

**STAFF REPORT  
OF THE PLANNING DEPARTMENT  
FOR THE CITY OF BANDON, OREGON**



**FILE NUMBER:** 23-045

**LOCATION:** 0 Beach Loop Drive  
Map Number: 28S-15W-36BC, TL 219 &  
Map Number: 28S-15W-36C /TL 400, 500, 600, 700, 1500

**APPLICANT:** Coos Curry Consulting Group, Sheri McGrath  
**PROPERTY OWNER:** Bandon Beach Ventures, LLC

**REQUEST:** Approval of a conditional use permit to construct a new resort – 110 room hotel, two restaurant spaces, meeting rooms, and spa, as well as 32 villas/suites. Approval of a variance to certain height restrictions, and plan review for commercial design standards, parking, and signage.

**REVIEWING BODY:** City of Bandon Planning Commission

**STAFF REPORT PREPARED BY:** Dana Nichols, Planning Director & Henry Hearley, LCOG Planner

**NOTICE DATE:** September 7<sup>th</sup>, 2023

**HEARING DATE:** September 28<sup>th</sup>, 2023 at 7:00 PM

**APPLICABLE CRITERIA:** BMC (Bandon Municipal Code) Chapters:  
16.12, Conditional Uses  
16.36, Adjustments & Variances  
17.20, Controlled Development 1 (CD-1)  
17.90, Signs  
17.94, Commercial Design Standards  
17.96, Off-Street parking & Loading

**I. Procedural – Required Burden of Proof**

The development standards of the Bandon Municipal Code will be listed below organized by each of the applicable chapters listed above. Bandon Code language will appear in italics and staff will include both the applicant’s findings, and our own, where needed. The applicant has requested a consolidated review, so this staff report covers all applicable criteria, including items that would otherwise be reviewed as a Type II decision.

**Title 16 – Chapter 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.*

**FINDING:** The applicant has requested approval of a “resort,” which staff finds falls under “motel, hotel” and “commercial retail sales and services,” conditional uses in the CD-1 zone. The Planning Commission may approve, approve with conditions, or deny the application through a review of the application’s conformance with the approval criteria. The Planning Commission may find that there are certain conditions that must be placed on the approval in order for the use to be appropriate at this location.

**16.12.020      Authorization to impose conditions**

*In approving an application for a conditional use or the modification 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;*
- B.      Limiting the height of the building(s);*
- C.      Controlling the location and number of vehicle access points;*
- D.      Requiring additional right-of-way areas or changing the street width;*
- E.      Requiring public improvements, including, but not limited to streets, sidewalks, sewer and water line extensions, and bike paths;*
- F.      Changing the number of off-street parking and loading spaces required;*
- G.      Limiting the number, size and location of signs;*
- H.      Requiring diking, fencing, screening or landscaping to protect adjacent or nearby property;*
- I.      Requiring design features which minimize environmental impacts such as noise, vibration, air pollution, glare, odor and dust;*
- J.      Limiting the hours, days, place and manner of operations;*
- K.      Limiting or setting standards for the location and intensity of outdoor lighting;*
- L.      Setting requirements on the number, size, location, height and lighting of signs;*
- M.      Requiring the protection and preservation of existing trees, soils, vegetation, watercourses, habitat areas and drainage areas.*

**FINDING:** The Planning Commission may approve, approve with conditions, or deny the application. If additional conditions are needed to ensure this use fits in with the surrounding neighborhood, the Planning Commission may reference this list to impose such conditions. Throughout this report, staff has made recommendations for the Planning Commission to consider, including a list of recommended conditions of approval at the end of this document.

**16.12.040**      **Approval standards for conditional uses**

*The approval of all conditional uses shall be consistent with:*

- A.      *The comprehensive plan;*
- B.      *The purpose and dimensional standards of the zone except as those dimensional standards have been modified in authorizing the conditional use permit;*
- C.      *That the site size and dimensions provide adequate area for the needs of the proposed use;*
- D.      *That the site size and dimensions provide adequate area for aesthetic design treatment to mitigate possible adverse effect from the use of surrounding properties and uses;*
- E.      *The characteristics of the site are suitable for the proposed use considering size, shape, location, topography and natural features;*
- 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;*
- 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;*
- H.      *All other requirements of this title that apply.*

**FINDING:** The applicant provided a written narrative describing the project’s conformance with the approval standards. Staff has provided an evaluation for each of them below.

Comprehensive Plan: The applicant provided evidence that the proposal is consistent with the Comprehensive Plan’s policies, which are generally implemented by the code. The code provisions do not contain any mandatory comprehensive plan compliance, so, for brevity, Staff has condensed some of the applicant’s findings into sections below for the Planning Commission’s consideration. Based on the evidence provided, the Planning Commission may wish to consider conditions of approval to ensure the development is consistent with the Comprehensive Plan.

1.      ***Land Use:*** The applicant is proposing a tourist commercial use, which is intended to be located in areas frequented by tourists, such as Beach Loop Drive, and separated from “general commercial uses,” which would be oriented to year-round residents.
2.      ***Open Space, Historic Areas and Natural Resources:*** This section states that the City should have a policy to encourage clustering development to preserve open space and view corridors and that the city should not vacate streets if there is an adverse effect on scenic views, access to views, wildlife, wetlands, or public utilities. The applicant has a proposed a street vacation of the current configuration, but will dedicate new streets as part of the vacation approval process (heard by the City Council.) The policies also explain the City’s Memorandum of Understanding with the local tribe outlining our policy to notify the tribe of any proposed ground disturbance. Prior to receiving zoning compliance, the tribe will be notified and the property owners will receive a letter letting them know how to proceed.
3.      ***Transportation System Plan:*** The existing Transportation System Plan (TSP) objectives indicate that the city should protect the local street network, develop a system of sidewalks, walking

paths, and bicycle facilities, and minimize vehicular trips. Even though the comprehensive plan objectives are not mandatory as they are not codified, the applicant has responses that the proposed vacation and rededication of streets will increase connectivity and reduce vehicles miles travelled, and that walking and biking paths are added through the project. The policies indicate that the city shall require bicycle parking (again, this is not codified) and the applicant is providing 16 bike parking spaces.

4. **Wetlands:** The City's policy is to protect, maintain, enhance, and restore significant wetlands. This site does not contain significant wetlands.
5. **Natural Hazards:** This site does contain an area of high landslide susceptibility, which will require either an exemption request or a Geologic Assessment Review. The applicant has chosen to submit a separate application for review.
6. **Environmental Quality:** It is the city's policy to ensure quality of life by balancing economic needs with the enhancement of environmental quality. The applicant states that they will cause minimal air pollution due to the green roofs and that they will have an on-site stormwater system that allows for natural infiltration. Further the project uses low-flow fixtures and will have a gray water system for irrigation. Landscaping will consist of native plants and grasses.
7. **Recreation:** The proposed project site will be developed as a park-like setting, with opportunities for walking, biking, and wildlife viewing.
8. **Economic Development:** This goal states that the city will promote economic development that is compatible with the city's infrastructure, environment, and high standards for quality of life. The applicant states that this tourist commercial use is compatible with these goals.
9. **Public Facilities:** The developer will make all required improvements at the time of development.
10. **Housing:** The applicant states that the proposed resort will provide short-term housing to Hotel and Golf Professionals, Medical Staff, and itinerant workers. Staff finds that the proposal will not positively affect Goal 10 (housing) as described on page 85 of their narrative. There are only about 60 vacation rental dwellings in Bandon, which are purposefully limited by our code. There is likely very little chance that a home on Beach Loop Drive would become an affordable long-term rental if it weren't being used as a VRD. While the hotel may help meet the need for additional hotel room rentals, the staff needed to operate a resort of this size will still need a place to live. This development will not provide any housing for our local permanent workforce, unless they can afford to rent a villa or suite.
11. **Scenic Resources:** The applicant's narrative also describes the geographic viewshed listed in the Comprehensive Plan as "BL-8 Wetland/Dune on Strawberry Drive," which is identified as a site of medium significance on private property without public access. The proposed development will provide access to this viewshed, which is a benefit to residents.

Dimensional Standards & Purpose: The CD-1 zone is the closest thing the City has to a "mixed-use" zone. The purpose of the zone is to balance tourist commercial uses (generally conditional) with residential uses (outright permitted). Since the commercial uses are the conditional uses, the Planning Commission should review the application for appropriateness within the neighborhood context and consider the impact of the development on the outright permitted uses. If there are conditions that may be placed

on the application to make this request more harmonious with existing uses, these should be considered.

Adequate size: The applicant states: “*The proposed site is more than adequate for the proposed.*” Staff finds this response is limited in terms of providing evidence that these standards are met. While the site is large (24.8 acres), the request includes two lodges, containing 110 rooms, two restaurants, and a spa, as well as 32 villas/suites. It is an enormous project for the existing, primarily residential, neighborhood. The applicant’s plan set includes locations of wetlands, which by nature provide undeveloped open space. These wetlands are located at the borders of the resort property, which create a buffer for the surrounding neighborhoods. The applicants have shown that building footprints account for only 8.5% of the total site, while nearly 78% remains open space (other space includes roads and infrastructure). Staff finds that the site size and proposed layout provides adequate treatment to mitigate the effects of the use of the property as a hotel.

