms and 2 ½ bathrooms with kitchen and laundry facilities. These are houses and should be considered that and should have to come under the rules of VRD'S.
3. Some of the buildings and pathways are in the backyard of the current residents on the east side of Strawberry. Again unfair to the residents of that area.
4. I feel that it will put an excessive strain on our infrastructure. Perhaps right now you feel that our system can handle the project. What if down the road when current undeveloped properties want to build and the system is not able to handle their project. I have seen this happen elsewhere. People were put on a lottery to get a permit to build even after owning their property for years.
5. Bandon Beach Ventures talks about the increase in employment opportunities. As everyone is aware almost all current businesses in Bandon have a very difficult time trying to fill their positions to run their businesses. So many are only open 5 days a week not because they want to but they do not have the employees to staff them. Obviously they think there is an endless sea of people out there waiting to come to work for them. I would think that most of the jobs in this type of business are not high paying jobs and they would have trouble finding employees just like everyone else.
6. They talk about increased TOT tax revenue to fund infrastructure improvements. I feel that all they will be doing is taking TOT tax revenue that you are already getting away from our existing motels. Your end result will be the same. Our motels are far from full in the



shoulder seasons. Allowing this project to go forward is totally unfair to our existing motels who have been supporting the city for years.

7. On February 15 Oconner Law submitted a TOT forecast to you. I question their numbers as being very unrealistic as you should too. Let me explain.

They base their numbers on a 50% occupancy rate which might be possible if they have competitive prices..However the daily rate for a room or suite is just not realistic.They set the daily rate for a hotel room at \$470. I just looked at Sunsets and Best Western rooms for February 20 and the most expensive room that they rent for that night is \$200. Also the rooms in the Vern Brown addition at Sunsets on the west side of Beach Loop all have fantastic ocean views. Gravel Point does not have a room or a suite which could possibly come close to matching the view that you get from these rooms at Sunsets. Best Western is constantly having discounted rooms in the shoulder season to attract customers.

They say they are going to rent the suites for \$1,400 per night. I researched VRBO for vacation rental houses in Bandon. There are only 7 high end houses that a person is able to rent in the city limits of Bandon from \$500 to \$1,000 per night. None over \$1,000 per night. All of these are right on the water with fantastic views and are anywhere from 2,000 to 4,000 square feet. There is one property out of town that is 7,000 square feet on 15 acres has 11 bedrooms, 7 bathrooms , a putting green and a sand trap and you can rent that one for \$1,300 per night. There are numerous more properties that you could compare that are less than \$500 per night. Personally I would never rent a suite or a hotel room in a complex when I was able to rent a stand alone house for less money. My point is how do they expect to rent their units for so much more than the going rate. There is no way that they are going to get an average of \$470 for hotel rooms or \$1,400 per night for their suites.

I hope that you realize this and do not use their unrealistic numbers in their TOT forecast when making your decision on this project. The city would be lucky to get half of the \$1,673,068 that they project annually.

8. At many city meetings there are discussions of housing both available and affordable. If they were able to fill the people required to run such an operation where would the work force live. This would put more of a strain on the available housing in Bandon.

Again I am against this proposed development and hope that you turn it down.

Thank you  
Rick Coddington

## Gravel Point Project

Dave David <lvbgpp@gmail.com>

Thu 2/15/2024 4:09 PM

To:planning@cityofbandon.org <planning@cityofbandon.org>

We are absolutely in favor of the Gravel Point Project.

We would hate to see Bandon miss a rare opportunity to improve our lovely community. The benefits far outweigh any negatives. Increase in revenue to the city. Job opportunities for residents. Tourism which would benefit everyone, especially the downtown merchants and restaurants. Revenue for badly needed sidewalks on Beach Loop. The list continues...

In addition, the Gravel Point Project will add dining opportunities and a lovely environment for all the residents to use. It will add another reason for families to visit Bandon.



## Gravel Point Project

Laurie Friedman <tokku129@gmail.com>

Thu 2/15/2024 8:45 AM

To:planning@cityofbandon.org <planning@cityofbandon.org>

Hello Planning Commission,

I am a resident of Bandon and I am firmly opposed to the implementation of the Gravel Point Development project. There are many reasons for my opposition to this development plan. Here are a few...

The developers and the city of Bandon have not been able to clearly show that the water and sewer capacities for such a large project are available to date. The size of this development would overwhelm our city's utilities, affecting the quality of life for our current residents.

The traffic issues brought up by neighborhood residents who live in close proximity to this project have not been adequately addressed. I was present at the meeting at the Barn, and the speakers for the development company skirted the issues brought up by the Seabird residents. They refuse to consider creating a new access road connecting the project to Hwy 101.

Furthermore, the city of Bandon is already saturated with a large number of tourists during the warmer months. The local businesses are operating to capacity and seasonal workers are already hard to find. These "service" jobs are already in abundance here in Bandon and we really don't need to create more of the same. And where in the world will all these new workers live?

The City of Bandon's need for greater tax revenue should come from somewhere other than this ill-advised development project.

Thanks for your time,

Laurie Friedman  
808 9th St SW  
Bandon



**Date:** February 1, 2024  
**To:** Bandon City Council  
**From:** Mary Giddens, Bandon Resident  
**Subject:** In support of the Gravel Point development

Again, I would like to 'speak' in support of the Gravel Point Development proposal which I believe would be a positive addition to our area.

### **Best Use**

Unfortunately, it isn't realistic to hope that the area in question remains natural and undeveloped, as much as we would like that to be the case. It is going to change and be developed. In my opinion, the proposed low density Gravel Point complex, with emphasis on retaining and preserving the natural environment, is a far better solution than filling the area with a hodgepodge of single family homes, each with multiple vehicles, which would indeed destroy the beauty and natural habitat.

### **Good Neighbor**

The development company has truly 'bent over backwards' to address community concerns, 'tweak' the proposal to make it palatable to local residents and work with special interest groups (pool). They have made an enormous effort to be a good neighbor.

### **Taxes and System Development Fees**

As our property tax rate is notoriously low and as tourism is now the major 'industry' for Bandon, the Transient Occupancy Tax (TOT) is a major income source for Bandon, the use of this land as a resort is surely more productive than using it for single family homes (or a gorse preserve). The income from Transient Occupancy Taxes on 120 not-inexpensive rooms could be significant. Although some of those funds can only be used for tourism related activities, the remainder go into the general fund, which covers essential services like police, fire, and parks. The substantial System Development Fees would go toward much needed infrastructure development.

### **It isn't in Old Town**

Certainly Old Town will benefit from the increased tourist traffic. However, Bandon can and should be more than Old Town. Old Town is at a point where there are too many people in too small an area. Services can and should be spread over a larger area. This proposal adds a tourism focus and expands the area where people are housed and fed and can recreate. I would assume (hope) the resort would include a shuttle service so that their guests could enjoy Old Town without adding to the parking problem.

### **Recreation**

The development offers opportunities for safer walking and bicycling for locals and visitors, opening options to ride or walk between Old Town and South Bandon without having to use 101 or Beach Loop.

### **Income and Jobs**

Again, Bandon relies on tourism. This development would bring 'high end' tourists with money to spend. With the proposed 'spa' and other amenities, there is the possibility



for some well-paying jobs. And the employees, as well as the visitors, will shop at local stores and spend their wages here. Gravel Point has addressed the ever-present question of work-force housing.

### **Environment**

Development will happen on this property; it is not a 'preserve'. The proposal seeks to leave much of the habitat area open and develop the rest in an environmentally sensitive way. While there may be some quibble about the exact plants being proposed in the landscaping, it is still clear that the development wants to maintain and enhance the natural beauty of the area rather than bulldoze it away. The proposal has addressed everything from light pollution to rainwater collection. There would be minimal impact in the 'skyline'. It further proposes to reduce impact on the environment by minimizing automobile traffic within the complex. This sets a high bar - we could hardly expect single family homes to meet those standards. A patchwork of single family homes, each with a water-hungry lawn, and two pick-up trucks truly would destroy the beauty of this area.

### **Esthetics**

The design is esthetically sensitive as well as environmentally sensitive. Like the Bandon Dunes complex, it is a development that blends into the landscape and enhances the area rather than detracting from it (unlike the esthetically insensitive hotel proposed for Old Town).

### **Safety - Gorse and fire control.**

It is obviously in the best interest of all of us to have some of that gorse infested land developed in a pleasing way. With an investment of this size, the resort will be very fire aware.

### **Accessibility and Traffic**

Several studies have apparently shown that the traffic impact will be minimal. However, another point of access to Highway 101 is needed, with or without this development due to the continued development along Beach Loop Road. It will be of utmost importance should we ever need a full-scale evacuation of the area. Again, filling the area with single family homes would also have a significant impact on traffic. This is a problem that needs to be dealt with in any case.

### **Future**

Perhaps in bringing more tourists to the area, the project will also encourage other much needed retail and service entities. We still have too many boarded up and empty buildings in Old Town and along the highway.

Certainly there is and will continue be opposition to this development - especially from close-by neighbors. And rightfully so, as they will be most disturbed during the building process. However, in the long run, all of us in Bandon will all benefit from the addition of a classy resort through more money spent here and more tax revenue. We cannot stop progress but we can surely choose the direction it takes.

## Safety on Seabird

Catherine Jappe <catherinejappe@gmail.com>

Mon 2/19/2024 10:06 AM

To:planning@cityofbandon.org <planning@cityofbandon.org>

Cc:Jeff Jappe <jeffjappe@gmail.com>

Since residents are encouraged to attend the Gravel Point de novo appeal meeting or submit written comments I've taken this opportunity to express concerns in regard to perceived traffic impacts on Seabird Dr.

As a current home builder we are hoping that any traffic impact to the Seabird area will be highlighted and addressed. Currently traffic is directed off of 101 to use Seabird Dr. as a thoroughfare to reach Beach Loop. Although originally this idea might have worked the increased activity of work trucks, tourists and homeowners add excess traffic to the road. Daily activity in this area is comprised of mothers pushing strollers, bikers, dog walkers, and pedestrians out to enjoy the day.

I'm sure there is a safety history for infrastructure implementation for the Seabird area but with the current situation of increased activity there doesn't appear to be a safety net for the current flow of activity.

There are no stop signs, no bike lanes, no speed bumps, a couple of sidewalks, no curbs, only one speed limit sign and the radar speed limit warning sign was removed. Drivers are generally driving at 40 mph. This all affects the safety of people who live in the Seabird community.

We are all for a beautiful eco friendly establishment here in Bandon but there needs to be a serious thought process in place for the safety of the Seabird community and the impact of this project on it. Hopefully this will be addressed Wednesday at the City Council meeting.

Thank you

Sent from my iPad



February 20, 2024

City of Bandon City Council, City Manager

Subject: Concerns Regarding Conditional Use Criteria (F) – 16.12.040

Members of the City Council,

We are writing to bring to your attention specific concerns related to Conditional Use Criteria (F) outlined in 16.12.040, which state that “All required public facilities and services have adequate capacity to serve the proposal, and are available or can be made available by the applicant.”

In light of the proposed large resort development in Bandon, it is essential to thoroughly evaluate whether the existing public facilities and services in the area have the capacity to adequately support the scale of this project. This includes but is not limited to water supply, sewer systems, transportation infrastructure and emergency services. To ensure the sustainability of such a development, it is crucial that these facilities can not only meet the demands generated by the resort but also accommodate future growth in the surrounding area. A comprehensive analysis and commitment from the applicant to address any identified deficiencies should be a priority.

Water and sewer facilities are extremely serious concerns for the City of Bandon as outlined in the Bremmer/O’Dea memo furnished to the council that must be addressed before any further development. Another significant concern to residents is the transportation routing to the resort as outlined in various letters provided to the council addressing safety, congestion and potential resort access through R1 zoned streets.

We strongly urge the City Council to thoroughly scrutinize and assess the applicant’s proposal in relation to Conditional Use Criteria (F) and to require detailed information from the applicant. Furthermore, transparency in the evaluation process is key. Residents should be informed of the findings related to the capacity and condition of public facilities (water/sewer) (roads) and services (fire control), and any proposed measures to address shortcomings.

It is essential that the decision making process is informed by a comprehensive understanding of the impact the large resort may have on our community’s infrastructure and services. Your commitment to uphold these standards will contribute to the overall well-being of Bandon and its residents.

