

**PROCEDURAL 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

**REPRESENTATIVES:** Coos Curry Consulting, Sheri McGrath & O’Connor Law, LLC

**APPLICANT:** Bandon Beach Ventures, LLC & Perk Development Group, LLC

**PROPERTY OWNER:** Bandon Beach Ventures, LLC

**APPELLANT(S):** Oregon Coast Alliance, Sean T. Malone - Attorney  
Bruce Spencer

**REQUEST:** APPEAL of approval for a conditional use permit to construct a new 110-room hotel, two restaurant spaces, meeting rooms, and spa, as well as 32 villas/suites. Approval of a plan review for commercial design standards, parking, and signage. (Variance WITHDRAWN)

**REVIEWING BODY:** City of Bandon City Council

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

**NOTICE DATE:** February 1<sup>st</sup>, 2024

**HEARING DATE:** February 21<sup>st</sup>, 2024 at 6:00 PM

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

**I. Background**

The Planning Commission met on September 28<sup>th</sup> for the initial evidentiary hearing of a Type III request for a conditional use permit, variance and plan review for the Gravel Point project, a hotel and restaurant on property zoned Controlled Development 1. At this meeting, the City Hall Council Chamber

was nearly full, and the online Zoom option reached capacity, so the Planning Commission Chair continued the hearing to October 5<sup>th</sup>, at 7:00 PM in the City Hall Council Chamber.

The Planning Commission then held a second evidentiary hearing, allowing for additional testimony from the applicant and the public. There was a request to keep the record open for an additional seven days, which is permitted by ORS 197.797(6)(a), and a subsequent request to respond to the new testimony. The applicant was then given seven days to make a final argument and submitted a final rebuttal, as allowed in ORS 197.797(6)(e). At this meeting, on November 2<sup>nd</sup>, 2023, the Planning Commission considered the evidence and deliberated towards a decision. Ultimately, the request was approved 4:2, with the chair not voting.

Notice of the decision was mailed on November 7<sup>th</sup>, 2023. Two appeals were received and found to be valid. The City Council met to determine the scope of the appeal, which is to be *de novo*. The appeal hearing was scheduled and noticed, per the requirements in Bandon Municipal Code, for February 21<sup>st</sup>, at 6:00 pm in the Council Chamber before the City Council. The full record from the Planning Commission hearings can be found online at <https://www.cityofbandon.org/general/page/23-045-type-iii-consolidated-application-gravel-point> or a hard copy may be made available upon request.

Since the approval by the Planning Commission, the Gravel Point development team hosted an open house to provide more information about the project to the community and to answer any questions that remained unanswered after the initial public hearings. The team also withdrew the variance request, opting to construct the majority of the structure without exceeding the City's height limitation. The sections of the structure that are proposed to exceed 28-feet are subject to the requirements of the Controlled Development 1 Zone, but do not require a variance.

Since the appeal is *de novo*, the applicant team has submitted a *Restated Combined Application for a Conditional Use Permit, Site Plan Review, and Approval to increase building Height to 35-Feet*. The Staff Report will reference either the original application materials or the restated narrative where appropriate. The minor modifications, as provided in the restated application, are as follows:

1. Withdrawing the proposed variance to the roof slope. The Hotel has simultaneously decreased in height by lowering the internal ceiling heights on each floor level and establishing the building's foundations at a lower elevation.
2. Changing the location and increasing the number of parking spaces. It was originally 164 spaces. It is now 178 spaces and also 9 RV parking spaces.
3. Recalculating Habitable Areas. The square footage has been rounded to the next highest number to provide a higher than anticipated square footage and eliminate any margin of error on calculating the conceptual plans. For example:

Meadow Lodge: 112,996 square feet rounded up to 113,000 square feet;

Dune Lodge: 18,555 square feet rounded up to 19,000 square feet;  
Meadow Suites: 49,500 square feet rounded up to 50,000 square feet;  
Ridgeline Suites: 17,050 square feet rounded up to 18,000 square feet.