Site Characteristics: The applicant did not provide any specific proposed finding for this standard, however staff finds that the applicant is proposing to utilize the existing topography of the site, incorporating it into their overall design in order to have a more limited impact of the natural features. As mentioned above, the site is over 24 acres, with only 8.5% impacted by structures. The site is located along Beach Loop Drive, a local collector street, and provides a connection to Seabird Drive to the south (via Carter) and face Rock Drive to the north (a future east west connection). Staff finds that the proposal to dedicate right-of-way to connect Carter to Beach Loop, and to leave a future northeast connection is sufficient to ensure proper circulation.

Public Facilities: The applicant stated that, according to the 2002 Sewer Master Plan, the existing sanitary sewer system is sufficient to serve the new development. Staff requested input from the City’s engineers, The Dyer Partnership, who replied with the following:

*Sewer System – The proposed development will connect to the 8-inch diameter sewer line on Beach Loop Road. This line terminates at the Johnson Creek Pump Station which was rehabilitated in 2007. Pump run times were reviewed for the calendar year of 2022. The maximum run time per day was in May at 11.5 hours and the lowest run time per day was in November at 1.2 hours. This equates to 207,000 gpd and 21,600 gpd, respectively. The capacity of the pump station is 324,000 gpd assuming the total pump run time is eighteen hours. Do not anticipate the new development would generate over 100,000 gpd during a special event.*

The applicant also stated that the City’s Water Master Plan (2022) assumes growth through 2041 and that there is adequate capacity to serve this use. The applicants are proposing to increase the line on Beach Loop Drive from a 6” line to a 10” line to meet fire-flow requirements. As has been reported often recently, the City’s water system provides for adequate water most of the year. The issue we have is with raw water storage, which generally becomes an issue only in late summer when the stream flows decrease. We have additional water rights we have not had to call, but we also know there may be years in the future when the City has to proceed with water restrictions. This issue is separate from whether

or not we have the capacity to serve new development, which we do. The City's engineer's provided the following statement regarding the water system:

*Water System – The Water-CAD model was adjusted to show the proposed 10-inch diameter water line in lieu of the existing 6-inch diameter. Attached is a map showing the before and after water flows. Before flows were estimated at 1,350 gpm and after improvements 1,935 gpm. We did not model the system with an additional connection on Lincoln Avenue. Assume the larger buildings will be sprinkled but not sure what their required fire flow will be.*

The applicant provided a traffic assessment, prepared by Parametrix, which analyzes the potential traffic impacts of the projects. The assessment studies the intersections of Highway 101/Seabird Drive, Beach Loop Road/Seabird Drive, and Beach Loop Road/Main Access (Carter Street). The study states that the proposed project will generate 111 new PM peak hour trips, a standard way for describing net traffic impact. The study also looks at highway capacity level-of-service (LOS) ratings, which diagnose intersections with an A-F rating (A being the least delay and F being severe congestion and delay). Currently, Highway 101/Seabird Drive is rated with a "D" and Beach Loop/Seabird as an "A" (the main access is not rated as it doesn't exist). The intersections are then rated with a "no build" and "build" scenario. The no build scenario rates the Highway 101/Seabird Drive as an "E" and Beach Loop/Seabird as an "A". The build scenario rates the Highway 101/Seabird Drive as an "F" and Beach Loop/Seabird as an "A." The report also stated that the Main Access (Carter) and Beach Loop intersection is an "A" in the build scenario.

The construction of the resort appears to primarily impact the LOS ratings at the intersection of Highway 101 and Seabird Drive. Because of other construction projects in the area, staff has contacted ODOT previously about the status of this intersection regarding mobility targets. Signal warrants for that intersection have already been met (meaning there is a need for some sort of traffic control device). ODOT has stated that many intersections meet warrants, but they must be prioritized, and this particular intersection is not a current priority. This intersection may be evaluated in the future as development continues to determine if the need for a traffic control device becomes a priority.

Further, the zone allows for both commercial and residential uses. Using the Institute of Transportation Engineers (ITE) Common Trip Generation Rates (PM Peak Hour), it is possible to estimate the difference in traffic caused by the allowable uses within the zone. Given the size of the lot (24.8 acres), if this site were to be used for strictly residential meeting minimum lot sizes, nearly 200 new homes could be constructed. This would generate 198 new pm peak trips. The resort as presented would generate 111 new trips per the applicant's traffic assessment, and only 58.22 (142 rooms) based on the ITE manual. The impact of a commercial development of this size is far less than a residential development on the same size site.

In their application materials, the applicant discusses storm drainage and the addition of green roofs and use of wetland restoration to limit the input into the City's storm drain system. They are proposing

the utilization of drainage swales and may also be using the city’s existing storm water infrastructure on Carter and Beach Loop Drive.

Neighborhood Impact: The applicant stated that: “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.” Staff generally agrees with the applicant’s proposed finding but would clarify that vacation rental dwellings and other commercial uses are also conditional uses and that the “suites” are very similar to vacation rental dwellings, apart from the fact that they will be constructed to commercial standards. Staff recommends that the Planning Commission review the requirements for Vacation Rental Dwellings and consider if some of those conditions of approval may be appropriate to include for this request.

**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.*

*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.*

**FINDING:** The applicant submitted the required information and was deemed complete by Staff on September 7<sup>th</sup>, 2023. The Planning Commission may request additional information if needed to make their decision.

**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.*
- C. Limitation on Access to Property. The Planning Commission may limit vehicle access from a conditional use to a street.*
- D. Signs. See Chapter 17.90 Signs.*

**FINDING:** The Planning Commission may require additional setbacks, if necessary, to meet approval standards. The Planning Commission should also discuss the applicant's request to dedicate additional right-of-way and their proposed access points. The applicant is requesting signage, which is discussed in 17.90, Signs.

**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.*

**FINDING:** Staff has added a condition of approval that the conditional use permit shall become void one year from the date the decision is final unless a zoning compliance permit has been issued.

**Title 16 – Chapter 16.36 – Adjustments & Variances**

**16.36.040      Variances**

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

**FINDING:** Staff finds that this request cannot meet the criteria under section 16.36.030 and thus is processed as a Type III Variance.

- 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;*

**FINDING:** The applicant prepared a narrative which is attached. They assert that the 35' height request is to reduce the overall amount of impervious surface on the site and preserve the existing natural



landscape. They state that a roof pitch of 3:12 is impractical due to topography and natural features and that it is necessary for a green roof. The green roof is intended to be used for storm water impact mitigation and is a design feature that reduces negative impacts to the neighboring properties, including noise, vibration, glare and dust.

This is an interesting variance request that we haven't seen before and is worth some significant discussion from the Planning Commission. It is staff's assumption that the 3:12 roof requirement is in place because that was the standard at the time that the design feature requirement was implemented. We have discussed before that the design standards do not allow for more modern housing types, even though we are seeing more interest in this style each year. The Planning Commission might find that the request is a stretch to meet the "unique physical circumstances," requirement because the need for a more modern housing style is not dependent on any physical circumstances. However, the Planning Commission may alternatively find that the green roof proposal, which staff assumes only functions in the proposed configuration, is necessary to mitigate storm drainage on this site that contains wetlands and limited existing storm drainage infrastructure. In the interest of protecting the natural resources and limiting site impact through the construction of additional grey infrastructure, the applicants have proposed a more compact, yet taller, design that allows the "unique" wetlands to continue functioning in that area without being affected greatly by this development.

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

**FINDING:** Staff agrees with the applicant's statement that if the Planning Commission finds that there is a special or unique circumstance related to the subject property that the requested variance is the minimum necessary. The applicants are not asking for a variance to the overall height limit, but rather only the one criterion that sets a specific design feature requirement. The Planning Commission should discuss whether this variance is necessary to preserve the wetlands and limit impact to the storm drainage systems.

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);*

**FINDING:** The variance is not self-imposed as the wetlands and dunes are natural features. Criterion met.

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

**FINDING:** Staff agrees with the applicant's finding that the variance request does not conflict with other applicable City policies or regulations. The applicant states: 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)). The wetland is not listed a

significant wetland in our inventory, though it may play a role in the ecological function of that particular area.

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

**FINDING:** The applicants state that the design is intentionally low-profile, and that all other requirements of the CD-1 zone 35-foot height limit have been met. They state that the roof pitch does not negatively impact ocean views from surrounding residences and that the resort will enhance public access.

The Planning Commission may agree with the applicant, finding that the flat roof does not harm any surrounding properties by impacting their views. The other harm to consider would be the alternative. If the building were required to have a 3:12 roof pitch, the building footprint would likely have to expand to accommodate the same number of rooms. Allowing this variance is a trade-off: a flat roof for a smaller overall footprint.

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

**FINDING:** Staff agrees with the applicant's findings that the proposed roof pitch will meet all building code requirements in order to receive a building permit. Criterion met.

