

**CONSOLIDATED REQUEST
GRAVEL POINT
Project Narrative and Proposed Findings of Compliance**

APN: 28-15-36C Tax Lots 1500, 400, 500, 600, 700
28-15-36BC 219

OWNER/APPLICANT: Bandon Beach Ventures, LLC
Perk Development Group, LLC

APPLICANT'S REPRESENTATIVE: Coos County Consulting (Sheri McGrath)
PO Box 1548, Bandon, OR 79411

PROJECT NARRATIVE

Gravel Point will be located on a 24.8 acre (6 tax lots combined) parcel zoned CD-1, situated East of Beach Loop Drive, South of Face Rock Drive, and North and West of the existing Carter Street terminus. As shown on the attached plans, it will feature a 110 room hotel building (Meadow Lodge) with guest rooms and amenities including a secondary building (Dune Lodge), spa, guest breakfast room, and valet. A pedestrian skybridge will connect to Dune Lodge with amenities including 3 meeting rooms, a lounge, bar, dining facilities and valet; plus 32 Villas/Suites of 2 different configurations (Meadow Suites and Ridge Line Suites). All guest and staff parking will be located in the lower basement level parking garage under each lodge, with access to the Villas/Suites provided by a golf cart transit system. Additional on street parking is provided at the entrance of both lodges and at the Meadow Suites on the Eastern side of the property.

The design has been developed by delivering on a few guiding principles:

- "Restore the Oregon Coast" by using native plant species and removing invasive plant species to restore the natural and organic environment.
- "Concentrate and Touch Lightly" to make room for wildlife by leaving much of the site as habitat.
- "Be Good Neighbors" by blending into the undulating land, screening with the existing trees and supplementing with new native bushes; by sharing in the amenities of the site by creating walking trails and supplying restaurants within walking distance of home.
- "Gracious Hospitality" with a goal to attract visitors with a high quality hotel with a resort atmosphere that serves golfers, hiking enthusiasts, cyclists, outdoors-people, birdwatchers and beach-goers that love this stretch of the Oregon Coast.

We are confident that the community will benefit from the proposed development as buildings and impervious surfaces cover only 22% of the total lot area and this benefit will provide a park-like setting with opportunity for hiking, wildlife viewing and a trail connection through Bandon by enhancing pedestrian and vehicle circulation away from Beach Loop Drive. It will

be an upscale hospitality experience that is focused on health and wellness in a natural environment; a considerate development with a focus on LEED certification which further benefits the community. This certification can only be achieved by lowering carbon emissions, enhancing resilience and creating healthier places for people.

The goal of sustainable development will provide long-term stability for the economy and environment which is only achievable through the integration of economic, environmental, and social concerns throughout the design and planning process. This project has considered each of these components and is proposing a low-profile, light footprint and aesthetically pleasing approach that will achieve the goal of improved economic development and nature conservation. You will see in the following pages and in the attached presentation that the Wetlands, Dunes and Wildlife have been the prominent focus. The building structures also support a sustainable wildlife habitat.



SITE PLANS

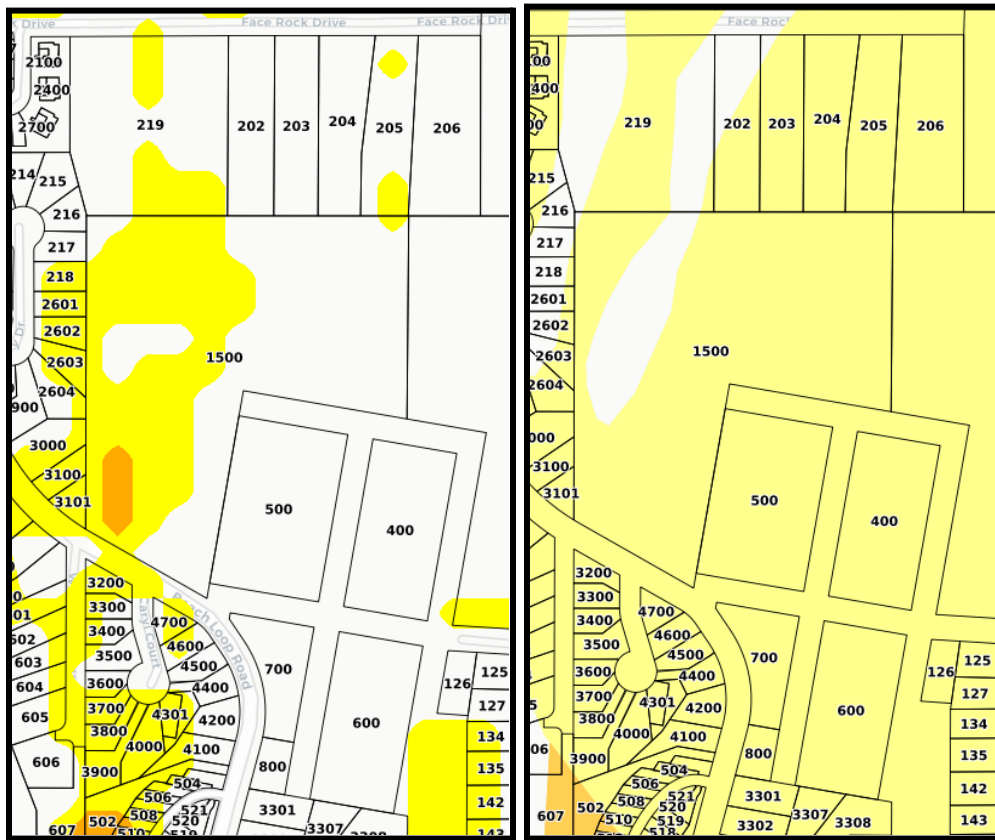
SITE CONDITIONS

The site is unique in that the elevation ranges from 70' to 115' above sea level. The high portion of the site is next to the residential neighborhood at Strawberry Drive. The lower area is similar in elevation to the Ocean Trails Subdivision, though buffered by vegetation.

Nearly the entire site is covered with surficial layers of organic topsoil and peat of varying thicknesses. The West side of the site consists of an irregular pattern of sandy dunal deposits. The dunes are hummocky and most of the surface is covered with a minimum of 12" of organic topsoil. Depending on the elevation, the soils subsurface consist of loose to very loose, fine sand. Below these fine sands are layers of dense, gravelly sands and sandy gravels. The East side of the site is relatively flat and between 12" and 24" feet of highly organic/peat topsoil covers this area.

The site is not located within the 100-year floodplain. There are inventoried wetlands on the site and additional insignificant wetlands have been delineated. The site is not identified as a high landslide or high liquefaction area as identified by DOGAMI.

The site is located in the gorse abatement district and the management of the gorse has been a focus over the last year. Endeavors to reclaim the landscape are underway and proposed, in that the wetlands will be enhanced and managed for gorse and other invasive species. The dunes and meadow lands will be replanted with native shrubs and trees.



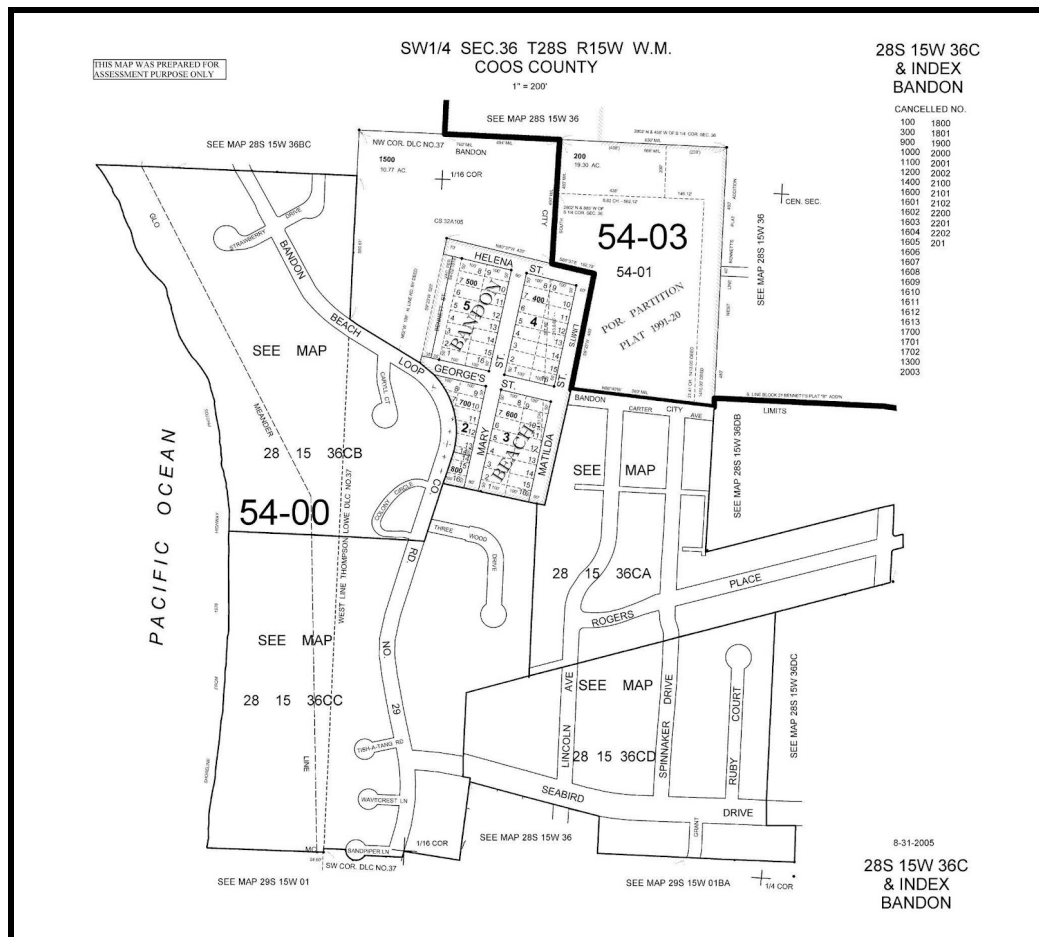
LANDSLIDE= LOW

LIQUEFACTION= LOW

BANDON BEACH PLAT

The property consists of 6 tax lots and 61 discrete parcels. Tax Lots 400, 500, 600 and 700 comprise 100% of the undeveloped Bandon Beach Subdivision lots with 59 discrete parcels and 4 undeveloped streets. The property is not developed, the streets are not open, and there are no utilities. The access to Beach Loop Drive from this subdivision is not considered safe as platted, and the North/South connections dead-end at Tax Lot 1500 which is not associated with the Plat. In discussions with the Public Works Department, the safer approach to Beach Loop Drive is as shown on the current proposal to connect Carter Street to Beach Loop Drive where vision clearance at the intersection is not only met but exceeded.

The applicant has asked the City for a vacation of the existing undeveloped plat, including street rights-of-way. The street layout will be reconfigured to provide a new East/West extension of Carter Street which connects to Beach Loop Drive. Beach Loop Drive will serve as the primary access point to the property. An additional new access street is also proposed, which will stub at approximately the midpoint of the East property line and can be extended to provide street access into the adjacent parcel to allow a future connection to Face Rock Drive. The applicant owns the adjoining acreage, and will work with the City for a North/South and East/West connection through the planning phases of development. A proposed trail system will connect the Seabird area to City Park.





PROPOSED CIRCULATION PLAN



PROPOSED PUBLIC AND PRIVATE ROADS

CONSOLIDATED REQUEST

This is a concurrent application and proposed findings addressing compliance with all City of Bandon regulations, including the Zoning Code, Comprehensive Plan, Transportation System Plan, Bandon Gorse Compliance District Plan, Water and Sewer Master Plans. Consolidated review is specific to the Conditional Use for Hotel, Motel, Spa and Restaurant uses along with the proposal as it meets the intention of the Commercial Design Standards and Conditions for requiring design features that minimize environmental impacts.

The applicant has provided the required applications and associated fees for a consolidated review process. The City Council is the reviewing body for subdivision plat vacations and street standards and is therefore being considered separately from the planning applications presented herein. Approval of the vacated plat and street standards will be contingent upon development of the approved Conditional Use Permit application, so that the public rights-of ways remain publicly beneficial and provide a connection point from Carter Street to Beach Loop Drive.

BANDON MUNICIPAL ZONING CODE REVIEW

17.02 Definitions

"Commercial" means land use involving buying/selling of goods or services as the primary activity."

"Conditional use" means a use which requires a conditional use permit."

"Height of building or structure" means the vertical distance from the native grade to the highest point of the roof. On slopes, the height of the structure shall be determined by taking the height of each side of the building measured from grade at the center of the wall to the highest point of the roof and divided by the number of measured sides."

"Hotel" means a building in which lodging is provided to guests for compensation and in which no provisions are made for cooking in the lodging rooms."

"Human-scale design/development" means site and building design elements that are dimensionally related to pedestrians, such as: small building spaces with individual entrances (e.g., as is typical of downtown and main street developments); larger buildings which have articulation and detailing to break up large masses; narrower streets with tree canopies; smaller parking areas or parking areas broken up into small components with landscaping; and pedestrian amenities, such as sidewalks, plazas, outdoor seating, lighting, weather protection (e.g., awnings or canopies), and similar features. These features are all generally smaller in scale than those which are primarily intended to accommodate automobile traffic."

"Impervious surface" means a development which does not allow for water infiltration (e.g., pavement, roofs, etc.)."

"Incompatibility of land uses" means an issue arising from the proximity or direct association of contradictory, incongruous or discordant land uses or activities, including the impacts of noise, vibration, smoke, odors, toxic matter, radiation and similar environmental conditions."

"Landscaping" means any combination of living plants such as trees, shrubs, plants, vegetative ground cover or turf grasses, and may include structural features such as walkways, fences, benches, plazas, works of art, reflective pools, fountains or the like. Landscaping also includes irrigation systems, mulches, topsoil, and revegetation or the preservation, protection and replacement of existing trees."

"Lot coverage" means the area of a lot covered by a building or buildings expressed as a percentage of the total lot area."

"Motel" means a building or group of buildings on the same site containing guest units with separate entrances directly to the exterior and consisting of individual sleeping quarters, detached or in connected rows, for rental to transients."

"Native grade" means the level of the ground prior to alteration."

"Natural resource areas/natural resources" means the same as sensitive lands."

"Performance zoning" provides that the criteria for evaluating an application are the net results or effects of the proposal, rather than a rigid set of rules or proscriptions."

"Sensitive lands" means wetlands, riparian areas, significant trees, steep slopes, flood plains and other natural resource areas designated for protection or conservation by the comprehensive plan."

"Scale" means the relationship of a project or structure in terms of size, height, bulk intensity, and aesthetics to its surroundings."

"Street stub" means a temporary street ending (i.e., where the street will be extended through adjacent property in the future, as those properties develop). Not a permanent street-end or dead-end street.

"Storm water facility" means a detention and/or retention pond, swale or other surface water feature that provides storage during high-rainfall events and/or water quality treatment."

"Swale" means a type of storm water facility. Usually a broad, shallow depression with plants that filter and process contaminants."

"Topographical constraint" means where existing slopes prevent conformance with a code standard."

"Vacate plat/street" means to abandon a subdivision or street right-of-way. For example, vacation of a public right-of-way that is not needed or cannot be used for a street or other public purpose. A plat may be vacated, returning the property to an undivided condition."

"Variance" means an administrative or quasi-judicial decision to lessen or otherwise modify the requirements of this code."

"Wetland" means land areas where water is the dominant factor determining the nature of soil development and the types of plant and animal communities. They are defined more specifically by the Federal Clean Water Act (Section 404) and Oregon Administrative Rules (OAR 141-85-010)."

17.20 CD-1 Zone

17.20.010 Purpose of the CD-1 Zone

The purpose of the CD-1 zone is to recognize the scenic and unique qualities of Bandon's oceanfront and nearby areas and to maintain these qualities as much as possible by carefully controlling the nature and scale of future development in this zone. It is intended that a mix of uses would be permitted, including residential, tourist commercial and recreational. Future development is to be controlled in order to enhance and protect the area's unique qualities.

Applicant's Response: The CD-1 zone anticipates a mix of residential, tourist commercial and recreational uses, and Gravel Point has all three components. The use is consistent with the intention of a mixed-use district and the desire to enhance and protect the area's unique qualities.

As shown on the attached plans and drawings, the design of Gravel Point generally follows the contours of the natural terrain of the property and will fit well into the nature and scale of the nearby areas. Considering its low-profile design and location on the East side of Beach Loop Drive, the project will not negatively impact ocean views from surrounding residences.

The project will enhance the scenic views on the subject site by restoring the natural landscape and providing access to the wetlands, dunes and wildlife habitat for the general public to enjoy. The design team has controlled the development to enhance and protect the area's unique qualities by limiting development sprawl and instead focusing on two main structures with Green (vegetated) Roofs for bird habitat and storm water runoff control. The Villas/Suites are residential in nature and are intended to blend into the residential neighborhoods they adjoin. The Lodges are located in the lowest portion of the site and screened from residential development to the North, South and West.

17.20.030(D,E) Conditional uses.

In the CD-1 zone, the following uses and their accessory uses may be allowed in accordance with Chapter 16.12 and the provisions of this title:

D. Commercial retail sales and services; E. Motel, hotel

Applicant's Response: Since Gravel Point will include both hotel rooms and individual Villas/Suites, it meets the definitions of both a "Hotel" and a "Motel." Both are classified as a Conditional Use. The Restaurants and Lounges and Spa are considered "Commercial retail sales and services." Accordingly, proposed Findings of compliance with the Conditional Use Permit requirements are included with this application.

17.20.040(B,D) Limitations on Use.

(B) Siting of structures should minimize negative impact on the ocean views of existing structures on abutting lots. Protection of views from vacant building sites should also be taken into consideration. Where topography permits, new structures should be built in line with other existing structures and not extend further into those viewscapes.

Applicant's Response: Considering its low-profile design and location on the East side of Beach Loop Drive, the project will not negatively impact ocean views from surrounding residences- existing or proposed. All required setbacks are exceeded and take into account the topography and the surrounding uses.

(D) No structures shall be located on identified foredunes...

Applicant's Response: A foredune is defined as "A part of a system of sand dunes on the side nearest to the sea." The subject site has a sand dune, but it is not the type of dune protected by the Beaches and Dunes overlay and Statewide Planning Goal 18.

17.20.060 Lot size.

In the CD-1 zone, except as provided in Section 17.104.050, minimum lot size shall be as follows:

B. Lots shall have a minimum of forty (40) feet of physically accessible street frontage.

C. Lot depth shall be at least ninety (90) feet.

Applicant's Response: Gravel Point will significantly exceed the City's minimum lot size and related dimensional standards. This will ensure the permanent preservation of open space, which will provide a significant benefit for surrounding properties and residences.

17.20.070 Yards.

Except as provided in Section 17.104.060, yards in the CD-1 zone shall be as follows:

A. The front yard shall be a minimum of twenty (20) feet.

B. Each side yard shall be a minimum of five feet, and the total of both side yards shall be a minimum of thirteen (13) feet, except that for corner lots, a side yard abutting a street shall be at least fifteen (15) feet.

C. The rear yard shall be at least ten (10) feet except that in such a required rear yard, storage structures (less than fifty (50) square feet), and other non-habitable structures may be built within five feet of the rear property line, provided that they are detached from the residence and the side yard setbacks are maintained. Such structures shall not be used as or converted for habitation, shall not be connected to any sewer system and shall not exceed sixteen (16) feet in height.

D. Where a side yard of a new commercial structure abuts a residential use, that yard shall be a minimum of fifteen (15) feet.

E. A rear yard abutting Beach Loop Drive shall be a minimum of fifteen (15) feet.

Applicant's Response: Gravel Point will significantly exceed the minimum yard setback requirements. This will benefit and protect surrounding properties with respect to views, open space, sunshine, and the like.

17.20.080 Lot coverage.

In the CD-1 zone, buildings shall not occupy more than fifty (50) percent of the lot area. Total impervious surface shall not exceed 65%.

Applicant's Response: The lot coverage for the proposed buildings is 8.5%. The total impervious surface coverage does not exceed 22%.

17.20.090(B) Height of Buildings and Structures.

In order to maximize the ocean view potential of lots in the CD-1 zone:

B. East of Beach Loop Drive and south of Seventh Street SW, except as otherwise permitted in 17.20.100 Exceptions to height limitations, or pursuant to 17.20.090.B.1 (below), no portion of any building or structure shall exceed a height of twenty-eight (28) feet, measured as provided in 17.02 Definitions, "Height of building or structure."

1. With the specific approval of the Planning Commission, a building or structure may exceed a height of twenty-eight (28) feet, up to a maximum height of thirty-five (35) feet.

Applicant's Response: The applicant is requesting Planning Commission approval of the 35' height allowance for the Meadow Lodge. This will

enable parking to be located on the lower basement level and reduce impervious coverage on the site to retain the natural habitat of flora, fauna and landform. The request is to evaluate the application for the net results rather than applying the rigid set of rules as defined by “Performance Zoning.”

a. Review Criteria

In deciding whether to approve or deny a request for the additional height, the Planning Commission shall consider and require conformance with the following review criteria. It shall be the applicant’s responsibility to provide sufficiently detailed plans, data, and all other information necessary for the Planning Commission to determine whether the proposed additional height complies with the applicable review criteria.

(1) The additional height shall not negatively impact the views from surrounding properties.

(2) The additional height shall not cut off sunlight onto surrounding properties.

(3) The additional height shall not negatively impact the aesthetic character of the neighborhood.

(4) All portions of any roofs above 28 ft. shall be sloped a minimum of 3:12 and must slope down and away from the highest point of the structure.

(5) For each one (1) foot, or portion thereof, that the highest point of the structure exceeds twenty-eight (28) feet, the minimum required front, side, and rear setbacks, as defined in 17.02 Definitions, shall each be increased by one (1) foot.

Applicant's Response: The Meadow Lodge is located on a lower topographical bench from the properties on Strawberry Drive and is located on the East side of Beach Loop Drive by approx 400’ and North of Carter Street by approximately 300’. The additional height will not negatively impact the views from the surrounding properties, nor will sunlight be cut off from any existing or proposed development. All future development on the East side is controlled by the applicant who is the rightful owner of that land.

The applicant is requesting an exception to the 3:12 roof slope requirement. The requested height allowance will improve the views from the surrounding properties by providing Green (vegetated) Roofs. These roofs maintain a horizon line which reduces interruption to the open sky. Green Roofs create a bird sanctuary, so the views will be enhanced by additional bird activity in the vicinity. The view from above will be looking at a garden, seamlessly blending into the natural landscape - an alternative to a metal roof with a pitch that adds noise to an open sky. The request is to evaluate the application for the net results rather than applying the rigid set of rules as defined by “Performance Zoning.”

The additional height and elimination of the 3:12 roof pitch will not negatively impact the aesthetic character of the neighborhood. The design team has taken aesthetics into great consideration, and the design blends into the natural habitat in regard to finishes, color palette and shape. The surrounding area contains a mix of residential architecture that comprises a variety of roof pitches and exterior finishes, all of which appear to be comparable to the proposed design.