4. Increasing the overall size of the Meadow Lodge by 7,996 square feet (42,004 square feet vs 50,000 square feet) due to moving the suites over the Spa and adding the loading dock.
5. Increasing the Dune Lodge by 2,395 square feet (13,605 square feet vs 16,000 square feet). The square footage has been rounded to the next highest number to provide a higher than anticipated square footage and eliminate any margin of error on calculating the conceptual plans.
6. Building Coverage increased by 1.7% (8.5% vs 10.2%) due to the addition of the loading dock and adjusted acreage of the site after removing the proposed Public Right of Ways.
7. Building Footprints increased by 10,541 square feet (92,459 square feet vs 103,000 square feet). The square footage has been rounded to the next highest number to provide a higher than anticipated square footage and eliminate any margin of error on calculating the conceptual plans.
8. Roads and Infrastructure: The proposed Public Roads have been slightly adjusted to conform to the road standards. The impervious surfaces reduced due to eliminating the proposal for Private Roads. The Public Roads have been eliminated from the total site Impervious Surface area calculation. The new proposed coverage is rounded up to 90,000sf or 2 acres. That is a total lot coverage for all Impervious Surfaces (parking lots, roads, buildings, etc.) of 19.2%.

Please also note that this application may be subject to additional review prior to Zoning Compliance. The site contains an area of high landslide susceptibility, which will require either an exemption request or a Geologic Assessment Review. This has been added as a condition of approval.

## **II. 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 “hotel” and “commercial retail sales and services,” both conditional uses in the CD-1 zone. The City Council may approve, approve with conditions, or deny the application through a review of the application’s conformance with the approval criteria. The City Council 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 and to effectively mitigate potential impacts. Staff has provided recommended conditions of approval located at the end of this report.

**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 City Council may approve, approve with conditions, or deny the application. If additional conditions are needed to ensure this use fits in with the surrounding neighborhood by mitigating potential impacts, the City Council may reference this list to impose such conditions.

**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’s restated narrative concisely addresses the approval standards for conditional uses. The evidence provided by the applicant, along with Staff findings, is included below.

A. Comprehensive Plan: In the applicant’s restated narrative, they state that the Bandon Comprehensive Plan (BCP) is implemented by the Bandon Municipal Code (BMC) and that the proposed development complies with all applicable criteria. In their previous submittals, they have written in depth about Comprehensive Plan policies and described how their proposal meets or exceeds these aspirational policies.

Staff finds that the applicant is proposing a tourist commercial use, which, according to the BCP, is compatible with existing residential uses and is intended to be located in areas frequented by tourists, such as Beach Loop Drive, and separated from “general commercial uses” oriented to year-round residents. Further, the BCP states that the City will promote economic development that is compatible with the city’s infrastructure, environment, and high standards for quality of life. Staff has reviewed policies related to these goals below.

The proposed development is consistent with the BCP in the type (“use”) of development, and in the particular site design and configuration. Gravel Point clusters development to preserve open space and view corridors far more than a residential subdivision, which is an outright permitted use. The applicant’s narrative also describes the geographic viewshed listed in the BCP 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 local residents.

Further, the BCP states that 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 at a later date) and the proposed street configuration avoids major impact to the existing wetlands and limits disturbance of the existing wildlife habitat.

The Transportation System Plan (TSP) is part of the BCP and contains objectives stating that the city should protect the local street network, develop a system of sidewalks, walking paths, and bicycle facilities, and minimize vehicular trips. The applicant is maintaining the local street network by including an access from Carter St to Beach Loop Drive and including a stub out for a future connection to the north through the Donut Hole. The proposed development serves to improve the existing street network and pedestrian circulation also includes public walking and biking paths as well as 16 on-site bike parking spaces.

It is also the City's policy, per the BCP, 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. The applicant has proposed Gold LEED certification, which has been included as a condition of approval.

**Staff finds the request is consistent with the comprehensive plan.**

B. 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 City Council should review the application for appropriateness and compatibility within the neighborhood context and consider the impact of the development on the existing permitted residential 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.

**Staff find the request is consistent with the purpose and dimensional standards of the zone except as those dimensional standards have been modified in authorizing the conditional use permit.**

C. Adequate size and dimension for need of proposed use: The applicant states: *The site size and dimensions provide adequate area for the needs of the proposed use. The subject property is currently approximately 20.83 acres in size. The proposed acreage (after vacation and dedication of new public rights of way) is 23.2 acres in size. The overall coverage of the buildings and impervious surfaces is approximately 4.44 acres or approximately only 19.2% of the subject property. That is 193,500 square feet of total impervious surfaces on the lot size of 1,010,500 square feet.*

Staff agrees with the applicant's statements and finds that the site size and proposed layout provides adequate treatment to mitigate the effects of the use of the property as a hotel. The site is large (nearly 24 acres) and after development, 80% is left as open space. The applicant has met or exceeded all

criteria related to site size: lot depth and width, minimum lot size for development, setbacks, and impervious surface coverage.