### **Title 17 – Chapter 17.20 – Controlled Development 1 (CD-1) Zone**

#### **17.20.010. Purpose**

*The purpose of the CD-1 zone is to recognize the scenic and unique qualities of Bandon's ocean front 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. The requirements of this overlay zone are applied in addition to the requirements of the underlying zone. In cases where the requirements of this zone overlap or conflict with the requirements of the underlying zone, the more restrictive shall apply.*

**FINDING:** The property is located in the CD-1 zone. The proposed use is a conditional use (motel, hotel; commercial retail sales and services), allowing the planning commission to place additional conditions on the application to ensure the project meets the purpose of the zone. Alternatively, if the Planning Commission finds this project does not meet the purpose of the zone, they may deny the request.

The applicant has provided evidence that the application meets the purpose of the zone, siting that the project contains a mix of tourist commercial and recreational uses (staff disagrees with the applicant that it provides for any residential use, as this has not been applied for).

#### **17.20.030 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;*

**FINDING:** In the CD-1 Zone, a hotel and motel and commercial retail sales and services are conditionally permitted uses. Therefore, the applicant must go through the Conditional Use process and successfully obtain a Conditional Use Permit to permit the proposed development. Criterion addressed.

**17.20.40**      **Limitations on use.**

*A. Drive-up uses are prohibited.*

**FINDING:** The applicant has not proposed any drive-up uses.

*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 farther out into those views.*

**FINDING:** The applicant stated: 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. Staff concurs with this finding and adds that the Council has, in previous decisions, applied this criterion only to bluff-adjacent properties in their establishment of the “view line.”

Additionally, based on the applicant’s plans and building elevations, it is evident the project takes into consideration the existing topography and views. The proposed buildings are low-profile to not hinder views and give the buildings the appearance of blending in naturally with the surrounding area. Criterion addressed.

*C. Metal-sided buildings are not permitted in the CD-1 zone.*

**FINDING:** The applicant did not respond to this criterion, but it appears from their plans that wood siding and metal roofs are proposed. In that case, this criterion has been met. A condition of approval has been added to ensure conformance.

*D. No structures shall be located on identified foredunes. Breaching of foredunes shall only be allowed on a temporary basis in a dire emergency and shall be followed immediately by replenishment of sand, structural or binding material and vegetation, to the height of the surrounding existing dune. It shall be the responsibility of the developer or the party responsible to rebuild any breach or reestablish any vegetation that is removed, displaced or damaged on any bluff, foredune, or in construction or site preparation. Such reestablishment shall begin as soon as possible after the aforementioned activity is complete. If the reestablishment is not*

*started immediately, the city manager or designate shall require a bond in a sufficient amount to cover the costs of such rebuilding or reestablishment of vegetation.*

**FINDING:** The applicant states that: 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. Regardless, the applicant is taking extensive measures to replant dune and meadow lands with native shrubs and trees. Criterion met.

**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.*

**FINDING:** The lots created after the streets are platted meet or exceed the City’s minimum requirements. The large size of the property affords the permanent preservation of open space, which provides essential buffer between land uses. Criterion met.

**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 structure (less than fifty (50) square feet), and other non-habitable structure 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.*

**FINDING:** The applicant is requesting a vacation of city streets and has proposed to dedicate new streets that better align with their project and the existing streets. While the applicant’s plans show the setbacks to the existing streets, they have not shown setbacks to the new streets. Staff recommends the hearing be left open to allow the applicant to submit additional evidence into the record regarding their setbacks.

Residential uses do abut the new proposed development. The closest an existing structure is to a property line is 40-feet. Criterion met.

**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%.*

**FINDING:** As seen on the cover page of the applicant’s updated plans, total building footprint is 103,500 square feet. This equates to a lot of coverage of 9.6% based on the property’s total square footage of 1,080,455. The site’s total impervious surface is less than 25%. See snip from cover sheet below. Criterion met.

**LOT COVERAGE**

The buildings occupy less than 10% of the site area. The maximum building coverage is 50% per 17.20.080. The total impervious coverage is less than 25%. The maximum allowed is 65% per 17.20.080.

Building Footprints:	
Meadow Lodge (hotel rooms)	50,000 sq.ft.
Dune Lodge (food and beverage and meeting rooms)	16,000 sq.ft.
Meadow Suites	27,500 sq.ft. (22@1,250 sq.ft.)
Ridgeline Suites	10,000 sq. ft. (10@1,000 sq.ft)
<b>Total</b>	<b>103,500 sq.ft.</b>

Coverage: 103,500 sq.ft. / 1,080,455 sq.ft. (site area) = 9.6%

**17.20.090**      **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.*
    - 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.*

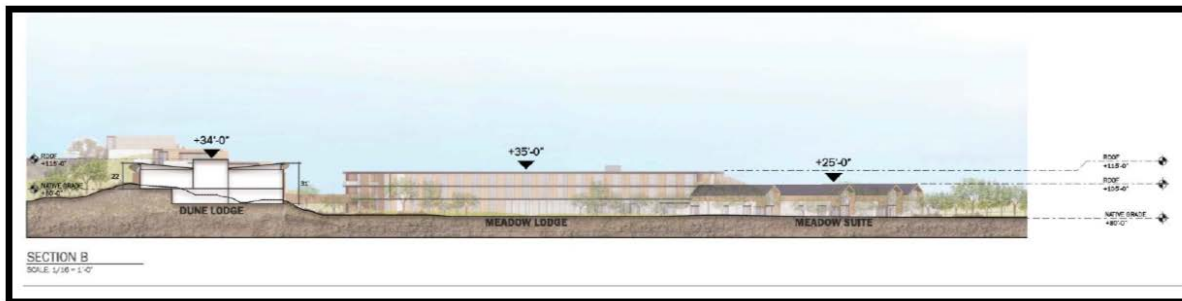
      - 1) The additional height shall not negatively impact the views from surrounding properties.*
      - 2) The additional height shall not cut off sunlight onto surrounding properties.*
      - 3) The additional height shall not negatively impact the aesthetic character of the neighborhood.*
      - 4) 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.*

**FINDING:** Chapter 17.20.090(B)(1) permits a maximum height of 35-feet in the CD-1 zone. The applicant is seeking the Planning Commission’s approval for the Meadow Lodge building to be a maximum of 35-feet in height. The allowance of a 35-foot maximum height building in the CD-1 zone may be permitted

subject to the review criteria as listed in subsection (a). A 35-foot-high Meadow Lodge will enable parking to be located on the lower basement level and reduce impervious coverage and retain the natural habitat of flora, fauna and the viewscape.

The Lodge is located approximately 400 feet east of Beach Loop Drive and 300 feet north of Carter Street (the two nearby open streets), on a lower topographical bench from the properties on Strawberry Drive. The applicant states that the additional height will not negatively impact views from surrounding sites and will not cut off any sunlight but has not provided any evidence other than a statement. The applicant has stated that they own the land to the east, however there are other parcels abutting the project site that may be affected. Further, this code is intended to take into account future development, and there is no guarantee that these property owners will continue to own the abutting site after this approval. They have also stated that the views from surrounding sites will be improved as they will be looking at a green roof, however the height section specifically states that the purpose of regulating height is, “to maximize the ocean view potential of lots.” The applicants have not provided evidence that ocean views are not impacted. Staff recommends the Planning Commission continue the hearing to allow additional evidence to be submitted into the record related to impacts to surrounding sites.

The applicant states that: 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. Staff agrees with this assessment. See building height snip below from the applicant’s materials.



**BUILDING HEIGHTS**

The applicant has requested a variance because they do not wish to meet the 3:12 roof pitch requirement as they want to install a flat, green roof. They ask the planning commission to consider performance zoning, which is not referenced anywhere in our code except in the Definitions chapter as: *the criteria for evaluating an application are the net results or effects of the proposal, rather than a rigid set of rules or proscriptions.* The Planning Commission may reference the list in 16.12.020 showing conditions that may be applied (though not limited to that list) to this application and should consider

whether this proposal helps “assure that the use is compatible with other uses in the vicinity and to protect the city as a whole.”

The applicant did not provide evidence that the setbacks have been increased to meet criterion #5. Staff recommends the hearing be left open to allow additional evidence to be submitted into the record related to setbacks.

*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.*

**FINDING:** The applicant requested a consolidated hearing, which includes the conditional use permit required for the height exception. The Type III hearing was noticed as required by the code.

**Title 17 – Chapter 17.90 – Signs**

**17.90.030      General Provisions**

*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.*

**FINDING:** All signs will be located on the applicant’s property. Criterion met.

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

**FINDING:** All signs have been designed for compliance with required vision clearance areas. Criterion met.

- 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.*

**FINDING:** The area of the sign is the smallest rectangle required to encompass the outside of all words, numbers, letter, logos and symbols. The main entrance sign reads “Gravel Point” within 40 square feet and the other two entrances read “Gravel Point” in 3.75 square feet. See Figures 1 and 2. Criterion met.

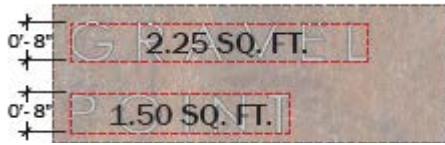


Figure 1. Area of signage at Face Rock Drive and Carter Street.



Figure 2. Area of signage at main entrance.

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

**FINDING:** The proposed signs are not double-sided. All other directional signs will be less than 10 degrees when double-sided. Criterion met.