The need for a 35' height is to reduce the amount of impervious surfaces on the site by allowing the incorporation of parking within the two Lodges, retaining the existing flora and fauna as much as possible, and enhancing these areas by restoring the wetlands and planting native plants. Additionally, it would eliminate an important component of our sustainable approach of being good environmental stewards.

A Green Roof provides more than a bird habitat. It can reduce the flow of stormwater by up to 65%, lower energy consumption, and reduce pollution. When considering the overall impact of development on a site of any size, a Green Roof is a responsible way to develop.



BUILDING HEIGHTS

b. Review Procedures and Public Notices

The review and approval of requests for additional height as provided herein shall be considered limited land use decisions, and shall be subject to the application, review, and public notice procedures as specified for limited land use decisions in Chapter 16.04.

Applicant's Response: The applicant requests that the hearing for the additional height be held concurrent with the hearing for the Conditional Use Permit.

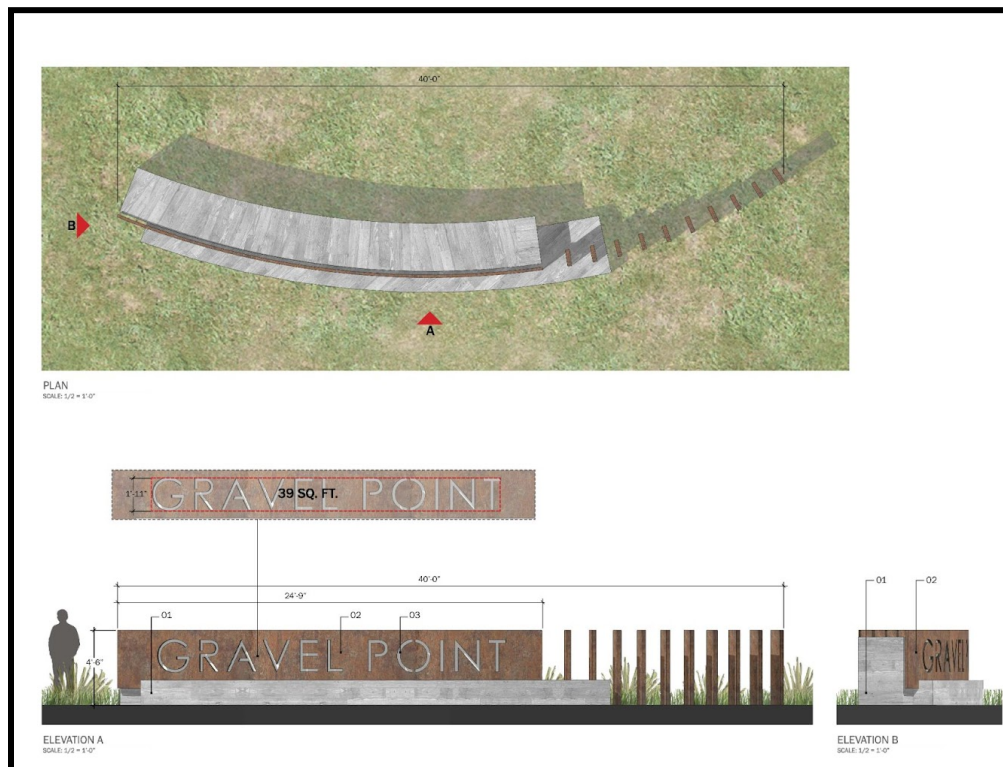
17.90 SIGNS

17.90.010 The purpose of this chapter is:

- A. to ensure that signs are designed, constructed, installed and maintained to promote safe public automobile, bicycle, and pedestrian traffic;
- B. to protect the health, safety, property and welfare of the public;
- C. to provide prompt identification of businesses and residences for emergency access;
- D. to promote economic development;
- E. to provide clear achievable standards and balance the need of business with the desire to preserve and enhance the visual character of the City.

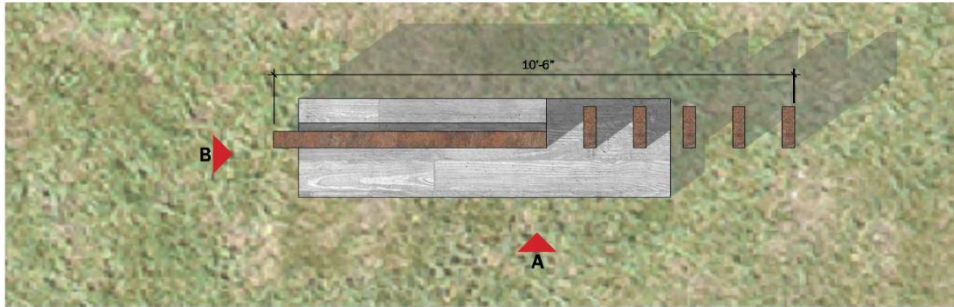
Applicant's Response: The proposed signs have been designed to be identifiable for the business activity while taking into account pedestrian and vehicular traffic and the overall scale of the neighborhood in which it is proposed.

The main entrance sign structure is 4'-6" in height and the total length is 40'. The 40' dimension includes a series of angled monuments that give views of the natural landscape of the development. The actual sign area is 20' in length and 2' in height. The sign contains natural finishes that preserve the views of the natural landscape and enhance the visual character of the City.

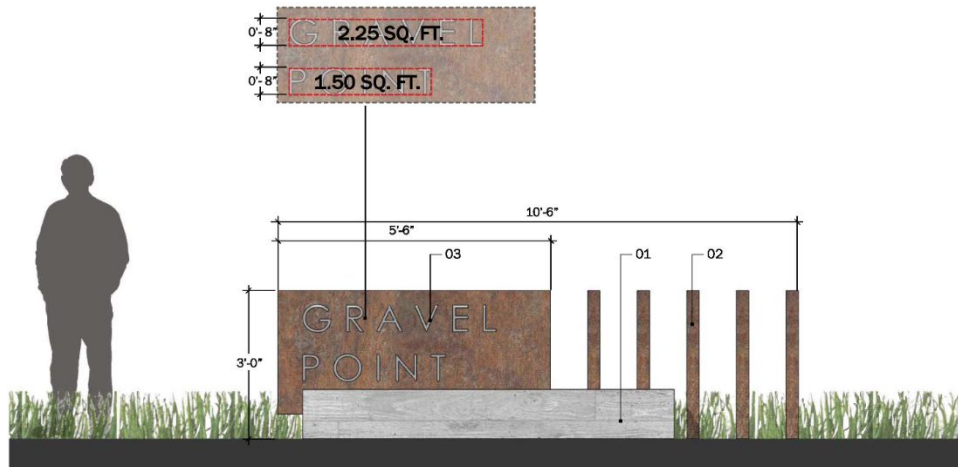


MAIN ENTRANCE PROPOSED SIGN

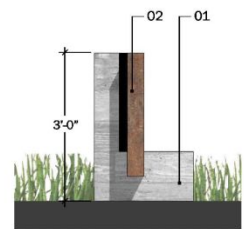
The proposed sign structures at Face Rock Drive and Carter Streets are 3'-0" in height and the total length is 10'-6". The 10'-6" dimension includes a series of angled monuments that give views of the natural landscape of the development. The actual sign area is less than 5'-6" in length and less than 2' in height. The sign contains natural finishes that preserve the views of the natural landscape and enhance the visual character of the City. The sign area square footage is 3.75sf in total.



PLAN
SCALE 1" = 1'-0"



ELEVATION A
SCALE 1" = 1'-0"



ELEVATION B
SCALE 1" = 1'-0"

PROPOSED SIGNS AT FACE ROCK DRIVE AND CARTER STREET

17.90.020 Scope

A. The provisions of this chapter shall apply to exterior signs, and signs attached to the interior or exterior surface of windows.

1. Nothing in this chapter shall permit the erection or maintenance of any sign at any place in any manner unlawful under this or any other chapter of the City of Bandon Municipal Code or State or Federal law.

2. Official Notices. Nothing contained in this chapter shall be deemed or construed to apply to advertising structures or signs used exclusively to display official notices issued by any court or public office or posted by any public officer in performance of a public duty, nor a private person in giving a legal notice

3. These provisions do not apply to signs owned and installed by the City.

Applicant's Response: All signs comply with this section.

17.90.030 General Provisions

Applicant's Response: Portions of this section have been intentionally left out of the findings because of their irrelevance to this request. For example, reader boards, flags and memorials are not proposed for the subject site now or in the future.

A. General provisions apply to all signs and advertising structures in all zones.

1. Except as provided in Section 17.90.040, H., all signs must be located on the same property on which the activity to which the sign refers is located. Signs attached to a building, which are allowed by a temporary right-of-way permit to extend into the right-of-way are not considered off-site signs.

Applicant's Response: All proposed signs are located on the subject property.

2. No sign shall interfere with the required vision clearance area.

Applicant's Response: All signs are in compliance with this section and exceed the vision clearance requirements as described in Section 17.96.050(H) and 17.104.090.

4. The area of a sign shall be the area of the smallest rectangle required to encompass the outside of all words, numbers, letters, logos and symbols.

Applicant's Response: The area of the main entrance sign is 40 square feet, and reads "Gravel Point." The secondary signs at Face Rock Drive and Carter Streets have a signage area of 3.75sf and read "Gravel Point."

3. *When the angle of a double-sided sign is less than 10 degrees, only one side will be calculated in the sign area.*

Applicant's Response: The proposed signs are not double-sided. All other directional signs will be less than 10 degrees when double-sided.

4. *Signs, except as otherwise specifically allowed herein, are prohibited in the public right-of-way.*

Applicant's Response: All signs are in compliance with this section.

5. *No freestanding sign shall exceed a height of fifteen (15) feet, measured from existing grade to the highest point of the sign.*

Applicant's Response: The tallest sign structure is 4'-6" in height.

6. *No sign attached to any building shall exceed twenty (20) feet in height, or the height of the building, whichever is less.*

Applicant's Response: All signs are in compliance with this section.

7. *No single sign shall exceed forty-eight (48) square feet in size.*

Applicant's Response: The largest sign is 40 square feet in size.

8. *Except as otherwise allowed in this chapter, all signs shall comply with the building setback requirements.*

Applicant's Response: All signs are in compliance with this section.

9. *No sign projecting from a structure or mounted on a pole shall be less than eight feet above the ground at its lowest point.*

Applicant's Response: No projecting or pole mounted signs are proposed.

10. *No freestanding signs shall be permitted in the public right-of-way, except as otherwise specifically allowed in this Chapter.*

Applicant's Response: All signs are in compliance with this section.

14. *Nuisances or Hazardous Conditions prohibited:*

a. *The illumination of signs shall be designed to eliminate negative impacts on surrounding right-of-way and properties.*

- b. No sign or light source shall create a distraction, hazard, or nuisance.*
- c. Signs shall not be used at a location or in a manner so as to be confused with, or construed to be, traffic control devices.*

Applicant's Response: All illuminated signs will be gently illuminated using indirect back-lighting technology. There will be no flashing, colored or upward facing lights.

- 17. All signs shall be securely fastened to their supporting surface or structure.*

Applicant's Response: All signs are in compliance with this section.

- 19. Other than flags and windsocks as otherwise allowed, no mechanical or moving signs shall be permitted. No sign shall contain or be illuminated by any flashing, blinking, moving, or rotating light.*

Applicant's Response: All signs are in compliance with this section.

- 22. All signs shall be of professional quality and shall be well-maintained.*

Applicant's Response: All signs are in compliance with this section.

- 23. An eating and drinking establishment may attach to a window a menu, identical to those distributed to customers. Such a menu will not be used in the calculation of total sign area allowed.*

Applicant's Response: The applicant is grateful that the City of Bandon has an allowance for menus that are not included in the square footage calculations.

- 24. Incidental signs displayed strictly for a direction, safety, or the convenience of the public, including but not limited to signs that identify restrooms, public telephones, parking area entrances, and exits are allowed. Individual signs in this category shall not exceed two square feet in area and shall not be considered in calculating the total sign area allowed.*

Applicant's Response: The directional signage will not exceed 2 square feet in size.

17.90.040 Temporary Signs

Applicant's Response: Portions of this section have been intentionally left out of the findings because of their irrelevance to this request.

A. Temporary signs shall not be illuminated.

B. Temporary signs and banners shall be well maintained at all times and shall be removed promptly when the approved display period has ended.

E. Signs on a construction site where a valid Zoning Compliance and building permit is in effect, designating the contractor, architect, project manager, lending institution and other firms relating to the construction, may be allowed, provided that all such signs shall be contained within a single twenty square foot rectangle.

G. In addition to the signs specifically allowed pursuant to this section, temporary, on-site signs may be allowed by the City Manager or his designate, provided the total allowance for any property shall not exceed 90 calendar days per year.

Applicant's Response: The applicant is grateful that the City of Bandon has an allowance of 20 square feet for related firms to advertise their project. Additional temporary signs will be submitted to the City Manager for approval if later proposed.

17.90.080 Controlled Development Zones (CD-1, CD-2, CD-3)

B. Permitted Signs for Commercial Uses

1. A commercial sign shall require approval by the Planning Commission through the Conditional Use process.

2. Total area of all exterior sign allowed on the property shall not exceed one square foot for each two linear feet of street frontage.

3. A sign shall be set back ten (10) feet from any adjoining lot used for residential purposes.

Applicant's Response: Sign locations are shown on the attached plans. The structure that contains the main sign is 180 square feet in size, and the sign area is approximately 40 square feet. The sign structures at Face Rock Drive and Carter Streets are 32 square feet, and the sign area is approximately 4 square feet in size. The sizes are less than the allowable 2 square feet per 1 linear foot of street frontage. The minimum setbacks have been exceeded.

17.94 COMMERCIAL DESIGN STANDARDS

17.94.010 Purpose

The purpose of this chapter is to promote growth management and the planning of development to protect resources and maximize Bandon's economic assets and advantages. Commercial Design Standards are intended to reflect Bandon's unique historic landscape and architectural character while encouraging the visual quality and continuity of commercial development. The standards will provide greater visual design interest, pedestrian-oriented site design, compatibility with uses and development on adjacent land, and a greater likelihood of building reuse. As future growth and urbanization occur, certain measures will be required to preserve the quality of life of Bandon's residents and the City's attraction to visitors.

Applicant's Response: As illustrated on the attached Gravel Point plans, the location and design of the Lodges and Villas/Suites fit well into, and compliment, the existing landscape, topography, and surrounding neighborhoods. The site and building plans illustrate the applicant's commitment to provide greater visual design interest, pedestrian-oriented site design, and compatibility with the uses and development on adjacent land.

17.94.030 Pre-application

A. Developers of buildings affected by this section shall meet with City Planning Staff in a pre-application review.

Applicant's Response: The applicant met with City Planning Staff in a pre-application review meeting on May 31, 2023.

17.94.040 General Provisions

A. These Design Standards include, but are not limited to:

- 1. Landscaping,*
- 2. Building design, mass, scale, use of materials,*
- 3. Lighting.*

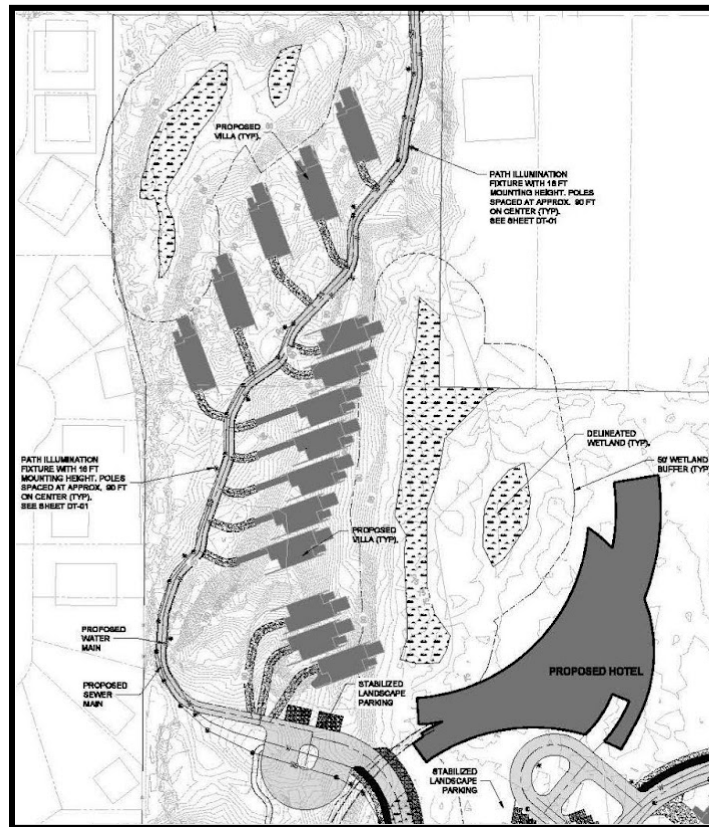
Applicant's Response: As shown on the attached plans, Gravel Point will meet or exceed the City's requirements for landscaping and lighting. Building design, mass, scale and materials have been based on the intent of the commercial design standards as they relate to location.

<p><u>Dune Area</u></p> <ul style="list-style-type: none"> • Oregon Dune Sand • Dune/Beach Grass • Scotch Broom (Manicured) • Lavender • Star Jasmine (Hedges and Light Poles) • Sitka Spruce (Bonsai Design) 	<p><u>Wetlands Area</u></p> <ul style="list-style-type: none"> • Common Cattail • Horsetail • Rosemary • Purple Loosestrife • Lavender
<p><u>Meadow Area</u></p> <ul style="list-style-type: none"> • Karl Foerster Grass • Deer Grass • Purple Carpet Creeping Thyme • Pink Muhly Grass • California Fescue • Tufted Hairgrass 	<p><u>Forest Area</u></p> <ul style="list-style-type: none"> • Shore Pine • Monterey Cypress (Bonsai Design) • Coast Redwood (Bonsai Design) • Carpet Moss • Blackcap Raspberry • Western Sword Fern • Boulders and Natural Rock Features

PRELIMINARY LANDSCAPE PLAN



SITE PLAN SHOWING VEGETATION



B. Dumpsters, trash enclosures, and other appurtenant structures shall be screened with landscaped areas or constructed of materials and finishes which are consistent with the main building.

Applicant's Response: It is the mutual desire of the developer and the City to screen dumpsters, trash enclosures and other appurtenant structures with materials consistent with the buildings they serve.

17.94.060 Landscaping

A. General:

1. All landscaping plans shall be approved by the Reviewing Body and installed and subsequently maintained in good condition and in perpetuity by the owner of the property. Maintenance shall include, but not be limited to, watering, pruning, trimming, mowing, debris and weed removal, and if necessary, replanting or replacement of failed landscape elements. Failure to maintain the landscaping in good condition shall be considered a nuisance and subject to citation to Municipal Court under Section 8.08 of the Bandon Municipal Code.

Applicant's Response: It is the mutual desire of the developer and the City to maintain all landscaping and to keep the grounds in overall pristine condition. The driving force in the design proposal is landscape and enhancing the wetlands, dunes and meadows.

2. Building facades which face a street or sidewalk, shall have a four-foot-wide landscaping strip separating the building from the street and/or sidewalk. This section shall not apply to building facades separated from a street or sidewalk by a parking lot.

Applicant's Response: The enclosed plans show that landscaping strips are proposed and likely exceed the minimum requirement listed.

3. Landscape density shall be uniform throughout the site and include site amenities such as focal points, public trash receptacles, low wattage lighting, and water features, for areas around a building over 2,500 square feet.

Applicant's Response: The proposed landscape is uniform throughout the site as it considers existing trees and natural features such as the wetlands. The focal points will be the wetland areas, dune trails and pocket gardens throughout the subject site. Lighting will be low wattage and downward facing. The landscape design exceeds the minimum requirement listed.

4. *Trees and shrubs used shall be selected from varieties compatible with the Southern Oregon Coast climate and which do not have destructive root systems which could damage either buildings or paved surfaces.*

Applicant's Response: The landscape architect will take into account this design consideration when installing native bushes and plants. Currently a mix of coastal grasses, herbs, shrubs and trees are proposed. Plants with deep root systems will not be located next to paved surfaces or buildings.

5. *Trees shall be planted in landscaped areas such that the tree trunk is at least 3 ft. from any curb or paved area.*

Applicant's Response: The landscape architect will take this into account when locating and installing trees. Newly planted trees will not be located within 3' of curbs, paved surfaces, or buildings.

6. *The landscaped area shall be planted with shrubs and/or living ground cover to assure 50% coverage within 1 year and 90% coverage within 5 years. (Landscaped area is either covered with low lying plants or overhung by the branches of shrubbery).*

Applicant's Response: The landscape architect will take into account this design consideration when installing ground cover, native bushes and plants.

7. *All bare earth shall be covered with bark, mulch, landscape rock, or other similar landscaping material to prevent dust and soil erosion.*

Applicant's Response: Per the Galli Group erosion control plan, exposed earth will be covered with bark, mulch, landscape rock or other material known to be an erosion control method to prevent dust, soil erosion and run off.

8. *Landscaping shall conform to the vision clearance standards of the underlying zone.*

Applicant's Response: All landscaping and other items within the vision clearance areas defined by the City will comply with the required standards.

B. Screening

1. *Dense landscaping and/or architectural treatment shall be provided to screen features such as storage areas, trash enclosures, transformers, generators,*

propane tanks, and other appurtenant structures.

Applicant's Response: It is the mutual desire of the developer and the City to screen dumpsters, trash enclosures and other appurtenant structures with materials consistent with the buildings they serve.

2. Features used to screen electrical equipment shall be approved by the electric department.

Applicant's Response: The developer will work with the Electric Department to locate appropriate areas for transformers and the type of screening they prefer as agreed upon in the pre-application meeting.

3. Where property abuts a residential zone, a fence, a minimum of six feet in height shall be installed on the property line to minimize adverse effects of the development on neighboring residences.

Applicant's Response: As shown on the plans, a 6' tall landscaping screen is proposed to be located on sides abutting residential properties. The surrounding properties have fences installed already. The setbacks exceed the minimum city standards, so there is room for design flexibility and the opportunity to be good neighbors.



SCREENING PLAN FROM RESIDENTIAL PROPERTIES

4. *Perimeter fencing, security fencing, or gateways shall be constructed of materials which are compatible with the design and materials used throughout the project.*

Applicant's Response: All fencing will be constructed of wood and compatible with other materials used throughout the project.

5. *Razor wire and electric fencing are prohibited.*

Applicant's Response: No Razor wire and/or electric fencing will be used.

6. Chain link fencing, with slats, may be allowed provided it is used as a screening element and the slats are a material consistent with the main building.

Applicant's Response: No chain link fencing will be used. Temporary fencing during construction may be needed to secure building materials.

7. *All rooftop mechanical equipment, including satellite or other telecommunications equipment, shall be screened from public view at building grade.*

Applicant's Response: Any rooftop mechanical equipment, including satellite and other telecommunications equipment, will be screened from public view at building grade.