**Staff finds the size and dimensions of the project site provide adequate area for the needs of the proposed use.**

D. Adequate for aesthetic design and mitigation of effect on surrounding properties: The applicant states that: *The site has been designed to mitigate possible adverse effects from traffic to surrounding properties. The site design includes placing the Meadow Lodge in the center of the property, having multiple entrances and exits for vehicles, dedicating substantial public rights of way, having an efficient traffic flow plan to minimize disruptions, and designing parking areas to minimize visual impact on neighboring properties. The proposed buildings have also been designed to be aesthetically pleasing.* They also state that building setbacks have been increased and additional landscape buffering is in place to mitigate the impact to the surrounding neighborhoods.

Staff agrees with the applicant's statements and finds that the site size and dimensions provide an adequate area for the aesthetic design treatment to mitigate possible adverse effects to surrounding properties and uses. The applicant has provided sufficient evidence to show that the proposed development has been designed in a way to minimize impact on the existing environment and landscape, surrounding neighborhood, existing uses, and where applicable has exceeded minimum standards to effectively mitigate any potential or perceived negative effects to a level of significance.

**Staff finds that the site size and dimensions provide adequate area for aesthetic design treatment to mitigate possible adverse effects from the use of surrounding properties and uses.**

E. Site Characteristics: The applicant has provided evidence that the subject property is suitable for the proposed use in terms of size, shape, location, topography, and natural features, as required by this criterion. The lot is over 23 acres in size, meets the minimum lot width and depth required by the code for development, is located in a zone that conditionally permits hotel and commercial uses, and utilizes topography and natural features to limit visual impacts and enhance aesthetics. The applicant has also provided evidence that the BCP anticipates that 10% of land in the CD zones will be used for commercial uses and that existing developed commercial uses hotels in the area comprise less than that amount currently. Therefore, this is an adequate location for the proposed use.

The site is located along Beach Loop Drive, a minor collector street, and provides a connection to Seabird Drive (another collector) to the south (via Carter) and Face Rock Drive to the north (a future east west connection and another collector). 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 vehicular circulation. The applicant has also stated that all hotel traffic will be directed towards Beach Loop Drive, thus utilizing collector streets, in accordance with the City's Transportation System Plan.

**Staff agrees with the applicant's statements and finds that the characteristics of the site are suitable for the proposed use considering size, shape, location, topography and natural features.**

F. Public Facilities: The applicant states that all required public facilities and services have adequate capacity to serve the proposal and are available or can be made available by the applicant.

Staff considers public utilities to include water, sewer, storm drainage, and transportation, however the applicant also included electricity, which will be addressed here. The City's code requires that the developer make all required improvements at the time of development, which may be addressed as part of this application, or at a later stage during zoning compliance. City Staff have reviewed the Gravel Point application to determine whether the City's utility systems are adequate to serve the request or not, however additional improvements may be needed to serve this particular use at the time of construction. For example, the City's electric system has adequate capacity to serve a use of this size, but additional transformers may be needed to bring that capacity to this site. These types of improvements are not determined until actual construction plans have been submitted (during Zoning Compliance approval).

**Water:** The City's Water Master Plan (June 2022) provides guidance to the City when addressing future water needs. It describes the existing system, evaluates how the system is performing, predicts future water demand, identifies any potential deficiencies, and makes recommendations for improvements. The Plan uses, at a minimum, a 20-year growth projection and considers existing land use patterns within the Urban Growth Boundary. It also contains a Capital Improvement Plan, which is the basis for our System Development Charges (SDC). This Plan is used by City Staff to make decisions about when public improvements will be needed and how we will pay for them.

The City's Water Master Plan identifies a deficiency in the City's ability to store raw water for use in producing potable (drinking) water. While the City's Water Treatment Plant has sufficient capacity to produce potable water and the City possesses sufficient water rights to serve this development and growth well into the future, an issue arises, when sediment is deposited into the Ferry Creek Reservoir without being dredged on a regular routine basis resulting in reduced raw water storage. This condition can be resolved through routine maintenance and dredging of the Ferry Creek Reservoir annually. The Plan identifies possible solutions to permanently increase raw water storage including the development of a groundwater well field and/or off-channel reservoir. With that said, City staff finds that the City's current potable water capacity is more than sufficient to accommodate Gravel Point's proposal.