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

**FINDING:** No signs will be in the public right right-of-way. Criterion met.

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

**FINDING:** No proposed sign will exceed 15-feet in height. The tallest sign structure measures 4-feet-6-inches. Criterion met.

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

**FINDING:** No sign is proposed to be attached to a building and exceed 20-feet in height. Criterion met.

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

**FINDING:** The largest sign proposed is 40 square feet in size. Criterion met.

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

**FINDING:** All proposed signs will be in compliance with the building setback requirements. The three signs proposed are not located on or next to a proposed building (signs will be located at entrances to the site). Criterion met.



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.*

**FINDING:** There are no signs proposed to be projected from a structure or mounted on a pole. Criterion met.

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

**FINDING:** No freestanding signs are proposed to be placed in the public right-of-way. Criterion met.

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.*

**FINDING:** Signs will be gently illuminated using indirect back-lighting technology. Signs will not flash, be colored, or have any illumination directed skyward. Criterion met.

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

**FINDING:** As indicated in the applicant's plans, the signs will be engineered and constructed to fully support their surface and the structure itself. Signs have been professionally designed and will be installed by appropriate building contractors as part of the construction process. Criterion met.

#### **17.90.040      Temporary Signs**

- 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.*

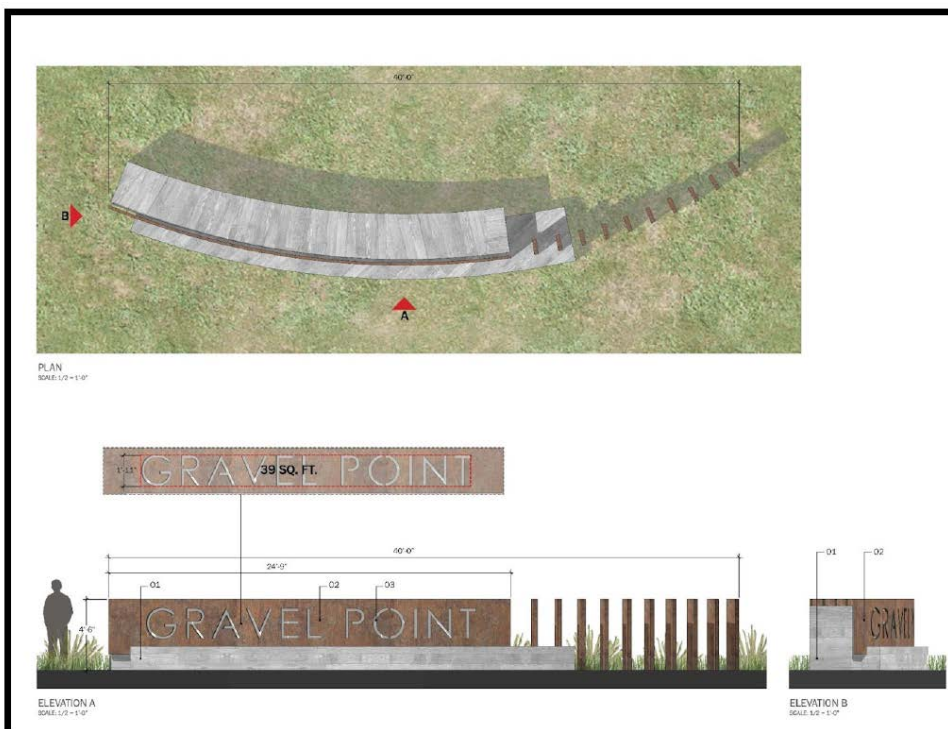
**FINDING:** Temporary signage may be permitted at the sole discretion of the City Manager or their designee. Criterion met.

#### **17.90.080      Controlled Development Zones (CD-1)**

- B. *Permitted Signs for Commercial Uses*

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

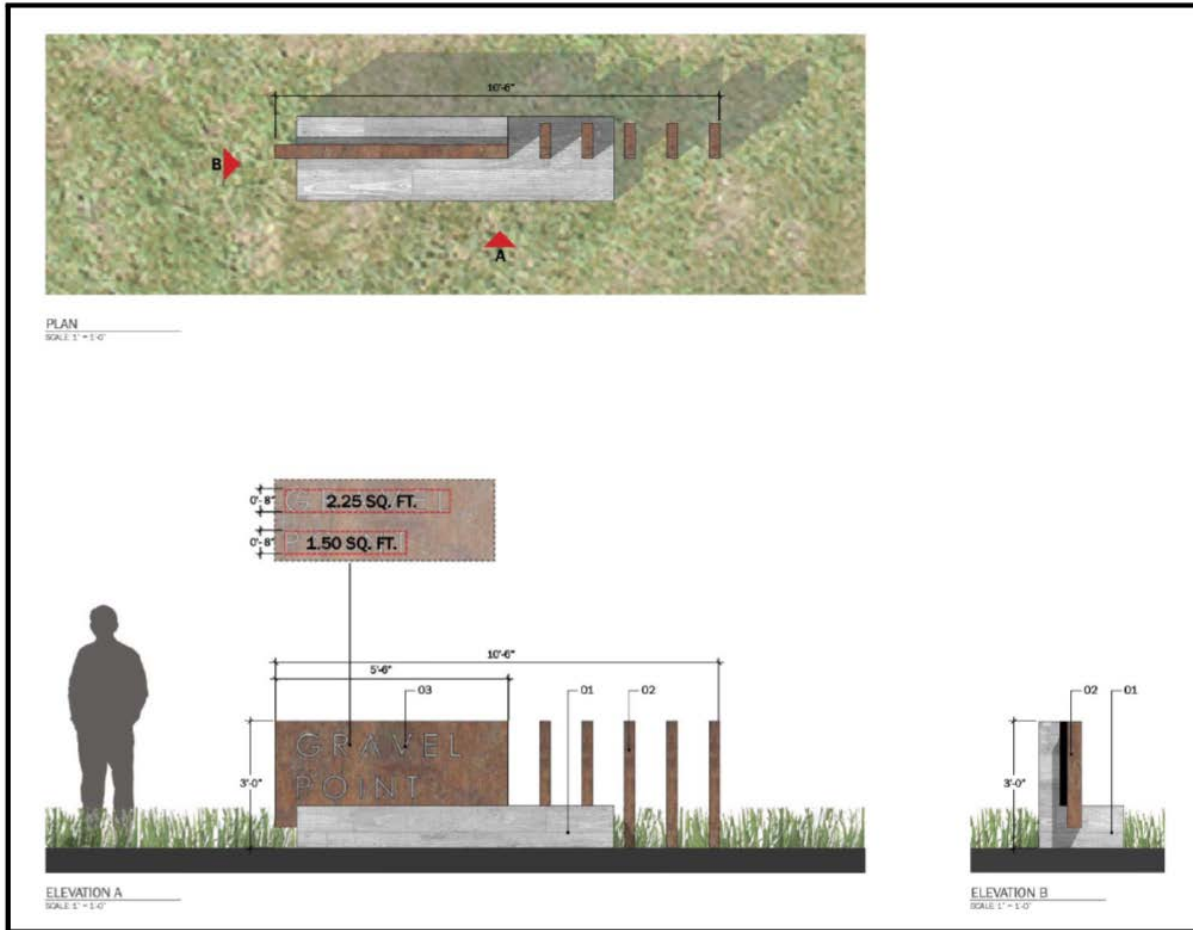
**Finding:** Consistent with BMC 17.90.080(B)(1), the applicant is seeking Planning Commission review and approval of the proposed signage associated with the Gravel Point development. The applicant has applied for concurrent review of a conditional use permit, variance, and plan review. The applicant is proposing three signs in total. One sign will be placed near the main entrance. The main entrance sign structure is 4-feet-6-inches in height with a length of 40-feet. The main entrance sign includes a series of angled monuments that give views of the natural landscape of the development. The actual lettering of the main entrance sign is 20-feet in length by 2-feet in height. The sign contains natural finishes that preserve the view of the natural landscape and enhance the visual character of the City. See Figure 3 below.



**MAIN ENTRANCE PROPOSED SIGN**

*Figure 3. Proposed signage to be placed at the main entrance.*

The second and third signs will be placed near the entrances at Face Rock Drive and Carter Street. The signs are both 3-feet in height with a total length of 10-feet-6-inches. The actual sign area is less than 5-feet-6-inches in length and 2-feet in height. The sign contains natural finishes that preserve the views of the natural landscape and enhance the visual character of the City. The area of each sign is 3.75 square feet. See Figure 4 below.



**PROPOSED SIGNS AT FACE ROCK DRIVE AND CARTER STREET**

Figure 4. Signage proposed at Face Rock Drive and Carter Street.

Criterion addressed.

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

**Finding:** Per the applicant’s written narrative, total signage on site is 244 square feet. However, the applicant has not made it clear to staff the total linear feet of street frontage. Therefore, staff are unable to concretely find this criterion met. The applicant should provide additional information that clearly shows square footage of all signage and total liner feet of street frontage and provide their finding to the ratio of one square foot for each two linear feet of street frontage for staff’s review and confirmation. This criterion requires additional information from the applicant before compliance can be determined.