Sincerely,

Sara Michael  
Steven Robb  
Nancy Bailey  
Bruce Williams

Bandon Residents



February 20, 2023

City of Bandon  
City Council Members

Regarding Applicants Response  
Stated Projected Water Usage

Applicants response to Section 2: Demand for Improved Streets, Water, Sewer Facilities, states:  
“If Gravel Point were to operate the hotel, amenities, food and beverage areas, and spa areas as a normal hotel efficiencies, our average daily demand would be 21,773 gallons per day.”

The city council needs to ask the applicant to prove the amount of water they cite would be the actual likely use amount.

I am not a water use expert nor do I have any particular experience in this area. However, this number appeared very low to me. I did some quick research online using average hotel room water usage numbers provided by Pure Blue Sustainability and other sources. Using conservative estimates my calculations came to 35,000 gallons a day for the rooms and villas alone. This does not include restaurants, spa, meeting rooms, public restrooms and landscape use. My estimate is incomplete and difficult to calculate, but it raises questions about the applicants stated water use.

Thank you,

Sara Michael  
Bandon Resident



## City of Bandon

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### City Manager's Newsletter – April 2020

This month's newsletter is a little different, as there is no community calendar. These are unusual times for all of us, as we wait to see what happens next. First, I would like to be sure you all have access to sources of information on COVID-19 (novel coronavirus). The following links are helpful:

**Coos Health and Wellness:**

<https://cooshealthandwellness.org/public-health/novel-coronavirus-2019-covid-19/>

**Oregon Health Authority**

<https://www.oregon.gov/oha/pages/index.aspx>

**City of Bandon Facebook Page – we try to keep this page up to date with current information.**

[https://www.facebook.com/City-of-Bandon-Local-Government-109008663955384/?ref=py\\_c](https://www.facebook.com/City-of-Bandon-Local-Government-109008663955384/?ref=py_c)

Second, all of us give our thanks to the business owners and residents of the city for complying with social distancing guidelines and supporting each other in doing so. A special thanks to our lodging partners, who recently had to cancel reservations to comply with the City's emergency resolution. Some of you may know that Transient Occupancy Tax is one of the largest sources of revenue to the City general fund, accounting for more money than our property taxes. So, we will be continuing to tighten our belts as well.

It is our hope that by coming together as a community and making the hard decisions and choices now, we will all get back to normal sooner.

The City is now in the process of preparing next year's budget. Thank you to everyone who participated in the budget priorities survey. The top priorities were public safety, appearance of the community, and youth recreation. We are already making decisions in accordance with those priorities and will address them in next year's budget.

**A couple of budget facts:**

- Bandon has the lowest permanent tax rate of any city in Oregon with a population over 750 people, and the second lowest of any city with <https://www.oregon.gov/oha/pages/index.aspx> a police force. (we are a close second to Manzanita) Other cities with low permanent rates either have no police force (most of them) or have a special law enforcement levy (e.g. Happy Valley).
- Our general fund had to subsidize our water and sewer utilities over \$400,000 this year. Much of that came from deferred maintenance, or one-time money. For example, we have put off the much-needed replacement of the siding and roof on the Sprague Theater, and have tapped City funds that would have otherwise been available for future small business loans. The amount to properly staff both plants and have a responsible operating reserve would add another \$100,000 to \$150,000 to that amount, depending on specific staff salaries.

It is so heartwarming to see how people are reaching out and volunteering to help. Please continue to look out for each other as we go through this tough time.





# City of Bandon

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## City Manager's Newsletter – May 2020

### COVID-19 INFORMATION

Information on COVID-19 is changing so fast, that it is important to know where to go for reliable information. The following web sites are probably the best source for current information:

Coos Health and Wellness:

<https://cooshealthandwellness.org/public-health/novel-coronavirus-2019-covid-19/>

Oregon Health Authority

<https://www.oregon.gov/oha/PH/DISEASESCONDITIONS/DISEASESAZ/Pages/emerging-respiratory-infections.aspx>

Centers for Disease Control

<https://www.cdc.gov/coronavirus/2019-ncov/index.html>

Office of the Governor

<https://govstatus.egov.com/or-covid-19>

There has been some confusion about what is and is not being regulated by the City and the State. Almost all of the relevant restrictions have been put in place by the State of Oregon, and not by local governments. For folks with questions about the restrictions, the best place to look is at the Governor's order itself.

[https://www.oregon.gov/gov/admin/Pages/eo\\_20-12.aspx](https://www.oregon.gov/gov/admin/Pages/eo_20-12.aspx)

### CITY BUDGET

The City held its first budget meeting on April 27<sup>th</sup>. We will have another meeting and public hearing on May 4<sup>th</sup> at 7:00 p.m.

The key issues for this year's budget are:

- The need for an increase in water and sewer rates to cover the costs of operating the two systems.
  - The water system is short by around \$170,000 in operating costs
  - The sewer system is short by just over \$200,000 operating costs
- Uncertainty with respect to gas tax, Transient Occupancy Tax and State Shared Revenue as a result of the COVID-19 pandemic.

The City's overall budget will be balanced and is approximately \$3.5 million less than last year's budget.

## **GENERAL OBLIGATION BONDS FOR WATER AND SEWER**

We wanted to update you on plans regarding the General Obligation Bonds for water and sewer. Recall that last November voters approved the sale of bonds to finance needed improvements to your water and sewer plants.

Given the current situation, the City plans to delay the sale of the bonds until next year. It would be very difficult to get through the necessary steps in light of social distancing restrictions. More importantly, a one-year delay will give property owners a small tax break this year, when many people will need it.

Because these improvements are needed soon, we plan to go ahead and begin the work using other capital funds and replenish those funds when we issue the bonds.

## **CITY CONTACT INFORMATION & CLOSURES**

**City Hall Closures:** Monday, May 25<sup>th</sup> in observance of Memorial Day

**City Hall Address:** 555 Highway 101  
P.O. Box 67  
Bandon, OR 97411

**Hours:** Monday - Friday, 8 AM to 5 PM

**Phone:** 541-347-2437 Main Office  
541-347-7922 Planning

**Fax:** 541-347-1415

**City Website:** [www.cityofbandon.org](http://www.cityofbandon.org)

**City Manager/Email:** Dan Chandler  
[citymanager@cityofbandon.org](mailto:citymanager@cityofbandon.org)

**Emergencies** 911

### **Non-Emergencies**

City of Bandon Police 541-347-2241

Coos County Dispatch 541-396-4221

### **Emergency Warning System**

On the first Wednesday of each month the City of Bandon tests the Community Emergency Warning System Broadcast Towers. **Upcoming Tests: May 6<sup>th</sup> & June 3<sup>rd</sup>.**

**Subscribe:** If you're interested in receiving automatic email notices from the City of Bandon and /or participate in one or two short surveys each month, you can subscribe through the City's website at:  
[www.cityofbandon.org/newsletter/subscriptions](http://www.cityofbandon.org/newsletter/subscriptions)





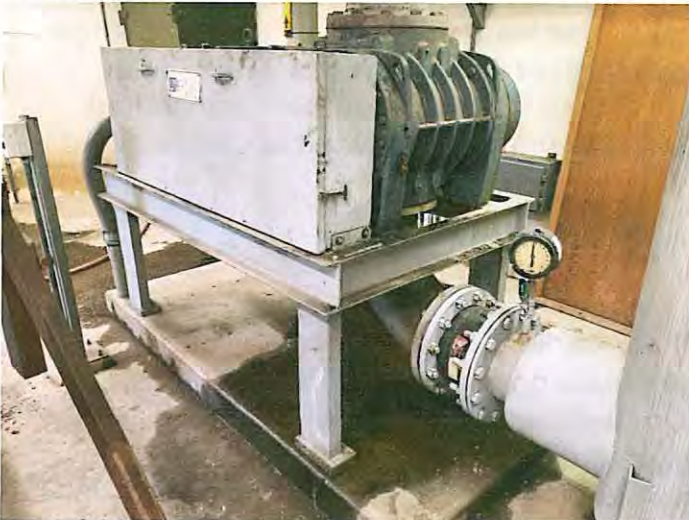
# City of Bandon

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## City Manager's Newsletter – August 2020

### Good bacteria and bad bacteria

One of the ways our sewer plant treat water is by providing air to the “good” bacteria. Good bacteria break down the pollutants in our wastewater before it goes into the estuary. If the good bacteria die, a process called anaerobic decomposition starts. You know it by the smell. Our sewer operators Steve and Seth work hard to see that good bacteria gets enough air.



We have previously talked about the need for water and sewer rates to cover the cost of operations. This is an example of one of our issues.

This pump provides air so the good bacteria can live. It is over 30 years old. It runs 24 hours a day. If it doesn't work, visitors and businesses will know by the smell. The pump is leaking oil all over the floor and has to be refilled

every day or two. It has been rebuilt many times, but it is time to get a new one, which costs around \$30,000. These are the kind of unexpected expenses that sewer and water rates need to cover. Like a 30-year old car, we know things will likely break, but we can't exactly predict just what or when.



Although you can see we splurge on office furniture at the plant:

It is also important to know that water and sewer rates impact the City's ability to obtain state funding for projects. Without rate-setting authority we cannot avail the city of low interest funding from the State of Oregon. Similarly, our bond rating is negatively impacted by the revenue shortfall in our water and sewer utilities.



## **WHAT DO WATER AND SEWER RATES HAVE TO DO WITH PUBLIC SAFETY?**

The City of Bandon has a number of "funds." The General Fund is the most flexible, and comes from property taxes, utility taxes and lodging taxes. Other funds are for specific purposes like utilities and roads.

Our police department is funded entirely out of the general fund, and accounts for 40% of general fund spending. The next largest category is administration at 16%. Our police department just recently became staffed to the point where the City can provide 24-hour coverage without the chief or sergeant needed to be woken in the middle of the night.

If water and sewer rates do not cover the cost of water and sewer operations and maintenance, the general fund will need to cover those costs. Since public safety makes up the largest portion of the general fund, the City would almost certainly have to make cuts in the police department, at least in the short term. We know that public safety is the highest priority for most of our citizens. This is not intended as a threat, we just think people need to know that there are limited ways we can balance the books in a city with one of the lowest tax rates in the state.

## **NEW CITY HALL HOURS**

We are going to open City Hall a half-hour earlier Monday through Thursday, at 7:30 a.m. City Hall will be closed to the public on Fridays. Staff will still work Fridays, but we need time to roll up our sleeves, and get City Hall better organized, files updated, and documents archived. We understand this may create some inconvenience, but we are working to be the professional, organized city government that residents and businesses deserve.

## **PLANNING DEPARTMENT HOURS**

With the addition of our new Planning Manager Dana Nichols we are beginning to get caught up on reviewing development applications. For the past several months we only had a single staff member reviewing applications, along with fielding phone calls and other day to day activities. We are working now to streamline our review processes as well.

We are ordering a plexiglass screen for the planning counter. As soon as it arrives, the counter will be open from 10-2 Tuesday through Thursday.

Here's hoping you all have a great August. Stay safe and take care of each other.





## CITY MANAGER'S NEWSLETTER- October 2020



### The North Bank MP8 fire.

The North Bank fire brought a number of issues to the forefront for the City and our partners. The City is working on a Mass Notification System that will contact people in an emergency. People can choose how they like to be notified – land line, text, cell phone and/or email. We are trying to have system in place by the end of next month.

Some people asked what the city's evacuation plan is. Specific directions will depend on the nature of the emergency.

***In 1936 Bandon resident D.H. Woome told a Coos Bay Times reporter shortly after the fire: "That Irish hedge was the worst thing—when the fire hit it right across from my house, the flames shot up high into the air. It was just as though there had been gasoline poured on the***

The better question may be: "What is your evacuation plan?" Everyone should have an evacuation kit. Directions may be found at <https://www.ready.gov/kit>

The chief fire danger for the City of Bandon is Gorse. Gorse is one of the most flammable plants in the world, and Bandon is ground zero. Gorse was the key factor in the 1936 fire which killed 10 people and burned the city to the ground.,

The City is participating with partners in the Gorse Action Group. <https://gorseactiongroup.org/> We will also be stepping up our gorse enforcement efforts.

### Water and Sewer Rates.

Thank you to the voters for passing the two ballot measures regarding water and sewer rates. I was confident that if we did our job laying out the facts, Bandon voters would support our community. The runup to the election raised a couple of issues that we would like to address.