17.94.070 Lighting

A. *Night lighting and security lighting shall be shielded to ensure that there is no off-site glare or skyward illuminations.*

B. *Parking lot and landscape lighting shall be low to the ground, to reduce glare and illuminate all pedestrian walkways.*

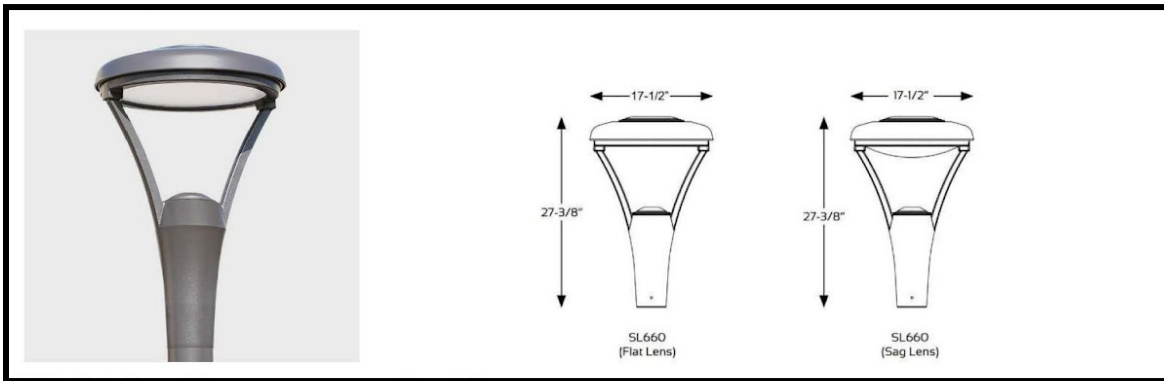
C. *Light standards (poles) shall not exceed the height of the building at any time and shall not exceed 14 ft. in height along pedestrian pathways.*

D. *All other outdoor light fixtures emitting 2,050 lumens or more shall be shielded as follows:*

1. *Within 50 ft. of the property boundary, light fixtures shall be full cutoff.*

2. *All other outdoor lighting fixtures shall be semi-cutoff or full cutoff.*

Applicant's Response: All lighting fixtures will meet or exceed the City's requirements. The enclosed plans show the probable location of lights and all will be shielded to avoid glare and skyward illuminations. A dark sky is important to the development, wildlife habitat and neighboring properties. The enclosed plans show the fixtures that have been considered for this project and are included in the images below.



PROPOSED LIGHTING FIXTURES

17.94.080 Parking Lots

A. General:

1. Perimeter landscape strips, not less than five feet in width, shall be required for all parking lots in order to screen and/or buffer the parking lot from abutting streets or residential areas. Perimeter landscaping shall consist of plants, a minimum of two feet in height and/or trees a minimum of five feet in height and spaced no more than 20 feet apart.

Applicant's Response: The main parking lots are located on the lower basement level of the Lodge structures. The other parking areas are within the subject site and do not abut streets or residential areas.



PARKING WITHIN LODGE STRUCTURES



PARKING THROUGHOUT THE SITE

B. Parking lots with more than 40 spaces:

- 1. Must provide landscaped islands and walkways which break up the visual expanse of blacktop and provide safe pedestrian areas.*
- 2. For every parking space there shall be 20 sq. ft. of landscaping within the parking lot. Perimeter landscaping or landscaping required for visual screening of buffering shall not be included in the 20 sq. ft. requirement. Landscaping required for walkways shall be included in this calculation.*
- 3. There shall be a minimum of one tree for every 250 square feet of landscape.*

Applicant's Response: The main parking lots are located on the lower basement level of the Lodge structures. The other parking areas are provided throughout the site and do not contain 40 spaces per cluster; however, landscaping is proposed throughout the subject site and exceeds the minimum requirements for a full parking lot as listed.

17.94.090 Site Design, Building Design, Massing, Materials

A. Buffering

- 1. In the event of a common property line, a side or rear yard abutting a residential zone shall be at least twenty (20) feet plus one foot for each two feet by which the height of the building exceeds twenty-eight (28) feet.*

Applicant's Response: As shown on the attached plans, the minimum setbacks are exceeded, and a landscape buffer is provided.

B. Connectivity

- 1. The site design must provide direct vehicular connections and safe street crossings to abutting properties.*

Applicant's Response: As shown on the attached plans, the Gravel Point project will provide direct vehicular connections to Beach Loop Drive and Carter Street, as well as safe street crossings.

C. Pedestrian walkways.

In addition to the section on parking lot landscaping, the following shall apply:

- 1. Continuous pedestrian walkways shall be provided from the public sidewalk or right-of-way to the principal customer entrance of all retail buildings on the site.*

Applicant's Response: One of the features of Gravel Point will be the provision of pedestrian sidewalks and meandering pathways, which will be open and available to the general public and guests, as well as a golf cart transit system providing guest transportation service to the Villas/Suites. As shown on the attached plans, in addition to roadside

gravel sidewalks, a number of meandering pedestrian paths will be included. The roadside gravel sidewalks will connect the Beach Loop Drive walkways with the residential neighborhood along Carter Street. Providing the new street and gravel sidewalks to the boundary of the undeveloped land to the East will provide the opportunity to extend the walkways to Face Rock Drive, and eventually all the way to City Park.

2. Walkways shall be provided along the full length of the building along any facade featuring a customer entrance, and along any facade abutting public parking areas. Such walkways shall be located at least 4 ft. from the facade of the building with planting beds in between the facade and the walkway for foundation landscaping, except where features such as covered passageways or entryways are part of the facade.

Applicant's Response: Walkways will be provided as described and in accordance with the City ordinances.

3. Pedestrian walkways provided in conformance with 17.94.090, C, 2, above shall provide weather protection features such as awnings or covered passageways within 30 ft. of all customer entrances.

Applicant's Response: Weather protection will be provided as described and in accordance with the City ordinances.

4. The site design shall provide convenient pick-up and drop-off areas for cars and transit vehicles.

Applicant's Response: As shown on the enclosed plans, site circulation and convenient pick-up and drop-off areas have been provided. Valet parking is an integral part of the design concept.

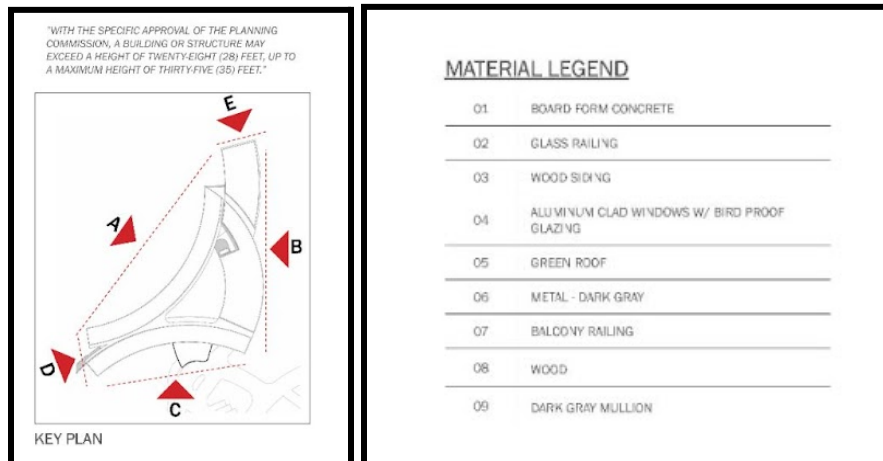
D. Building Facades

1. Front and publicly visible building facades greater than 50 ft. in length, measured horizontally, shall incorporate architectural projections or recesses having a depth of at least three percent (3%) of the length of the facade and extending for at least 20 percent (20%) of the length of the facade. Such architectural features shall be incorporated into exterior wall design at least every 50 horizontal feet.

Applicant's Response: As shown on the enclosed plans, the building facades meet the criteria listed and contain a curvature to the buildings. The curve recesses at a depth that exceeds 3% of the length of the facade and extends for at least 20% of the length. Architectural features are incorporated more than every 50'.



MEADOW LODGE ELEVATIONS



LEGEND PAGE 16 OF PLAN SET



DUNE LODGE ELEVATIONS

"WITH THE SPECIFIC APPROVAL OF THE PLANNING COMMISSION, A BUILDING OR STRUCTURE MAY EXCEED A HEIGHT OF TWENTY EIGHT (28) FEET, UP TO A MAXIMUM HEIGHT OF THIRTY FIVE (35) FEET."

KEY PLAN

MATERIAL LEGEND

01	BOARD FORM CONCRETE
02	GLASS RAILING
03	WOOD SIDING
04	ALUMINUM CLAD WINDOWS W/ BIRD PROOF GLAZING
05	GREEN ROOF
06	METAL - DARK GRAY
07	BALCONY RAILING
08	WOOD
09	DARK GRAY MULLION

LEGEND PAGE 20 OF PLAN SET

2. *Facades facing a street shall have covered passageways, windows, columns, awnings or other such features along at least 60 percent (60%) of their horizontal Length.*

Applicant's Response: As shown on the enclosed plans, the building facades meet the criteria listed.

3. *Windows, when used as a design feature:*

- a) *The size and total area of required windows shall be determined by the facade area of the building.*
- b) *Building facades facing a street shall incorporate window areas equal to a minimum of ten percent of the facade area.*
- c) *When a building provides multiple storefronts or entry ways to individual businesses, each storefront space shall have window areas equal to 10% of the business facade.*

Applicant's Response: The project does not provide multiple storefronts or entries. The building facades meet the criteria listed.

4. *Facades must include a repeating pattern that includes at least three of the following elements, one of which must repeat horizontally:*

- a) *Color change;*
- b) *Texture change;*
- c) *Material change;*

5. *Architectural or structural bays, provided through a change in plane of at least 12 inches in width, such as an offset, reveal or projecting rib. All elements shall repeat at intervals no more than 30 feet horizontally and vertically.*

Applicant's Response: As shown on the enclosed plans, the building facades meet the criteria listed.

E. Entrances

1. *All public entrances shall be covered. The minimum width of coverings shall be the width of the entry doors and shall be a minimum of ten feet in length.*

Applicant's Response: As shown on the enclosed plans, the coverings meet the criteria listed.

2. *Where multiple businesses will be located within the same building, the main customer entrance to the building shall conform to the requirements of this Section.*

Applicant's Response: There are not multiple businesses located in the same building.

3. *Delivery and service bays shall be located in rear of the building, unless The Reviewing Body determines the configuration to be impractical. Ingress and egress of service drives shall be clearly posted.*

Applicant's Response: As shown on the enclosed plans, the delivery and service bays are incorporated into the parking plan. Delivery trucks can be accommodated at the cul-de-sac areas when too large to access the parking below the structures. No streetside parking will be blocked with delivery trucks.

4. *At least one facade shall feature a customer entrance. The entrance shall be on a facade that faces a street with pedestrian walkways or main parking lot. All entrances shall be architecturally prominent and clearly visible from the street.*

Applicant's Response: As shown on the enclosed plans, the building facades meet the criteria listed. They are architecturally prominent and clearly visible from the street.

5. *Each establishment shall have clearly visible customer entrance areas. The design of facades with customer entrances, as well as those abutting public streets, shall be enhanced with a least one feature from a minimum of three of the following groups:*

a) Group 1

- 1) Canopies;
- 2) Awnings;
- 3) Porticos;
- 4) Overhangs

b) Group 2

- 1) Recesses/projections;
- 2) Architectural details, such as tile and moldings, which are integrated into the building and design;
- 3) Windows and/or display windows

c) Group 3

- 1) Covered walkways;
- 2) Arches

d) Group 4

- 1) Raised corniced parapets over entrances;
- 2) Peaked roofs

e) Group 5

- 1) Integral planters or wing walls that incorporate landscaped areas and/or places for sitting;
- 2) Public plazas

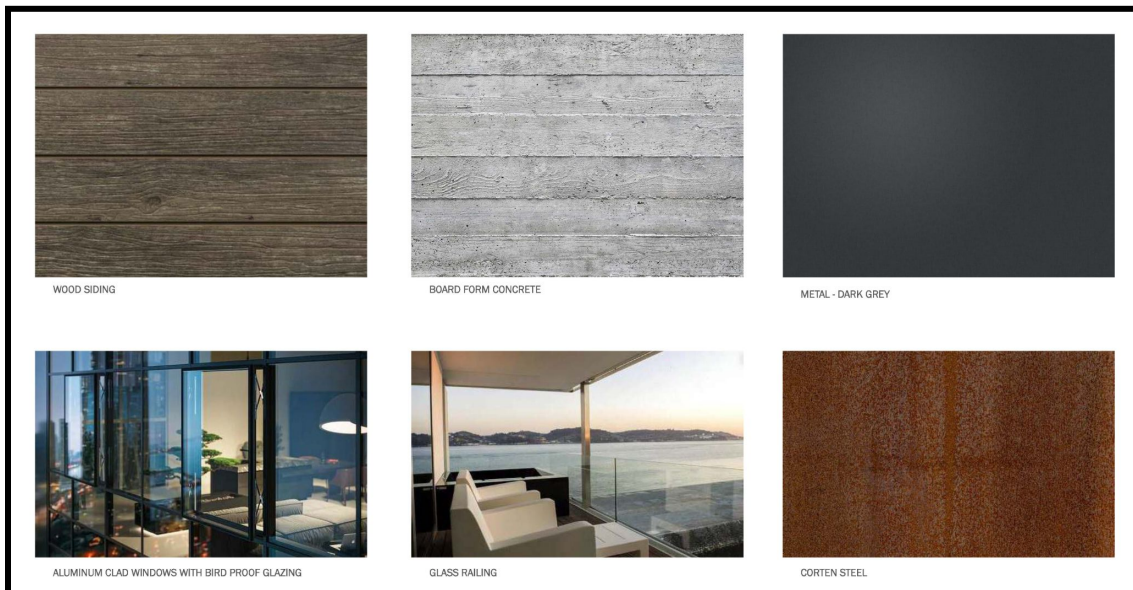
Applicant's Response: As shown on the enclosed plans, the building facades meet the criteria listed in Group 1, 2, 3 and 5.

F. Materials and Colors

1. More than 75% of exterior building materials shall include brick, fire resistant cedar shakes and shingles, beveled or shiplap or other narrow-course horizontal boards or siding, vertical board and batten siding, durable stucco, rock, stone, or tinted and textured concrete masonry units. Other materials may be permitted if approved by the Reviewing Body.

2. Visible exterior building materials shall not include smooth-faced concrete block, smooth-faced tilt-up concrete panels, or unarticulated board siding (e.g., T1-11 siding, plain plywood, sheet pressboard) unless approved by the Reviewing Body.

Applicant's Response: As shown on the enclosed plans, the building facades meet or exceed the criteria. A list of material choices have been provided in the attached presentation and shown here for reference. The natural palette appears to meet the intention of this section.



MATERIAL PALETTE

H. Roofs

1. Roofs shall have no less than two of the following features:

a) Parapets, the average height of which shall not exceed 15 percent (15%) of the height of the supporting wall, unless greater heights are necessary to screen HVAC equipment. Parapets shall not at any point exceed one third of the height of the supporting wall. Parapets shall feature three dimensional

cornice treatment and shall not be of a constant height for a distance greater than 150 ft.

b) Overhanging eaves or cornices, extending at least 3 ft. past the supporting walls.

c) Sloping roofs with three or more slope planes. Sloping roofs shall:

1) not exceed the average height of the supporting walls; and

2) have an average slope greater than or equal to one foot of vertical rise for every three feet of horizontal run; and

3) have a vertical rise less than or equal to one foot for every one foot of horizontal run.

Applicant's Response: Features such as roof pitches and overhangs are intended to add architectural interest to commercial development located in dense, multi-use and multi-owner areas of town. Those features do not take into account a site-specific design based on “Human-scale design/development”, “Sensitive Lands” and “Compatibility” with the area in which development is proposed. The Gravel Point site is unique in that the topography ranges from 70’ to 115’ in elevation, and it consists of 24.8 acres of mainly natural landscape that is considered a scenic resource. Architectural features listed in the municipal code are intended to “break up” the monotony of an urban streetscape. These features do not belong in a location like this that contains a natural landscape and includes 90 acres of contiguous ownership.

Instead, the designers have taken into account what is best for this site and the surrounding residential neighborhoods by sinking development into the undulating landforms; screening with the existing trees, supplemented with new native bushes; sharing in the amenities of the site by creating pedestrian trails; providing restaurants within walking distance of home; and continuing to provide a wildlife habitat within a developed site. The long-term plan for the 90 acres is to provide a series of pedestrian trails that connect the Seabird area to City Park along with a new North/South and East/West street connection per the Transportation Plan.

The Lodges are located on a lower topographical bench from the properties on Strawberry Drive and are located on the East side of Beach Loop Drive. In lieu of parapets, the Green Roofs will be vegetated to provide screening of mechanical and HVAC equipment.

These roofs maintain a horizon line which reduces interruption to the open sky and do not meet the roof pitch suggestion of this section. The design team and applicant believe that the intention is met by providing Green Roofs that add interest to the structure and create a bird sanctuary.

The view from above will be looking at a garden, seamlessly blending into the natural landscape.

Performance Zoning allows the Commission to evaluate the net results or effects of proposals in lieu of the rigid criteria. Additionally the conditional use permit process also allows the Commission to review projects as they consider compatibility to the neighborhood and environmental impact.

17.94.100 Signage

See Chapter 17.90 Signs.

Applicant's Response: Signage was addressed earlier in this document.

17.96 Off-Street Loading and Parking

17.96.010 Applicability.

In all zones, off-street parking and loading space shall be provided as set forth in this Chapter.

17.96.020 Off-street parking.

*Parking requirements for specific uses are shown in the following table:
Use Requirements.*

B. Commercial/Residential uses:

1. Hotel: One space per two guest rooms plus one space per two employees

2. Motel: One space per guest room or suite plus one additional space for the owner or manager

D. Places of Assembly

6. Meeting Room: One space per four seats or eight feet of bench length

F. Commercial

5. Eating and Drinking Establishment: One space per 200 square feet of floor area

Applicant's Response: As shown on the enclosed plans, Gravel Point will meet the minimum parking space requirements. All vehicle parking for guests and staff will be in parking garages on the lower basement levels of the Meadow and Dune Lodges or at designated spaces throughout the property as shown on the attached plan. A total number of 152 spaces are required and the plans show a total count of 164 spaces, plus an additional 16 bicycle parking spaces.



FACE ROCK DR

OP RD

PARKING THROUGHOUT THE SITE



PARKING WITHIN LODGE STRUCTURES

17.96.030 Off-street loading.

A. The provision and maintenance of off-street parking and loading spaces is a continuing obligation of the property owner. No building or other permit shall be issued until plans are presented which show property that is and will remain available for exclusive use as off-street parking and loading space. The subsequent use of property for which the building permit is issued shall be conditional upon the unqualified continuance and availability of the amount of parking and loading space required by this title. Should the owner or occupant of any lot or building change the use to which the lot or building is put, thereby increasing off-street parking or loading requirements, it shall be a violation of this title to begin or maintain such altered use until such time as the increased off street parking or loading requirements are complied with.

Applicant's Response: The enclosed plans show delineated parking spaces to remain available exclusively for parking.

B. Requirements for types of buildings and uses not specifically listed herein shall be determined by the Planning Commission based upon the requirements for comparable uses listed.

Applicant's Response: The applicant has addressed the proposed uses and required parking in this application.

C. In the event several uses occupy a single structure or parcel of land, the total requirements for off-street parking shall be the sum of the requirements of several uses computed separately.

Applicant's Response: The applicant has addressed the proposed uses and required parking in this application.

D. Owners of two or more uses, structures or parcels of land may agree to utilize jointly the same parking and loading spaces when the hours of operation do not overlap, provided that satisfactory legal evidence is presented to the city in the form of deeds, leases or contracts to establish the joint use.

Applicant's Response: There are not multiple owners and shared parking is not needed for this project.

E. Off-street parking spaces for dwellings shall be located on the same parcel with the dwelling. Other required parking spaces shall be located not farther than five hundred (500) feet from the building or use they are required to serve, measured in a straight line from the building.

Applicant's Response: It is the desire of the developer to maintain a natural environment and reduce the need for impervious surfaces, ie: unnecessary parking. Parking has been provided on the first floor of the Lodges and additional parking is shown on the enclosed plans. The requirement for 8 RV parking spaces is in excess of the intended and proposed use as a Hotel/Motel which is not meant to accommodate RVer's . The design team is showing 2 RV spaces. If additional RV parking spaces are required by the planning commission, the applicant can provide parking on the adjoining 60 acres as a condition of approval.

F. Required parking spaces shall be available for the parking of passenger automobiles of residents, customers, patrons and employees only, and shall not be used for storage of vehicles or materials or for the parking of trucks used in conducting the business or use.

Applicant's Response: It is in the best interest of the property owner, developer, patrons, and neighbors of the proposed facilities to prohibit storage of vehicles or materials on the site at any time.

G. Parking within required setback areas for residential uses:

1. A maximum of three (3) motor vehicle parking spaces shall be allowed within the required front or street-side setback area, two (2) of which may be counted towards meeting the minimum number of required off-street parking spaces.

Any such parking spaces must be located within a driveway surfaced with concrete, asphalt, gravel, or other material approved by the City.

2. Motor vehicle parking within the required front or street-side setback area shall be located no closer than five (5) feet from any interior property line.

Applicant's Response: This section is not applicable.

H. A plan, drawn to scale, indicating how the off-street parking and loading requirements are to be met shall accompany any application for a building permit. The plan shall show all elements necessary to indicate that the requirement is being met, including the following:

- 1. Delineation of individual parking and loading spaces;*
- 2. Circulation area necessary to serve space;*
- 3. Access to streets and property to be served;*
- 4. Curb cuts;*
- 5. Dimensions, continuity and substance of screening;*
- 6. Grading, drainage, surfacing and subgrading details;*
- 7. Delineation of obstacles to parking and circulation in finished parking areas;*
- 8. Specifications as to signs and bumper guards;*
- 9. Other pertinent details. (Amended during 2000 codification.)*

Applicant's Response: A parking plan is enclosed for the conditional use permit hearing. A detailed plan will be provided for further review by the City Engineer and staff at the time of applying for Zoning Compliance.

17.96.050 Design requirements for parking lots.

A. Areas used for parking vehicles and for maneuvering shall have durable and dustless surfaces maintained adequately for all weather use and so drained as to avoid flow of water across sidewalks.

Applicant's Response: As shown on the enclosed site plans, the driving surfaces are porous asphalt and there are drainage swales to provide drainage and avoid flow of water across sidewalks.

B. Except for parking in connection with dwellings, parking and loading areas adjacent to or within residential zones or adjacent to dwellings shall be designed to minimize disturbance of residents by the erection between the uses of a sight-obscuring fence or not less than five nor more than six feet in height, except where vision clearance is required.

Applicant's Response: A 6' tall screen is required and shown on the attached plans for the portions of the site that are adjacent to a residential property.