In support of the statement that the City's water system has sufficient capacity to serve this use, the City's engineers provided the following statement:

*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 Water Master Plan indicates that an upgrade to the water main line on Beach Loop Drive, extending the 10-inch line from its terminus just north of Strawberry Drive to a connection point with a 12-inch line along Seabird Drive should be planned for. Staff provided input at the October 5<sup>th</sup>, 2023, meeting that the 10-inch line already exists, however upon further investigation it was found that was not true. The applicant will need to provide fire flow information when building permits are applied for showing whether or not an increased water line size is needed to serve the proposed use.

The estimated water SDC is \$504,660.38.

**Sewer:** The City also has a Sewer Master Plan (June 2002), which serves the same function as described above for water. The City's Engineer provided the following statement regarding sewer:

*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 estimated sewer SDC is \$205,678.

**Storm Drainage:** The City also has a Storm Drain Master Plan (June 1999), which serves the same function as described above for water and sewer. The Plan identifies the project site as being part of drainage basin 7A. It states that drainage primarily consists of overland flow to the cliffs and ocean (pg 5-13) and that ditches and drainage culverts are used to move water to and along Beach Loop Drive. The site abuts a city-owned lot that collects water from surrounding subdivisions and moves it through a series of drainage ditches to the south and west, along the Three Wood Drive subdivision and to a culvert that runs under Beach Loop Drive and out to the Beach Access Road. The applicants will be required to show the increased impact on the system from their development and ensure the city's system has sufficient capacity to serve the use. A verbal statement from the City's engineer indicates that the Beach Access Culvert has sufficient capacity to serve the proposed use, however other improvements to the system may be required. A condition of approval has been added that the property owner shall provide a storm drain plan to be approved by the City Engineer prior to Zoning Compliance approval.

The storm drainage SDC cannot be calculated without more exact numbers of the proposed impervious surfaces. This will be calculated prior to zoning compliance.

**Transportation:** The applicant provided an updated traffic assessment (February 9<sup>th</sup>, 2024), prepared by Parametrix, which analyzes the potential traffic impacts of the project. The assessment studies the intersections of Highway 101/Seabird Drive, Beach Loop Drive/11<sup>th</sup> Street, Beach Loop Drive/Seabird Drive, and Beach Loop Road/Main Access (Carter Street) and uses 2022 PM Peak Hour data. The study states that the proposed project will generate 121 net new PM peak hour trips, a standard way of 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) as well as volume to capacity (v/c) ratios, which are used to measure sufficiency of an intersection. The City’s Transportation System Plan – Refinement Plan 2010 states that collectors will operate at the Highway Capacity Level of Service (LOS) “D” standard during peak hours and that Arterials will operate at the volume-to-capacity standards specified in the most recently adopted Oregon Highway Plan. 11<sup>th</sup> Street, Beach Loop Drive, and Seabird Drive are Collectors while Highway 101 is an Arterial.

The table below is from the applicant’s traffic assessment and shows “build” and “no build” scenarios for the planned construction year, 2026. LOS at the Beach Loop Drive/11<sup>th</sup> Street and Beach Loop Drive/Seabird Drive are nearly unaffected by the development, with small increases in delay. The Beach Loop Drive/Carter Street intersection will operate at a “B,” which is within the City’s mobility standard. The Seabird Drive/Highway 101 intersection is measured with a v/c ratio, which will increase from .022 in 2023 to 0.49 in a “build” 2026 scenario, which is well below the State mobility standard of < 0.80.

The applicant also provided a review of the Parametrix report prepared by Southern Oregon Transportation, LLC, Kimberly Parducci, PE, PTOE. The letter, dated February 12<sup>th</sup>, 2024, concurs with the conclusions of the traffic assessment, which showed that the streets and intersections within the study area continue to meet ODOT and City performance standards. They also found that no safety concerns were identified and that the streets and intersections within the study areas have adequate capacity to support the proposed development.