### Status of the General Obligation Bonds

The voters approved general obligation bonds for some needed capital upgrades to the water and sewer plants in 2019. The design phase of the projects is underway. However, we decided not to issue the bonds until next year for two reasons. First, waiting a year would give taxpayers a one-year break on the bond payments, as small as they are. Second, it would have been almost impossible to get through the necessary steps during the pandemic shut down last spring.



## **The Old Face Rock Golf Course (Johnson Creek Park)**

Several people asked why the city purchased the old face rock golf course, when money is short. Good question. The purchase was done by a previous city manager. The price was \$225,000. The terms of the deal were \$50,000, down and \$17,400 per year with the balance due in 2023. The property was a great value for 38 acres in the heart of the city. It is a beautiful property, and a tremendous asset for a city the size of Bandon.

The next step will be to ask the community what we should do at this point. There are a lot of options, but a few would include:



- Offer the property for sale to a private party on the condition that they construct a new golf course.
- Look for grants, partners, and donations to cover the remaining purchase price and leave the property in public hands.
- Sell part of the property to cover the remaining amount owed.
- Walk away from the deal and the amounts already paid.

Stay tuned for chances to voice your opinions on this.

## **Bandon Dunes and the City.**

The mayor received an anonymous letter asking: "I'm wondering... does Bandon Dunes pay into our tax base? Seems to me you let them have a 'pass' a number of years ago. WHY?? Maybe time to have them taxed to help out the town!"

Sixteen years ago, the cities of Bandon, Coquille, Myrtle Point and Coos County voted to allow Bandon Dunes into an expanded Enterprise Zone, which gave them a tax break on just their new development for at least three years. The City of Bandon was not impacted since Bandon Dunes is not inside the city limits.

Today, Bandon Dunes Golf Resort is believed to be the largest single taxpayer in the county. In addition to the revenue that they pay to Coos County and several special districts, they voluntarily assess a 6 percent fee on all their lodging facilities, with 70 percent of the money going to public safety for Coos County and 30 percent for tourism.

Again, since the resort is not in city limits, we derive no property tax benefit, but we have been receiving TOT (transient occupancy tax) from the motel at Coquille Point, which is owned by the Dunes. Because we have such a low general property tax rate of 46 cents a thousand, we annually receive more in TOT revenues than we do in property tax.

Also, the publicity that the resort brings to our community is immeasurable, not to mention the hundreds of well-paying jobs that they provide. We benefit in many ways; unfortunately, property tax revenue is not one of them.





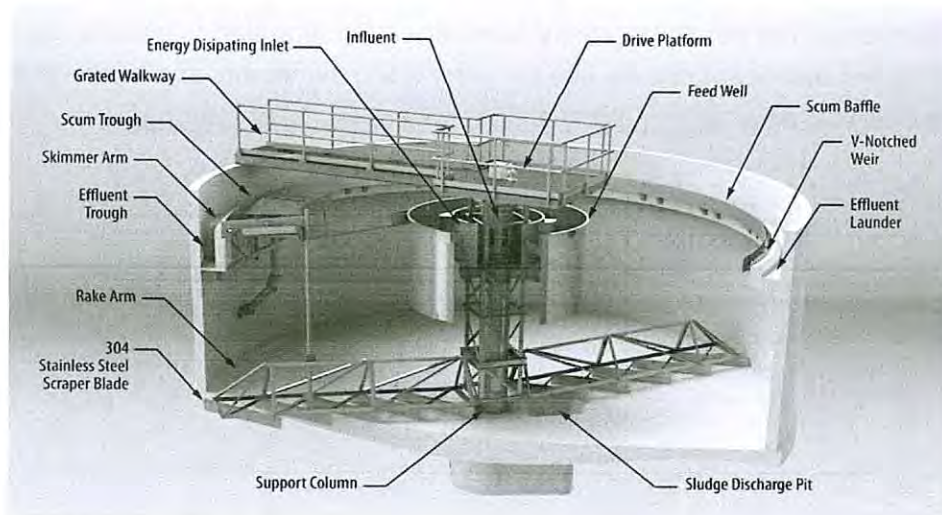
## CITY MANAGERS NEWSLETTER-March 2021

### Message from the Bandon Police Department.

We are all lucky to live in a relatively safe place. Crime in Bandon is about 39% lower than the statewide average. However we are not immune. From time to time we have “waves” of vehicle break-ins and car prowling. It is always a good idea to lock your vehicles and your homes. Criminals look for the easy victims—don’t be one.

### Update from the wastewater plant.

We had a mechanical issue in one of the clarifiers at the wastewater plant. A clarifier has a large “rake arm” that slowly sweeps the settled solids to a drain. Our main clarifier stopped working last week. Fortunately it appears that it just needs a new motor rather than an entire new drive system, which is close to a \$90,000 difference in cost. We have a backup clarifier, but it doesn’t have the new grinder pump to deal with wipes. **So please, please don’t flush wipes, even if they say they are flushable. They might not clog your toilet, but they will clog your sewer plant.**



### Update from your water plant.

We are in the process of getting new seismic connections and a generator for the water plant in order to improve our resiliency. We are still trying to determine the best way to address periodic shortages in streamflow. The option of an off-channel reservoir would be very expensive.



### **Update on the general obligation bonds for water and sewer.**

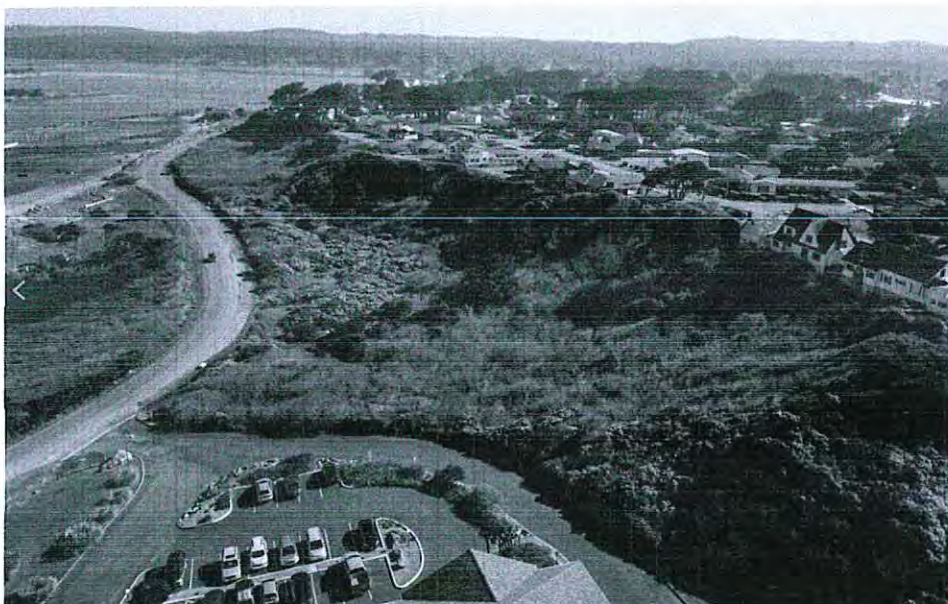
We are planning to issue the bonds late this coming summer. We are taking some steps to improve the city's bond rating in order to lower to the borrowing cost for the taxpayers. However, according to Moody's, the chief challenge remains that the city council lacks authority to set utility rates.

### **Gorse Mitigation**

The city is in the first phases of our overall gorse mitigation plan. Starting In July 2019, the City of Bandon amended the Prohibited Vegetation Ordinance No. 1631 , and at that time removed all previous management exemptions for gorse from the code. Gorse is now the highest priority noxious weed for compliance and enforcement. Then, in October 2020, through an intergovernmental agreement with the City, Coos County agreed to adopt the same code for areas within Bandon's Urban Growth Boundary (UGB) that were outside city limits and thus not subject to city code. Come February 2021 the City of Bandon can enforce noxious weed compliance evenly across the entire UGB.

The Gorse Action Group is working with the City on a District Plan for gorse abatement. Management of gorse is best accomplished through voluntary compliance, involving strategic coordination and partnerships between private property owners, local businesses, city/county/state/federal agencies, parks, ports, watersheds, tribal members, and a variety of other entities working together toward responsible land stewardship.

The District Plan has divided land within the City of Bandon into six abatement districts as well as one UGB district (aka the Donut Hole). District abatement will progress from north to south using a prioritization of fire risk, topography, wind direction, population density, types of structures and other significant criteria like property lines, ownership and rights-of-way. You can find more information at <https://gorseactiongroup.org/city-of-bandon/>





## CITY MANAGER'S NEWSLETTER -- July 2021

### **Development is at a record pace.**

At this point our planning department has received 32 applications for single family homes --- as many as we normally receive in a full year. Two local hotels have been approved for minor expansion and renovation, and we have an application pending for a new 49-unit apartment project. The Bandon Beach Hotel project has been approved by the City and is now on appeal to the Land Use Board of Appeals.

### **New Process Ordinance for Land Use Applications.**

As part of our effort to update and streamline our zoning code and land use process, the City adopted a new ordinance modifying our land use processes. Many provisions have been clarified, and our "plan review" process is now much simpler. Plan review applications can now be approved by staff, rather than having to wait to be scheduled with the Planning Commission.



### **New Fence at the baseball fields.**

As the first phase of our effort to enhance and renovate the baseball fields, we had a contractor replace all of the fencing on the western field. This was long overdue. The next steps will be to renovate the infield and outfield surfaces.

### **Gorse Removal**

The City has had a contractor remove gorse from City rights of way in the South Jetty area, and has completed a major gorse removal project on the Johnson Creek Property (the old golf course).





### **Park Cleanup Day**

The City's Park Cleanup Day was a great success. Around 40 people showed up to paint, clean and spread gravel at City Park. It was a great way for the community to take ownership and pride in our wonderful park assets. Thank you to the volunteers, the Parks Commission, Planning Department and Public Works Department for all of your efforts.

### **Paving Work starts Mid-July.**

This year's paving package will start in mid-July. Thanks again to the voters for renewing the Local Option Street Tax, which helps keep our streets in good repair.

### **Chief Webb retiring in December.**

Bandon Police Chief, Bob Webb, announces his retirement effective December 31, 2021. Chief Webb started his career in Law Enforcement in Bandon on January 18, 2001, being sworn in as a Reserve Police Officer and went to full time on October 1, 2001. Chief Webb was appointed Interim Chief in May of 2005 and promoted to Chief of Police on September 3. The City will begin the hiring process for a new chief later this summer.

### **Bond Sale coming in August.**

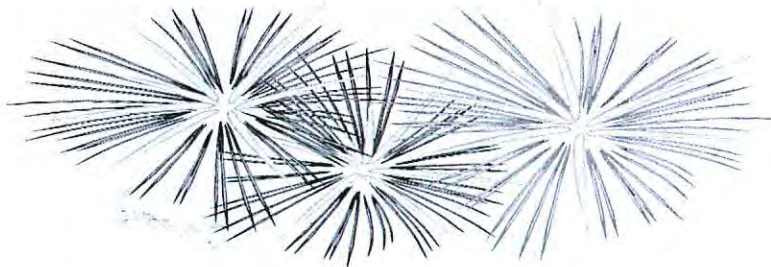
After a year of COVID and economic delays, the City will be issuing the \$5.5 million in water and wastewater improvement bonds approved by the voters in 2019. In meantime design work has already started.

### **Reminder—Be Fire Safe.**

We are well below normal rainfall for this Spring, and CFPA has already begun fire season, banning outdoor debris burning.

The City will be enforcing the ban on illegal fireworks this year, and fireworks are not allowed on the beaches.

**Enjoy the 4<sup>th</sup> of July. There will be a fireworks show this year at 10:00 p.m. on the 4<sup>th</sup>.**





## **CITY MANAGER'S NEWSLETTER**

**AUGUST 2021**

### **What's happening with water in Bandon?**

Since the early 1900s, the City of Bandon has supplied potable water to residents. Improvements have been made to satisfy demand and to maintain excellent water quality. The City's current water system consists of facilities for diversion, treatment, transmission, storage and distribution of water.

### **Where does the City's water come from?**

The City's has water rights and draws all of its water from Ferry and Geiger Creeks. Those drainages lie to the east of the City and south of Highway 42 South. The City of Bandon owns 430 acres in the two watersheds to help protect our drinking water supply.

### **How is the water distributed?**

The distribution system consists of approximately 34 miles of piping ranging from 2-inch to 12-inch diameter pipe. The City has one pressure zone, and two potable water storage tanks with a total volume of three million gallons.