C. Parking spaces along the outer boundaries of a parking lot shall be contained by a bumper rail or by a curb which is at least four inches high, and which is set back a minimum of four and one-half feet from the property line.

Applicant's Response: All of the proposed parking is within the property boundaries and does not face specifically a residential zone.

D. Artificial lighting which may be provided shall be so deflected as not to shine or create glare in any residential zone or on any adjacent dwelling.

Applicant's Response: A lighting plan has been provided and is addressed earlier in this document. There will be no glare or shine into a residential property from the subject site.

E. A standard parking space shall be eight and one-half feet by nineteen (19) feet.

Applicant's Response: The parking spaces show a minimum dimension of 8'-6" x 19'-0". ADA spaces have also been accounted for with the size requirement as set forth in ORS 447.233.

F. Except for single-family and duplex dwellings, groups of more than two parking spaces shall be so located and served by a driveway that their use will require no backing movements or other maneuvering within a street right-of-way other than an alley.

Applicant's Response: As shown on the attached site plan, no parking spaces back into a street right-of-way, ie: Carter Street or Beach Loop Drive.

G. Service drives to off-street parking are-as shall be designed and constructed to facilitate the flow of traffic, provide maximum safety of traffic access and egress and maximum safety of traffic and vehicular traffic on the site. The number of service drives shall be limited to the minimum that will allow the property to accommodate and service anticipated traffic. In no case shall access point of service drives to a street be less than one hundred (100) feet apart, measured from center to center. Service drives shall be clearly and permanently marked and defined through the use of rails, fences, walls or other barriers or markers on street frontage not occupied by service drives.

Applicant's Response: Service drives are not specifically accounted for.

H. Driveways shall have a minimum vision clearance area formed by the intersection of the driveway center line, the street right-of-way line and straight line joining said lines through points thirty (30) feet from their intersection.

Applicant's Response: The vision clearance requirements are met on the proposed plans, and this will be inspected and approved by the Public Work Department prior to the issuance of Certificate of Occupancy.

I. All parking lots will meet requirements of the Americans with Disabilities Act.

Applicant's Response: ADA spaces have been accounted for as set forth in ORS 447.233.

J. For standards not specifically cited in this title, additional dimensional standards for parking lot features shall be consistent with the most recent edition of Architectural Graphic Standards.

Applicant's Response: The Architectural Graphic Standards have been referenced and relied upon in the development of the enclosed plans. These standards will be reviewed at the time of Zoning Compliance/Plan Review.

K. For uses other than residential uses, one third of the required spaces may be compact spaces. Compact spaces shall be eight feet by sixteen (16) feet.

Applicant's Response: The enclosed plan does not account for compact spaces. All spaces are of standard size.

L. For parking lots for motels, restaurants or retail businesses of more than twenty (20) spaces, five percent of the total number of spaces will be R.V. spaces at least ten (10) feet wide by thirty (30) feet long.

Applicant's Response: It is the desire of the developer to maintain a natural environment and reduce the need for impervious surfaces, ie: unnecessary parking. The requirement for 8 RV parking spaces is in excess of the intended and proposed use as a Hotel/Motel which is not meant to accommodate RVer's. The design team is showing 2 RV spaces. If additional RV parking spaces are required by the Planning Commission, parking can be located on the adjoining 60 acres, though not ideal for the new pedestrian paths and streets that are proposed. Additionally, leased parking may be obtained within 500' of the subject property. The applicant is requesting a Condition of Approval to provide RV parking if required.

17.96.060 Completion of parking lots.

Required parking spaces shall be improved as required and made available for use before the final inspection is completed by the building inspector. If the parking space is not required for immediate use, an extension of time may be granted by the building inspector, providing a performance bond or its equivalent is posted equaling the cost to complete the improvements as estimated by the building inspector. If the improvements are not completed within one year's time, the bond or its equivalent shall be forfeited and the improvements constructed under the direction of the city.

Applicant's Response: The parking lots will be completed prior to the completion of the project.

17.96.070 Vehicle access points.

To promote public safety, the number of vehicle access points to arterial roads and highways shall be kept to a minimum. In reviewing applications for land divisions and discretionary permits, the Planning Commission shall limit the number of vehicular access points by requiring shared access, reserve strips, eliminating circle drives (with two access points) and taking other actions consistent with the directives of this chapter.

Applicant's Response: There is only one primary street access point proposed at this time, which is from Beach Loop Drive via the Carter Street extension. The future connection to a North/South street is provided to enable the looping of City rights-of-way and utility lines. The stub for future Northeast and North/South connection will be a private road that can be dedicated for a right-of-way in the future as needed. Carter Street will remain a publicly dedicated street, redirected slightly North and then South to access Beach Loop Drive in a safe manner.

17.102 Wetland Protection Standards

17.102.010 Purpose

This chapter is intended to provide protection for identified, significant wetlands within the City of Bandon as designated under Statewide Planning Goal 5. Wetlands have been inventoried within the City of Bandon and the Urban Growth Boundary according to procedures, standards and definitions established under Goal 5 and are identified on the Wetlands map as adopted in the Comprehensive Plan.

17.102.015 Definitions

Applicant's Response: The definitions are individually added in the responses to each code item below as applicable.

17.102.020 Wetland protection

A. Determination of Local Significance for Wetlands Prior to alteration or development of any property or parcel containing a wetland area identified in the Local Wetlands Inventory, a determination of local significance shall have been made. Locally significant wetlands are determined by OAR 141-86-350, including any optional wetlands adopted by the City Council as locally significant. If an assessment according to the Oregon Freshwater Wetland Assessment Methodology is necessary to determine local significance pursuant to OAR 141-86-350, it shall be the responsibility of the property owner and/or developer, if such an assessment has not been previously performed by the City of Bandon or others, and subject to acceptance and approval of the Reviewing Body.

Applicant's Response: The City of Bandon and the National Wetland Inventory both show wetlands on the subject site. The Inventory Maps are inconsistent, so the developer had conducted a Wetland Delineation to confirm the boundaries of all wetlands.

Definition B. Delineation: An analysis of a resource by a qualified professional that determines its boundary according to an approved methodology.

Definition G. Local Wetlands Inventory (LWI): A report prepared in 2003 by Pacific Habitat Services using the methodology developed by the Oregon Division of State Lands and adopted as part of the Bandon Comprehensive Plan.

Definition M. Qualified Professional: An individual who has proven expertise and vocational experience in a given natural resource field. A qualified professional conducting a wetland delineation must have the delineation approved by the Oregon Division of State Lands.

Definition V. Wetland: Those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Based on the above definition, three major factors characterize a wetland: hydrology, substrate, and biota.

Definition W. Wetland Boundary: The edges of a wetland as delineated by a qualified professional.

Applicant's Response: Turnstone Environmental Consultants prepared a wetland delineation report for the subject site in October 2022. The report and mapping was submitted to the Department of State Lands for concurrence in December 2022.

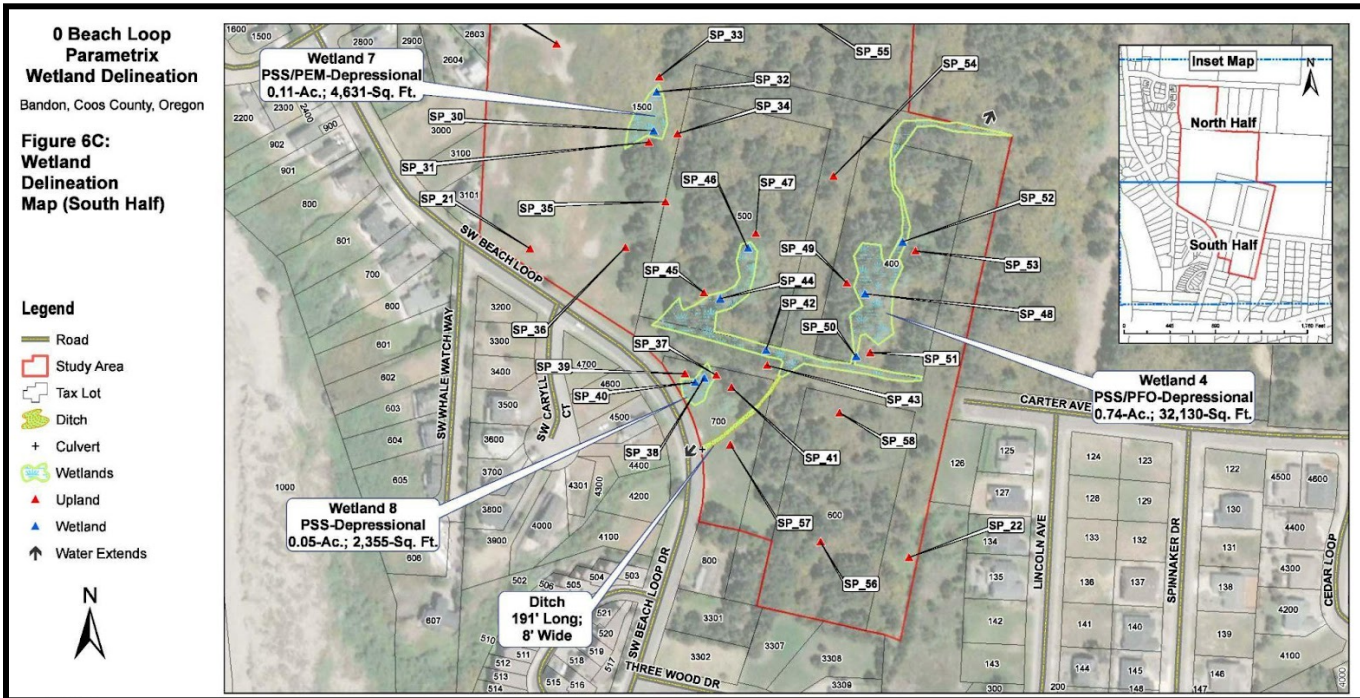
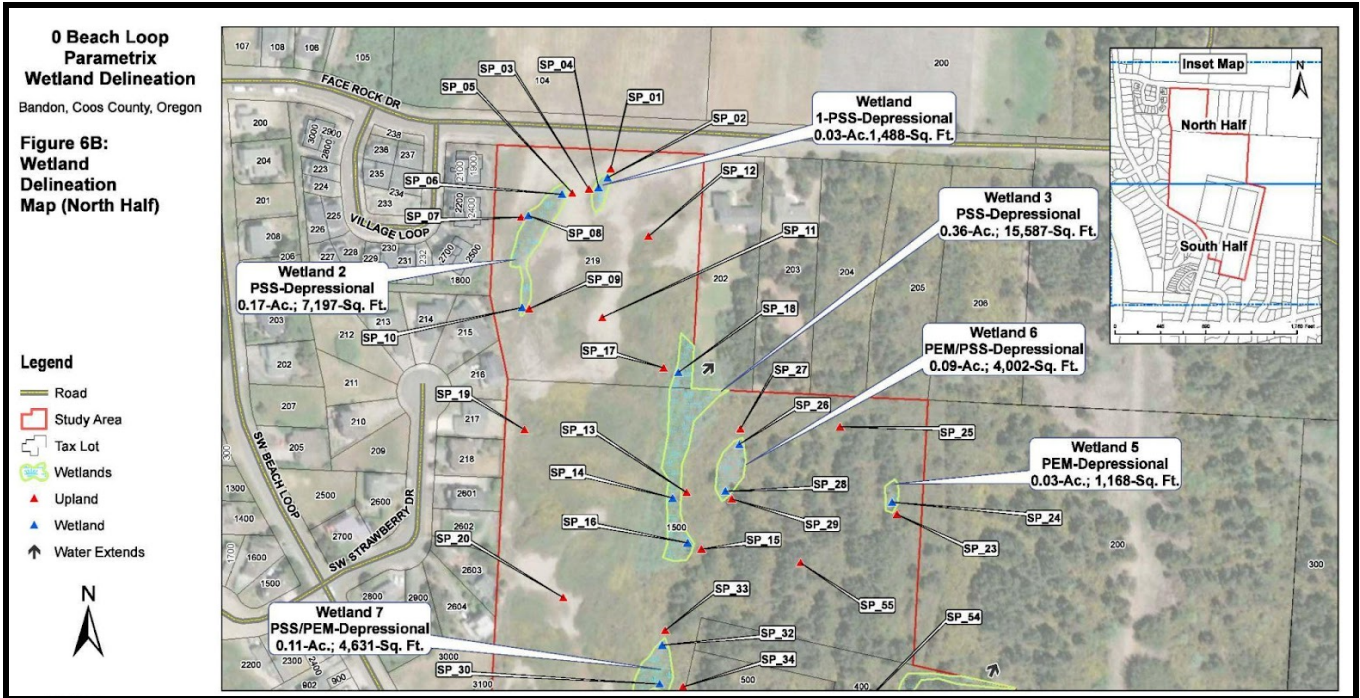
F. DEVIATION FROM NWI & LWI

Overall, the delineation identified more wetlands than either the NWI or LWI. The most significant difference between the delineation and the NWI is that the delineation did not agree with the extent of the large scrub-shrub wetland in the north of the Study Area; while Wetland 3 roughly matches the eastern limits of the NWI wetland, the western area shown by the NWI is a steep upland dune complex containing no wetlands. The NWI wetland in the southeast portion of the Study Area is predominantly covered by uplands of dense gorse, though the NWI shape overlaps the eastern (trenched) extent of Wetland 4. Although the LWI shows substantially less wetland than that determined by the delineation, the inventory does correspond closely to many of the wetland areas delineated for this report. Although the LWI indicates that all Study Area wetlands were "field verified," aerial imagery contemporary to the LWI show an area with dense, unmanaged gorse and LWI polygons appear to correlate with gaps in the gorse vegetated with emergent plants or more commonly Hooker's willow. It appears the aerial interpretation of imagery was able to map some communities for the LWI, but some areas including those wetlands where gorse does grow are more difficult to map through the LWI process.

TURNSTONE REPORT PAGE 11



EXISTING WETLAND INVENTORY MAPS



WETLAND MAPPING BY TURNSTONE

B. Applicability

1) *The provisions of Section 17.102.020 shall be applied to any property or parcel containing a wetland identified as being locally significant. The provisions shall apply regardless of whether or not a building permit, development permit, or zoning compliance is required, and do not provide any exemption from state or federal regulations. For riparian corridors located adjacent to wetlands, the provisions of Chapter 17.102.030 shall also be applied.*

Applicant's Response: There are no riparian corridors on the subject site.

2) *Applications for plan reviews, development permits, zoning compliance, and plans for proposed public facilities on parcels containing a significant wetland, or a portion thereof, shall contain the following:*

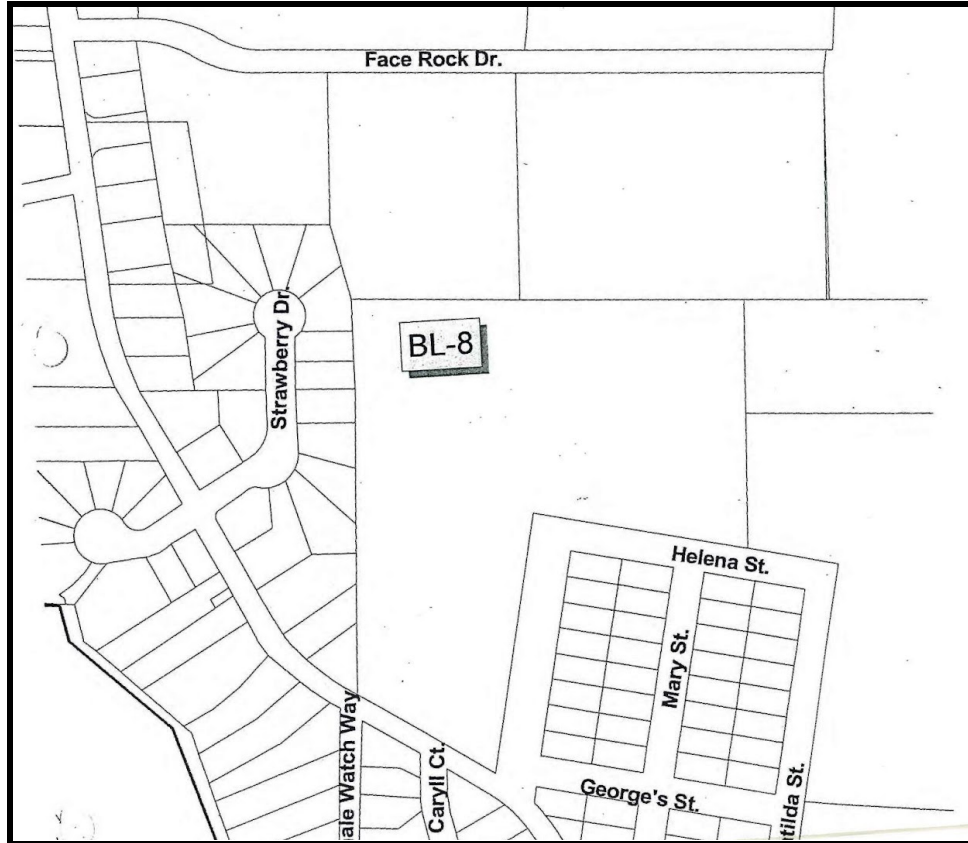
(a) A jurisdictional delineation of the wetland boundary, approved by the Oregon Division of State Lands.

(b) A to-scale drawing that clearly delineates the wetland boundary, existing trees 6" or greater in diameter 4' above the ground, and existing major plant communities and their location.

Applicant's Response: The wetland delineation has been submitted to the Oregon Division of State Lands. Their approval will be secured prior to the issuance of Zoning Compliance. The enclosed drawings show all existing trees and the plant communities of grasses in the dune area.

3) *When reviewing development permits, zoning compliance, or plan review applications for properties containing a significant wetland, or portion thereof, the Reviewing Body shall consider how well the proposal satisfies the purpose statement in Section 17.102.010, "Purpose", in addition to any other required approval criteria.*

Applicant's Response: The purpose of this section is to comply with the Statewide Planning Goal 5. Goal 5 is found in OAR 660-015-0000(5) and lists the purpose and guidelines for compliance. The Goal requires wetlands to be inventoried, which the developer has done. The Goal encourages the City of Bandon to maintain an inventory of scenic resources, and Bandon classifies the site as BL-8 on the scenic resource inventory. The Comprehensive Plan outlines the policies and implementation measures for compliance with Goal 5. The proposed development complies with the Statewide Planning Goal 5 as it clusters development; provides public access to the wetlands and dunes for recreation and enjoyment; provides open space and protects views.

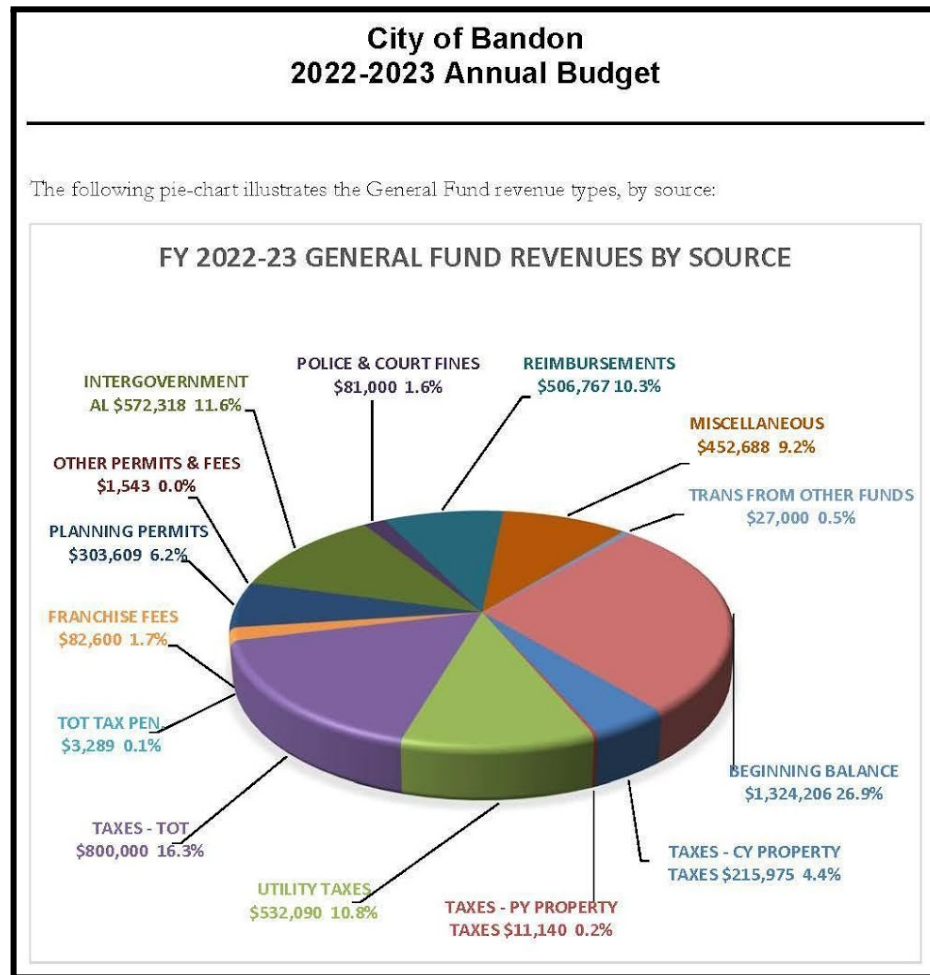


SCENIC RESOURCE BL-8 SAND DUNE AND WETLAND

Chapter 17.102 is also “intended to ensure reasonable economic use of property while protecting valuable natural resources.” The proposed development is for a commercial use, ie: hotel/motel use with on site amenities. This proposal is considered economically beneficial to both the property owner and the City of Bandon. The use is considered transient and subject to paying the Transient Occupancy Tax (TOT) which currently contributes 16% to the general fund. TOT is an important part of a thriving economy. It is the highest financial contributor to the budget next to Utilities. TOT funds support the Police Department, ensuring the safety and compatibility of the neighborhoods that contain residential and commercial mixed uses. The TOT funds support the Community Center and Sprague Theater which provides music, live theater and events which benefit all Bandon residents- year round or transient in nature.

Previous development plans were for dense urban residential subdivision development. That type of development is considered compatible in regard to the residential nature, but not compatible in regard to protecting the natural resources. Property taxes are also low in Bandon, so the general fund would not benefit to the extent proposed. The proposed use

protects the natural resources, enhances them and provides public access for enjoyment.



TOT CONTRIBUTION TO THE GENERAL FUND

4) *The Planning Commission shall be the Reviewing Body for applications requiring exceptions to the provisions herein pertaining to significant wetlands, pursuant to Section 17.102.020.*

Applicant's Response: The proposal does not require an exception, though the applicant is providing this information for the benefit of the overall review of the project and consideration for the height exception and RV parking reduction in order to avoid significant wetland areas and enhance them to be more beneficial to the wildlife and community. A portion of the insignificant wetlands will be mitigated on site as approved and directed by the Department of State Lands.