**Table 4: PM Peak Hour Intersection Operations Summary**

Intersection	Mobility Standard	2023 Existing			2026 No Build			2026 Build		
		LOS <sup>1</sup>	Delay (sec/veh) <sup>2</sup>	v/c ratio	LOS	Delay (sec/veh)	v/c ratio	LOS	Delay (sec/veh)	v/c ratio
Highway 101 / Seabird Drive	Seabird Dr v/c ≤ 0.80	-	-	0.22	-	-	0.28	-	-	0.49
Beach Loop Drive / 11 <sup>th</sup> Street	LOS D	A	7.6	-	A	7.6	-	A	7.7	-
Beach Loop Drive / Seabird Drive	LOS D	A	9.3	-	A	9.3	-	A	9.7	-
Beach Loop Drive/ Site Access	LOS D	-	-	-	-	-	-	B	10	-

1. LOS is for worst movement; EB = eastbound; WB = westbound  
2. Sec/veh = seconds per vehicle

Figure 1 Table from February 9<sup>th</sup>, 2024, Traffic Assessment

Staff concurs with the applicant's statements and finds the City's transportation system has sufficient capacity to serve the proposed use. The construction of the project appears to primarily impact the intersection of Highway 101 and Seabird Drive, though the impact does not necessitate a control-device at the intersection. Because of other construction projects in the area, the City has been in contact with ODOT regarding design options for the intersection, which will be addressed as part of the City's Transportation System Plan Update.

Also, to consider the project site in terms of potential impact, both commercial and residential uses are allowed. 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 (23.2 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 hour trips. The project as presented would generate 121 new trips per the applicant's traffic assessment. The impact of a commercial development of this size is far less than a residential development on the same size site.

With that being said, to mitigate the concerns regarding the impacts from construction vehicles, staff recommends adding a condition of approval requiring a construction traffic mitigation plan to be submitted to the city and approved prior to the issuance of zoning compliance.

The estimated transportation SDC is \$305,057.

**Electric:** The City's Electric Department Director, Jim Wickstrom, provided a statement that the electric system has sufficient capacity to serve the proposed use. This statement has been included as an attachment to this staff report.

**Staff finds that all required public facilities and services have adequate capacity to serve the proposal and are available or may be made available by the applicant.**

G. Neighborhood Impact: The applicant states: *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. The purpose of the CD-1 zone is to be a mixed-use zone balancing tourist commercial uses with residential uses. As a result, the City of Bandon Comprehensive Plan has appropriately considered whether the proposed conditional uses are appropriate for the CD-1 zone and are appropriate to be located in the vicinity of nearby residences. Indeed, the proposal has been designed to complement the character of the surrounding neighborhoods. This includes having abundant open spaces and landscape buffering.* They further state that the traffic assessment and updated traffic analysis show that the existing and proposed public facilities are adequate to meet the demands from projected traffic.

**Staff agrees with the applicant’s statement and finds that 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.**

**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. There is sufficient evidence to find that these criteria have been met. The City Council 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:** There is sufficient evidence to find that these criteria have been met. The City Council may require additional setbacks, if necessary, to meet approval standards. The City Council 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. Staff finds, to the extent they are applicable, that these criteria have been met.

**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 two years from the date the decision is final unless a zoning compliance permit has been issued, at the request of the applicant.

**SUMMARY: Title 16 – Chapter 16.12 – Conditional Uses**

**Staff finds:**

- The request shall be processed as a conditional use, subject to the requirements of BMC 16.12.
- The proposal is consistent with the following standards:
  - The Comprehensive Plan;
  - The purpose and dimensional standards of the zone except as those dimensional standards have been modified in authorizing the conditional use permit;
  - That the site size and dimensions provide adequate area for the needs of the proposed use;
  - 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;
  - The characteristics of the site are suitable for the proposed use considering size, shape, location, topography and natural features;
  - All required public facilities and services have adequate capacity to serve the proposal, and are available or can be made available by the applicant;
  - The proposed use will not alter the character of the surrounding area in a manner that substantially limits, impairs, or precludes the use of surrounding properties for the permitted uses listed in the underlying zoning district;
- The conditional use does not grant a variance.
- The applicant for the conditional use contained all required components and fees.
- The conditional use permit shall become void two (2) years after approval (request of applicant).

To ensure compliance with these code provisions, or to mitigate any impact from the development, staff recommends the following project-specific conditions of approval:

- PC1. Conditional Use -** The conditional use permit shall become void two years from the date the decision is final unless a zoning compliance permit has been issued.
- PC29. Construction Traffic Mitigation Plan –** the project applicant shall be required to devise a traffic mitigation plan for regulating truck traffic during construction for the purpose of reducing truck traffic impacts to the surrounding sensitive residential land uses that exist in the subject area. The traffic mitigation plan shall be subject to the City’s review and final approval shall be obtained by the project applicant prior to the issuance of zoning compliance. Further, construction vehicles shall be required to be staged and all building materials shall be offloaded on the subject property. Violations of this condition of approval shall result in the issuance of a stop work notice; whereas repeat offences totaling three (3) or more within a twelve (12) month period may result in the revocation of City issued entitlements, permits and/or approvals.
- PC30. Storm Drainage Mitigation Plan -** The property owner shall provide a storm drain plan to be approved by the City Engineer prior to Zoning Compliance approval.