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

**FINDING:** Judging by the proposed placement of signage on site, signage appears to be setback at least 10-feet from any adjoining lot used for residential purposes. In no case is a sign proposed immediately adjoining a lot used for residential purposes. Criterion met.

**Title 17 – Chapter 17.94 – Commercial Design Standards**

**17.94.020      Scope**

- C. *New construction of commercial buildings or groups of buildings exceeding 2,500 square feet of gross floor area.*

**FINDING:** The proposed development is construction of new commercial buildings and groups of buildings exceeding 2,500 square feet of gross floor area. Therefore, the Commercial Design Standards of Chapter 17.94 apply to the proposed development. Criterion addressed.

**17.94.030      Pre-application**

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

**FINDING:** The developer and City Planning staff held a pre-application review on May 31, 2023. Criterion met.

**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.*

**FINDING:** The applicant’s landscaping plan shall be approved by the reviewing body, in this case the reviewing body is the Planning Commission. If Planning Commission finds the applicant’s landscaping plan meets the applicable landscaping requirements, the Planning Commission can delegate their authority to the Planning Director to conduct a final review and approval of the landscaping details. Criterion addressed.

- 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.*

**FINDING:** Civil sheets SP-02 and SP-03 show typical 12-foot asphalt streets will contain a 8-foot planter bio-infiltration landscape buffer. Criterion met.

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.*

**FINDING:** As seen on the rendered site plans, it is evident that the applicant is proposing a landscape density that is uniform throughout the site and includes amenities and makes good use of the site's natural features. Criterion addressed.

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.*

**FINDING:** As seen on the applicant's conceptual plan palette, the trees and shrubs proposed for the site are compatible with the Southern Oregon Coast climate and have been selected to provide the site with a robust and balanced appearance. The applicant might consider using a selection of native plants to have the most success in ensuring the shrubs and ground cover last into maturity. Staff has included a native plant list prepared for the city by a local nursery specializing in native plants.

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

**FINDING:** The applicant acknowledges that trees shall be planted such that the tree trunk is at least 3-feet from any curb or paved area. This shall be clearly shown on the final landscaping plan that is to be submitted and reviewed, prior to issuance of zoning compliance.

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).*

**FINDING:** The applicant acknowledges that the landscaped area shall be planted with shrubs and/or living ground cover to assure 50% coverage within 1 year and 90% within 5 years. The final landscaping plan to be reviewed and approved, prior to issuance of zoning compliance, shall clearly show that the landscaped area will be planted to assure 50% coverage within 1 year and 90% within 5 years.

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

**FINDING:** 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 stormwater runoff. Criterion met.

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

**FINDING:** All landscaping and other items within the vision clearance areas will be complied with. Landscaping shall continue to remain in compliance with vision clearance standards. Criterion met.

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.*

**FINDING:** The applicant's plan does not show compliance with screening features such as storage areas, trash enclosures, transformers, generators, propane tanks and other appurtenant structures. The applicant shall submit plans as to how they intend to meet this requirement. Staff recommends the hearing be continued or the record be held open for the applicant's submittal of plans demonstrating compliance. Alternatively, because the record does not include any plans as to how this criterion is met, the Planning Commission may deny the proposal.

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

**FINDING:** The applicant states they will work with the electric department to locate appropriate areas for transformers and the type of screening preferred, as agreed upon during the pre-application meeting. Staff recommend a condition of approval related to this criterion. Prior to issuance of zoning compliance, applicant shall obtain approval of screening materials for electrical equipment from City electrical department or their designee.

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.*

**FINDING:** As the applicant states in their narrative, a 6-foot-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 design flexibility and the opportunity to be good neighbors. See image below from applicant's narrative demonstrating compliance. The Controlled Development 1 zone is a mixed-use zone that allows for a mixture of residential and commercial uses. This property abuts CD-1 zoned property to the west, and residential to the east. Staff recommends a condition of approval that a fence be required on the property lines abutting the residential zone unless it is found that a dense landscaping buffer is preferable.



**SCREENING PLAN FROM RESIDENTIAL PROPERTIES**

*Figure 5. Screening plan.*

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

**FINDING:** All fencing will be constructed of wood and compatible with other materials used throughout the project. Criterion met.

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

**FINDING:** No razor wire and/or electric fencing is proposed. Criterion met.

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.*

**FINDING:** No chain link fencing is proposed. Temporary fencing during construction may be necessary to secure the site and building materials. Criterion met.

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

**FINDING:** Similar to the finding related to screening of trash enclosures, storage areas, etc., the applicant has not submitted plans demonstrating compliance with this criterion. Staff recommend the hearing be continued and the record be left open to allow for the applicant to submit plans demonstrating compliance.

**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.*
- E. *Location and type of lighting shall be submitted in a lighting plan.*

**FINDING:** All lighting fixtures will meet or exceed the City’s requirements. See images of proposed lighting plan below. The applicant’s plans show probable location of lights and that all lights will be shielded to avoid glare and skyward illuminations. The images of the proposed lighting fixtures demonstrate compliance.



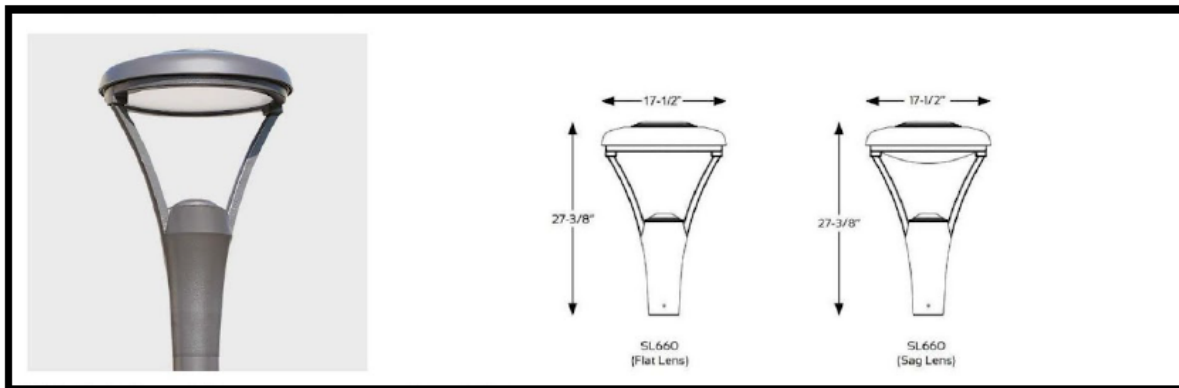


Figure 6. Proposed lighting fixtures.

**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.*

**FINDING:** Proposed parking structures and spaces are located on the lower basement level of the lodge structures and therefore do not abut or are adjacent to residential areas. Criterion met.

*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.*

**FINDING:** 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, abundant and robust landscaping throughout the site is proposed, including in parking areas, and exceeds the minimum requirements for a full parking lot as listed. Criterion met.

**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.*

**FINDING:** As seen on the applicant's plans, minimum setbacks are met, and a landscape buffer is provided between the site and the neighboring residential properties. Criterion met.

*B. Connectivity*

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

**FINDING:** As shown on the applicant's plans, the site will provide adequate connectivity and direct vehicular connections to Beach Loop Drive and Carter Street, as well as safe pedestrian street crossings. The applicant has also shown an additional street from Carter northeast and stated it will be a "private street with public access". This street should be a public street and may make sense to be the continuation of Edna from the east.

The applicant is asking to vacate the current street configuration, which provides access to both north and south and east and west. If the Council chooses to approve their vacation request, the applicant will dedicate the streets as proposed in their plans. The Planning Commission, per 16.12.040 may require additional rights-of-way or require public improvements such as streets. Staff recommends that the proposed street configuration as proposed provides for the required circulation, but should remain a public, open street. Criterion met.

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.*

**FINDING:** As stated in the applicant's written narrative, one of the primary features of Gravel Point will be the provision of pedestrian sidewalks that meander throughout the entirety of the site. The pedestrian walkways will be open to the general public, as well as offer golf cart access. As shown on the applicant's plans, a number of pedestrian paths will connect to Beach Loop Drive walkways and the residential neighborhood along Carter Street. A new street will be provided, along with gravel sidewalks, to the boundary of the undeveloped land to the east and will provide an opportunity to extend the walkways to Face Rock Drive, and eventually to the City Park. Criterion met.

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 facade and the walkway for foundation landscaping, except where features such as covered passageways or entryways are part of the facade.*

**FINDING:** As seen in the applicant's plans, pedestrian walkways and circulation is provided for along the frontage of the main lodges and will contain landscaping. Criterion met.

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.*

**FINDING:** As seen on the applicant's plan, pedestrian walkways in conformance with BMC 17.94.090, C,2 are provided. The two main lodges feature portions of covered main entryways.

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

**FINDING:** As seen on the applicant's plans, the site provides for convenient pick-up and drop-off locations. Valet parking is offered and is an integral piece of the design concept. Criterion met.

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.*

**FINDING:** As shown on the applicant's plan, the building facades meet these standards and contain a curvature. The curve recesses at a depth that exceeds 3% of the length of the façade and extends for at

least 20% of the length. Architectural features are incorporated more than every 50-feet. See images from applicant's plans below. Criterion met.



Figure 7. Building elevations.