5) *The provisions of this chapter shall not apply to properties or parcels that have received approval for land use permits, plan reviews, building permits or variances prior to the enactment of this Chapter.*

Applicant's Response: There are no prior approvals for land use permits at the subject site.

C. Variance. A request to deviate the requirements of this chapter may be submitted for consideration by the Planning Commission. A variance request may be approved as long as equal or better protection of the wetland will be ensured through a plan for restoration, enhancement, or similar means, and if applicable permits from the Oregon Division of State Lands and the U.S. Army Corps of Engineers are obtained. In no case shall activities prohibited in Section 17.102.020(E) occupy more than 25% of the wetland.

Applicant's Response: A variance is not needed for the wetland proposal.

D. Delineation of Resource.

1. Preparation/Criteria. An applicant subject to this section shall first delineate the resource. A delineation is a more precise, site-specific determination of the location of the resource prepared by a qualified professional. The delineation shall include a map showing the delineated wetland boundary. The applicant shall also submit any approvals obtained by Natural Resource Agencies.

2. Review of Delineation. The Planning Director shall compare the applicant's delineation maps with the 2003 Local Wetlands Inventory, and may inspect staked, delineated resource boundaries. The Planning Director shall approve the delineation if he finds that the delineated boundary accurately reflects the location of the resource. If the Planning Director finds that the evidence is contradictory or does not support the proposed delineation, he shall deny the delineation. In the alternative, the Director may continue the application for additional information if:

- a. The applicant agrees to conduct a new delineation by a qualified professional at the applicant's expense; and*
- b. The applicant waives the applicable statutory deadline for completing a local decision on the application for the period of time necessary to conduct the new delineation.*

Decisions made by the City of Bandon under this chapter do not supersede the authority of state or federal agencies, which may regulate or have an interest in the activity in question. It is the responsibility of the landowner to ensure that any other necessary state or federal permits or clearances are obtained.

3. Adjustment of Wetland Boundaries to Reflect Approved Delineation. An approved delineated boundary shall replace the boundary in the LWI for the

purposes of reviewing the development proposal for compliance with this chapter. If and when the proposed development receives final approval, including resolution of any appeals, the wetlands boundary shall be modified to be consistent with the delineated boundary.

4. Re-delineation not Required; Exceptions. An applicant for a development of land that includes a jurisdictional wetland shall not be required to delineate the resource pursuant to this section if the resource has been previously delineated pursuant to an earlier development application, if the delineation has been approved by the Oregon Division of State Lands or the Army Corps of Engineers, and if the delineation is less than 5 years old.

5. Exception: The Planning Director may require a new delineation if:

- a. The applicant desires to demonstrate that the previously delineated boundary is no longer accurate;*
- b. There is evidence of a substantial change in circumstances on the property that has affected the location of the resource as previously delineated; or*
- c. The City Council has adopted new delineation standards or requirements since the previous delineation.*

Applicant's Response: The City of Bandon and the National Wetland Inventory both show wetlands on the subject site. The Inventory Maps are inconsistent, so the developer has conducted a Wetland Delineation to confirm the boundaries of all wetlands. The wetland delineation has been submitted to the Oregon Division of State Lands, and their approval will be secured prior to the issuance of Zoning Compliance. The enclosed drawings show all existing trees and the plant communities of grasses in the dune area.

The applicant is requesting the Planning Director review during the conditional use review, so that the delineation can continue in a timely manner and be completed at the time of Zoning Compliance.

E. Prohibited Activities Within Significant Wetlands The following activities are prohibited within significant wetlands except as may be permitted in Section 17.102.020(F)(2).

Applicant's Response: There are no prohibited activities proposed within the wetland areas.

F. Permitted Activities Within Significant Wetlands

1. The following activities, and maintenance thereof, are permitted within a significant wetland if applicable permits from the Oregon Division of State Lands and the U.S. Army Corps of Engineers are obtained.

- a. Wetland restoration and rehabilitation activities.*
- b. Restoration and enhancement of native vegetation, including the addition of canopy trees; cutting of trees which pose a hazard due to a threat of falling; or removal of non-native vegetation if replaced with native plant species at the same amount of coverage or density.*
- c. Normal farm practices, other than structures, in existence prior to the date of adoption of the provisions herein.*

Applicant's Response: The developer is working with Parametrix to prepare the necessary permits for wetland mitigation, restoration and rehabilitation including the addition of canopy trees and removal of gorse and other invasive species. There are no farm practices proposed at this time or in the future.

2. The following activities, and maintenance thereof, are permitted within a significant wetland if the activity meets the requirements of 17.102.020(J) "Mitigation Requirements", if no other options or locations are feasible, if designed to minimize intrusion into the wetland, and if applicable permits from the Oregon Division of State Lands and the U.S. Army Corps of Engineers are obtained.

- a. Utilities or other public improvements.*
- b. Streets, roads, or bridges where necessary for access or crossings.*
- c. Multi-use paths, accessways, trails, picnic areas, or interpretive and educational displays and overlooks, including benches and outdoor furniture.*
- d. Replacement of a permanent legal nonconforming structure in existence at the date of adoption of the provisions herein with a structure in the same location, if it does not disturb additional wetland area.*
- e. Expansion of a permanent legal nonconforming structure in existence at the date of adoption of the provisions herein, if the expansion area is not within the significant wetland.*

Applicant's Response: The developer is working with Parametrix to prepare the necessary permits for utilities, streets, multi-use paths, trails, overlooks, benches and other sensitive areas that may be affected during the development process. These areas are considered insignificant wetlands, and the state permit will provide for on site mitigation to enhance the significant wetlands.

G. Conservation and Maintenance of Significant Wetlands When approving applications for plan reviews, development permits, or zoning compliance for properties containing a wetland protection area, or portion thereof, the Reviewing Body shall assure long term conservation and maintenance of the wetland through one of the following methods:

1. The area shall be protected in perpetuity by a conservation easement recorded on deeds and plats prescribing the conditions and restrictions set forth and any imposed by state or federal permits; or,

2. The area shall be protected in perpetuity through ownership and maintenance by a private non-profit association by conditions, covenants, and restrictions (CC&R's) prescribing the conditions and restrictions and any imposed by state or federal permits; or,

3. The area shall be transferred by deed to a willing public agency or private conservation organization with a recorded conservation easement prescribing the conditions and restrictions set forth and any imposed by state or federal permits; or,

4. The area shall be protected through other appropriate mechanisms acceptable to the City of Bandon, which ensure long-term protection and maintenance.

Applicant's Response: The applicant is proposing a long-term maintenance and protection plan be recorded against the property deed to ensure compliance with the wetland standards of the City and State. A deed restriction will pass to any future owners to ensure continued compliance with wetland maintenance and protection.

H. Mitigation Mitigation is a way of repairing or compensating for adverse impacts to the functions and values of a natural resource caused by development. Mitigation may consist of resource area creation, restoration, or enhancement. Some examples of mitigation actions are enhancement of existing wetlands, replanting trees, and restoring streamside and/or wetland vegetation where it is disturbed. Recognizing that true replacement of functioning or complex natural resource system is difficult and can take many years, mitigation is discouraged by first requiring that avoidance of development siting within the resource be explored. Then, if that is not possible, actions should be taken to minimize the damage to the resource.

Applicant's Response: The applicant is committed to the preservation and enhancement of all wetlands on the project site, and will provide for the mitigation for any wetlands disturbed or negatively impacted by project development. A wetlands analysis and mitigation plan has been prepared

by a qualified wetlands professional, and will be reviewed and permitted by the Department of State Lands. As required, the applicant agrees to provide for the regular maintenance and monitoring of the mitigation site(s) at their own expense.

I. Progressive Mitigation Steps Required The Reviewing Body shall permit development only if it finds that the following progressive steps have been met: progressive steps have been met:

1. Step #1 - Avoidance: The applicant shall endeavor to avoid detrimental impacts to the wetland altogether by providing alternative site plans along with the development proposal demonstrating that alternative designs have been explored. If disturbance of a wetland is proposed, the applicant shall first demonstrate that intrusion into the wetland area cannot be avoided by a reduction in the size or configuration of the proposed development or by changes in the design that would avoid adverse effects on the resource while still allowing development of the property.

Applicant's Response: The developer and design team have taken all wetlands into account when considering the proposal that has been submitted. To protect the wetlands, the design is intentional with respect to footprint/lot coverage and the location of the structures. To restore the natural habitat, a delineation was performed to inventory all wetland areas and not just the ones on the Local and National wetland inventories. Mitigating the insignificant wetlands in order to enhance the prominent wetlands will make maintaining the wetlands more feasible and will provide for a more natural habitat.

2. Step #2 - Minimization: If the applicant has endeavored to avoid detrimental impacts to the wetland, and the Reviewing Body finds that detrimental impacts cannot be avoided, then the applicant shall minimize impacts by demonstrating that:

- a. Alternative and significantly different site plans and development locations on the subject site have been considered, and that the alternative chosen is the least environmentally damaging; and*
- b. When mitigation is proposed, there will be no net loss of wetland area, function, or values as a result of development actions.*

Applicant's Response: The applicant is confident that an alternative to the proposed plan would result in a different development altogether.

J. Mitigation Requirements

1. *Mitigation Plan. When mitigation is proposed or required as part of a development application, the applicant shall provide a mitigation plan prepared by a qualified professional that:*

a. Demonstrates compliance with OAR 141-85-005 through 090 and this section.

b. Includes a maintenance and monitoring plan to ensure the viability of the mitigation over time. As part of the monitoring plan, the applicant or other legally responsible agent shall provide an annual report to the Planning Director on October 31st of each year for a 5-year period. The report shall be prepared by a qualified professional and shall document site conditions with narrative and pictures.

c. Provisions for regular maintenance and periodic monitoring of the mitigation site at the applicant's expense. Failure to comply with an approved mitigation plan shall be deemed a violation of this chapter and a public nuisance and may be enforced pursuant to Chapter 8.12.

Applicant's Response: The applicant will provide a mitigation plan approved by the Department of State Lands prior to the issuance of a Zoning Compliance Letter. Compliance with OAR 141-85-005 through 90 is a requirement for DSL approval. The maintenance and monitoring of the site is in the best interest of the owner, City and State and will be of the utmost importance for a mutually beneficial venture.

2. *If a Division of State Lands (DSL) wetland permit, Army Corp. of Engineers, or other State or Federal permit is also required, the City shall not issue a permit until all applicable State and Federal wetland permit approvals have been obtained.*

Applicant's Response: The applicant will provide an approved delineation by the Department of State Lands prior to the issuance of a Zoning Compliance Letter.

3. *Mitigation shall be completed prior to a final inspection, issuance of final occupancy permit, or acceptance of a public improvement, or to a point stipulated by the Reviewing Body.*

Applicant's Response: The applicant will complete the mitigation prior to final inspection and issuance of an occupancy permit or as otherwise required by the City.

4. *On-site mitigation is required where possible, taking into consideration the existing natural and human-made features of a site. If the review authority finds that on-site mitigation is not possible, then off-site mitigation shall be permitted according to the following priorities:*

- a. *Within the same drainage system and within the City limits; or*
- b. *Outside of the drainage system, but inside the City limits; or*
- c. *Outside the drainage system and City limits, but within the Bandon Urban Growth Boundary.*

Applicant's Response: The wetlands will be mitigated on site.

5. *When wetland mitigation is proposed the Reviewing Body shall require minimum mitigation ratios (area of wetland created or enhanced to area of wetland lost) as follows:*

- a. *Wetlands Restoration - 1:1 ratio*
- b. *Wetlands Creation - 1.5:1 ratio*
- c. *Wetlands Enhancement - 3:1 ratio*

Applicant's Response: The mitigation will meet the ratios listed or as determined by DSL.

6. *Vegetation restoration shall be required to mitigate the loss of plant communities disturbed by development activities. Restoration vegetation shall be required for all mitigation projects, including trees, shrubs, and ground cover plants as identified on the Restoration Plants List (on file in the Planning Department). The restoration plant community chosen shall recreate a diverse and healthy environment compatible with the resource.*

Applicant's Response: Vegetation restoration includes removing gorse and other invasive species, planting additional trees, shrubs, ground cover and herbs. The landscape architect will utilize the Restoration Plants List when providing a mitigation plan to the City and State.

7. *Initial 5-Year Bonding Period.*

- a. *The applicant or property owner of a development subject to an approved mitigation plan shall post a performance bond or a letter of credit to the City that is equal to 120% of the value of the improvements installed pursuant to the plan for a 5-year period. The bond shall be posted prior the issuance of development permits to ensure the success of mitigation improvements and the survival of plant materials.*
- b. *The performance bond or the letter of credit will be released by the City after 5 years upon receiving proof that the mitigation measures have been successfully implemented according to approved plans from DSL or the Corps of Engineers. Following release of the financial guarantee, the appropriate party will be responsible for maintenance of the resource.*
- c. *If mitigation improvements fail during the bonding period and responsible party does not replace said improvements after notification by the City, the bond shall be forfeited and shall be used by the City to correct*

the problem pursuant to the approved mitigation plan and the conditions of approval.

d. Property owners of individual tax lots that are lots of record, which are zoned for single family residential use, are not large enough to be further divided, and were in existence prior to the date this section becomes effective shall be exempt from these bonding requirements.

Applicant's Response: A bond or letter of credit for the mitigation improvements will be posted prior to the issuance of Zoning Compliance. It is mutually beneficial to the owner and the City, including all residents, to improve the wetlands and comply with the mitigation plan.

K. Wetlands Notification to Oregon Division of State Lands. The Oregon Division of State Lands shall be notified of all applications to the City of Bandon for development activities, including applications for plan authorizations, development permits, or building permits, and of development proposals by the City of Bandon, that may affect any wetlands, creeks, or waterways identified on the Local Wetlands Inventory.

Applicant's Response: The developer is in correspondence with DSL regarding the proposed development, and the notice from the City is anticipated and expected.

17.102.035 Protection during construction.

The applicant shall be required to submit a resource protection plan prior to commencement of ground-disturbing activities that may affect wetlands or riparian corridors. The plan shall be submitted and approved by the Planning Director and must contain methods ensuring that the resource is not disturbed during construction, which includes both physical barriers such as fencing and methods to ensure that no runoff or other surface impacts affect the resource. The approved plan shall be implemented and maintained until such time as the Planning Director deems it is no longer necessary. Failure to implement and/or maintain the approved plan will result in an immediate stop work order and possible abatement in accordance with Chapter 16.04.

Applicant's Response: The developer will employ best management practices when breaking ground on construction including, but not exclusive of, silt fencing, fiber coils, straw and other erosion control measures recommended by the geotechnical engineer and environmental consultants. Galli Group provided an erosion control plan as shown below and specific to the site conditions.

11.0 EROSION CONTROL

The site soils have low to moderate susceptible to erosion. However, the site grades are steep on the west and mild on the east sides of the site. Therefore, site erosion should generally be low to moderate on the east side of the site and high on the west side of the site. Erosion control measures must be implemented prior to and during construction to prevent sediment movement off site.

Construction Erosion Control. All disturbed areas shall have the low side surrounded by a silt fence with the bottom edge embedded in the soil at least two (2) inches. At select locations settling ponds of hay-bale backed silt fence should be established to decrease silt content of surface **water flowing off site**. **Hay bale "V's" may be needed in ditches to stop silt migration for up to 200 feet from the site.**

The site will also require crushed rock (or shale) construction entrances to prevent "tracking" of mud by construction vehicles onto the roads. These are typically required to be at least 50 feet long and be constructed of a 12" section of angular, open-work rock over a woven fabric (more if needed to protect the subgrade soils).

Permanent Erosion Control. Permanent project landscaping and paving, as required by the City/County, will meet most needs of long-term erosion control. All disturbed areas on the site, but outside the developed area of the project, must be reseeded with local native grasses for erosion prevention. Ideally, these areas would be graded reasonably smooth and the surface scarified to 1/2 inch deep, then hydroseeded with a combination of erosion control grass seed, fertilizer and mulch. Alternatively, and at a minimum, these areas should be covered with a thin layer of crushed rock.

EROSION CONTROL PLAN

17.102.040 Plan amendment option

Any owner of property affected by this chapter, as designated in the comprehensive plan, may apply for a quasi-judicial comprehensive plan amendment. This amendment must be based on a specific development proposal. The effect of the amendment would be to remove the significant wetland or riparian corridor designation from all or a portion of the property. The applicant shall demonstrate that such an amendment is justified by completing an Economic, Social, Environmental, and Energy (ESEE) consequences analysis prepared in accordance with OAR 660-23-040. If the application is approved, then the ESEE analysis shall be incorporated by reference into the Bandon Comprehensive Plan, and the Bandon Wetland and Riparian Corridor Map shall be amended accordingly. The ESEE analysis shall adhere to the following requirements and shall be submitted in accordance with Chapter 14 of the Bandon Comprehensive Plan...

Applicant's Response: The applicant is not asking for a plan amendment to remove the wetlands. Instead, the development team has embraced the natural habitat and have given intentional and thoughtful consideration to the design of the structures, roads and paths so as to avoid wetlands and restore and enhance the natural habitat.

17.104 Supplementary Provisions

17.104.080 Access.

- A. All lots shall abut a street other than an alley for a width of at least forty (40) feet.*
- B. The number of access locations onto highways and arterial streets from any development shall be minimized whenever possible through the use of common driveways or side streets common to more than one development and interior vehicle circulation design.*
- C. Highway access shall be coordinated with the Oregon Department of Transportation.*

Applicant's Response: The applicant is proposing the minimum number of access locations and exceeds the street frontage requirements.

17.104.090 Vision clearance area.

No vision clearance area shall contain planting, walls, structures or temporary or permanent obstructions exceeding two and one-half feet in height measured from the top of the curb or, where no curb exists, grade at the property line.

A. Residential driveways shall have a minimum vision clearance area formed by the intersection of the driveway center line, the street right-of-way line and a straight line joining said lines through points twenty (20) feet from their intersection. This measurement will form a triangle which will be used to calculate the vision clearance area.

B. Commercial driveways shall have a minimum vision clearance area formed by the intersection of the driveway center line, the street right-of-way line and a straight line joining said lines through points thirty (30) feet from their intersection. This measurement will form a triangle which will be used to calculate the vision clearance area.

C. Street intersections shall have a minimum vision clearance area formed by the intersecting streets measuring a line along each pavement edge and a straight line joining said lines through points thirty (30) feet from their intersection. This measurement will form a triangle which will be used to calculate the vision clearance area.

D. Trees shall be allowed within the vision clearance area, provided no portion of a tree except the main trunk shall be located between a height of two and one-half and a height of eight feet.

Applicant's Response: All vision clearance requirements are exceeded on the proposed plan.

16.12 CONDITIONAL USES

16.12.010 Authorization to grant or deny conditional uses.

Conditional uses are those which may be appropriate, desirable, convenient or necessary in the zoning district in which they are allowed, but which by reason of their height or bulk or the creation of traffic hazards or parking problems or other adverse conditions may be injurious to the public safety, welfare, comfort and convenience unless appropriate conditions are imposed. Applications for uses designated in this title as conditional uses may be granted, granted with modifications or denied by the Planning Commission in accordance with the standards and procedures set forth in this chapter.

Applicant's Response: Gravel Point will include both hotel rooms and individual Villas/Suites and meets the definitions of both a "Hotel" and a "Motel." The Restaurants and Lounges and Spa are considered "Commercial retail sales and services." Accordingly, proposed Findings of compliance with the Conditional Use Permit requirements are included with this application.

16.12.020 Authorization to impose conditions.

In approving an application for a conditional use or the modification of an existing and functioning conditional use, the city may impose, in addition to those standards and requirements expressly specified by this title, any additional conditions which the city considers necessary to assure that the use is compatible with other uses in the vicinity and to protect the city as a whole. These conditions may include but are not limited to:

A. *Changing the required lot size or yard dimensions;*

Applicant's Response: The applicant anticipates a condition of approval to consolidate the tax lots. The yard dimensions have been exceeded on the proposed plan.

B. *Limiting the height of the building(s);*

Applicant's Response: The applicant is requesting that the Commission review the application for Performance Zoning and other approval criteria for the Lodge Structure height, roof pitch and overall contribution to the environment in regard to air pollution, stormwater management and habitat .

C. *Controlling the location and number of vehicle access points;*

Applicant's Response: The proposal controls the access point for vehicular traffic to one location.

D. Requiring additional right-of-way areas or changing the street width;

Applicant's Response: A stub-out has been provided for a future road connection at such a time that development to the East is proposed. The plans show a 24' wide asphalt street with 8' drainage swales on each side and a 6' gravel sidewalk.

E. Requiring public improvements, including, but not limited to streets, sidewalks, sewer and water line extensions, and bike paths;

Applicant's Response: Streets, sidewalks, paths, sewer and water line extensions are proposed.

F. Changing the number of off-street parking and loading spaces required;

Applicant's Response: It is the desire of the developer to maintain a natural environment and reduce the need for impervious surfaces, ie: parking. Parking has been provided on the lower basement level of the Lodges and additional parking is shown on the enclosed plans. The requirement for RV parking spaces is in excess of the intended and proposed use as a Hotel/Motel site. Based on the number of parking spaces required (152), the required parking for RV spaces will be 8 in total. It is a rare occasion when an RV will visit a Hotel, and the applicant believes that the parking requirement is specific to a tourist area of town where shopping, dining and beach-going is relevant. The applicant is requesting a specific review of this criteria. If 8 RV parking spaces are required by the planning commission, the applicant is requesting a condition of approval to (1. Create the required parking spaces on the subject site prior to the issuance of Zoning Compliance or (2. Lease the required parking spaces within 500' of the subject property with a long-term lease agreement of at least 10 years and recorded against the deed.

G. Limiting the number, size and location of signs;

Applicant's Response: The proposal has limited the number of signs to three- one at each street frontage. The main entrance is on Beach Loop Drive and a pedestrian path entrance is at Carter Street and Face Rock Drive. Directional signage is permitted by 17.90 and the applicant does not intend on exceeding the 2sf size restriction.

H. Requiring diking, fencing, screening or landscaping to protect adjacent or nearby property;

Applicant's Response: The design team is proposing landscape hedges because fencing is already installed along the residential properties. Sunset Motel has a similar hedging in lieu of fencing for reference. Generally speaking, hedging will outlive fencing and will provide a visual and noise buffer superior to wood fencing materials.

I. Requiring design features which minimize environmental impacts such as noise, vibration, air pollution, glare, odor and dust;

The commission has the authority to require design features that minimize environmental impacts, and the design team believes that they have achieved this by providing Green Roofs, minimal impervious surfaces and low impact development.

A Green Roof can reduce the flow of stormwater by up to 65%. Additionally, a Green Roof meets the criteria listed in (I) by providing a design feature that reduces noise, vibration, glare and dust due to the vegetation. According to the US Environmental Pollution Agency Green Roofs reduce air pollution and greenhouse gas emissions ([Using Green Roofs to Reduce Heat Islands | US EPA](#)).