### **Does the City have a reservoir?**

No. The City has never built a reservoir. With current environmental restrictions, the only type of reservoir we could build would be an "off channel" reservoir, where we would pump water into the reservoir during high flows, and pump it out in dry times. Current estimates put the cost around \$8 million dollars.

### **Why don't we draw water from the Coquille River?**

The Coquille River has significant salt levels as far as 14 to 22 miles upstream.

### **How much water does the City use?**

Current water production is calculated to be 0.584 Million Gallons per Day (MGD) on an annual average day, with a maximum month and daily demand of 0.767 MGD and 0.980 MGD, respectively.

### **Do we have a water shortage?**

It depends. It is probably more accurate to say the City has a concern. We have sufficient plant capacity storage to serve projected growth to 2039. However, it is possible that in a very dry year, there won't be enough water in the creeks to meet the City's needs. This has not happened in a long time but may be increasingly likely with climate change. If such a shortage happens, it will likely last 2-3 months.



### **Could the City just build more storage tanks?**



The City has sufficient treated water storage with the existing tanks through the planning period, year 2039. There is no way to economically construct enough tanks to get us through a prolonged shortage in stream flow. As expensive as it would be, an off-channel reservoir would be far more cost-effective.

### **What about groundwater?**

We have retained a firm to investigate the possibility of using groundwater as a backup source. The firm has done this type of work for a number of cities in Oregon.

### **What about out-of-city water connections?**

The City has pressed the pause button. The City's first priority is to serve land within City limits. This means that people who pay property taxes in Bandon get priority. We are of course honoring contracts with people who paid their Systems Development Charges in advance. Some folks did this back in the 1990s. The pause is necessary to allow us to evaluate options and impacts, including the financial impact of providing water to additional non-residents. The City Council will be discussing the situation this month.

### **Wasn't the City going to install a generator at the water plant?**

Yes. The problem has been to come up with a cost-effective solution. There are three separate points that need power – the plant itself and two pump stations. There is a tough balance between using one generator and having transmission loss of power, and having three generators to fuel and maintain, when they will only be used in an emergency. In addition, prices of all that equipment has skyrocketed. We are having new electrical engineers look for solutions that work within the planned budget.

### **What about seismic upgrades?**

We have scheduled the planned seismic upgrades for the late fall, when we can operate on one storage tank. We will also have the tank re-lined at the same time to save money.



**CITY MANAGER'S NEWSLETTER**

**OCTOBER 2022**

**The problems with City Council not having rate-setting authority.**

As many of you know, in 1995 voters passed an amendment to the Bandon City Charter that requires a public vote before any new fee, or an increase to any fee. It is not hard to understand the gut-level appeal of such a rule, but I wanted to share some possibly unintended consequences.

**The biggest problem --- Bandon cannot take advantage of low-cost financing for water and sewer improvements.**

When the city was moving forward on its off-channel reservoir project, the city approached state and federal funding agencies in their "one stop" process to see how we might get the reservoir funded. Bandon was told that without rate setting authority we could not take advantage of the funding programs that most jurisdictions use to do this type of project. This effectively stalled the reservoir project.

These programs were created to help solve these issues, but Bandon can't use them. Why? The programs require the city to covenant that it will set rates as necessary to repay the loan. With Bandon's Charter restriction, funders did not believe that Bandon could enter the necessary agreements.

**What about grants?**

Most of the programs are combinations of grants and low-cost loans. Even those programs that are pure grants typically require a local "match." Below is a chart showing some of the available loan programs that might make up a portion of a funding gap.

Funding Source	Grant Amount, \$ <sup>(1)</sup>	Loan Amount, \$ <sup>(1)</sup>	Loan Term, yrs	Interest Rate, %	Rate Increase, \$/EDU/mth <sup>(2)</sup>
Alternative A – Rural Development (RD)/Water/Wastewater Financing Program Grants & Loans					
RD 25/75 (Grant/Loan)	\$1,483,038	\$4,449,113	40	2	\$5.40
Alternative B – Water/Wastewater Financing Program Grants & Loans					
Water/Wastewater 20/80 (Grant/Loan)	\$750,000	\$5,182,150	30	2.86	\$8.60
Alternative C – Clean Water State Revolving Fund Loan					
DWSRF (Loan)	--	\$5,932,150	30	1.0	\$7.65

<sup>(1)</sup> Amount based on current dollars.

<sup>(2)</sup> Based on 2,494 EDUs. EDUs associated with non-profit or City use was not included in the total EDU tabulation.

**The Charter creates a disconnect between who is using the service and who is paying.**

Voters approved a general obligation bond in 2018 to fund a set of needed water and sewer improvements. City taxpayers pay for those bonds based on their property value. Out-of-city users do not pay at all. A better system would have users pay their share based on water use,



which may be very different than property value. A city resident may end up paying more or less than their fair share. Yet without rate setting authority, general obligation bonds are almost the only way to finance infrastructure.

Many water providers use a tiered rate structure to discourage what the Willamette Week newspaper calls “water hogs.” Bandon’s top 5 residential water users use as much water as 80 average homes. Under the current system city taxpayers must hold (and pay for) an election to set new rates for the highest users.

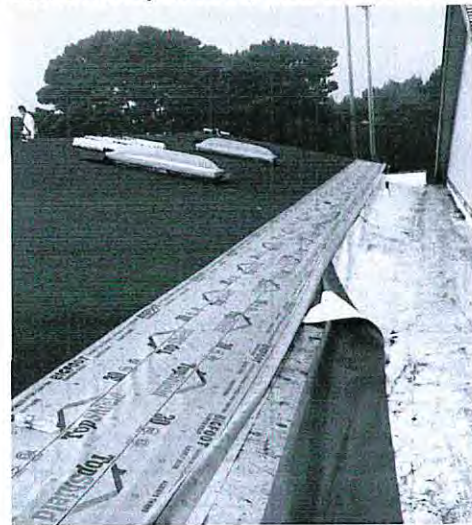


**Besides a seasonal backup, what is our water system’s biggest future need?**

According to our recently-adopted water system master plan, Bandon’s water system contains a large amount of aging concrete pipe. These pipes were installed decades ago and are nearing the end of their useful life. This is not a problem that is growth-related and is a \$10-million item at current costs. Needed meter replacements, a new pump station, and storage in the southwest section of town bring this figure to around \$14 million. Without rate-setting authority, the City cannot effectively address those issues through grants and loans.

**Project updates.**

- **Crews have started work on the roof repairs to the community center, and the re-roof of the Sprague Theater. (Urban Renewal District 2)**
- **Electric Vehicle Charging. The chargers are being delivered this week. However, there is a delay on a needed communications module. (Urban Renewal District 1)**
- **Bid request on the new headworks at the wastewater plant went out this week. (General Obligation Bonds)**
- **They have done the initial test borings for the new wastewater pump station at Fillmore. (General Obligation Bonds)**
- **The backup generator for the water plant goes to bid this month.**





# CITY MANAGER'S NEWSLETTER

JUNE 2023

## WHAT'S HAPPENING WITH HOUSING?

Bandon is at the mercy of three factors at the moment. Two of those things are nationwide. First, interest rates are higher than they have been for a long time, though they still seem low to those of us who lived through the 70s and 80s. Second, materials prices are still high. The other issue for Bandon is simply distance from population centers. This makes it difficult to find contractors for larger projects.

The joint City/School District project is moving ahead in spite of those factors. This is the vacant land near the softball fields across from the high school. We will be issuing a Request for Proposals looking for the best option for providing housing for our workforce. It may end up that a modular housing option works, or a combination of single-family units with duplexes and 4-plexes. We are asking the private sector to use their resources and creativity to come up with the best solution for Bandon.

On the 17-acre piece south of town (the "Opportunity Site"), we are working with the state to get a more reasonable interpretation of what is and isn't a wetland. That site presents some opportunities for affordable home ownership, which is so important in maintaining community as we become more and more a second-home destination (which is not something we have much control over).

## PROJECT UPDATES

I want to thank a couple of City staff for finding creative ways to cut costs in large projects. Public Works Director, Tim Lakey, is working on a solution that may cut the cost of re-siding the Sprague Theater in half by simply repairing and siding over the existing siding. We are having structural engineers create specifications and help run that bid process. This may result in hundreds of thousands in savings.

Water Plant Manager, Jim Youravish, is working on a solution for the old, leaky clarifier at the water plant. A change to the State Building Code added a million dollars to the price of a new clarifier tank, which is a project funded by the 2018 General Obligation Bonds. Jim saw a presentation by a company that rehabilitates old tanks by epoxy coating the interior and wrapping the exterior in cable and a new concrete layer. The company came out this week and will have a price quote in a couple of weeks.

This kind of work and thinking happens often and doesn't get recognized enough.





**Filmore Pump Station (Sewer Plant).** Engineers are working on alternative designs to address floodplain issues. This is after we had to say no to suggestions that we tsunami-proof the pump station (picture a two-story concrete structure). There will likely not be a plant to pump to in the event of a major tsunami.

**Backup Generator for Water Plant.** Request for Quotes went out last week. We have not received any responses yet.

**Seismic Valves and Tank Recoat.** The seismic valves are intended to shut off in the event of an earthquake, preserving up to 2 million gallons of water for emergency use. This project is complete, pending testing. We took the opportunity to recoat the interior of the tank while it was empty.

**Next Brush & Yard Debris Pick Up Starts June 5, 2023.**

The second brush and yard debris removal event of 2023 will start on Monday, June 5, 2023. Bandon Disposal will be collecting piles of brush and yard debris. City residents are allowed approximately two pickup loads of brush and yard debris at no cost.



Place your brush and yard debris in the right-of-way alongside the street adjacent to your house BEFORE Monday, June 5, 2023. Do not put your yard waste out more than one week before the scheduled pick-up date.

The maximum allowed is approximately two pickup loads. Anything more than two pickup loads will not be picked up and will be the homeowner's responsibility to remove. Anything longer than 5 feet will be left.

One pile per address. Multiple piles will not be picked up and will be the homeowner's responsibility to remove them.

Limit your items to woody yard debris such as branches, brush, gorse, etc. Grass clippings and leaves will also be picked up, provided they are placed in biodegradable paper bags. No plastic bags, metal, appliances, furniture, garbage, etc.

A boom truck is used to pick up debris so avoid placing your pile under overhead utility lines or overhanging trees. Locate your pile away from fire hydrants and utility boxes, and do not impede sidewalks or pedestrian walkways.

If you get missed or have more than two pickup loads, or if you want debris picked up at another time, please contact Bandon Disposal at 541-347-9633 to get a price quote and schedule a special pick-up.



## CITY MANAGER'S NEWSLETTER

SEPTEMBER 2023

**Changes in the Police Department .** The highest priority in every survey of Bandon residents has always been public safety. So this year's budget added a 7<sup>th</sup> officer, Damon Price, to our police force. Damon is a veteran and joined the force in April. A seventh officer helps maintain full-time coverage in the event another officer is out for an extended period of time.

The City was able to expand the police force because lodging tax revenues to the general fund have increased for the past several years. As noted in previous newsletters, Bandon's property tax rate is among the lowest in the state, and we could not fund a police force or maintain parks and buildings, without additional sources of revenue. Like everything else, hotels and motels have pluses and minuses. But we should keep in mind that lodging taxes now fund the majority of City services. (Other than utilities.)

After 26 years of dedicated service, Larry Lynch has retired from the Bandon Police Department. Sergeant Lynch or "Sarge", as he will probably always be known, was sworn in as a police officer in November of 1997. While serving the citizens of Bandon and Coos County, Lynch had many responsibilities including 17 years as a Patrol Supervisor, SFST Instructor, Field Training Officer, K9 Handler, and Evidence Technician. Lynch also contributed to the Narcotics Team, Coos County Homicide Team, and the Crash Team. We all wish him the best.

**Proposals have come in for the Central Site, a joint housing project sponsored by the City and the Bandon School District.** The sponsors received 8 proposals from developers interested in providing workforce housing on public property across from the high school near the softball fields. A committee is reviewing proposals now and will recommend a developer to the School Board and City Council in September. We anticipate that, other than the property, there will be minimal taxpayer investment in the project.

It is no secret that housing is out of reach for many in Bandon, even for people with good jobs. The School District loses qualified applicants all the time because of a lack of affordable housing, and many of our police officers can't afford to live here. We recently had an experienced officer go to work for North Bend, in part because his growing family could not afford to live in Bandon.

**Please clean up after your dogs.** Sorry to have to bring this up, but we are getting complaints in some neighborhoods.