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.*

**FINDING:** As seen on the applicant's plans, the proposed building facades meet the above standards. Criterion met.

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.*

**FINDING:** The proposed building facades meet these standards. Refer to the applicant's building elevations. Proposed buildings will not have storefronts. Criterion met.

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;*

**FINDING:** As seen on the applicant's plans and building evaluations, the facades meet these standards.

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.*

**FINDING:** As seen on the applicant's plans and building elevations, the facades and building meet these standards.

#### *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.*

**FINDING:** As shown on the applicant's plans and building renderings and elevations, public entrances are covered and meet the required minimum length. Criterion met.

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.*

**FINDING:** There are not multiple businesses located in the same building. Criterion not applicable.

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.*

**FINDING:** Delivery and service bays are proposed to access via the underground parking structure. If a vehicle is too large for the underground parking structure, a secondary delivery and service bay area may be accommodated at the cul-de-sacs. In no case will streets be blocked with delivery trucks. Criterion met.

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.*

**FINDING:** As shown on the applicant's plans, the buildings will have at least one façade that features a primary customer entrance. The applicant has proposed a design that makes the entrances architecturally prominent and clearly visible from the street and the public realm.

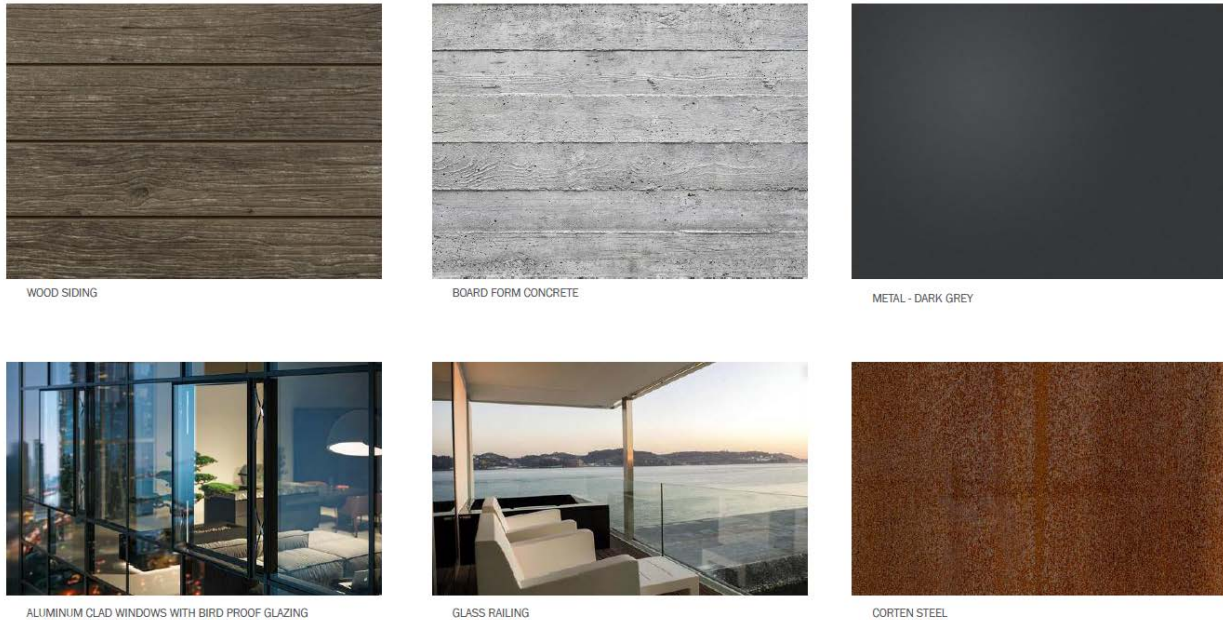
5. *Each establishment shall have clearly visible customer entrance areas. The design of facades with customer entrances, as well as those abutting public streets, shall be enhanced with a least one feature from a minimum of three of the following groups:*
  - a. *Group 1*
    1. *Canopies*
    2. *Awnings*
    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*

**FINDING:** As indicated on the applicant’s plan, including renderings and building elevations, the applicant is proposing at least one feature from a minimum of three groups. The features shown on the plans, include but are not limited to overhangs, recesses, covered entries, windows, covered walkways, a public plaza, and integral planters. Criterion met.

*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.*

**FINDING:** As seen in the applicant’s plans, building materials include wood siding, board form concrete, corten steel, glass railings and aluminum clad windows with bird proofing. The color palette is proposed as seen in the image below and appears to meet the spirit and intent of the materials and colors code standard. Criterion met.



*Figure 8. Proposed color and materials 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:*
  - 2. *not exceed the average height of the supporting walls; and*
  - 3. *have an average slope greater than or equal to one foot of vertical rise for every three feet of horizontal run; and*
  - 4. *have a vertical rise less than or equal to one foot for every one foot of horizontal run.*

**FINDING:** The applicant’s plans do not meet the roof standards of H(1). The applicant is seeking a modification to these standards. The Planning Commission has the discretion to evaluate the applicant’s proposal against the code standards, while taking into consideration the site’s unique characteristics and weighing subjective factors such as neighborhood compatibility.

The applicant states that 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 varies from 70-feet to 115-feet in elevation and its location is in the midst of a 25-acre natural landscape that holds community value. The traditional architectural standards of the development code are intended to “break-up” the monotony of an urban landscape. These features do not belong in a location such as this because of its natural landscape.

In lieu of the roofing standards of the development code, the applicant proposes a design that takes into account the surrounding residential area and proposes to sink development into the existing landscape. In lieu of parapets the lodges will be vegetated to provide screening of mechanical and HVAC equipment. The view from above, the lodges, will be one that seamlessly blends into the existing landscape. The applicant is seeking a design modification for the roof that takes into account the compatibility of the surrounding area, the environmental impact, and the neighborhood.

The Planning Commission’s review and decision is requested on this matter before finding this criterion met.

**Title 17 – Chapter 17.96 – Off-Street Parking and Loading**

**17.96.010      Applicability.**

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



**FINDING:** The applicant is proposing a new commercial development, which requires parking spaces be provided to meet the allowed use.

**17.96.020 Off-street parking.**

*At the time a new structure is erected or enlarged or the use of an existing structure is changed, off-street parking spaces shall be provided as set forth in this section unless greater requirements are otherwise established. If parking space has been provided in connection with an existing use or is added to an existing use, the parking space shall not be eliminated if it would result in less space than is required by this title. When square feet are specified, the area measured shall be the gross floor area of the building but shall exclude any space within a building devoted to off-street parking or loading. When the number of employees is specified, persons counted shall be those working on the premises, including proprietors, during the largest shift at peak season. Fractional space requirements shall be counted as a whole space. Parking requirements for specific uses are shown in the following table:*

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 Public Assembly	
6. Other auditorium or meeting rooms	One space per four sets or eight feet of bench length.
F. Commercial Uses	
5. Eating or drinking establishment	One space per two hundred (200) square feet of floor area.

**FINDING:** The applicant provided a parking table showing the number of parking spaces required for each use (pg. 29 of original plan set), which staff agree with, generally. It is unclear whether the square footage for “eating and drinking establishment” includes both the 250-seat restaurant and the bar/lounge. Additional evidence should be provided indicating the square footage of each eating and drinking establishment on-site. In total, the resort will provide 164 vehicle parking spaces and 16 bicycle parking stalls.

**17.96.030 Off-Street Loading**

B. *Merchandise, Material, or Supplies. Buildings or structures to be built or substantially altered which receive and distribute materials and merchandise by trucks shall provide and maintain off-street loading berths in sufficient number and size to handle adequately the needs of the particular use.*

**FINDING:** The applicant has not provided evidence showing conformance with this criterion. This may be because the applicant feels this criterion does not apply. Because the proposed use contains a 250-seat restaurant, staff assumes that materials will be received at the property and that evidence should be provided. Staff recommends the hearing be continued to allow the applicant to submit additional evidence into the record.

**17.96.040      General Provisions for off-street parking and loading**

- A. *The provision and maintenance of off-street parking 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.*

**FINDING:** The applicant has shown delineated parking spaces meeting the off-street parking and loading requirements. All proposals of the applicant become conditions of approval. Criterion met.

- 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.*

**FINDING:** The suites as proposed do not fit any of the uses listed in the code, except for “motel.” The planning commission may find otherwise. The spa amenity was not considered in developing the parking requirement. Criterion met.

- 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.*

**FINDING:** The parcel will contain hotel rooms, suites, meeting rooms, and a restaurant. The sum of the required parking spaces is the total of all required parking.

- E. *Off-street parking spaces for dwellings shall be located on the same parcel as 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.*

**FINDING:** The applicant’s plans show parking areas at the Meadow Lodge and Dune Lodge, as well as valet parking and overflow parking. The applicant has not provided evidence that parking is located within 500 feet of the building it is intended to serve since it appears the suites do not have on-site parking. Staff recommends continuing the hearing to allow for the inclusion of additional evidence.

- 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 the storage of vehicles or materials or for the parking of trucks used in conducting business or use.*

**FINDING:** A condition of approval has been added to ensure compliance with this criterion.

**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.*

**FINDING:** The applicant's plans show porous asphalt and drainage swales, which are durable and dustless surfaces that can be used in all weather conditions. Criterion met.