J. Limiting the hours, days, place and manner of operations;

Applicant's Response: The proposed hotel strives to make the well-being of its guests a high priority. The hotel operator will have a strict, no exceptions "No Noise/No Party Policy."

Regardless of the time of day, all noise complaints which result in compensation to guests disturbed will be charged to the guest room or suite whose noise caused the complaint. For the comfort and convenience of all guests, the hotel will have "Quiet Time" between the hours of 10pm and 7am. All deposits will be forfeited upon any conviction.

The maximum number of guests allowed in a room or suite will be in accordance with the number of sleeping areas and as listed on the guest registration. If occupancy numbers are exceeded, a fee will be charged and the guests will be subject to eviction. The hotel operator will not hesitate to call local authorities and criminal charges could be applied for any complaint- from guests or neighbors.

The restaurants, bars and spa are planned to be in operation 7 days per week with hours determined by OLCC as well as specific operating hours that the City may adopt through a local ordinance. The No Noise/No Party policy will apply to all hospitality offerings in both Lodges, all Villas/Suites and all outdoor offerings.

K. Limiting or setting standards for the location and intensity of outdoor lighting;

Applicant's Response: Lighting will be low wattage and downward facing. The plans show the proposed locations and lighting was addressed earlier in this document.

L. Setting requirements on the number, size, location, height and lighting of signs;

Applicant's Response: Signage was addressed earlier in this document.

M. Requiring the protection and preservation of existing trees, soils, vegetation, watercourses, habitat areas and drainage areas.

Applicant's Response: The design took into consideration the Protection, Restoration, Enhancement and Maintenance of the natural landscape when proposing the enclosed development plan. The intentional design is intended to preserve the natural environment.

16.12.040 Approval standards for conditional uses.

The approval of all conditional uses shall be consistent with:

A. The comprehensive plan;

Applicant's Response: The proposed project is in compliance with the Comprehensive Plan as described later in this document.

B. The purpose and dimensional standards of the zone except as those dimensional standards have been modified in authorizing the conditional use permit;

Applicant's Response: The proposed project is in compliance with the dimensional standards of the zone.

C. That the site size and dimensions provide adequate area for the needs of the proposed use;

Applicant's Response: The proposed site size is more than adequate for the proposed.

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;

Applicant's Response: The Sewer Master Plan was prepared and adopted in 2002. The Plan assumed a growth rate that would have been 4241 people in 2022. The 2020 census reported 3321 people. No upsizing of the Beach Loop Drive line was recommended by the plan to serve this area, so it is found that the existing sanitary sewer lines are adequately sized to accommodate the Gravel Point development.

The City of Bandon Water Master Plan outlines the capacity of the existing water system to serve the residential and commercial users located in both the City limits and the urban growth boundary. It was found in June 2022 that there is adequate water for the estimated and expected growth through the year 2041. The Plan identifies new water lines to be installed and two of them are located near the subject site and adjacent or within the adjoining 60 acres. Additionally, the 6" water line located in Beach Loop Drive is proposed to be increased to a 10" main to provide the fire flow requirements for the hotels/motels along Beach Loop Drive. These new water lines will provide the fire flow capacity requirements that the current system lacks, but the actual amount of water availability is not increasing; therefore, it is found that the City of Bandon has adequate water to serve the proposed use.

G. The proposed use will not alter the character of the surrounding area in a manner which substantially limits, impairs, or precludes the use of surrounding properties for the permitted uses listed in the underlying zoning district;

Applicant's Response: Most of the surrounding area is already developed for single-family and multiple-family residential. Gravel Point was designed to have a positive impact on surrounding properties. It will fit in with, and compliment, the character of the surrounding neighborhoods. The project features abundant open spaces and landscape buffering, which will ensure a much lower impact than developing the property for other permitted uses, such as residential development, vacation rental dwellings and other permitted commercial uses.

16.12.050 Conditional use cannot grant variances.

A conditional use permit shall not grant variances to the regulations otherwise prescribed by this title.

Applicant's Response: The applicant believes that the Planning Commission has the right to approve the project as proposed and as addressed in Section 16.12.020 as well as the definitions found in the BMC. This applies most specifically to the height of the Meadow Lodge structure being increased to 35' while eliminating the 3:12 roof pitch for a Green Roof as reviewed under item (B) limiting the height of buildings and (I) requiring design features which minimize environmental impacts such as noise, vibration, air pollution, glare, odor and dust.

Section 17.20.090 addresses the height of buildings in the CD-1 Zone with the intent to "maximize the ocean view potential of lots in the CD-1 zone." The subject site is within the CD-1 zone, but there are absolutely no ocean views from the subject site. Additionally, the site abuts a residential zone to the East, North and South that do not have ocean views. The adjoining property to the East is under contiguous ownership and contains absolutely no ocean views.

The Meadow Lodge is located on a lower topographical bench from the properties on Strawberry Drive and is located on the East side of Beach Loop Drive by approx 400' and North of Carter Street by approximately 300'. The additional height will not negatively impact the views of the surrounding properties, nor will sunlight be cut off. The height exception will improve the views of the surrounding properties by providing Green Roofs. These roofs maintain a horizon line which reduces interruption to the open sky. Green Roofs create a bird sanctuary, so the views will be increased by additional bird activity in the vicinity. The view from above will be looking at a garden, seamlessly blending into the natural landscape.

The need for a 35' height is to reduce the amount of impervious surfaces on the site and to retain the existing flora and fauna and to enhance these areas by restoring the wetlands and planting native plants. A roof pitch of 3:12 would be contrary to 16.12.020(I) in regard to minimizing environmental impacts. It would eliminate an important component of our sustainable approach of being good environmental stewards.

A Green Roof provides more than a bird habitat. They can reduce the flow of stormwater by up to 65%. Additionally, a Green Roof meets the criteria listed in (I) by providing a design feature that reduces noise, vibration, glare and dust due to the vegetation. According to the US Environmental Pollution Agency Green Roofs reduce air pollution and greenhouse gas emissions (Using Green Roofs to Reduce Heat Islands | US EPA).

16.12.060 Application for a conditional use.

The applicant for a conditional use proposal shall be the recorded owner of the property or an agent authorized in writing by the owner. They may initiate a request for a conditional use permit or the modification of an existing, functioning conditional use permit by filing an application with the city using forms prescribed for that purpose.

Applicant's Response: The Property Owner has applied for this conditional use permit and designated Perk Development Group and Coos Curry Consulting as their point of contact for the review process.

In addition, the following shall be supplied by the applicant:

A. One (1) copy of the site development plan(s) drawn to scale and necessary data or narrative which explains how the development conforms to the standards;

B. The required fee;

C. The conditional use plan, data and narrative shall include the following:

- 1. Existing site conditions,*
- 2. A site plan for all proposed improvements,*
- 3. A grading plan,*
- 4. A landscape plan,*
- 5. Architectural elevations of all structures,*
- 6. A sign plan,*
- 7. A copy of all existing and proposed restrictions or covenants;*

D. In the case where any or all of the above are unnecessary, as in the case of a change of use in an existing structure, the planning director shall determine which items in subsection (C)(1) through (7) of this section will not be required for application. The Planning Commission may request additional items if they determine that these additional items are necessary to understand and make a decision on the application.

Applicant's Response: The application included the required fee, a site development plan and other plan details that show the scale and intent of development. The narrative is found at the beginning of this document, and the design team has provided narrative on the plan sheets to describe in more detail their intent for compliance with the municipal code as well as the desire to be good stewards of the land and protect the natural habitat. Additional information can be provided per the request of the Commission.

16.12.090 Standards governing conditional uses.

A conditional use shall comply with the standards and purpose of the zone in which it is located except as these standards may have been modified in authorizing the conditional use or as otherwise provided as follows:

A. Yards. In any zone, additional yard requirements may be imposed.

Applicant's Response: The yard requirements have been exceeded on the proposed plan, so the applicant is not anticipating additional requirements.

C. Limitation on Access to Property. The Planning Commission may limit vehicle access from a conditional use to a street.

Applicant's Response: The proposal shows the minimum vehicle access to a street.

D. Signs. See Chapter 17.90 Signs

Applicant's Response: The proposed signs are addressed earlier in this document under Section 17.90.

16.12.100 Time limitation

A. A conditional use permit shall become void one (1) year after approval, or after such greater or lesser time as may be specified as a condition of approval, unless within that time the required building construction, alteration or enlargement has been commenced and diligently pursued or, if no such construction, alteration or enlargement is required, unless the permit activity is being regularly conducted on the premises.

B. The Planning Commission may extend a use permit for an additional period of one (1) year, subject to the requirements of this title.

C. A conditional use permit shall become void if the use is discontinued for a period of one year.

Applicant's Response: The developer will start the wetland mitigation plan for DSL approval immediately following approval by the Commission. Utility and road work will begin immediately following the Zoning Compliance approval. Construction is expected to take more than one year, but will be considered compliant due to the work being “diligently pursued.”

16.12.110 Violation of conditions

The Planning Commission, on its own motion, may revoke any conditional use permit for noncompliance with conditions set forth in the granting of said permit after first holding a public hearing and giving notice of such hearing as provided in Chapter 16.04. The foregoing shall not be the exclusive remedy, and it shall be unlawful and punishable hereunder for any person to violate any condition imposed by a conditional use permit.

Applicant's Response: The applicant acknowledges the requirement for continued compliance with the conditions placed on the conditional use, and does not anticipate a problem with meeting the conditions of approval.

16.36 Adjustments and Variances

16.36.010 Purpose

Chapter 16.36 provides standards and procedures for adjustments and variances, which are modifications to development standards that are not otherwise permitted elsewhere in this Code.

Applicant's Response: The applicant believes that the Planning Commission has the right to approve the project as proposed and as addressed in Section 16.12.020 without a Variance being granted. Planning Staff required the inclusion of a Variance request for the elimination of the 3:12 roof pitch for a Green Roof as proposed on the Meadow Lodge.

16.36.020 General Provisions.

Adjustments are variances that are intended to provide relief from code standards in specific situations. Both procedures are intended to ensure that the resulting development is compatible with adjacent properties and is consistent with the intent of the Code.

B. Variances provide greater flexibility to code standards than adjustments, where the physical characteristics of a site or its surroundings prevent reasonable development in compliance with a code standard.

Applicant's Response: The applicant is requesting a height exception allowance to increase the height of the Meadow Lodge to 35'. This will allow for parking to be located on the lower basement level and reduce impervious coverage on the site and retain the natural habitat of flora, fauna and landform.

The additional height and elimination of the 3:12 roof pitch will not negatively impact the aesthetic character of the neighborhood. The design team has taken aesthetics into great consideration, and the design blends into the natural habitat in regard to finishes, color palette and shape. The surrounding area contains a mix of residential architecture that comprises a variety of roof pitches and exterior finishes, all of which appear to be compatible with the proposed design.

The need for a 35' height is to reduce the amount of impervious surfaces on the site and to retain the existing flora and fauna and to enhance these

areas by restoring the wetlands and planting native plants. A roof pitch of 3:12 would not be desirable on this site due to the topography, natural features, aesthetics, and views from abutting residential properties. Additionally, it would eliminate utilization of Green Roofs which are an important component of our sustainable approach of being good environmental stewards.

16.36.040 Variances.

A. Applicability. A Variance is a variance that does not otherwise meet the criteria under Section 16.36.030.

B. Approval Criteria. The Reviewing Body through a Type III procedure may approve a Variance upon finding that it meets all of the following criteria:

1. The Variance is necessary because the subject Code provision does not account for special or unique physical circumstances of the subject site, existing development patterns, or adjacent land uses. A legal lot determination may be sufficient evidence of a hardship for purposes of approving a variance;

Applicant's Response: The need for a 35' height is to reduce the amount of impervious surfaces on the site and to retain the existing flora and fauna and to enhance these areas by restoring the wetlands and planting native plants. A roof pitch of 3:12 would be impractical at this site due to the topography and natural features. Additionally, it would eliminate an important component of our sustainable approach of being good environmental stewards.

A Green roof provides more than a bird habitat. They can reduce the flow of stormwater by up to 65%. Additionally, a Green Roof meets the criteria listed in 16.12.020(I) by providing a design feature that reduces noise, vibration, glare and dust due to the vegetation. According to the US Environmental Pollution Agency Green Roofs reduce air pollution and greenhouse gas emissions ([Using Green Roofs to Reduce Heat Islands | US EPA](#)).

2. The Variance is the minimum necessary to address the special or unique physical circumstances related to the subject site;

Applicant's Response: The subject site is unique and contains several natural features including wetlands and dune formations. The request for a roof pitch reduction to meet the other criteria for development is the minimum necessary to address the unique physical circumstances. The goal of sustainable development is the long-term stability of the economy and environment which is only achievable through the

integration of economic, environmental, and social concerns throughout the design and planning process. This project has considered each of these components and is proposing a low-profile, light footprint and aesthetically pleasing approach to both economic development and nature conservation. The Wetlands, Dunes and Wildlife have been the prominent focus and the structures support a sustainable wildlife habitat.

3. *The need for the Variance is not self-imposed by the applicant or property owner. (For example, the Variance request does not arise as a result of a property line adjustment or land division approval previously granted to the applicant);*

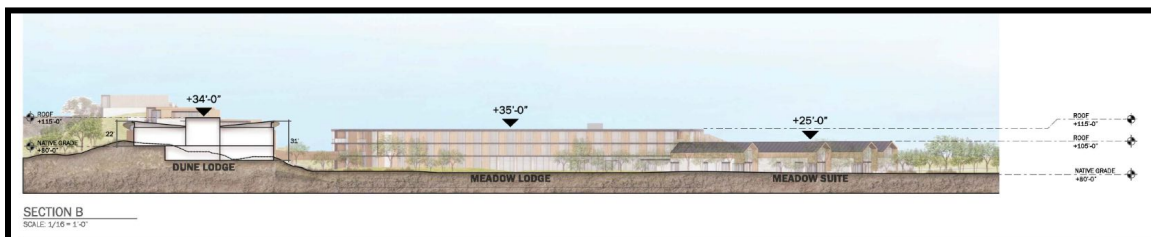
Applicant's Response: The variance does not arise as a result of a property line adjustment or previous land division.

4. *The Variance does not conflict with other applicable City policies or other applicable regulations;*

Applicant's Response: The variance upholds the Statewide Planning Goal 5 for Natural Resources as well as the Comprehensive Plan and the sections of the Municipal Code relating to Wetland Protection (17.102) and Conditional Uses (16.12(I and M)).

5. *The Variance will result in no foreseeable harm to adjacent property owners or the public; and*

Applicant's Response: Considering its low-profile design and location on the East side of Beach Loop Drive, the roof pitch exception will not negatively impact ocean views from surrounding residences- existing or proposed. All setbacks are exceeded and take into account the topography and the surrounding uses. Gravel Point will enhance and provide additional opportunities for the public to access the pedestrian pathways and enjoy the parklike setting of the wetlands and the landscaping in general.



BUILDING HEIGHTS

6. All applicable building code requirements and engineering design standards shall be met.

Applicant's Response: The proposal will meet the building code requirements and engineering standards in order to receive a building permit.

COMPREHENSIVE PLAN COMPLIANCE

Land Use Goal 2

It is the City's policy to provide appropriate, well-integrated, non-conflicting and orderly areas to accommodate present and future needs of the community.

Tourist Commercial Development: To minimize potential conflicts between tourist commercial activities and general commercial activities, segregate these two commercial uses. Place tourist commercial uses in areas frequented by tourists, such as Beach Loop Road, and Old Town. Place general commercial uses in areas oriented to year round residents, e.g. Woodland Heights area. It is important, however, not to exclude commercial development that is used by residents from locating in Old Town.

Applicant's Response: As a tourist commercial use, the Gravel Point property is well segregated from general commercial activities. In accordance with this goal, the project site is located in an area frequented by tourists along Beach Loop Drive.

Open Space, Scenic, Historic Areas and Natural Resources Goal 5

Scenic Resources

Policy 1

The City recognizes the importance of dimensional standards in the preservation of scenic resources.

Implementation Measure

The City shall periodically review height, setback, and lot coverage requirements in the affected viewshed areas to ensure maintenance of scenic resources.

Policy 2

The City shall encourage the appropriate clustering of development, recognizing that the residents of the City will benefit from the provision of open space and view corridors.

Implementation Measure

The City shall periodically review and amend its Planned Unit Development regulations to ensure that the appropriate provision of open space and view corridors shall occur.

Applicant's Response: As shown on the attached plans, Gravel Point will consist of clustered development, and a parking garage under each lodge, thereby reducing the need for surface parking lots and maximizing the provision of open space. The intentional design preserves the view corridors as much as feasible and the development will provide walking and bicycle trails through the site for public access and enjoyment of the natural features.

Policy 3

The City shall develop and implement a master plan for trails within each viewshed, including mapping and signage.

Implementation Measure

As part of the Parks Master Plan, the Parks and Recreation Commission shall consider the development and implementation of viewshed trails utilizing existing trails, right-of-way, and such private property easements as may be granted.

Applicant's Response: The City has not required the applicant to create private property easements for viewshed trails, but it is considered an important component of the desired outcome of the development. The design has been developed by delivering on a few guiding principles:

- “Restore the Oregon Coast” by using native plant species and removing invasive plant species to restore the natural and organic environment.
- “Concentrate and Touch Lightly” to make room for wildlife by leaving much of the site as habitat.
- “Be Good Neighbors” by blending into the undulating land, screening with the existing trees and supplementing with new native bushes; by sharing in the amenities of the site by creating walking trails and supplying restaurants within walking distance of home.
- “Gracious Hospitality” with a goal to attract visitors with a high quality hotel with a resort atmosphere that serves golfers, hiking enthusiasts, cyclists, outdoors-people, birdwatchers and beach-goers that love this stretch of the Oregon Coast.

Policy 4

The City recognizes the importance of City-owned and managed property to accessible and unobstructed views, and shall maintain these areas for future public use and enjoyment.

Implementation Measures

A. The City shall not vacate rights-of-way or sell City property when it is found that the vacation or sale would have an adverse impact on one or more of the following: Scenic views or access to views Wildlife Wetlands Storm drainage Existing or future utilities.

Applicant's Response: The applicant is seeking to vacate the existing undeveloped subdivision and street rights-of-way on the property. The existing subdivided property, which would be accessed by constructing streets in those rights-of-way, could have the detrimental effect on surrounding properties by developing up to 53 minimum sized 5,400 sq.ft. lots on the subject 6.58 acre subdivision, which would also set the tone for development of the remainder of this and other properties in this neighborhood. Additionally, these street rights-of-way are platted in wetland areas and the access point to Beach Loop Drive does not have a safe vision clearance approach.

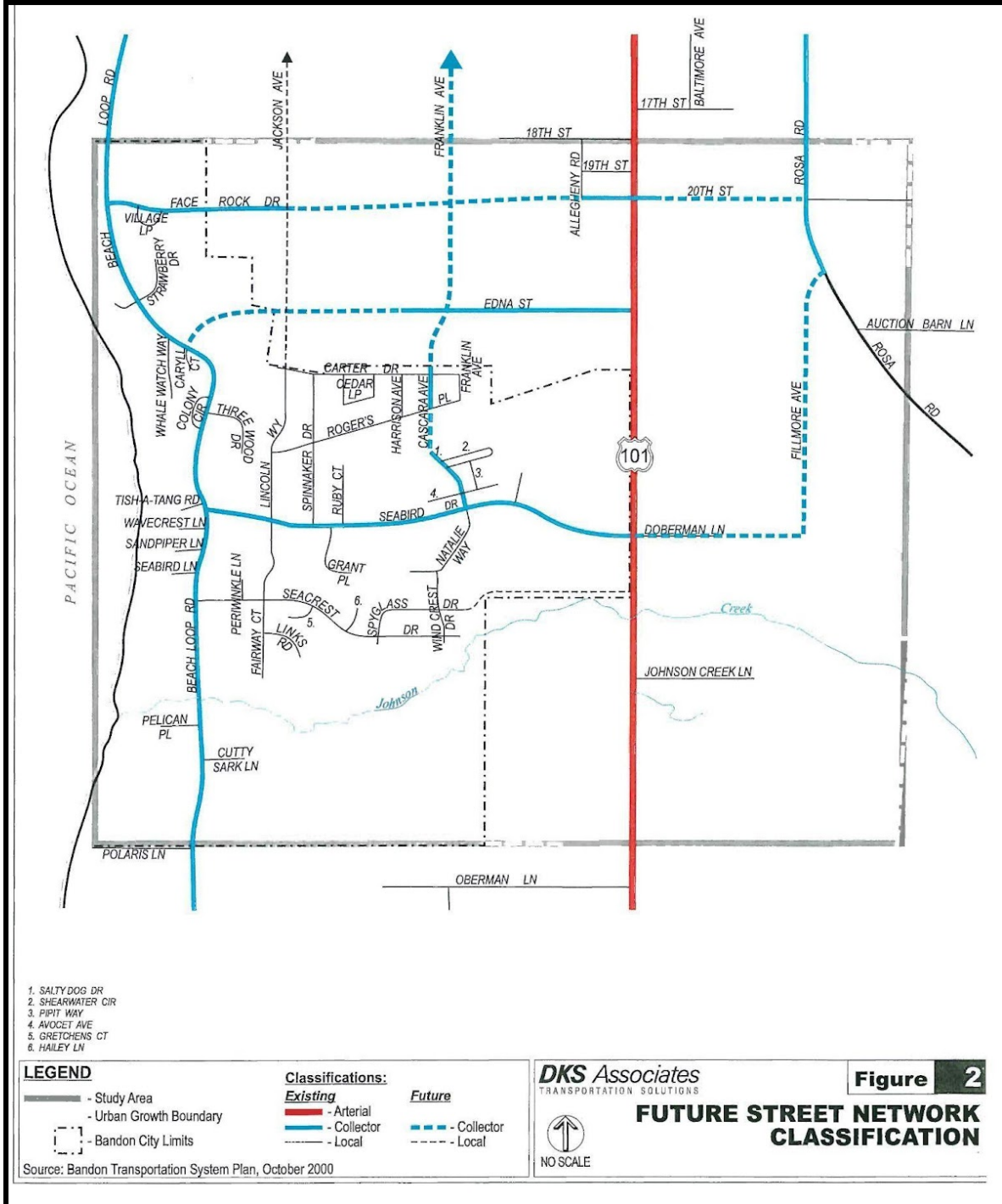
All stormwater will be directed to the roadside bioswales and onsite ground infiltration systems which will handle all additional stormwater, without increasing offsite or point-source flows. The project architects and engineers are currently working with the Bandon Electric Department and Public Works Department with respect to water, sewer, and electric utilities. In addition, the City and project designers will be working together with a telecommunications provider (to be selected) regarding the provision of telephone, television, and Internet services.

Gravel Point will enhance and provide additional opportunities for the public, as well as hotel guests, to access the pedestrian pathways and view several currently inaccessible wetlands without degrading them. Once completed, the project will provide permanent overall protection of views, open spaces, and wetlands, as opposed to high density residential or other potential development that could result in more vehicular traffic, wetland degeneration, interruption of scenic views, and a greater negative impact on wildlife.