**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 City Council to place additional conditions on the application to ensure the project meets the purpose of the zone. There is sufficient evidence to find that these criteria have been met. Alternatively, if the City Council 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, citing that the project contains a mix of tourist commercial and recreational uses.

**Staff finds that the proposed project is a listed conditional use and thus is in-line with the purpose of the zone.**

**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 or 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.

The applicant states that: *The uses for this proposal include hotel, motel, and commercial retail sales and services. In particular, the hotel meets the definition of “hotel”, the villa suites meet the definition of “motel”, and the restaurants, lounges, and spas are considered “commercial retail sales and services”. As a result, those uses may be conditionally allowed in the CD-1 zone, subject to other provisions, including BMC Chapter 16.12.*

**Staff concurs with the applicant’s statement and finds this use should be processed as a conditional use, Type III decision.**

**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: *The proposed structures will be sited so as to minimize negative impact on the ocean views of existing structures on abutting lots. The subject property is east of Beach Loop Drive and not immediately adjacent to the Ocean. Further, no lots east of the subject property (developed or undeveloped) have ocean views. The proposed design has a low profile, meaning that there will not be any negatively impacts to ocean views. The Existing Topography is detailed in Exhibit "A" Page 10, which shows how the existing dune formation on the western end of the property already blocks any potential views for properties to the east of the subject property.*

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 were lowered to the 28-foot height limit to maintain views and give the buildings the appearance of blending in naturally with the surrounding area. The structures were lowered to the 28-foot height limit prior to this hearing. Criterion addressed.

**Staff finds that the applicant has provided sufficient evidence to show that structures have been sited to minimize negative impact on the ocean view of existing structures on abutting lots, and that view from vacant sites have been protected to the extent possible.**

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

**FINDING:** The proposed structures are made of wood siding, windows and metal roofs. No metal siding is proposed. A condition of approval has been added to ensure conformance.

**Staff finds that no metal-sided buildings are proposed.**

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 subject site has a sand dune but not a “foredune”, 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.

**Staff finds that this criterion does not apply.**

**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 lot size remaining after the streets are vacated and re-dedicated meet or exceed the City’s minimum requirements. The large size of the property affords the permanent preservation of open space, which provides an essential buffer between land uses. No lots are created by this request.

**Staff finds lots meet the minimum standards of the zone.**

**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 existing city rights-of-way and has proposed to dedicate new streets that better align with their project and the existing street configurations. The applicant has provided setback measurements that meet or exceed the City’s minimum standards. The applicant has also provided increased setbacks, as required by BMC 17.20.090 below.

The applicant states: *The side yards to the east are at least five feet. In fact, the closest Meadow Suite is 14.50 feet from the eastern property line. Further, the side yards to the west are at least eight feet; the closest building to the western property line being a Ridgeline Suite, which is 53 feet from the property line. Added together, the depth of the side yards is more than a combined minimum of thirteen feet... The rear yards have at least 10 feet of setbacks: the nearest Ridgeline Suite is 80’ from the northern property line, the Meadow Lodge is 95 feet, and the nearest Meadow Suite is 61.30 feet. Storage structures and non-habitable structures are not proposed... Residential uses do abut the subject property. The closest residential neighbor to the west is 53 feet away from the proposed development. The closest neighbors to the east are 14.50 feet and 21.40 feet respectively... The subject property abuts Beach Loop Drive but no rear yard abuts said street. Nevertheless, the Applicants propose a minimum setback of twenty (20) feet along Beach Loop Drive.*

**Staff finds lots meet the minimum standards of the zone.**

**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 page 68 of the Applicant’s Restated Combined Application, the total of all building footprints is 103,500 square feet. This equates to a lot of coverage of 10.2% based on the property’s total square footage of 1,010,500. The site’s total impervious surface is approximately 19%. See snip from page 68 below.