**Water system update.** We are making adjustments to cope with price increases (one might say price gouging) on the backup clarifier project at the water plant. We are likely going to epoxy coat the existing tank and update the mechanical aspects, rather than build a new tank. This will not make the backup clarifier seismic-safe, but changes in building codes and rising prices make the project unfeasible at this time.

We are continuing to work on the groundwater project, and are scheduling a pre-application conference with the state water resources department to talk about water rights issues. The plan would be to transfer a small portion of one of the City's water rights to the groundwater source.

The off-channel reservoir project remains financially out of reach. Without rate-setting authority, the City cannot take advantage of most state and federal programs. There is a possibility of selling some City property to help fund the project, but it makes sense to see if the groundwater backup project is feasible before looking to build a reservoir that will be expensive to build and operate.

Our most immediate need is to dredge out the existing impoundment at Ferry Creek. It was last dredged in the early 1990s and has silted in over the last couple of years. It holds a few days' worth of water when it is dredged out. More importantly, it helps operationally, as we can use it to pump a higher volume of water for a shorter period of time. Our engineers are meeting this week with a contractor to discuss the most cost-effective way to do the project.

**Jetty Pathway.** After a slight redesign and re-bid, the City awarded the bid for the eastern end of the jetty pathway. It will run from Edgewater's Restaurant around the corner to Jetty Road. The project is partially funded by a grant from the Oregon Department of Transportation.

**Sprague Theater bids go out.** Bids for the Sprague Theater siding project went out in August. We anticipate that the new approach will save around \$300,000 in costs.

**The next yard debris pickup is the week of October 2<sup>nd</sup>.**

- One pickup load per home
- Please don't place debris out more than a week before.
- Dates are not more specific because it depends on how much debris there is.

**Downtown Streetscape Plan.** Thanks to the 70 people who turned out for the open house on August 22<sup>nd</sup>. There were a lot of good ideas and concerns expressed. The plan is being funded by Urban Renewal District 1 and will help guide public investments in Old Town. This is not a plan intended to sit on a shelf. The team includes a traffic engineer and a civil engineer to make sure that the plan actually works with our infrastructure and traffic patterns. Thus far, it looks like the City can pick up additional parking and have better pedestrian flow.



Bandon City Council

February 18, 2024

City Hall

555 Highway 101

Bandon, Oregon 97411

RE: A letter in opposition to the Gravel Point development.

To: Bandon City Council:

This letter is to state my opposition to the City granting the Gravel Point development a conditional use permit to build given the known lack of capacity to service the development by the water and wastewater (aka sewer) utilities. This letter is a companion to the unanswered questions submitted to the Planning Commission on this matter on September 26, 2023.

The City of Bandon Charter Section 2 clearly states the Bandon is a municipal corporation, and as such has a fiduciary responsibility to its rate-payers to provide water and sewer services as laid out in Bandon Municipal Code Title 13, Public Services and Chapter 16.

I remind the City Council, Mayor Schamehorn, and City Manager that the public record of the Utilities Commission and City Council meetings clearly demonstrates that you knew of that you could only provide treated water from one raw water treatment facility and only for 4,000 people at any given time, and that you have known this fact since 1992. Additionally, since 2002 City of Bandon has known that the wastewater treatment plant was engineered to handle the wastewater for only 5,068 people. The "people" includes not only residents, but anyone using treated water at any given time. A list including, but not limited to, the City of Bandon, Southern Coos Hospital, all industrial and commercial uses, as well as fire suppression. The City of Bandon has done nothing to increase the capacity, productivity, or replacement of the depreciated and aged-out facilities. The City of Bandon knows of the deficiencies and the lack of ability to fund even basic maintenance much less deferred maintenance or capital improvement: Look at your City Council minutes of September 12, 2022 and the submitted draft 2022 Revised Water Master Plan.

It should be obvious even to the City and its government that on any given day, these systems are functioning outside their engineered parameters. The following public City of Bandon archive documents the City of Bandon's knowledge of its utilities deficiencies:

- a. Water Master Plans 1992 and 2003 Addendum, both of which are State-approved and developed by licensed engineers.
- b. The draft 2022 Revised Water Master Plan which has not been State-approved, but has been signed by Steve Major, City Engineer, recently of Dyer Partnership Engineers & Planners.

The City Council unanimously accepted and documented in the September 12, 2022 by City Council meeting minutes.

It is also important to note the public safety, fire suppression, and fire hydrant deficiencies stated in the 2022 Plan.

- c. Sewer Master Plan 2002 which is State-approved.
- d. City of Bandon Water Management and Conservation Plan October 2003.
- e. Wastewater Treatment Facilities Condition Assessment May 2018
- f. Off-channel Reservoir Feasibility report 2016
- g. See pages 6 and 7. PLANNING COMMISSION AGENDA DOCUMENTATION DATE: March 24th, 2022 PUBLIC HEARING: Annexation of 19-Acre Parcel located in East Bandon and Portion (4334 feet) of Highway 101 (28S-14W-31BC / TL 2100, 2200, 2201, 2300, 2700, 3600, 3700, 4200, 4300, 4400) – Request to annex property into the City of Bandon, initiated by the City of Bandon – 22- 022 ITEM NO: 5.1



- h. CITY COUNCIL AGENDA DOCUMENTATION DATE: April 11, 2022 Public hearing on annexation into the City of Bandon. ITEM 4.1
- i. Comprehensive Plan (Ordinance 1501 5-05-2003)

The negligent behavior of the City of Bandon directly and negatively impacts public health and safety.

1. Given the over building of the City, and Dana Nichols' (Planning Manager/Director) continued and unchecked issuances of building permits:
  - a. Given the critical lack of water flow for fire suppression in the proposed development area, how does the Council intend to remedy the situation without further violating the Municipal Code?
  - b. How does the Council and City intend to increase the capacity of the water and sewer infrastructure?
  - c. How does the Council and City intend to fund the 10s of millions of dollars of critical deferred maintenance and capital improvement needed to maintain the current system? How would new facilities be funded? Do you believe the ratepayers will shoulder the ramifications of your willful neglect?
2. Given the fact that there is not enough water and sewer capacity to service this project, the question is not who is financing this project but who is insuring the project? Please tell me who is indemnifying the construction project, and the completed project? I am interested to know what insurer would indemnify such a high value property that has inadequate water and fire protection. How can you guarantee that any failure in this project will not hurt the ratepayers of Bandon?
3. Given the obvious lack of water and sewer services, as well as the Applicants possible future development demands (i.e. additional 84 acres) within the Bandon utilities service area, how can the City reasonably to provide utilities service without increasing utilities capacity when they have no foreseeable funding mechanism?
4. Where is the workforce for this project coming from? This project is light on living wage positions, and heavy on seasonal, part-time low wages. Hotels in the areas are advertising for maids at \$20/hr., how can this development compete? The Applicant has already pointed out the lack of work force for the local business, where is the Applicant's work force going to come from? Where will this workforce live? A reasonable person would understand that commutes from surrounding communities are not cost-effective given the poor wages. Even Bandon Dunes has moved off-site jobs to Coos Bay.
5. Why is the City of Bandon unable to properly notice its public meetings according to Oregon law? Especially with Measure 56 issues. This project clearly has potential to negatively impact every property owner in Bandon. I didn't receive notice of this hearing on Friday, February 16, 2024. Given the City Hall is closed on Fridays, and will be closed on Monday, February 19, 2024 for President's Day, the City has left only one business day to communicate with it before the hearing the next day. Can we reasonably expect the City Council to read our input and answer our questions before they make their decision?

I will expect a complete and factual response from the Council within 20 days as is required by Comprehensive Plan (Ordinance 1501 5-05-2003).

Regards,

Mary O'Dea

P.O. Box 820

Bandon, Oregon 97411



**Memo: Submission to the City of Bandon City Council for consideration on the subject of the February 21, 2024 Public Hearing on the Gravel Point Project.**

**To: Bandon City Council**

**Purpose:** This memo is to object to the Gravel Point development because the water and wastewater utilities, as they currently stand, cannot support it or any new project for the following reasons:

1. Both the water and wastewater treatment plants are operating at or above their engineered capacity, and beyond their designed service life.
2. The long term practice of the City to not adequately budget for the water and sewer utilities' operation, maintenance, and capital improvements since FY 2011-2012 has created a backlog of expensive deferred maintenance and capital improvement projects.
3. The City has not presented any plans for increasing water or sewer utilities capacity, nor has it secured any means to fund such an expansion.
4. There is insufficient water available for fire protection. The overuse of the treated water supply has lead to significant and alarming deficiencies in the flow to fire hydrants.
5. City of Bandon is not meeting its Goal One obligations (Ordinance 1501 May 5, 2003) or its legal noticing obligations.

Bandon has an obligation under its Municipal Code 16.12.040 (F): "*All required public facilities and services have adequate capacity to serve the proposal, and are available or can be made available by the applicant.*" Moreover, according to Municipal Code 13.04.040 (A): "*The water department will exercise reasonable diligence and care to deliver a continuous and sufficient supply of water to the customer at a reasonable pressure and to avoid, so far as reasonably possible, any shortage or interruption in delivery...*"

We are not objecting to growth, we are objecting to unplanned and insupportable growth.

**1. Available Water and Sewer Services**

**A. Water Utility**

Presently, availability of raw water is not a primary concern for the utility; however any future water needs will not be available from either Geiger or Ferry Creek according to the 2003 Water Management and Conservation Plan (Exhibit 1).

The primary concern for the water utility is the water treatment processing limitation, the deterioration of the water lines, the insufficient storage capacity of treated water, the unexpected costs associated with deferred maintenance and new regulations. Of serious concern is the fact that the facility is now operating beyond its engineered service life span with no planned replacement according to the 1992 Water Master Plan, the 2003 Water Master Plan Addendum, and the draft 2022 Revised Water Master Plan (Exhibit 2, 3, 4).

Since the deterioration of the Ferry Creek earthen dam and spillway (approx. 2014), and the State's refusal to repair it, the City Engineer put forward the necessity for an off-channel reservoir (see 2016 Off-Channel Reservoir Feasibility Study, Exhibit 5). The 2003 Water Master Plan Addendum also stated an additional need for an increase reserve of 0.5 M gallons treated water for fire suppression. The draft 2022 Revised Water Master Plan also states a need for reservoir facilities in the area near this proposed development. However to date, no



planning, permitting, or funding has been secured for these projects; these improvements can't be used for consideration of any project until they are completed.

### B. Sewer Utility

As with the water treatment plant, the wastewater plant is working beyond its engineered service life, and is at processing capacity as documented in the 2002 Sewer Master Plan (Exhibit 6). No plans have been created or enacted to increase its capacity.

The primary concerns for the wastewater plant are the numerous maintenance concerns documented in the Wastewater Treatment Facilities Condition Assessment May 2018 (Exhibit 7), the lack of City planning for increasing facility capacity given the City's overbuilding, and the fact that there is no room on site for any expansion. The current facility is landlocked and in the tsunami inundation zone of the marina (Figure 1). The City has not addressed the vulnerability of its only wastewater facility in the case of a tsunami, and has made no plans for its replacement if it is destroyed. The landlocked wastewater facility and its vulnerability to tsunamis complicate any capital improvement or expansion. Critical concerns include the deterioration and necessary replacement of the only influent pump, the primary recipient in the 2019 General Obligation Bond ballot initiative (6-173) approved by voters November 5, 2019. Alas, it remains unfinished as the City Manager didn't approve of the aesthetic of the planned tsunami-reinforced pump house.



Figure 1. Illustration of landlocked and tsunami vulnerable wastewater plant.



### C. Capacity

According to public hearing testimony given by the City Manager Dan Chandler in the 2022 annexation hearings for South Coast Housing LLC, the "... **City's water plant has existing capacity for a population of 4,000 persons...**" and the **wastewater treatment facility "was designed for a population equivalent of 5,068 persons."** (Exhibits 8 and 9). The systems were established to serve a certain number of people; residents, non-residents, public buildings, and commercial interests. This standard has been accepted by the City of Bandon since at least 2002. To change this standard requires State of Oregon review.

According to the City of Bandon its current population is 3,344 people; there is therefore enough treated water for 656 users other than residents. The 2003 Water Master Plan Addendum estimated that in 2023 the transient population would be 1,034 in the summer, 362 in the winter, with an annual daily of 643 people. (Figure 2). It is reasonable to accept that as of now the water treatment facility is producing beyond its engineered capacity.