The City shall only vacate rights-of-way when there is a clear benefit to the City. The City shall utilize the Transportation System Plan as a source of identification of rights-of-way to be vacated.

Applicant's Response: There is nothing in the City's Transportation System Plan which proposes to develop streets in the existing rights-of-way or which would preclude their vacation. The maps showing future East/West and North/South collector streets do not include the streets proposed for vacation, so it can be concluded that these are not

ideally platted to benefit the general public. The proposed plan shows a true East/West connection and a stub for a future connection to Edna Street and/or Face Rock Drive/20th Street as shown on the enclosed map from the 2010 Transportation Refinement Plan.



FUTURE STREETS TSP REFINEMENT PLAN

Applicant's Response: The Bandon Transportation System Plan outlines objectives and policies for new streets, paths and vacations. The proposed vacation is consistent with the plan and specifically addresses the following objectives as found in the TSP.

TSP Objectives

4. *To recommend streets for vacation while protecting the local street network and providing for future transportation needs.*

Applicant's Response: The proposed development provides for a true East/West connection to Beach Loop Drive via Carter Street. A stub street is proposed for a future North/South connection as needed or required for future development.

6. *To develop a system of sidewalks, walking paths, and bicycle facilities linking major areas of the community.*

Applicant's Response: The street rights-of-way and plat vacation will allow the provision of a system of sidewalks, walking paths and bicycle facilities that will provide a safe and scenic connection from the Seabird area to Face Rock Drive and later to City Park.

10. *To minimize vehicular trips to the greatest extent possible, given the practical opportunities for demand reduction and alternate modes of travel.*

Applicant's Response: The street vacation and proposed street locations will reduce the vehicular trips on Seabird for local residents accessing Beach Loop Drive.

12. *To complete a collector street bicycle system which provides connections among all activity centers within ten years.*

Applicant's Response: The desired outcome is the provision of walking and bicycle paths from the Seabird area to City Park and to Beach Loop Drive via Face Rock Drive and Carter Street.

TSP Policies

21. *The City shall consider the potential to establish or maintain paths or trails prior to the vacation of any public easement or right-of-way.*

Applicant's Response: The desired outcome is the provision of walking and bicycle paths from the Seabird area to City Park and to Beach Loop Drive via Face Rock Drive and Carter Street. The main path from Carter Street to Face Rock Drive will be located in a public easement. The stub

street for future Northeast and North/South connection will be a private road that can be dedicated for a right-of-way in the future as needed. Carter Street will remain a public dedicated street, but redirected slightly North and then South to access Beach Loop Drive in a safe manner.

22. The City shall work with private and public property owners to preserve right-of-way for planned transportation facilities through voluntary dedications, setbacks, or other means in order to ensure a street network that meets current and future needs.

Applicant's Response: The owner and developer have purchased the adjoining 60 acres which will provide the opportunity for coordination between the City and owner/developer to provide properly planned facilities and ensure a street network that will meet current and future needs.

31. In reviewing development projects, the City will require bicycle parking for new retail, office, industrial, and multi-family development (4 or more units) which is likely to generate bicycle traffic from customers, employees, or residents.

Applicant's Response: The proposed plan includes 16 bicycle parking spaces.

40. The inclusion of an improvement project in the TSP does not commit the City or ODOT to allow, construct, or participate in funding the specific improvement. Should a project be allowed, the City will work with any relevant developer and, in the case of projects which affect state facilities, with ODOT, to discuss and refine project requirements and details. In addition, inclusion of a project in the TSP cannot be used as mitigation for future land use decisions which may affect the state highways.

Applicant's Response: The developer is not requesting funding or financial contribution for the vacation of the existing plat and installation of the new streets and public easements.

(Comp Plan Continued)

Policy 5 is not applicable and specific to the Coquille waterfront owned properties.

Policy 6

The City shall actively encourage conservation easements over private properties which have walk-by or drive-by ocean or river views.

Implementation Measures

A. The City shall explore financing options for purchase of view properties and/or view easements. This may include the potential for trading City-owned lots for view lots.

B. The City shall provide information and education to property owners regarding the importance of the City's scenic resources.

C. The City shall provide information about potential tax and other incentives derived from conservation easements, and make property owners aware of these benefits. (eg; airspace, landscape, etc.)

D. The City shall support and assist in the formation of a land conservancy by private parties to conserve view areas and open space within the City of Bandon.

Applicant's Response: The City has not opted to purchase the scenic resource inventoried as BL-8, so the current owner is proposing to provide public easements to access the site.

Policy 7

The City shall coordinate and cooperate with federal, state, and local agencies in order to maintain access to scenic resources and ensure high quality visual experiences for the public.

Implementation Measures

A. Pursuant to applicable statutes, the City of Bandon shall maintain land use jurisdiction over properties within the City Limits and uniformly apply Bandon's land use regulations to all publicly-owned property.

B. The City shall participate in land use decisions within the City's Urban Growth Boundary (UGB) if there are potential impacts on the City's identified scenic resources.

C. The City shall develop and maintain a jurisdiction map in order to show ownership of all public lands by agency.

D. The City shall supply each public agency with a current copy of the City's land development regulations and any future changes as they occur so that the agencies can comply with all applicable land use regulations.

E. The City shall seek to secure the right of first refusal from public agencies on property located in an identified viewshed.

Applicant's Response: The City has not opted to purchase the scenic resource inventoried as BL-8, so the current owner is proposing to provide public easements to access the site. The wetlands and dune formations will be available for public enjoyment for the first time ever.

Special Policies

D. Vegetation and Gorse Removal: In identified viewsheds, the City shall maintain gorse and vegetation on City-owned property at levels specified in the Bandon Municipal Code, and shall ensure other property owners perform said maintenance as well.

Applicant's Response: The property is located in the gorse abatement district and it contains a scenic resource. The applicant mulched the gorse after acquiring the property, and a maintenance plan is under contract and on file with the City. Grass will be mowed after the deer fawning season ends later this summer. It is dangerous and unadvisable to mow grassy areas during fawning season because the fawns will not move. The subject site has a known fawning area in the Northwest section that abuts Face Rock Drive.

Historical And Archaeological Preservation - Goal 5 Policies

The City shall provide special protection to historic and archaeological sites identified in the inventory section. This policy shall be implemented by requiring review of all development proposals involving an archaeological or historical site to determine whether the project as proposed would protect the historical and archaeological values of the site. The development proposal, when submitted, shall include a site development plan showing, at a minimum, all areas proposed for excavation, clearing and construction. Within three (3) working days of receipt of the development proposal, the City shall notify the Coquille Tribal Council in writing, together with a copy of the site development plan. The Tribal Council shall have the right to submit a written statement to the local government within ten (10) days of receipt of such notification, stating whether the project as proposed would protect the historical and archaeological values of the site, or, if not, whether the project could be modified by appropriate measure to protect those values.

Applicant's Response: There are no structures currently located on this property, so none have been identified as being located in the Historic/Cultural Overlay Zone. The applicant fully supports protection of historic and archeological resources, and contacted the Coquille Tribal Council for comments prior to application. There are no known or expected resources on the subject site. The applicant nonetheless encourages onsite observations and monitoring of all excavation activities and other construction activities in accordance with any and all requirements of the Coquille Indian Tribal Council, State Historic Preservation Office, and City officials.

Natural Resources – Wetlands - Goal 5
Goals, Policies, And Implementation Measures

Goal

To protect, maintain, enhance and restore significant wetlands.

Policies

- A. Protect, maintain, enhance, and restore the natural functions and values of wetlands including enhancement of water quality, flood protection, fish and wildlife habitat, open space, and natural areas.*
- B. Enact and enforce standards and ordinances which regulate development, including filling and grading, within delineated significant wetlands.*
- C. Require activities which use wetlands to be compatible with the preservation of wetland functions and values. These activities include uses such as public and private recreation, surface water management and flood control.*
- D. Require the review of any development proposal that could impact a wetland with the appropriate local, state, and federal agencies.*
- E. Allow development density on parcels containing wetlands to be transferred to other portions of the development site when wetlands are permanently dedicated as open space.*
- F. Allow innovative site and building design, including the clustering of buildings to preserve wetlands.*
- G. Emphasize protection rather than mitigation of the functions and values of wetlands.*
- H. Coordinate with local and state agencies and private landowners to develop educational and recreational uses in and around wetlands in conjunction with the Bandon Parks Master Plan.*

Implementation Measures

- A. The City shall adopt wetland regulations which shall be incorporated into Title 17 of the Bandon Municipal Code.*
- B. The City shall encourage the utilization of wetlands to enhance water quality, recharge groundwater and retain surface runoff.*
- C. The City shall maintain an inventory of wetlands and their respective natural resource functions and values within Bandon's Urban Growth Boundary.*
- D. The City shall support community efforts to restore and maintain wetlands and develop educational and recreational activities related to wetlands.*

Applicant's Response: The applicant is committed to the preservation and enhancement of all wetlands on the project site, and will provide for the mitigation for any wetlands disturbed or negatively impacted by project development. A wetlands delineation has been prepared by a qualified wetlands professional, and findings were addressed earlier in this document under Section 17.102. As required, the applicant agrees to

provide for the regular maintenance and monitoring of the mitigation site(s) at their own expense.

Areas Subject To Natural Disasters And Hazards Goal 7

The City shall continue to promote the protection of life and property from natural disasters and hazards through the following activities:

A. Flooding. To reduce flood hazards by implementing the HUD Flood Plain Insurance Program pursuant to Resolution of the Bandon City Council.

B. Coastal Erosion. To ensure that developments on the Bandon Bluff are not endangered by coastal erosion by requiring a review by the city of all development plans on the Bandon Bluff.

C. Extreme Winds. To reduce damage caused by extreme winds, support mobile home tie down requirements established by the State Building Codes Division.

Applicant's Response: The subject site is not located in a natural disaster or hazard overlay; however, the entire coastline is located in a high seismic and high wind location as defined by the State of Oregon Building Codes Division. Construction methods will take these items into consideration, and a building permit will not be anticipated unless and until compliance is verified by the building official.

Environmental Quality Of Life - Goal 6

Resource Conservation And Conflict Resolution

It is the City of Bandon's policy to protect natural and scenic resources by encouraging the conservation of significant natural areas, open space, non-estuarine water areas, fish/wildlife habitat, and recreation trails. These resources shall be protected to the maximum extent feasible providing no conflicting uses are identified. When conflicting uses are identified, the City shall consider the economic, social, environmental, and energy consequences of the conflicting use and take appropriate action.

The City of Bandon recognizes the Department of Environmental Quality's statutory obligations in regards to pollution control, air and water quality, noise pollution and solid waste control. The City of Bandon supports the department's efforts in establishing and enforcing standards in these matters. Furthermore, the city will not adopt any standards or permit development that are inconsistent with the department's standards.

Applicant's Response: The applicant is committed to protecting natural and scenic resources. The project's design and layout reflect this commitment to preserving natural areas, open space, non-estuarine water areas, fish/wildlife habitat, and providing significant recreational trails

where none previously existed, while still allowing full development of the property in a manner which promotes the City's economic development goals and respects the nature of surrounding properties and uses.

No historic or archaeological resources have yet been discovered on the property, but if any are discovered during construction, the applicant will preserve them in accordance with the requirements of the Coquille Indian Tribe, State Historic Preservation Office, and City officials.

To protect the environment, Gravel Point will cause very little air or noise pollution due to the Green Roof systems; will connect to the City's water and sewer systems, so as to protect water quality resources; will contract with Bandon Disposal for solid waste collection and disposal at the nearby Coos County landfill; and will comply with the Department of Environmental Quality (DEQ) standards.

Environmental Quality And Quality Of Life

It shall be the policy of the City of Bandon to ensure the quality of life in Bandon by balancing the city's economic needs with the enhancement of its environmental quality through the following actions:

A. Outdoor Advertising. Restrict substantial outdoor advertising in non-commercial and nonindustrial areas of the city.

B. Air and Water Quality. Ensure that waste discharges do not exceed the carrying capacity of air and water resources, degrade such resources, or threaten their availability by complying and requiring compliance with the appropriate requirements and standards of the Department of Environmental Quality, and the Coos Curry Environmental Protection Program.

C. Air Quality. Preserve air quality by restricting uses which produce undue amounts of objectionable smoke, fumes, or dust.

D. Water Quality. Develop the city's water supply to provide adequate amounts of clean, safe water to meet the city's future needs.

E. Groundwater. Protect the sensitive groundwater area underlying Bandon. The city will coordinate with and support D.E.Q.'s efforts to insure that uses such as underground storage tanks, septic systems and land use practices are done in such a way as to protect this sensitive aquifer.

F. Soil Resources. Protect soils from excessive erosion by ensuring adequate erosion control measures by developers.

G. Sanitation. Continue to develop the city's sewer system to serve all feasible areas of the city and the urban growth area.

H. Solid Waste. Coordinate with Coos County on solid waste management.

I. Noise. Implement measures wherever possible to address incompatible uses and noise problems through zoning and the use of buffer areas.

Applicant's Response: To protect air and water quality, Gravel Point will cause minimal air pollution due to the Green Roofs; will comply with the appropriate requirements and standards of the Department of Environmental Quality (DEQ) and the Coos Curry Environmental Protection Program; and will connect to the City's water utility system. To further protect the sensitive aquifer, no underground septic systems or adverse land use practices will be utilized for this project. Aquifer protection will be further enhanced by the onsite stormwater system which will allow the water to soak into the ground in a manner as close as possible to the existing natural infiltration.

F. Soil Resources. Protect soils from excessive erosion by ensuring adequate erosion control measures by developers.

Applicant's Response: Galli Group prepared a plan for development that will employ adequate erosion control measures during construction activities and thereafter.

G. Sanitation. Continue to develop the city's sewer system to serve all feasible areas of the city and the urban growth area.

H. Solid Waste. Coordinate with Coos County on solid waste management.

Applicant's Response: All wastewater will be managed by connecting to the City sewer system, and solid waste will be managed by contracting with Bandon Disposal for regular trash service. On-site storage of solid waste is not proposed, nor does it meet the intention of the development.

I. Noise. Implement measures wherever possible to address incompatible uses and noise problems through zoning and the use of buffer areas.

Applicant's Response: The "No Noise/No Party" policy was addressed earlier in this document. All development is located further than the yard requirements for buffering of residential properties. The applicant is proposing a thick landscape hedge to further provide visual and sound buffering.

Water Conservation

The City will support water conservation as a way to help meet its future water needs.

Applicant's Response: The design team has taken water conservation into account by proposing low flow fixtures in the rental rooms and by designing a gray water collection system for irrigation. Landscaping will

consist of native plants and grasses which will require minimal irrigation and maintenance.

Wetlands

A. After Division of State Lands (DSL) provides the City with a copy of the applicable portions of the Statewide Wetlands Inventory, the City shall provide notice to the Division, the applicant and the owner of record within five (5) working days of the acceptance of any complete application of the following that are wholly or partially within areas identified as wetlands on the Statewide Wetlands Inventory:

- A. Subdivisions;*
- B. Building permits for new structures;*
- C. Other development permits and approvals that allow physical alteration of land involving excavation and grading, including permits for removal or fill, or both, or development in flood plains or floodways;*
- D. Conditional use permits and variances that involve physical alterations to land or construction of new structures; and*
- E. Planned unit development approvals.*

Applicant's Response: A wetland delineation was submitted to DSL in December 2022. Notification to the state and a response from their office are expected. The time required for DSL review is understandable.

Recreation Goal 8

In order to satisfy the recreation needs of the citizens of Bandon the City shall:

- A. continue development of city parks, private recreation facilities, and state and county parks within the city.*
- B. promote ongoing park development through the City Parks Commission by developing neighborhood parks in all sectors of the city.*
- C. give special attention to providing recreational opportunities which:
 - 1. meet recreational needs of persons of limited mobility and finances.*
 - 2. provide a conservation of energy.*
 - 3. minimize environmental deterioration.*
 - 4. are available at nominal costs.*
 - 5. are coordinated with the plans of state, county, and private agencies.*
 - 6. consider the continued development of bicycle paths as may be financially feasible.*
 - 7. encourage the continued development of the Bandon Airport.
 - a. encourage the development of the needed recreational facilities identified in the Comprehensive Plan Inventory.**
 - 8. enhance the cultural quality of Bandon by encouraging cultural activities and the siting of related business in appropriate locations**

Applicant's Response: We are confident that the community will benefit from the proposed development as it provides a park-like setting with recreational opportunity for hiking, wildlife viewing and a trail connection through Bandon by avoiding Beach Loop Drive. A trail system is proposed to connect Carter Street and Beach Loop Drive North to Face Rock Drive. The adjoining 60 acres in contiguous ownership and there is a long term plan for additional park facilities, bicycle and walking trails that connect to City Park. These recreational opportunities are paid for and maintained by the owner/developer and are a benefit to the City of Bandon as a whole.

Economic Development Goal 9

The city will actively promote the health of its economy by encouraging economic development that is compatible with the city's infrastructure, service provision capabilities, environment and the community's high standards for quality of life.

The city supports growth management and the planning of development to protect resources and maximize its economic assets and advantages. Where appropriate, the city also supports amendments to the urban growth boundary to supply needed public facilities for development of key industrial, commercial and residential areas.

It is the policy of the City to enhance the economic well-being of the residents of Bandon by encouraging the expansion and diversification of the city's economy through the following actions:

A. Tourism. Guard the scenic appeal and character of Bandon by the careful development of tourist facilities. Special attention will be given to Old Town and the waterfront through the Architectural Review Overlay provisions.

Applicant's Response: Gravel Point is located in a tourist appropriate area of Bandon and is outside of the Architectural Overlay.

E. Meet the economic needs of Bandon in face of a declining economic base by diversifying the city's economy wherever possible.

Applicant's Response: Gravel Point will diversify the city's economy by providing a resort-like development in an area of town without sufficient parks, trails and restaurants.

F. Maintain a well-balanced social community by encouraging industry that will attract youth.

Applicant's Response: Gravel Point will attract youth due to the park-like setting with bicycle and walking trails from the Seabird Area to City Park.

Housing Goal 10

It is the policy of the City to:

A. encourage development of adequate housing for residents of Bandon in order to meet their needs and in order to provide security and enjoyment.

B. make available adequate, integrated, reasonably-priced, quality housing, subject to regulations, which would ensure aesthetics and protection of the natural environment.

Applicant's Response: Gravel Point will help the current housing shortage by providing accommodations to traveler's otherwise seeking Vacation Rental Stays. The City of Bandon currently has a shortage of room rental accommodations which further encourages the conversion of single family dwellings to short term rentals. The addition of the Villas/Suites will provide short-term housing for Hotel and Golf Resort personnel, Traveling Medical Providers and other transient workers that would typically occupy a long-term rental in our area that is needed by local workers. The proposed development will help balance the need for both long-term and short-term rentals in our area.

Public Facilities Goal 11

Policies

A. To ensure adequate public facilities and services within the City.

B. To consider future annexation while planning and constructing public facilities.

C. To ensure that the cost of infrastructure required to serve new developments is borne by the developer and benefitting properties.

D. To ensure quality infrastructure by requiring that all projects be reviewed and approved by the Public Works Director and, when required, the City Engineer.

Implementation Measures

A. The City shall ensure that all required improvements are made by a developer at the time of development, and in accordance with the City's adopted master plans.

Applicant's Response: The developer will make all required improvements at the time of development and in accordance with the master plans.

Transportation Goal 12

It shall be the policy of the City to:

A. encourage a transportation system which will meet the present and future needs of Bandon.

E. provide adequate pedestrian safety by continued development of sidewalks as may be appropriate.

H. encourage the establishment of transportation systems and capabilities that will enable the transportation disadvantaged adequate mobility.

I. provide for a mix of transportation options without relying entirely on automotive transportation.

Applicant's Response: The proposed development has taken into account all of these items by providing a proposed connection between Carter Street and Beach Loop Drive as well as a future connection to the North and East to Face Rock Drive. A trail system is proposed for the current and future development which will provide a mix of transportation options such as bicycles, golf carts, power wheelchair options and other alternative forms of transportation. The proposed sidewalks provide pedestrian safety and continuity in the North/South direction without having to access Beach Loop Drive.

The following policies are listed in the Transportation Plan and were adopted by Ordinance 1450 12-04-2000

A. The adopted street plan shall be used in right-of-way acquisition in the subdivision and development process.

Applicant's Response: The proposed plan shows a true East/West connection and a stub for a future connection to Edna Street and/or Face Rock Drive/20th Street as shown on the enclosed map from the 2010 Transportation Refinement Plan.

B. The City shall plan and implement a storm drainage system to allow all streets to be drained and improved.

Applicant's Response: The proposal provides for drainage swales and green roofs which reduce storm runoff. There is a storm drainage system at Carter Street and Beach Loop Drive.

C. All street improvements, with the exception of open, local access streets, shall comply with the Street Standards specified in Table 1 (Appendix B), Street

Standards by Classification and shall be constructed according to the standards in Appendix B. Existing, open access streets may be rebuilt or improved to existing width, provided the street complies with the minimum pavement and base rock depths. Existing, open local access streets shall not necessarily require sidewalks and bike lanes and may be permitted with drainage ditches.

Applicant's Response: As shown in the proposed plans, the applicant is requesting an exception to the street standards. There are notable aspects behind the design of these road sections that align to the overall philosophy of environmental stewardship of the project, each seeking to minimize environmental impact and/or increase ecological uplift of the dune ecosystem.

Road Placement: Placement of the roads in relation to existing topography will minimize grading operations while maintaining unique dune character and sense of place.

Reduce Pollution Generating (Impervious) Surfacing: Use of 12' Lane Section as access to Villas/Suites (as opposed to a traditional road section) coupled with reducing and/or eliminating instances of curb and gutter, and utilizing crushed gravel material in lieu of sidewalks will all greatly reduce the amount of pollution generating surface, stormwater runoff and consequently, erosion potential.

Bioinfiltration for Stormwater Treatment: Providing areas for bioinfiltration within the proposed road sections (through use of bioswale/planter strips) will treat stormwater in a manner that is much closer in alignment to natural forested conditions than a typical catchment and pipe conveyance system. This will allow us to both manage and treat stormwater in a more holistic manner.

Within the proposed site plan for Gravel Point, we have provided three road sections reflected within the Civil Site Plan. The individual components of each section are provided below:

Asphalt Road Section 1 – 52'

Carter Street and the Private Roads with Public Easement

- 2 - 12' asphalt travel lanes
- 2- 8' bioswale/planter strips
- 2 – 6' crushed gravel walks

Asphalt Road Section 2 – 46'

Meadow Suite Private Roads without Public Easement

- 2 - 12' asphalt travel lanes

- 2- 8' bioswale/planter strips
- 1 – 6' crushed gravel walk

Asphalt Lane Section – 12'

Ridge Line Suite Private Path with Public Easement

- 1 – 12' asphalt path.