**LOT COVERAGE**

The proposed buildings cover less than 15% of the site area. The total proposed impervious coverage is less than 25%.	The maximum building coverage is 50% per 17.20.080. The maximum allowed is 65% per 17.20.080.
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<b>Building Footprints:</b>	
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>

Building Coverage: 103,500 sq.ft. / 1,010,500 sq.ft. (site area) = 10.2%

Overall Coverage: 103,500 sq.ft + 86,000 sq.ft. of roads and infrastructure = 189,500 sq.ft. / 1,010,500 sq.ft. = 18.8%

*Figure 2 Lot Coverage as described in the applicant's materials (Page 68 of Applicant’s Restated Combined Application)*

**Staff finds that buildings will not occupy more than fifty (50) percent of the lot area and that total impervious surfaces will not exceed 65%.**

**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:** The subject property is east of Beach Loop Drive and south of Seventh Street SW, so 17.20.090(B) applies. In their original application, the Meadow Lodge was proposed to be 35 feet tall, however their request, based on the proposed design, required a variance to the provision above requiring a 3:12 roof for any portion above 28 feet (the outright permitted maximum height). While the Planning Commission approved this variance request, there was concern from certain planning commissioners that the criteria were not sufficiently met. Since that application, the building has been lowered to 28 feet, except as described below, and there is no longer a need for a variance.

The applicant's provided the following summary of the heights of their buildings:

- *The Meadow Lodge is a maximum of 28 feet in height except the elevator overruns, which will be a maximum of 35 feet in height. It is depicted in Exhibit "A" Page 12 attached hereto.*
- *The Dune Lodge will have a maximum of 28 feet in height. It is depicted in Exhibit "A" Page 18 attached hereto.*
- *The Ridgeline Suites are under 28 feet in height. They are depicted in Exhibit "A" Page 24 attached hereto.*
- *The Meadow Suites are under 28 feet in height. They are depicted in Exhibit "A" Page 27 attached hereto.*

No portion of any building will exceed 28 feet, except for the elevator shaft on the Meadow Lodge, which is subject to the five review criteria in this code.

The applicant provided the following evidence that the review criteria have been met:

*(1) The additional height of the elevator shaft overruns do not negatively impact the views from surrounding properties. This is due to their small size and positioning/placement on the building. Indeed, as shown on Exhibit "A", page 17 (the "Meadow Lodge – Concept Roof Plan"), the elevator shafts are located on the interior of the proposed structure. This means that it is virtually unnoticeable to surrounding properties.*

*(2) The additional height of the elevator shaft overruns do not cut off sunlight onto surrounding properties. This is because of its small size.*

*(3) The additional height shall not negatively impact the aesthetic character of the neighborhood. This is because the elevator shaft overruns are tastefully blended into the characteristics of the building.*

*(4) The elevator shaft overruns, which are above the 28-foot threshold, are sloped a minimum of 3:12 and slope down and away from the highest point of the structure.*

*(5) The Meadow Lodge is set back far from the property lines. The nearest existing property line is 95 feet away from the Meadow Lodge. If the City vacates the existing public rights of way and accepts the dedication of the proposed rights of way, the Meadow Lodge will be 56.25 feet from a newly dedicated road. As a result, the front, side, and rear setbacks are more than satisfied.*

**Staff agree with the applicant's statements and finds that the height of the Dune Lodge, Ridgeline Suites, and Meadow Suites meet the city's minimum standards and will be under 28-feet. The portions of the Meadow Lodge that exceed 28-feet meet the criteria as described in 17.20.090(B)(1)(a).**

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

**Staff Finds:**

- That the proposed use is in-line with the purpose of the zone.
- The request is for a conditional use and will be processed as a Type III decision.
- The applicant has provided sufficient evidence to show that structures have been sited to minimize negative impact on the ocean view of existing structures on abutting lots, and that view from vacant sites have been protected to the extent possible.
- No metal-sided buildings are proposed.
- The proposal meets the minimum standards for lot size and yards.
- Buildings will not occupy more than fifty (50) percent of the lot area and that total impervious surfaces will not exceed 65%.
- The height of the Dune Lodge, Ridgeline Suites, and Meadow Suites meet the city's minimum standards and will be under 28-feet. The portions of the Meadow Lodge that exceed 28-feet meet the criteria as described in 17.20.090(B)(1)(a).