However, there are more water users that must be accounted for, including users who live outside Bandon (est. 290 users), Bandon's rural fire department, schools, hospitals and care homes, the creamery, vacation rentals, AirBnBs, and all commercial users. And of course, the City of Bandon users must also be accounted for: wastewater plant, water treatment plant, public works shop, City Hall, Sprague Theater, Barn community center, and the city library. Even by conservative estimates Bandon's water use is beyond the capacity of the water treatment plant. Using these same user numbers and applying them to the wastewater plant, the wastewater plant is also close to or beyond its processing capacity.

While there is obviously no water capacity to handle the Gravel point project we wonder, why didn't the Applicant put forward the number of users it expects for its hotels, spas, restaurants, and future golf course? The Applicant's plan gives no reasonable estimation of its water and sewer requirements; how can it argue that there is enough water? Given the level of development, it is obvious to us that the Applicant will require more than 488,414 gallons per day.

It should be noted that while the City Council unanimously voted to accept the City's draft 2022 Revised Water Master Plan on September 12, 2022, the plan has not been reviewed and accepted by the State under OAR 333-061-0060(5). It therefore does not replace the 1992 Water Master Plan and its 2003 Water Master Plan Addendum.

A review of City Council minutes for September 12, 2022 (Exhibit 10) documents there was also a long discussion with the City Engineer about the 10s of millions of dollars needed for deferred maintenance and capital improvements to keep the water system operating. There was an emphasis on increasing metering; there was no discussion of increasing capacity. They also discussed their inability to meeting funding needs due Charter restrictions, and they discussed the missed opportunities given the City Manager's handling of bond monies. There was no discussion of lack of water for fire suppression and the critical deficiencies in flows to hydrants in vital areas.

Given the obvious lack of water and sewer services, as well as the Applicants possible future development demands (i.e. additional 84 acres) within the Bandon utilities service area, how can the City reasonably provide utilities service without increasing utilities capacity?



**2.6 Total Water Service Population**

The sum of each population group described above for the City of Bandon is shown below in Table 2.6.1. Table 2.6.1 summarizes both peak and off-peak population estimates for the City of Bandon current population and projections for the planning period.

**Table 2.6.1  
Current Population Estimate and Projections**

Year	2003	2008	2013	2018	2023
Residential Inside - Full Time	2985	3257	3554	3878	4231
Residential Outside - Full Time	196	216	238	263	290
Residential Inside - Peak additional	280	306	333	364	397
Residential Outside - Peak additional	9	10	12	13	14
Transient - Off Peak	256	279	304	332	362
Transient - Peak Additional	474	517	565	616	670
<b>Total Peak Population</b>	<b>4200</b>	<b>4585</b>	<b>5006</b>	<b>5466</b>	<b>5964</b>
<b>Total Off-Peak Population</b>	<b>3437</b>	<b>3752</b>	<b>4096</b>	<b>4478</b>	<b>4883</b>

In Figure 2.6.1, the historical full-time residential population estimates are plotted with the projections for the peak and off peak population described above.

Figure 2. Total water service population estimates from 2003 Amended Water Master Plan.

**D. City Manager’s Newsletters and the state of the utilities.**

April 2020: Funding of the utilities: The General Fund had to subsidize the water and sewer utilities for over \$400,000.00.

May 2020: The City Manager requests an increase for water and sewer rates to cover a City budget shortfall of \$170,000 in operating costs for the water utility, and \$ 200,000 for the sewer utility. However, he also praises his ability to have reduced the overall budget by \$3.5 M from the previous year.

August 2020: Unexpected (\$30,000.00) maintenance costs are needed to keep the wastewater plants influent pump operating. City Manager fails to disclose that the replacement of the influent pump was approved by the voters when they passed the 2019 General Obligation bond.

October 2020: Fire hazard and Bandon’s history with gorse fires

November 2020: Water Treatment Facility: Bandon needs to reevaluate the City’s water supply to assuage current concerns of there being inadequate fire flows during drought periods.

Gorse Removal: “The City of Bandon is at ground zero for one of the most flammable plants in the world”.

March 2021: The wastewater plant continues to have recurring issues with pumps and the clarifier, these unplanned costs are not covered by the 2019 General Bond issuance for maintenance and capital improvement at the facility.

July 2021: Development is at record pace; at this point our Planning Department has received 32 applications for single-family homes as many as we normally receive in a full year. Two local hotels have been approved for minor expansion and renovation; there is a pending application for a 49 room apartment building.

August 2021: What’s happening with water in Bandon?



Topic: Who pays for growth? Chandler writes that with more growth comes a demand for more infrastructure. Like Bandon, most cities and counties rely on systems development charges (SDCs) as a way to help assure that new growth pays its fair share and that existing residents don't foot the bill.

The City Manager makes it clear that he has no knowledge of the current or future infrastructure needs of Bandon.

October 2022: The biggest needs for the water system are the replacement of failing concrete water lines, currently estimated to cost \$ 10 M, with an additional \$ 4M to cover water meter replacements, a new pump station, and a water storage tank for the Seabird area.

June 2023: The clarifier at the water treatment plant is leaking. And, due to floodplain and tsunami issues, the influent pump is being redesigned. However, because the aesthetics of the planned tsunami-proof structure are not to the City Manager's tastes, he has decided to put off the critical capital improvement.

September 2023: Water system update:

1. Due to unplanned costs and regulatory issues, the second clarifier at the water treatment plant has not been fixed and operational even though 2019 bond money was to be available for it.
2. The City Engineer's recommended off-channel reservoir project is not going forward, but the City Manager is pursuing a wasteful groundwater project not supported by the City's Engineer, or the water master plans.
3. City Manager makes erroneous statement regarding the City's water rights to in-channel storage and stream withdrawals. His lack of water rights knowledge leads residents to have a false sense of water security.

## **2. Consequence of decades of inadequate budgeting on the operating, maintenance, and capital improvements of the water and sewer utilities.**

### **A. Budgets**

The City Council and City Manager are aware that the public record (2000 to present) for the City Council, Utilities Commission, Water Resource Committee, and the Budget Committee has documented the long term effects of insufficiently budgeting for the operation, maintenance, and implementation of capital improvements for these utilities.

We remind the City Council that three of its members Madeline Seymour, Brian Vick, and Peter Braun were Council Liaisons on the Utilities Commission, at some time from 2015-2020, and were privy to all discussions regarding the utilities. Moreover, City Council was regularly updated until 2020 by the Utilities Commission at their monthly meetings, as documented in council agendas, minutes, and recordings.

All of the Master Plans have clearly documented system and facilities limitations, maintenance and capital improvement needs. We challenge the City and its Council to show us, using budgets from FY2011-2012 to present where they have adequately budgeted for the water and sewer utilities, and then actually completed the projects. Please note that shifting money from utility capital funds to cover overspending in operation costs prove our point. As the City Manager is both the Utilities Director and Budget Director, the task of adequately funding the water and sewer utilities should be straight forward.



B. Deferred Maintenance and other costly projects that must be completed before new stresses are added to the system.

According to the draft 2022 Revised Water Master Plan and the City Council Minutes of September 12, 2022 there is approximately \$18,471,246.00 of necessary capital improvements for the water treatment plant. Additionally, in his January 2023 newsletter the City Manager stated that concrete water lines needed to be replaced, as well as a few smaller projects, at a cost of approximately \$14,000,000.00. He was quick to state that the cost was not due to growth. He was correct it was due to neglectful management by the City Manager.

The City of Bandon Charter makes it clear that increases in utility rates (the primary source of revenue for the City) and the issuances of bonds must be granted by Bandon's voters. Without rate setting authority, Bandon cannot access low interest loans or grants (Business Oregon meeting May 2019). However, it is not in the best interest of the citizens to return authority. Issues with the utilities are decades old due to poor stewardship and the current costs are beyond the ability of the average Bandon citizen to bear. The median income of Bandon is less than \$ 40,000.00 and skewed to an elderly population.

Please review previous budget documents, and ask yourself how are these expenses (approx. \$36.5 M), for an aged out water system that is working without any operational slack, going to be paid? For the exorbitant costs of deferred maintenance and necessary capital improvement to be met, the City of Bandon will have to convince its residents to vote for accepting a debt burden in the 10s of millions of dollars. How does the City propose to accomplish this task?

### **3. The City of Bandon has an insufficient treated water supply**

Figure 8.5.2 Existing Water System Fire Flows (draft 2022 Revised Water Master Plan) illustrates substantial areas of the City that do not meet the designated fire flow of 4,500 gpm for a 2 hr duration (Figure 3). A review of Table 8.5.1 (draft 2022 Revised Water Master Plan) documents fire flow parameters for vital areas (pg 8-11).

Fire hydrants that surround the area of the proposed Gravel Point site show significant deficits (Figure 4), which along with Figure 3 clearly demonstrate inadequate water supply to the area. As the water line flows are not metered, the fire flows are a good proxy to measure potable water as they both come from the water plant and stored in the 2M gallon storage tank. These figures document fire suppression deficiencies for Bandon's utilities service area are of significant concern to us.

Please note that all of Bandon's public schools (20-37 %), its only fire station (68 %), and all of the hotels (40-88%) surrounding the proposed Gravel Point site have significant hydrant flow deficits . This information from the draft 2022 Revised Water Master Plan was presented to, and accepted unanimously by the City of Bandon and its City Council on September 12, 2022. At the time of writing this memo, the City continues to approve high density building in these areas of diminished water and fire protection services.

In its October 26, 2023 letter to the City of Bandon Planning Commission (Applicant Rebuttal #1), Applicant made statements that concerned us regarding water availability for its project.

Firstly, in Section 2 it states a treated water peak (6-yr ave.) of 1, 4440.000, with a treated water capacity of 488,414 gallons. We inferred that Applicant received this information from either Tim Lakey (Public works Department supervisor) or Jim Wickstrom (Electric Department supervisor), but not the City Engineer.



While the Applicant doesn't cite the data source, we believe these numbers reflect metered water from the 2M gallon treated water storage tank, which is generally always full as it provides both potable water and water for fire suppression. Also, there is no general metering or monitoring system of water flow once it leaves plant; the City only has rate payers' meters to document water use. There is no excess water available beyond the 4,000 person capacity that the system was designed for. Moreover, Applicant's statement of a treated water capacity of 488,414 gallons makes no technical sense and is irrelevant. The fire flow deficiencies reported in the draft 2022 Revised Water Master Plan can be viewed as a proxy for insufficient water availability to the proposed Gravel Point site, and to most of the Bandon utility service area. These number in no way support Applicant's argument of there being sufficient water for its development, or any other development within the Bandon service area.

The City of Bandon has a legal obligation to provide for both potable water and fire flow, this requirement is not optional.

Secondly, in Section 2, the Applicant also cites it is in possession of the draft 2022 Revised Water Master Plan. In Section 4 Applicant stated that it had a meeting with City Staff on December 8, 2022. We question if the Applicant was given a copy of the draft 2022 plan at this meeting by City staff.

On October 19, 2023, on the Perk Development Facebook page, the Applicant announced that it was conducting the burning of gorse and other debris for three days. At this burn " we have removed approximately 95% of the gorse on about 85 acres". Given we believe that the Applicant was in possession of the draft 2022 Revised Water Master Plan, why did the Applicant allow a gorse burn on its property given there was insufficient water for fire suppression if its burn escaped containment? We are also confused why the Applicant was burning so much property given its planning application was for 24.8 acres at the time its application was submitted July 11, 2023.

We are even more concerned that the City of Bandon and the fire district allowed there to be a burning of gorse on the proposed Gravel Point site on October 19-21, 2023. The local government agencies, responsible for public safety, allowed the burning knowing that there was not sufficient water for fire suppression had the burn escaped containment. Given the gorse field to the northeast of the burn site, the inability of the City to abate gorse, as well as the large number of unprotected homes in the area, an escaped fire could easily have been catastrophic.

A reasonable person would conclude that a City that does not have enough water flow to provide fire protection is not able to provide services to a new user, not residential or commercial.