D. The City shall encourage the use of local improvement districts for improving existing local access streets.

Applicant's Response: The developer is bearing the cost for all improvements.

E. The City will require limited or shared access points along arterials and collectors as is necessary to preserve traffic-carrying capacity.

Applicant's Response: The proposed plan limits the access to point to the development.

The City shall ensure adequate pedestrian safety by continued development of sidewalks and alternate routes for pedestrian traffic.

Development proposals shall be reviewed to assure the continuity of sidewalks, trails, bicycle facilities, and pedestrian ways with adjoining properties and rights-of-way.

Applicant's Response: The proposed plans show continued sidewalks from Carter Street to Beach Loop Drive and alternate routes to the Face Rock Drive and City Park areas to the North. There is a stub for a future street connection.

It is City policy to have paved streets.

Applicant's Response: The proposed streets are asphalt.

Bicycle and pedestrian facilities shall be provided on new arterials and collectors. Sidewalks shall be provided on most new local streets in accordance with the Street Standards (Table A , Appendix B of the Bandon Transportation System Plan). This shall occur:

- A. at the time of construction of new streets*
- B. as funding is available for street construction*

Applicant's Response: The proposed streets have 6' wide sidewalks which provides room for both a pedestrian and bicycle path.

Except as permitted in the Transportation System Plan (TSP), new development shall only occur on property abutting streets opened and developed to standards specified in the TSP. A street shall be considered substandard if not developed to TSP standards.

Applicant's Response: Carter Street is proposed to have 24' of paved surface with 8' bioswales on each side and 6' gravel sidewalks on each side.

Development of property abutting existing, opened substandard streets shall be permitted only if one of the following occurs: (This applies to new development on an undeveloped parcel and to substantial improvements on a parcel with existing development. Substantial improvements shall be defined as improvements which are likely to cause an increase of over 25% in vehicular traffic volumes).

- A. The developer brings the street frontage of the property up to City standards;*
- or*
- B. The developer signs an anti-remonstrance agreement regarding the formation of a Local Improvement District for street and drainage improvements for that street. This agreement shall be binding on all future owners of the subject property.*

Applicant's Response: Beach Loop Drive is considered an opened substandard street. It is impossible to bring the street to current city standards, so the developer has proposed a new street opening that connects Carter Street to Beach Loop Drive. The street standard exceptions take into account the overall design concept and environmental impacts and do not reduce the pavement width or travel lane width.

The City's policies on costs associated with the initial construction of streets are:

- A. Local access streets are entirely developer/property owner responsibility.*
- B. Where a collector street is required by the City, the cost differential between local access street standard and the collector street standard is the City's responsibility.*

Applicant's Response: The developer has agreed to pay for and maintain the new connection from Carter Street to Beach Loop Drive if the street standard exceptions are approved. Access to the development could be directly off of Beach Loop Drive in lieu of a new street formation.

Included in the City's parks and recreation priorities shall be ten percent of parks funding shall be used toward the planning and development of shared path

facilities for bicycles and pedestrians, intended primarily as recreational trails. Such facilities shall generally be designed as further refinement of parks plans and the South Bandon Refinement Plan. These facilities shall be designed to generally follow natural features, provide scenic views, and connect points of interest (public lands, parks, pedestrian districts, etc.) or facilities which generally serve the population with limited mobility options (schools, retirement centers, etc.). Examples may be found in the City Park master plan and the South Bandon Refinement Plan.

2010 Bandon TSP Refinement Plan page 98-99

The South Bandon Refinement Plan covers an area that overlaps with the study area of the current project, extending roughly from 13th St on the North to Seabird Drive on the South, and from Beach Loop Drive on the East to Highway 101 on the West. The Plan includes study area background and inventories, such as wetlands studies and a survey of the existing built environment, which feed into an analysis of opportunities and constraints and inform the concept plan and platting recommendations that follow. (Existing transportation conditions were described separately in the TSP update.) The plan also includes Community Design Principles, Neighborhood Character Concepts, Recommendations, and a framework for creating an integrated city/county Growth Management Plan (GMP).

Among the Community Design Principles are several of relevance for this project. The plan calls for an “Accessible, Connected Interior” – a system of connected streets and paths that accommodate all forms of circulation and make use of traffic calming measures, making walking and biking comfortable and efficient, and encouraging the use of local roads for local trips and higher-capacity roads outside the neighborhood for through trips. It also envisions streets, alleys, and walkways as important public spaces, recommending buffering sidewalks through landscaped strips and on-street parallel parking, and designing adjacent buildings so that they look out onto the public street and are oriented towards it. It also suggests providing alley access to garages to allow for on-street parking and to prevent driveways from crossing sidewalks. The plan notes the potential for riparian corridors and wetlands areas to provide routes for off-street pedestrian trails alongside buffer zones that could provide alternative pedestrian routes to neighborhood destinations as well as serving a recreational purpose. Future circulation in areas with large lots is addressed through the shadow plot concept, so that if future infill development occurs, public street and utility connections can be made to the new lots. A Community Design Charrette Workshop resulted in policy themes supporting a connected network of streets and pedestrian paths, siting homes with windows that look out over streets and paths, and requiring new developments to construct necessary roads and utilities.

Applicant's Response: Gravel Point and the adjoining 60 acres are located within the area known as South Bandon. The "Donut Hole" area of Bandon contains several wetlands, and the TSP acknowledges that new streets, paths and the like will be natural and move around wetlands as much as possible. The proposed streets and paths take this into account as well and the street standard exceptions appear to be in compliance with the South Bandon Refinement Plan and TSP.

(Comp Plan Continued)

In reviewing development projects, the City will require bicycle parking facilities for new retail, office, industrial, and multi-family development (4 or more units) which is likely to generate bicycle traffic from customers, employees, or residents. These uses shall be assumed to generate bicycle traffic unless the applicant provides evidence to the satisfaction of the Planning Director. The required number of bicycle parking spaces will be determined on a case-by-case basis, and the Oregon Bicycle and Pedestrian Plan (see Table 4, p.30a), can be used to provide guidance. Bicycle parking spaces shall be provided in a visible location which does not obstruct pedestrian traffic.

Applicant's Response: The proposed plans show 16 dedicated bicycle parking stalls and there will be room for parking at each Villa/Suite and Lodge.

Parking accessible to persons with disabilities shall be required in compliance with ORS 447.233.

Applicant's Response: The proposed plans show an excess of ADA parking spaces per ORS 447.233.

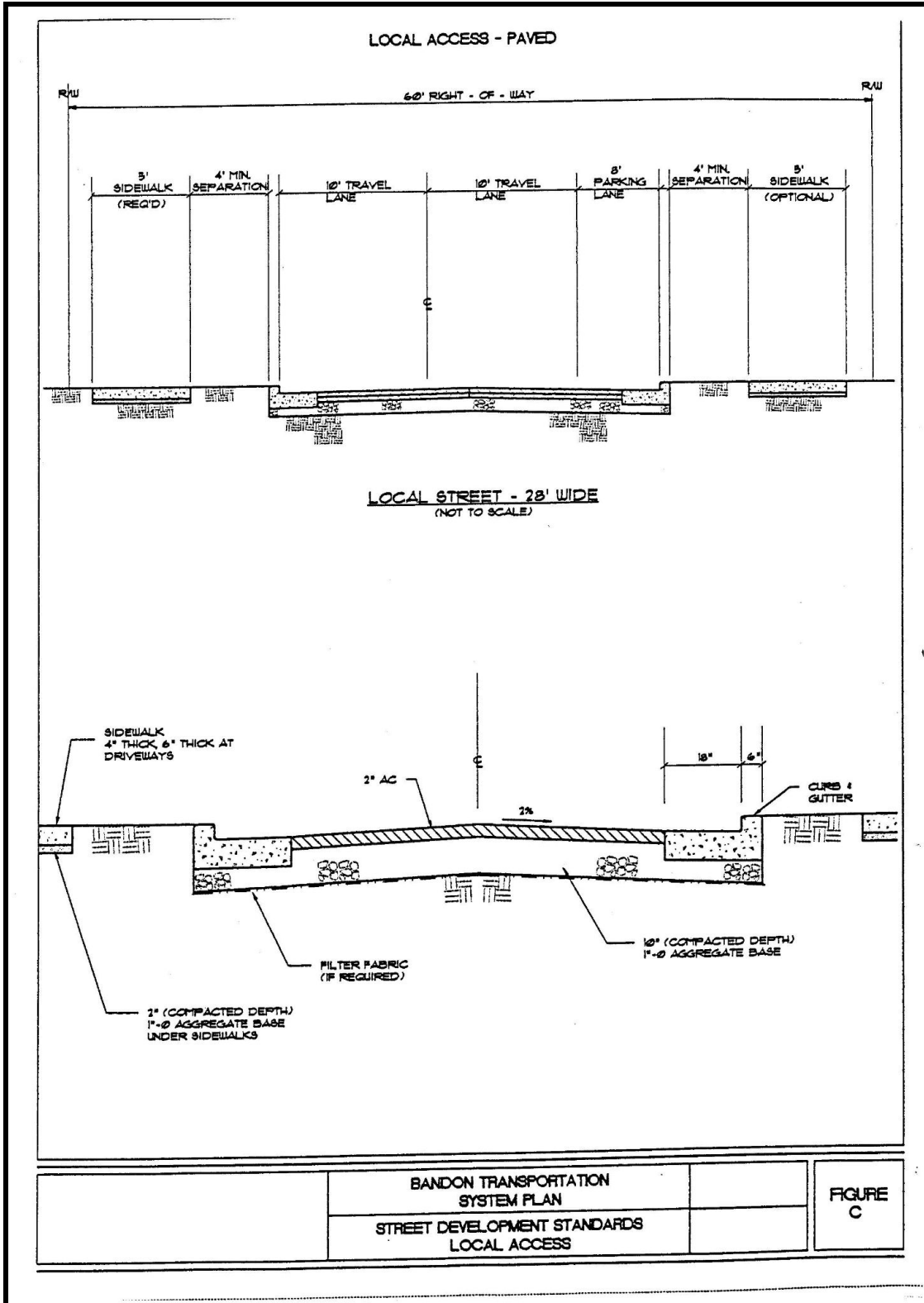
All development proposals, Comprehensive Plan amendments, and zone changes shall conform with the adopted Transportation System Plan.

Applicant's Response: The proposed development conforms to all but the street standards as written. Resolution No. 08-10 allows the City Council to grant exceptions on an individual basis. The applicant is confident that the proposal is in the best interest of the City of Bandon and can be approved. The exception to the street standard is to eliminate on street parking and curb and gutter. Instead, a drainage swale will be provided on either side of the street. The paved width and travel lanes meet the criteria. The sidewalk is proposed to be gravel and not paved.

TABLE 1 - STREET STANDARDS BY CLASSIFICATION

Street Characteristic	Arterial	Commercial	Collector		Local	
			28' Wide	34' Wide	Continuous	Cul-de-sac
Right-of-Way	80' to 100'	60' - 80'	60'	60'	60'	60' plus cul-de-sac
Vehicular Travel Width	24' to 48'	24'	28'	24'	20'	20'
Travel Lanes	2 or 4 @ 12' each	2 @ 12' each	2 @ 14' each	2 @ 12' each	2 @ 10' each	2 @ 10' each
Parking	0 to 2 @ 8'	2 @ 8 - 19' each	None	None	1 @ 8'	1 @ 8'
Curb and Gutter	Yes	Yes	Yes	Yes	Yes	Yes
Bike Lanes	2 @ 6'	No	No	2 @ 5'	No	No
Sidewalks	2 @ 8'	2 @ 6' - 8'	2 @ 5' or 6'	2 @ 5' or 6'	1 @ 5' Required 1 @ 5' Optional	1 @ 5' Required for full length
Turn-around Radius	--	---	--	--	--	40'
Pavement Width	36' to 76'	40' to 62'	28'	34'	28'	28'
Min. Pavement Depth	ODOT Standards	3"	3"	3"	2"	2"
Min. Base Rock Depth	ODOT Standards	10"	10"	10"	10"	10"

BANDON TRANSPORTATION PLAN APPENDIX B PAGE 386



BANDON TRANSPORTATION PLAN APPENDIX B PAGE 389

RESOLUTION NO. 08-10

**A RESOLUTION OF THE MAYOR AND CITY
COUNCIL OF THE CITY OF BANDON,
OREGON, AMENDING THE LIMITED
EXCEPTIONS TO THE STREET
CONSTRUCTION STANDARDS.**

WHEREAS, on December 4, 2000, the Mayor and City Council approved Resolution No. 00-43, which adopted street construction standards as Appendix B of Volume 6 of the Transportation System Plan; and

WHEREAS, on October 7, 2002, the Mayor and City Council approved Resolution No. 02-37, which provided for limited exceptions to the street construction standards; and

WHEREAS, the Mayor and City Council have determined it is in the best interest of the City of Bandon to amend the exceptions to the street construction standards, to allow more flexibility for the City Council to allow application of those exceptions in certain individual circumstances.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council that the exceptions to the street construction standards, as specified in Resolution No. 02-37, and as included in Appendix B of Volume 6 of the Transportation System Plan, are hereby amended to add the following provision to the allowance of a waiver of the standards for opening and constructing new streets:

In cases where requests for exceptions to the street construction standards do not meet all of the conditions necessary for approval by the City Manager, the City Council shall have the authority to approve requests for exceptions to specific conditions, where such exceptions are determined by the City Council to be in the best interest of the City, and provided all other street construction standards, except those specifically waived, shall be complied with.

AND, BE IT FURTHER RESOLVED that this Resolution shall be effective immediately upon its adoption and approval.

ADOPTED by the City Council of the City of Bandon, this 3rd day of March, 2008.



Mary Schamehorn, Mayor

ATTEST:



JoAnne Lepley, City Recorder

RESOLUTION NO. 08-10

It is the policy of the City to plan and implement a network of streets, access ways, and other improvements, including bikeways, sidewalks, and safe street crossings, to promote safe and convenient bicycle and pedestrian circulation within the community.

Applicant's Response: The proposed development implements the City's plan to provide streets, bikeways, sidewalks and safe street crossings.

Chapter 2: The Planning Process

Recreational Needs

The existing recreational facilities in Bandon and the surrounding areas are prescribed in the Comprehensive Plan under Park and Recreational Facilities. Several facilities identified in the Statewide Comprehensive Outdoor Recreation Plan (SCORP) that are either not currently available or are not provided in enough quantity and are needed in the Bandon area include:

A. Jogging or running areas.

Applicant's Response: See prior response to 17.94.090.C. Pedestrian Walkways.

Another need identified in the Comprehensive Plan is the need for a destination tourist facility. The improvements to Old Town may increase the length of stay of some visitors to Bandon, but they will not provide a convention/resort facility desired by large groups. The lack of a convention/resort facility located in a non-urban setting places the south coast region at a comparative disadvantage with other areas in attracting destination tourists. There is currently a proposal for a marina and convention complex to be located at Prosper. The City of Bandon supports the proposal as it would fulfill an important identified need and aid in the expansion of the tourism sector of the local economy.

Applicant's Response: The Dune Lodge will feature three adjoining meeting rooms, which can be used for separate concurrent meetings or combined for small conventions. That same building will include an adjacent fine dining restaurant and a casual restaurant/bar lounge.

Land Use Classifications

Tourist Commercial

Purpose: This classification is to designate areas for commercial activities which are especially oriented toward tourists and travelers. Examples of such activities include motels, restaurants, gift shops and similar uses.

Applicant's Response: The facility will be especially oriented towards tourists and travelers, and will provide the activities listed, ie: hotels,

motels and restaurants. There will be a small gift shop and spa within the Meadow Lodge building.

Land Use By Area

Jetty-Beach Loop Road

Commercial Development

The Plan proposes that Tourist Commercial development outside of the CDA be clustered around existing locations (as shown on the Plan map). Clustering of Tourist Commercial development is consistent with the Bandon Zoning Ordinance and serves to prevent a pattern of strip development along the Beach Loop Road.

Applicant's Response: Gravel Point will be located on a parcel of land which is surrounded by residential developments and separated from other commercial uses along Beach Loop Drive. Combined with its independent location and clustered form, it will serve to further prevent a pattern of strip development along Beach Loop Drive.

Chapter 4: Areas Subject To Natural Disasters And Hazards

The Wind

The wind hazard is not great except for infrequent severe storms, such as the Columbus Day Storm of 1962. During the fall, Winter and Spring, storms blow over the coast and occasionally a strong storm will occur. The problems created by the wind are not so great. There are occasionally power outages for short periods, but there are no cases of houses being blown down or other serious problems.

Extreme Wind recurrence shown in Figure IV-10a, indicates that hurricane force winds can occur in the Bandon area. The potential force is great enough to overturn mobile homes, automobiles, and snap trees. Combined with the common occurrence of a rainstorm, damage could be substantial. The figure shows that 90 mile per hour winds can be expected to recur every 100 years in the Bandon area. Please note, however, that the above does not mean that 90 m.p.h. wind occurred in 1962, another 90 m.p.h. wind could not occur until 2062. A 90 m.p.h. wind could occur anytime regardless of how long the last 90 m.p.h. event occurred.

Applicant's Response: The Oregon Structural Specialty Code places Bandon in a Special Wind Region where the subject site is taken into account. A building permit will not be issued unless structures are designed to withstand hurricane winds. It is in the best interest of the owner and operator to secure all signage, fencing, trash receptacles, etc.

to meet a wind standard of at least 120 mph. This is accomplished by using straps or other devices designed for our area.

Chapter 5: Infrastructure

Applicant's Response: Gravel Point will meaningfully contribute to the future development, operation, and maintenance of the City's streets, drainage, water, sewer facilities, and other public services and facilities. At the outset, it will be paying a significant amount of money into the Streets, Storm Drainage, Water, and Sewer System Development Charges (SDC's), which can then be used by the City for future capital improvements to those public facilities as the City determines to be in the best interest of the community. On an ongoing basis, it will contribute towards continued operation and maintenance of the City's public facilities, as well as other services such as administration, police and fire protection, etc. These contributions will be through payments of the Transient Occupancy Tax (TOT); Local Option Street Tax; Water, Sewer, and Electric utility monthly charges; and increased Property Taxes which will help support the City of Bandon, the Police Department, the Bandon School District, the Port of Bandon, the Southern Coos Hospital, the Library District, and the Bandon Rural Fire Protection District.

Chapter 6: Energy Conservation

Goal

To ensure that the new development maximizes energy efficient practices while encouraging the use of renewable energy efficient practices while encouraging the use of renewable energy sources and energy conservation.

Conservation

The role of conservation in the energy picture should not be underestimated. As technology develops, and awareness grows, conservation of existing resources becomes more important.

Applicant's Response: The installation of Green Roofs is an energy conservation method that acts as insulators for buildings which greatly reduces the energy needed to provide heating and cooling.

Chapter 7: Socio-Economic Analysis

Economic Trends And Planning Considerations

Tourism And Recreation

The newest but fastest growing of Bandon's economic functions are those related to tourism, recreation and retirement. The scenic beauty of Bandon,

enhanced by the city's location on a bluff overlooking the Pacific Ocean and the Coquille River, makes the city ideally attractive for these activities. This attractiveness is further enhanced by the city's location on Hwy 101 (cited as one of the most scenic highways of its kind anywhere in the world) and by the location of several major city, county, state and federal parks.

These attractions bring numerous visitors to the city each summer. Within the city this activity is largely focused on Hwy 101, the Old Town area, the south jetty and the beach. Visitors support numerous businesses located along Hwy 101, the Hwy 101/42 intersection, in Old Town, in the Woodland Addition, and at the Jetty and along Beach Loop.

Much of this tourist activity is not "destination" oriented, but is "drive through", made up of people stopping at Bandon while visiting several places on the coast. Consequently, the plans of the city to become more of a destination point will benefit this sector. The ability of the city to capture the "drive through" business is related to its ability to induce people to stop while traveling through.

Applicant's Response: The applicant is confident that the community and tourists alike will benefit from the proposed development as it provides a destination point that will help the city "capture" drive through tourists.

Tourism

The tourism market is based on drive-through traffic, though the city has made progress in becoming more of a destination in recent years. This dependence on fuel makes the sector very sensitive to gas and oil prices. The fact that there is no public transportation to the Bandon area coupled with increases in gas and oil prices could have a chilling effect on the tourism industry.

For Bandon to retain its share of recreational activity, the city should consider additional steps to make itself a desirable destination rather than a drive-through area. In order to do this, the city must develop its unique qualities, allow for expansion of overnight services, increase its range of recreational services to provide a wider variety of recreational experiences, and consider ways to recruit tourists.

Applicant's Response: The proposed project is offering overnight services and recreational services that will attract/recruit tourists. The proposed project is in compliance with the Plan.

Chapter 12: Scenic Resources

As part of the City of Bandon's Periodic Review Work Program, the City has undertaken a Scenic Resources Inventory utilizing the Goal 5 process. For the

purpose of the analysis, geographic viewsheds were identified and sites selected for their significant scenic qualities. Each site was mapped, described by its characteristics, and photographed. The results are contained in Appendix 1. Inventory.

Applicant's Response: The Gravel Point property has been identified as being located within the “Medium Significance” geographic viewshed “BL-8 Wetland/Dune on Strawberry Drive” which is privately owned without public access. As shown on the attached plans, the proposed development will serve to preserve and protect the BL-8 wetland and dune experience. Since the property is privately owned, those wetlands cannot be effectively viewed and enjoyed by the public at this time. Gravel Point will permanently preserve the wetlands and overall dune view backdrops, and will mitigate any negative impacts that the construction may have. This is being accomplished by incorporating the profile of the Lodges and Villas/Suites to reflect the overall contours of the dune and situating all buildings so as to avoid intruding into the wetlands as much as possible. The most noteworthy positive impact will be the installation of publicly accessible sidewalks and walking paths designed to protect and preserve the wetlands, while providing the public and guests the opportunity to view and enjoy these wetlands and the associated vegetation and wildlife.

The dune formation on the subject site is not a protected dune as described in the Beaches and Dunes overlay and Statewide Planning Goal 18, and is not protected in regard to development; however, it is the intent and desire of the development team to enhance and highlight the natural beauty of the site. A dune walking path will connect Carter Street and Beach Loop Drive to Face Rock Drive, allowing visitors and neighbors the opportunity to enjoy the dune and the wetland views. Methods For Conserving Viewsheds and access to Viewsheds have been addressed in several portions of this document.

Bandon has many scenic resources due to its location on the Pacific Ocean and on the Coquille River in Coos County. Many of the views are already protected through public ownership. The challenge to the City is to determine, with assistance from citizens, which views are the most important ones for preservation. The viewsheds selected for protection should be those which define the qualities that the City chooses to maintain in perpetuity--expansive views of the Pacific Ocean, the Coquille River, the Coquille River Lighthouse, and any other views which contribute to Bandon's uniqueness as a coastal community.

Applicant's Response: It is the desire of the owner to enhance and protect the site and to open it to public enjoyment. This is a way to protect the views that are not specific to the waterfront.