- 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.*

**FINDING:** The applicant has stated that 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. Criterion met.

- 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.*

**FINDING:** A condition of approval has been added that final construction plans for the parking lot shall include the above design requirements.

- 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.*

**FINDING:** A condition of approval has been added to require lighting be deflected so as to not shine or create a glare on any adjacent dwelling.

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

**FINDING:** The applicant has stated that 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. Criterion met.

- 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.*

**FINDING:** No parking spaces require maneuvering in city rights-of-way. Criterion met.

- G. *Service drives to off-street parking areas 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.*

**FINDING:** The applicant has not proposed any service drives.

- 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.*

**FINDING:** The applicant has stated that the vision clearance requirements are met in the proposed plans. Staff will visually inspect these prior to issuing a certificate of occupancy.

- I. *All parking lots will meet the requirements of the American with Disabilities Act.*

**FINDING:** The applicant's plans meet the requirements of the ADA. Criterion met.

- 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.*

**FINDING:** The Architectural Graphic Standards have been referenced and relied upon in the development of the enclosed plans. Criterion met.

- 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.*

**FINDING:** The applicant has not proposed providing any compact spaces.

- 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.*

**FINDING:** The applicant has stated: It is the desire of the developer to maintain a natural environment and reduce the need for impervious surfaces, i.e.: 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.

The applicant is only proposing to provide 2 RV parking spaces, though their calculation states that eight should be required. The Planning Commission does have the ability to change the number of required off-street parking spaces required, if it is appropriate.

### **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.*

**FINDING:** The applicant has stated that: 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.

Staff finds that the proposal meets the standards listed above, but clarifies that Staff's position is that all vehicular access streets should be dedicated as public rights-of-way, and not private streets with public access easements. Future development may require the extension of public right-of-way to meet the standards set forth in the City's Transportation System Plan.

### **III. Wetlands**

The City's wetland code, chapter 17.102.010 states that:

*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.*

*This chapter is also intended to 1) ensure reasonable economic use of property while protecting valuable natural resources within the City of Bandon and, 2) establish clear and objective standards to protect these resources.*

The proposed project site does contain wetlands as indicated on the map below. The City uses the adopted, "Bandon Local Wetlands Inventory" map to determine when there are wetlands present (see below) and uses the inventory to determine their significance. The relevant inventory documents have been attached to this staff report and show that these are not significant wetlands.

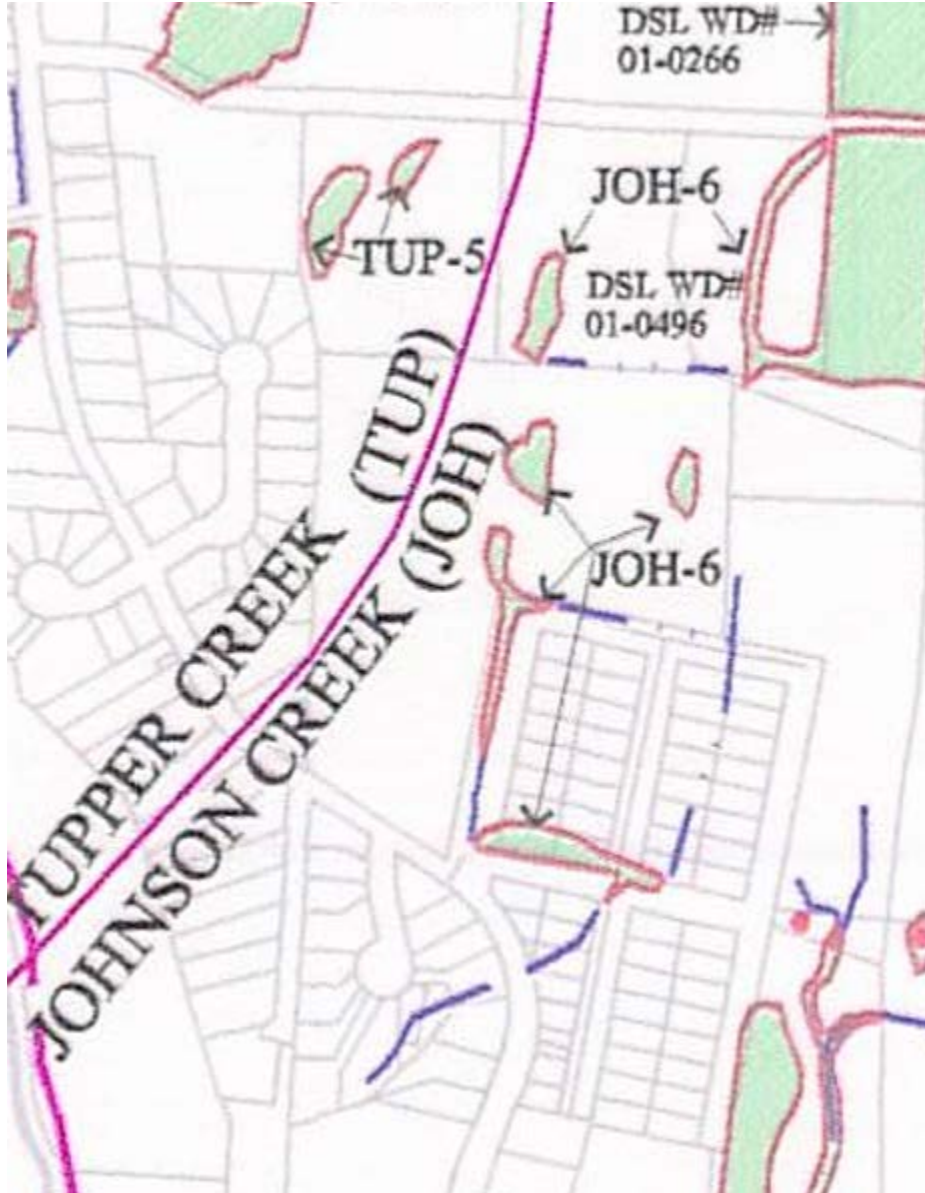


Figure 9. Bandon Local Wetlands Inventory.

The city's code states:

*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.*

[...]

*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.*

The applicant states that the National and Local wetland maps are inconsistent and that they prepared a delineation to determine where the wetlands are located. This delineation was not submitted to the City as part of this review. The City's wetland map supersedes the national inventory as the information is more specific and adopted by our code. The State's aquatic resource planner has stated: Bandon has an LWI [Local Wetland Inventory], and LWIs supersede the SWI [State Wetland Inventory] for WLUN [Wetland Land Use Notification] and Goal 5 planning.

The site contains TUP-5 and JOH-6, as well as potentially jurisdictional creeks or drainages. Neither TUP-5 nor JOH-6 are locally significant wetlands, thus the remainder of this chapter does not apply apart from what is listed below.

*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.*

The applicant has submitted a delineation for concurrence by the Department of State Lands. Staff has submitted a Wetland Land Use Notification to the Department of State Lands.

That being said, the code also states:

*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.*

This will be added as a condition of approval.

#### **IV. Recommendations**

The application may be approved, approved with conditions, or denied. Staff recommends the Planning Commission continue the hearing to a date and time certain to allow the applicant to submit additional evidence into the record.

As included above, Staff recommends asking for additional evidence related to the following:

- Evidence of the linear street frontage to be used to calculate signage allowance.
- Screening required for storage areas and other appurtenant structures.
- Evidence regarding the screening of rooftop mechanical equipment.
- Off-street loading berths required for receiving materials.
- Provide evidence that parking requirements have been met (including RV spaces).
- Provide evidence that setback requirements have been met.
- Provide evidence that the views and sunlight will not be negatively affected by the 35-foot height allowance.

Staff recommends approval of the proposal with the following conditions:

1. All proposals of the applicant shall become conditions of approval.
2. Approval of the plan is based on information provided by the applicant. No other approvals are expressed or implied. Any changes to the approved plan shall be submitted, in writing, and approved by the Planning Department prior to implementation.
3. All state, federal, and city permits associated with this approval shall be obtained by the applicant prior to operation.
4. The conditional use permit shall become void one year from the date the decision is final unless a zoning compliance permit has been issued.
5. The applicant shall submit for zoning compliance approval prior to any ground disturbance.
6. Metal-sided buildings shall be prohibited anywhere on the site.
7. 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.
8. 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.
9. A standard parking space shall be eight and one-half feet by nineteen (19) feet.
10. All parking lots will meet requirements of the Americans with Disabilities Act.
11. The applicant shall be required to obtain zoning compliance prior to the start of construction.
12. The applicant shall sign an anti-remonstrance agreement to the formation of an LID for the construction of a future sidewalk system along Beach Loop Drive.



13. A final landscaping plan shall be reviewed and approved, prior to issuance of zoning compliance. Trees shall be planted such that the tree trunk is at least 3 ft. from any curb or paved area.
14. A final landscaping plan shall clearly demonstrate that planted area will cover 50% within 1 year and 90% within 5 years.
15. Prior to issuance of zoning compliance, applicant shall obtain approval of screening materials for electrical equipment from City electrical department or their designee.
16. A 6-foot-tall fence shall be required on the property lines abutting a residential zone.
17. 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 the storage of vehicles or materials or for the parking of trucks used in conducting business or use.
18. 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.
19. 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.
20. 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.