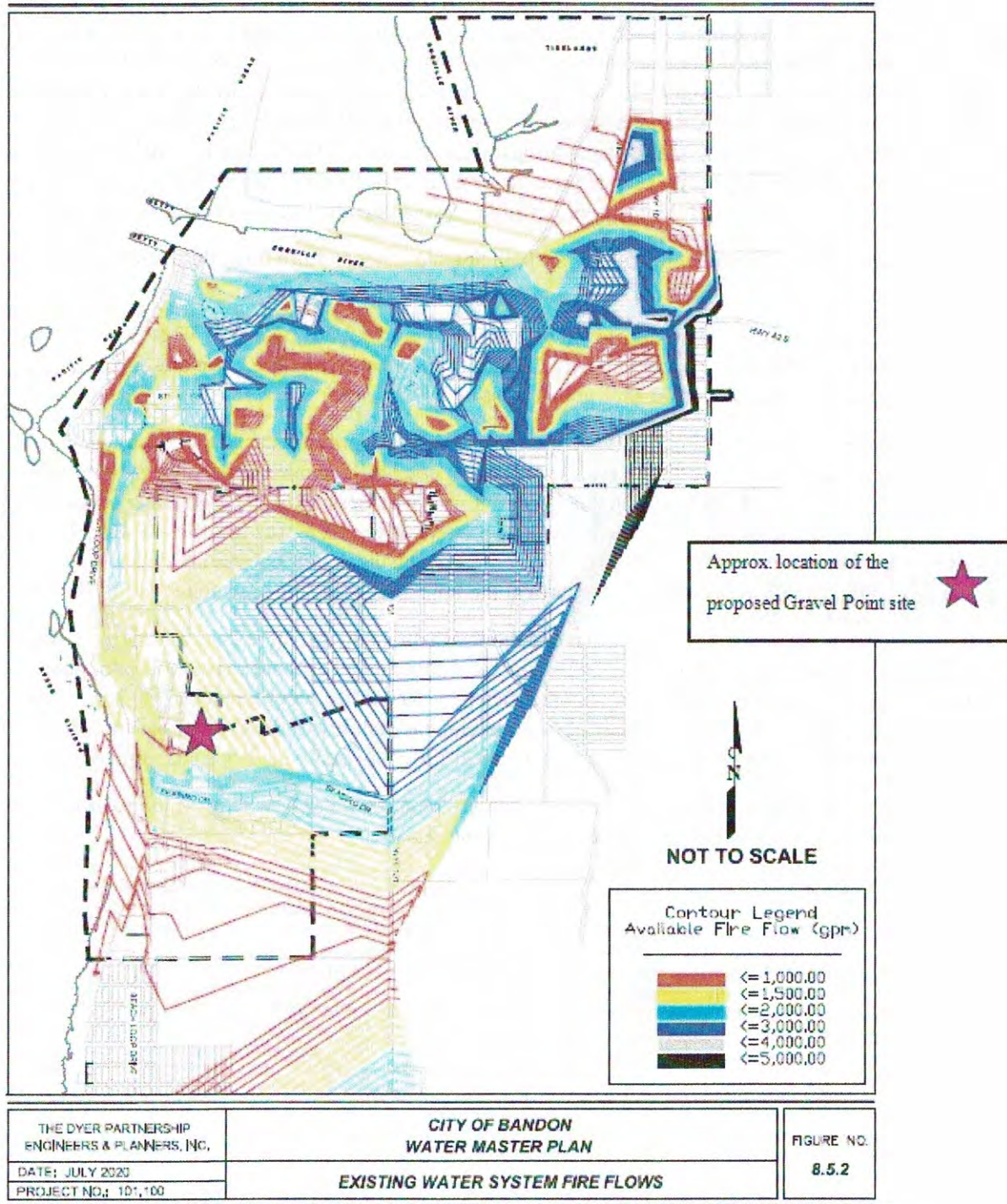


Figure 3. Existing water system fire flows presented in the draft 2022 Revised Water Master Plan.





Figure 4. Fire hydrants in vital areas with flow deficiencies near the proposed Gravel Point project.



**4. City of Bandon is not meeting its Goal One and legal noticing obligations.**

Firstly, we were not noticed of the City Council Public Hearing on the Gravel Project until February 16, 2024. We object to the lack of sufficient notice for a meeting that clearly affects every property owner in Bandon’s utilities service area, a Measure 56 should have been sent. We will remind the City that for the public hearings for the 2022 Annexation of South Coast Housing LLC property the City did mail notifications to all residents.

City of Bandon is not meeting its Goal One obligations as stated in its Comprehensive Plan (Ordinance 1501 May 5, 2003), and we are aggrieved:

The Planning Commission did not answer questions we submitted for their Public Hearing held September 28, 2023 on the Gravel Point Project. The routine City behavior of not meeting their Goal One obligations also occurred with our submitted questions to the Public Hearings of the Planning Commission (March 24, 2022) and the City Council (April 11, 2022) on the 2022 Annexation of property owned by South Coast Housing LLC .

We will be submitting our questions and this memo to the City Council for the Public Hearing (February 21, 2024) on the Gravel Point project. We expect the Council to answer our questions within 20 days.

To refresh the Council and City of their legal obligations we submit the following quote from the Bandon Comprehensive Plan, pg. 8-9

“CITIZEN INVOLVEMENT  
Ordinance 1501 5-05-2003

**FEEDBACK MECHANISMS**

Policy: To ensure that the governing bodies will respond to citizens land use planning questions and concerns.  
Implementation Measures

1. The City will continue to implement established mechanisms for responding to questions at Council meetings.
2. All specific written questions from citizens will be responded to in writing in a timely fashion, with an initial response not to exceed 20 calendar days from the date of receipt.
3. The City will provide information for the public detailing how to ask questions of the Council or other decision-making body in order to ensure a response.
4. The rationale used by a governing body for making policy decisions shall be recorded and made available for review by the general public. “

Noticing of public meetings is regulated by law and is not optional for the City of Bandon. We suggest that the City review ORS Chapter 193 on what constitutes legal noticing and ORS 192.610 Definitions for ORS 192.610 to 192.705 on public meetings.



## 5. Conclusion

In conclusion we are asking that the Gravel Point project and all other projects not be permitted to proceed until The City of Bandon is able to remedy its deficiencies to the water and sewer utilities infrastructure as required by Bandon Municipal Code 16.12.040.

A stay on new development should be in place until Bandon conducts a serious study of the infrastructure deficiencies within its utilities service area. The City also needs to produce an impartial and professional cost of service study for all of the utilities. Without serious plans implemented to ensure that the City can handle growth pressures on its outdated and failing infrastructure, the stay should stay in effect. The City of Bandon has been aware of these issues since at least 2002. When the infrastructure is stable and updated to meet the needs of not only new development, but of all users, the stay can be lifted.

Respectfully submitted February 18, 2024

Sheryl Bremmer, resident of Bandon, Oregon

City of Bandon Planning Commissioner 2010 – 2020, Hearings Officer 2012 – 2020

Co-Chair City of Bandon Utilities Commission 2020, Commissioner 2015-2020

Mary O'Dea, PhD, resident of Bandon, Oregon.

Co –Chair 2016-2020, Chair City of Bandon Utilities Commission



## List of Exhibits

- Exhibit 1. City of Bandon Water, Coos County, Oregon, Water Management and Conservation Plan October 2003 (<https://www.cityofbandon.org/documents>)
- Exhibit 2. City of Bandon Water Master Plan 1992
- Exhibit 3. 2003 City of Bandon Water Master Plan Addendum
- Exhibit 4. Draft 2022 Revised Water Master Item 5.3.2 (<https://www.cityofbandon.org/general/page/agenda-city-council-september-12-2022>)
- Exhibit 5. Off-channel Reservoir Feasibility Study 2016 (<https://www.cityofbandon.org/documents>)
- Exhibit 6. City of Bandon Sewer Master Plan 2002 ( <https://www.cityofbandon.org/documents>)
- Exhibit 7. Wastewater Treatment Facilities Condition Assessment May 2018
- Exhibit 8. Staff report to Planning Commission. Planning Commission Agenda Documentation. Date:: March 24th, 2022 PUBLIC HEARING: Annexation of 19-Acre Parcel located in East Bandon and Portion (4334 feet) of Highway 101 (28S-14W-31BC / TL 2100, 2200, 2201, 2300, 2700, 3600, 3700, 4200, 4300, 4400) – Request to annex property into the City of Bandon, initiated by the City of Bandon – 22- 022, Item No: 5.1 , pgs. 6- 7 (<https://www.cityofbandon.org/general/page/planning-commission-2>)
- Exhibit 9, Staff report to City Council: City Council Agenda Documentation. Date: April 11, 2022 Public hearing on annexation into the City of Bandon. ITEM 4.1, pgs 6-7. (<https://www.cityofbandon.org/general/page/city-council-2>)
- Exhibit 10. Bandon City Council Minutes for September 12, 2022, City Council Agenda Documentation, October 3, 2022, Item No. 6.1.1 (file name: 6.1.1\_city\_council\_meeting\_minutes\_10.3.22)
- Exhibit 11. City of Bandon Comprehensive Plan (Ordinance 1501 5-05-2003)

## Re: Comment on Appeal for Feb. 21, 2024 Meeting

Nicolette Cline <ncline@ci.bandon.or.us>

Tue 2/20/2024 8:11 AM

To: June Hinojosa <jhinojosa@ci.bandon.or.us>; Dana Nichols <dnichols@ci.bandon.or.us>

Thanks June,

I have started a Public Comment folder for comments received after the 13<sup>th</sup> (the deadline for inclusion of testimony in the City Council meeting packet) and will add all these.

Nicolette

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**From:** June Hinojosa <jhinojosa@ci.bandon.or.us>

**Sent:** Tuesday, February 20, 2024 8:04 AM

**To:** Dana Nichols <dnichols@ci.bandon.or.us>; Nicolette Cline <ncline@ci.bandon.or.us>

**Subject:** FW: Comment on Appeal for Feb. 21, 2024 Meeting

Here is another one.

**From:** jean polequaptewa <[jeanpolequaptewa@yahoo.com](mailto:jeanpolequaptewa@yahoo.com)>

**Sent:** Saturday, February 17, 2024 8:37 AM

**To:** [june@cityofbandon.org](mailto:june@cityofbandon.org)

**Subject:** Comment on Appeal for Feb. 21, 2024 Meeting

Jean & Honani Polequaptewa

1397 Village Loop

Bandon, OR 97411

February 15, 2024

Bandon City Council

City of Bandon Planning Department

City of Bandon Planning Commissioners

Dana Nichols, City Planning Director

Torrey Contreras, City Manager

Re: Appeal of Decision on Gravel Point Resort; Project App #23-045 Bandon Beach Venture, LLC

Dear Members of the Bandon City Council,

We appreciate the opportunity to submit our comments and support for the appeal filed by Oregon Coast Alliance (ORCA) as it relates to the Gravel Point Resort decision of approval. Our main concerns pertain to the lack of current adequate infrastructure as well as the proposed road accesses which go hand in hand.

The proposed Gravel Point accesses off of Beach Loop Road and Carter Street SW currently are not suitably prepared to receive increased vehicular traffic. This includes the abuse to the road surfaces



from heavy equipment during the lengthy period of construction, as well as the increased volume of tourists in quiet residential areas after completion.

If Beach Loop Road is considered as an access point, Beach Loop road initially needs to be improved and pedestrian ways added prior to Gravel Point construction. Currently Beach Loop Road has multiple lane widths as well as heavy pedestrian traffic, where due to the lack of sidewalks, people navigate the street and shoulders while walking and cycling. Upgrading Beach Loop Drive after Gravel Point is completed is backwards logic.

Further Carter Street SW is in a quiet residential area where it doesn't make sense to impose the neighborhood to tourist and resort traffic. Also consider that the residential area bordering the resort on the south side including Carter Street SW and portions of Lincoln Avenue and Spinnaker Drive are located in the R-1 Zone. It is apparent that an entrance off of Carter into the Gravel Point Resort would not be in accordance with the Title 17, Purpose for R-1. Below is an excerpt from the city's zoning regulations:

Title 17

Chapter 17.12.010 Purpose

"The purpose of the R-1 zone is to provide sufficient and desirable space in appropriate locations for residential uses and to protect these areas against congestion, nuisance and objectionable uses which reduce the quality and value of these areas for residential purposes."

We believe the resort entrance on Carter Street SW would create excessive road congestion and interfere with the Ocean Trails residents' quality of life. The increased traffic that would be created from lodging guests would not be in compliance with the Purpose of the R-1 Zone. This further supports the reasons for not allowing an entrance to Gravel Point on Carter Street SW.

A more practical solution is for a main entrance directly off of Hwy 101. This would create a more prominent and visible access for the Gravel Point Resort. A Hwy 101 access would reduce the road use of neighborhoods that don't have the infrastructure for increased traffic. Eventually Beach Loop Road, which is a country road gone awry, could be upgraded with consistent lane width and pedestrian pathways.