## Native Plant List for City of Bandon

Species by category

EVERGREEN	Height if never	Drought	Shade
	* pruned	tolerant	tolerant
	↓	↓	↓

### SMALL TREES

Silk Tassel <i>Garrya elliptica</i>	20 ft	X	X
Pacific Wax Myrtle <i>Myrica californica</i>	16 ft	X	X

### EVERGREEN SHRUBS

Pacific Wax Myrtle (can also be grown as tree)	16 ft	X	X
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### FLOWERING EVERGREEN SHRUBS

Black Huckleberry <i>Vaccinium ovatum</i>	5 ft	X	X
Wild Lilac <i>Ceanothus thyrsiflorus</i>	16 ft	X	
Manzanita <i>Arctostaphylos canescens</i>	8 ft	X	
Salal <i>Gaultheria shallon</i>	7 ft	X	X
Low Oregon Grape <i>Mahonia nervosa</i>	2 ft	X	X
Coyote Bush <i>Baccharis pilularis</i>	6 ft	X	
Kinnikinnick <i>Arctostaphylos uva-ursi</i>	6 -12 in	X	X
Trapper's Tea <i>Rhododendron columbianum</i>	3 ft		X

More information about planting locally:

**Stillwater Natives Nursery**

[www.stillwaternativesnursery.com](http://www.stillwaternativesnursery.com)

DECIDUOUS (Autumn leaf drop)	Height if never	Drought	Shade
	* pruned	tolerant	tolerant
	↓	↓	↓

### SMALL TREES

Pacific crabapple <i>Malus fusca</i>	16 ft		X
Vine maple <i>Acer circinatum</i>	12 ft	X	X
Cascara <i>Frangula purshiana</i>	16 ft	X	
Willow (most species) <i>Salix</i>	20 ft		X

### DECIDUOUS FLOWERING SHRUBS

Red Flowering Currant <i>Ribes sanguineum</i>	7 ft	X	
Pacific Ninebark <i>Physocarpus capitatus</i>	8 ft	X	X
Nootka Rose	7 ft	X	X
Douglas spirea	7 ft	X	X
Red Osier dogwood	7 ft	X	X
Mock Orange <i>Philadelphus lewisii</i>	8 ft	X	X
Red Huckleberry	6 ft	X	X
Honeysuckle vine <i>Lonicera hirsuta</i>	5 ft		X
Thimbleberry <i>Rubus parviflorus</i>	7 ft	X	X
Nootka Rose <i>Rosa nutkana</i>	7 ft	X	X
Baldhip rose <i>Rosa gymnocarpa</i>	7 ft	X	X
Indian Plum <i>Oemleria cerasiformis</i>	20 ft	X	X
Serviceberry <i>Amelanchier alnifolia</i>	16 ft	X	X
Western Azalea <i>Rhododendron occidentale</i>	12 ft	X	X
Pacific Rhododendron <i>Rhododendron macrophyllum</i>	8 ft	X	X
Twinberry shrub <i>Lonicera involucrata</i>	8 ft	X	X

\* Stillwater Natives recommends pruning every year or two.

# Locally Significant Wetlands Criteria

ORS 197.279 (3)(b)



<b>Project Name:</b>	Bandon Local Wetland Inventory	<b>Wetland:</b>	TUP-5
<b>Project Location:</b>	Coos County	<b>Approx. Area (acres):</b>	0.36
<b>Date:</b>	OFF-SITE	<b>Wetland Types(s):</b>	PEM

**Exclusions : This wetland cannot be designated as significant if the answer to any of the criteria below is "Yes".**

1 Is this wetland artificially created entirely from upland and:			
a. created for the purpose of controlling, storing, or maintaining stormwater			No
b. is used for active surface mining or as a log pond			No
c. is a ditch without a free and open connection to natural waters of the state			No
d. is less than 1 acre and created unintentionally from irrigation or construction			No
e. created for the purpose of wastewater treatment, cranberry production, farm watering, sediment settling, cooling industrial water, or a golf hazard			No
2 Is the wetland or portion of the wetland contaminated by hazardous substances, materials or wastes as per the conditions of ORS 141-86-350 1(b)			No
<b>Exclusion criteria satisfied?</b>			<b>No</b>

**Mandatory Locally Significant Wetland Criteria : This wetland is locally significant if "Yes" is the answer to any of the criteria below.**

1 Does the wetland provide <i>diverse wildlife habitat</i> ?			No
2 Is the wetland's <i>fish habitat function intact</i> ?			No
3 Is the wetland's <i>water quality function intact</i> ?			No
4 Is the wetland's <i>hydrologic control function intact</i> ?			No
5 Is the wetland less than 1/4 mile from a water body listed by DEQ as a water quality limited water body (303(d) list) <u>and</u> is the wetland's <i>water quality function intact, or impacted or degraded</i> ?			No
6 Does the wetland contain a rare plant community?			No
7 Is the wetland inhabited by any species listed federally as threatened or endangered, or state listed as sensitive, threatened or endangered?			No
8 Does the wetland have a direct surface water connection to a stream segment mapped by ODFW as habitat for indigenous anadromous salmonids <u>and</u> is the wetland's <i>fish habitat function intact, or impacted or degraded</i> ?			No
<b>Mandatory Locally Significant Wetland criteria satisfied ?</b>			<b>No</b>

**Optional Locally Significant Wetland Criteria : local governments may identify a wetland as significant if "Yes" is the answer to the criteria below**

1 Does the wetland represent a locally unique native plant community <u>and</u> provides <i>diverse wildlife habitat or habitat for some species</i> <u>or</u> has a <i>intact, or impacted or degraded fish habitat function</i> <u>or</u> has a <i>intact, or impacted or degraded water quality function</i> <u>or</u> has a <i>intact, or impacted or degraded hydrologic control function</i> .			No
2 Is the wetland publicly owned and used by a school or organization <u>and</u> does the wetland provide <i>educational uses</i> ?			No
<b>Optional Locally Significant Wetland criteria satisfied ?</b>			<b>No</b>

**Does not satisfy the criteria, Not a Locally Significant Wetland**

# Locally Significant Wetlands Criteria

ORS 197.279 (3)(b)



<b>Project Name:</b>	Bandon Local Wetland Inventory	<b>Wetland:</b>	JOH-6
<b>Project Location:</b>	Coos County	<b>Approx. Area (acres):</b>	7.50
<b>Date:</b>	OFF-SITE	<b>Wetland Types(s):</b>	PEM, PSS, PFO

**Exclusions : This wetland cannot be designated as significant if the answer to any of the criteria below is "Yes".**

1 Is this wetland artificially created entirely from upland and:			No
a. created for the purpose of controlling, storing, or maintaining stormwater			No
b. is used for active surface mining or as a log pond			No
c. is a ditch without a free and open connection to natural waters of the state			No
d. is less than 1 acre and created unintentionally from irrigation or construction			No
e. created for the purpose of wastewater treatment, cranberry production, farm watering, sediment settling, cooling industrial water, or a golf hazard			No
2 Is the wetland or portion of the wetland contaminated by hazardous substances, materials or wastes as per the conditions of ORS 141-86-350 1(b)			No
<b>Exclusion criteria satisfied?</b>			<b>No</b>

**Mandatory Locally Significant Wetland Criteria : This wetland is locally significant if "Yes" is the answer to any of the criteria below.**

1 Does the wetland provide <i>diverse wildlife habitat</i> ?			No
2 Is the wetland's <i>fish habitat function intact</i> ?			No
3 Is the wetland's <i>water quality function intact</i> ?			No
4 Is the wetland's <i>hydrologic control function intact</i> ?			No
5 Is the wetland less than 1/4 mile from a water body listed by DEQ as a water quality limited water body (303(d) list) <u>and</u> is the wetland's <i>water quality function intact, or impacted or degraded</i> ?			No
6 Does the wetland contain a rare plant community?			No
7 Is the wetland inhabited by any species listed federally as threatened or endangered, or state listed as sensitive, threatened or endangered?			No
8 Does the wetland have a direct surface water connection to a stream segment mapped by ODFW as habitat for indigenous anadromous salmonids <u>and</u> is the wetland's <i>fish habitat function intact, or impacted or degraded</i> ?			No
<b>Mandatory Locally Significant Wetland criteria satisfied ?</b>			<b>No</b>

**Optional Locally Significant Wetland Criteria : local governments may identify a wetland as significant if "Yes" is the answer to the criteria below**

1 Does the wetland represent a locally unique native plant community <u>and</u> provides <i>diverse wildlife habitat or habitat for some species</i> <u>or</u> has a <i>intact, or impacted or degraded fish habitat function</i> <u>or</u> has a <i>intact, or impacted or degraded water quality function</i> <u>or</u> has a <i>intact, or impacted or degraded hydrologic control function</i> .			No
2 Is the wetland publicly owned and used by a school or organization <u>and</u> does the wetland provide <i>educational uses</i> ?			No
<b>Optional Locally Significant Wetland criteria satisfied ?</b>			<b>No</b>

**Does not satisfy the criteria, Not a Locally Significant Wetland**