Please consider these infrastructure and road access issues when evaluating the appeal written by ORCA. Addressing these issues would bring harmony to the existing community members along with the resort and would be a win-win situation for all.

Respectfully,

Jean & Honani Polequaptewa

## **About Beach Loop**

Beach Loop Dr is generally defined as the 2 miles stretch of road running from Madison Ave. south to Brandon's city limit.

Beach Loop is classified as a minor collector.

It consists of two 10 foot wide lanes equaling a total paved surface of 20 feet. It has no paved shoulders.

The Bandon Transportation System Plan (TSP) in partnership with the Oregon Department of Transportation (ODOT) has recently created an Online Open House Survey. Available on the city's website.

They define Beach Loop as a "road that travels north to south along the edge of Bandon and offers residents and visitors spectacular views of the Pacific Ocean."

"As tourism and outdoor activity has increased in Bandon, more people have been walking and biking along Beach Loop Drive"

"However, the road does not have safe and comfortable places for people to walk and ride."

The survey goes on to describe the exiting transportation issues, listed below based on technical analysis and discussions with the city.

### **Multimodal Conflicts:**

Drivers can encounter people walking and running on the road.

People ride bikes and horses on the road which can surprise drivers navigating curves.

### **Lack of Sidewalks and Paths:**

Some sections of Beach Loop have incomplete sidewalks or lack them completely.

Other sections provide a gravel surface on the roadway shoulder.

As a result, Beach Loop may not feel comfortable for people to walk, roll or bike on.

### **Parking Management:**

Parking needs are high on Beach Loop. On street parking may be difficult to find in summer months.

Drivers may park on the shoulders increasing travel difficulties and danger for people walking and biking.

### **Street Crossings:**

There are minimal street crossings (only two) on Beach Loop.

Hotels on the east side of the road generate a high volume of people who cross without using a crosswalk.

### **Bike Lanes:**

Beach Loop Drive is part of the official OREGON COAST BIKE ROUTE

There are no dedicated bike lanes on Beach Loop Drive leaving residents and visitors without safe ways to bike along the road.



**Narrow Shoulders:**

Beach Loop has narrow or non-existent shoulders, which provide little or no surface for people walking or biking to utilize.

Drivers noted that the narrow width of Beach Loop prompts walkers and bikers to use the middle of the road.

Following this inventory is a list with graphics of potential design concepts to mitigate some of these problems.

**Please look at the proposed concepts and the issues and costs associated with them.**

They are complicated and expensive.

No funds have been allocated for these projects by the TSP.

**THE GRAVEL POINT PROJECT HAS NOT ADDRESSED THESE ISSUES IN ANY WAY.**

There is an anticipated increase of more than twice as much traffic associated with the resort.

At peak travel hours of the day there will be an estimated 122 more car trips, over twice as many as the 94 trips there are today.

This will compound the problems defined in the survey of existing conditions by at least twice as much.

The Traffic Engineering Report only looked at the impact on the 4 intersections associated with the resort. They did not analyze the condition of the road.

The Traffic report also claims that the path planned for the Resort will act as an integral part of a "multi modal network" alleviating some of the problems along Beach Loop.

In fact, the main purpose of the path is to transport people and goods from the main buildings and parking lots to the outlying Suites via golf cart.

There is no real benefit to the public from a gravel path that can't be biked on or rolled on, has very few entry points and dead ends on Face Rock drive.

The applicant also makes the claim that the path conforms to sections of the Scenic Resource Inventory by providing views of the coastline and ocean.

This simply is not true. The only views from the path are of our backyards and windows.

**PLEASE CONSIDER ALL OF THESE ISSUES BEFORE APPROVING THE GRAVEL POINT RESORT**

Thank you,

Nancy Post  
Mark P. Post, PE  
1365 Strawberry Drive SW  
Bandon, OR

Robert Schroeder  
3159 Lincoln Ave. SW  
Bandon, OR 97411

February 20<sup>th</sup>, 2024

RE: Gravel Point project

Dear Members of Bandon City Council,

The February 2024 City Manager's newsletter mentioned an open house hosted by Bandon Beach Ventures on January 18, where the applicant spoke about the benefits to the area of the Gravel Point project including employment opportunities, increased tourism and bed tax revenue providing funding for essential City services and programs and infrastructure improvements. While these are all worthwhile goals, true cooperation between entities needs to include the impact to property owners/dwellers in the surrounding neighborhood.

I have heard comments that Bandon and is becoming the Pebble Beach of the North, which is reflective on the natural beauty in our small community and especially along Beach Loop Road (BL). It is vital this prospective is maintained for residents and city.

The traffic congestion has not been adequately addressed congestion along this drive and impact from proposed commercial development. According to the city, they can impose additional requirements for the assumed use if there is a perceived traffic hazard. We shouldn't wait for an accident to prove a point.

Gravel Point Project team has submitted rebuttals to the project objections including:

- Extending Carter Avenue to BL to provide emergency access to the site



- They conducted a traffic study indicating 111 new trips per day. I believe reading one of the resident's rebuttals indicated current usage at 95 trips per day but all told this is less than the maximum capacity of 300 trips – therefore the street is adequate as is.
- Provide a new trail on the project site that would be available for all residents in the vicinity
- Work with the city in support of their current Beach Loop Access Connector but without a firm financial commitment
- The development team is not opposed to additional sidewalks but asked the question... what's the purpose of a partially built sidewalk walkway system and suggested the city could form a local Improvement District to finance the entire sidewalk from Seabird to 7<sup>th</sup> Ave. at which time the owner would contribute their share of the cost

We foresee concerns with these items for the following reasons:

- Bed Tax Revenues for additional funding are dependent on occupancy and not a given on an annual basis
- Extending Carter Avenue does nothing to relieve congestion on Beach Loop BL
- While driving around the BL area, I observed multiple new starts within the last year which generates additional 1 to 2 trips per day in addition to contractor visits during construction. This residential growth is going to expand exponentially as Bandon gets back on its feet post- Covid
- The new trail on the project site does nothing to relieve congestion on beach Loop Drive
- We experience congestion every day with two way traffic along BL in addition to walkers and bicyclists. The roads are difficult to navigate with all of this congestion. I've heard this road been called a collector which accommodates additional volume of traffic but due to its narrow lanes and lack of shoulders- acts more like a local rural road. Most locals understand how to navigate BL but will become a bigger issue when one- time guests not familiar with all of the congestion navigate this same road with increased traffic.



- On a separate issue, ODOT has indicated no need for a signal light at Seabird Drive and Highway101. We have waited at the stop sign frequently for cross traffic in both directions to clear making more difficult egress. Yet the traffic study estimates a volume to capacity number of .73 which is below the maximum of .80.

In conclusion, as a concerned resident who does not want to see our property values disintegrate due to over congestion and lack of predetermined infrastructure planning and implementation. Traffic infrastructure and mobility is just as important for this project as are calculations for water and sewer capacity. Yet from what we've read there does not appear to be a firm financial commitment from the development.

We suggest a specific line item in the Gravel Point construction budget to accommodate sidewalks and bike paths and commitment to contribute financially to the outcome from the City access study, especially for a \$140 million dollar project. The residents should certainly not bear a significant burden of cost as these improvements benefit local and visitors experiencing the community.

Second, have ODOT reassess the traffic light at Seabird/101 intersection on a periodic basis as the volume increases.

Third, recommend establishing an easement thru Gravel Point to allow future city street development of Edna St. from 101 to BL as shown on Bandon "Future Street Network" plan.

Respectfully,

Robert Schroeder





Dana Nichols <dnichols@ci.bandon.or.us>

## Gravel Point Hotel appeal comments and questions for February 21st meeting

**Robert Schroeter** <schroetr345@gmail.com>  
To: [planning@cityofbandon.org](mailto:planning@cityofbandon.org)

Tue, Feb 20, 2024 at 11:37 AM

Hi Dana,  
I have a few questions/comments for tomorrow's City Council meeting on the Gravel Point Hotel appeal that maybe you and/or the City Council could answer/address.

One is the link to the "Public Comment Packet - PC Hearing" on the city website below doesn't appear to work and/or the document isn't present at that location and comes up with an error message.



23-045 - Type III Consolidated Application - Gravel Point  
[cityofbandon.org](http://cityofbandon.org)

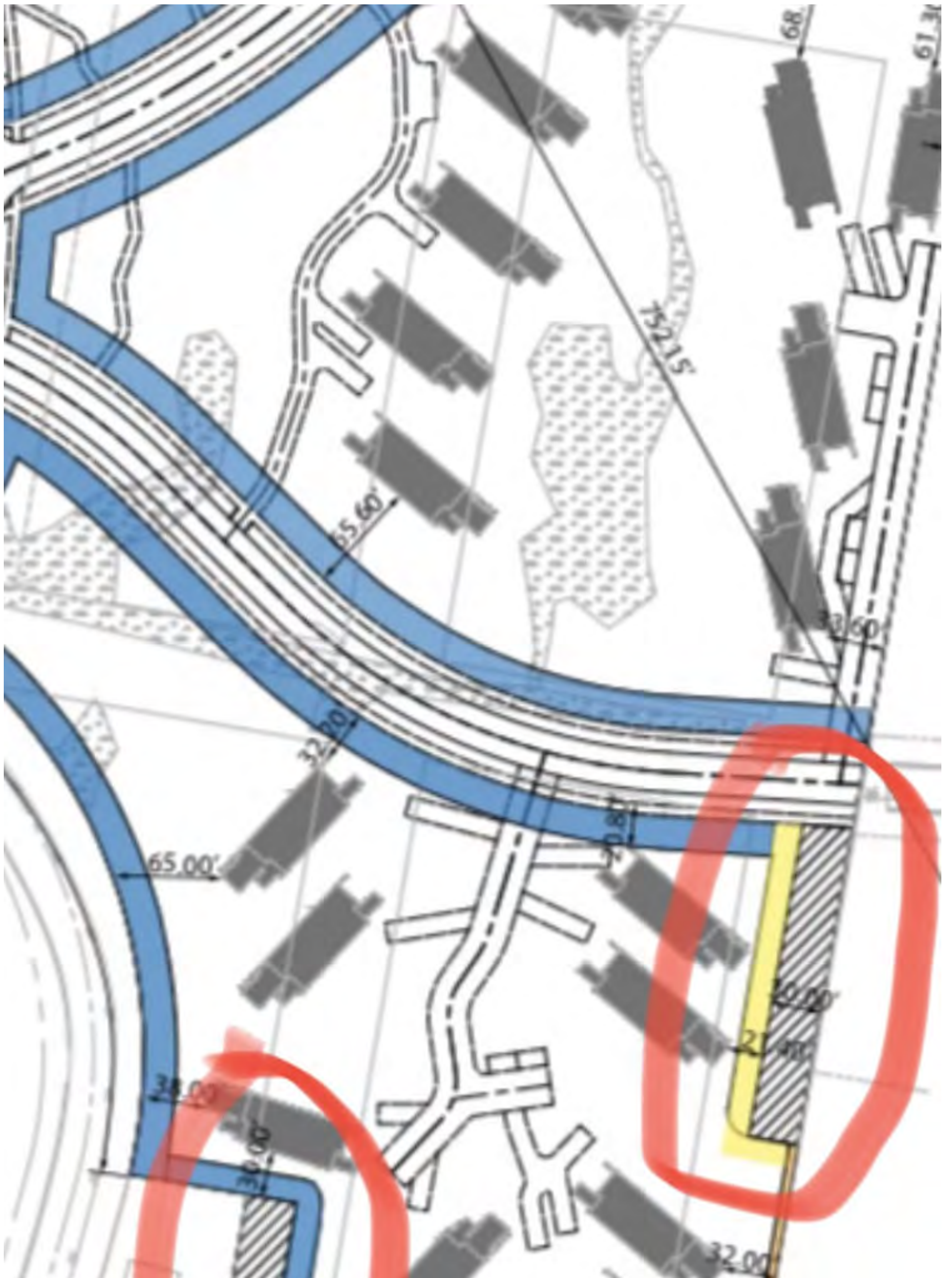


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[cityofbandon.org](http://cityofbandon.org)

Second in the "Restated Combined Application - Gravel Point" document there are a number of the maps in the document that show hatching in areas of the current ROWs at the south end of Mary Street south of Carter and a portion of Matilda Street south of Carter.









# Property Setbacks