To ensure compliance with these code provisions, or to mitigate any impact from the development, staff recommends the following project-specific conditions of approval:

**PC21. Metal-sided buildings shall be prohibited anywhere on the site.**

**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 at Beach Loop Drive reads “Gravel Point” within 40 square feet and the other entrance at Face Rock Drive reads “Gravel Point” in 3.75 square feet. See Figures 1 and 2. Criterion met.

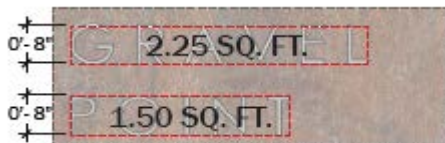


Figure 3. Area of signage at Face Rock Drive.



Figure 4. 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. Staff has added this as a condition of approval. 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. Staff has added this as a condition of approval. 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.*

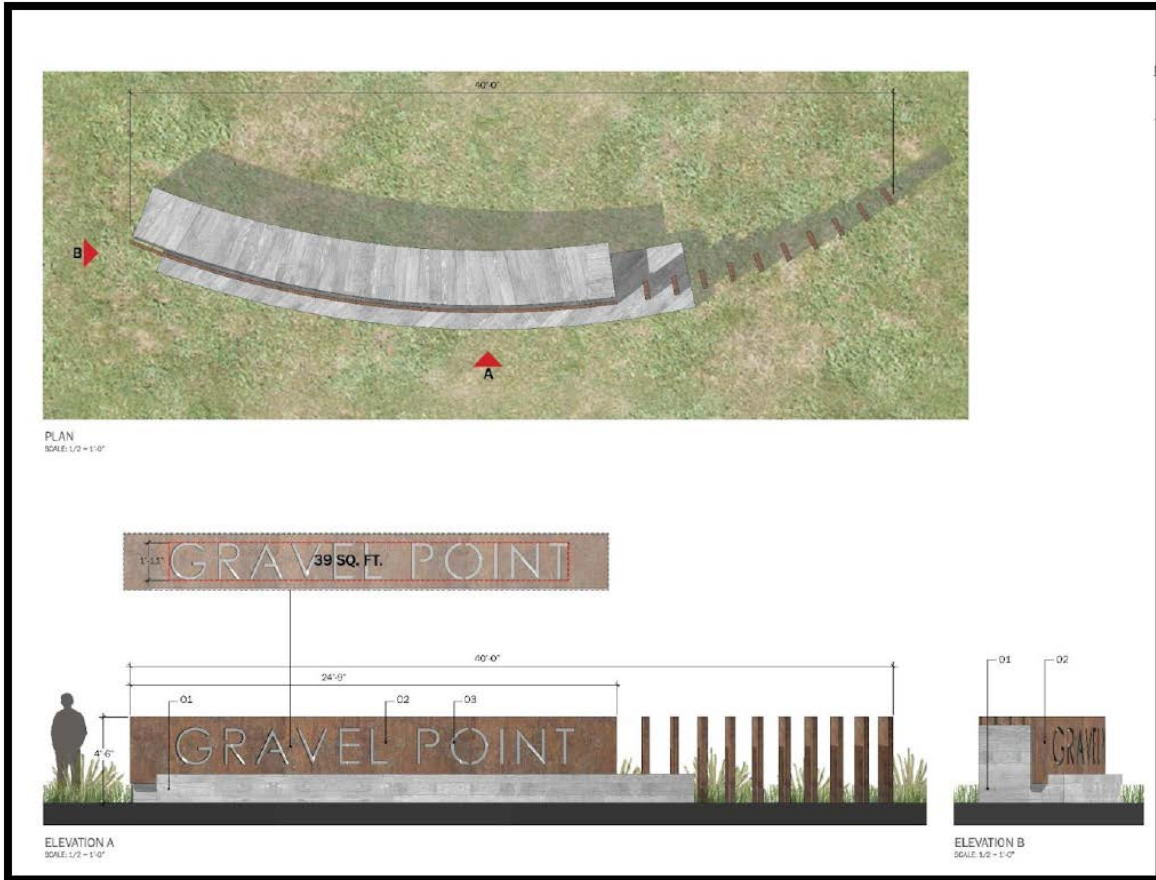
**FINDING:** Temporary signage may be permitted at the sole discretion of the City Manager or their designee. Criterion met.

**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 City Council review (on appeal) and a concurrence of approval of the proposed signage associated with the Gravel Point development. The applicant has applied for concurrent review of a conditional use permit and plan review. The applicant is proposing two signs in total. One sign will be placed near the main entrance at Beach Loop Drive. 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 below.

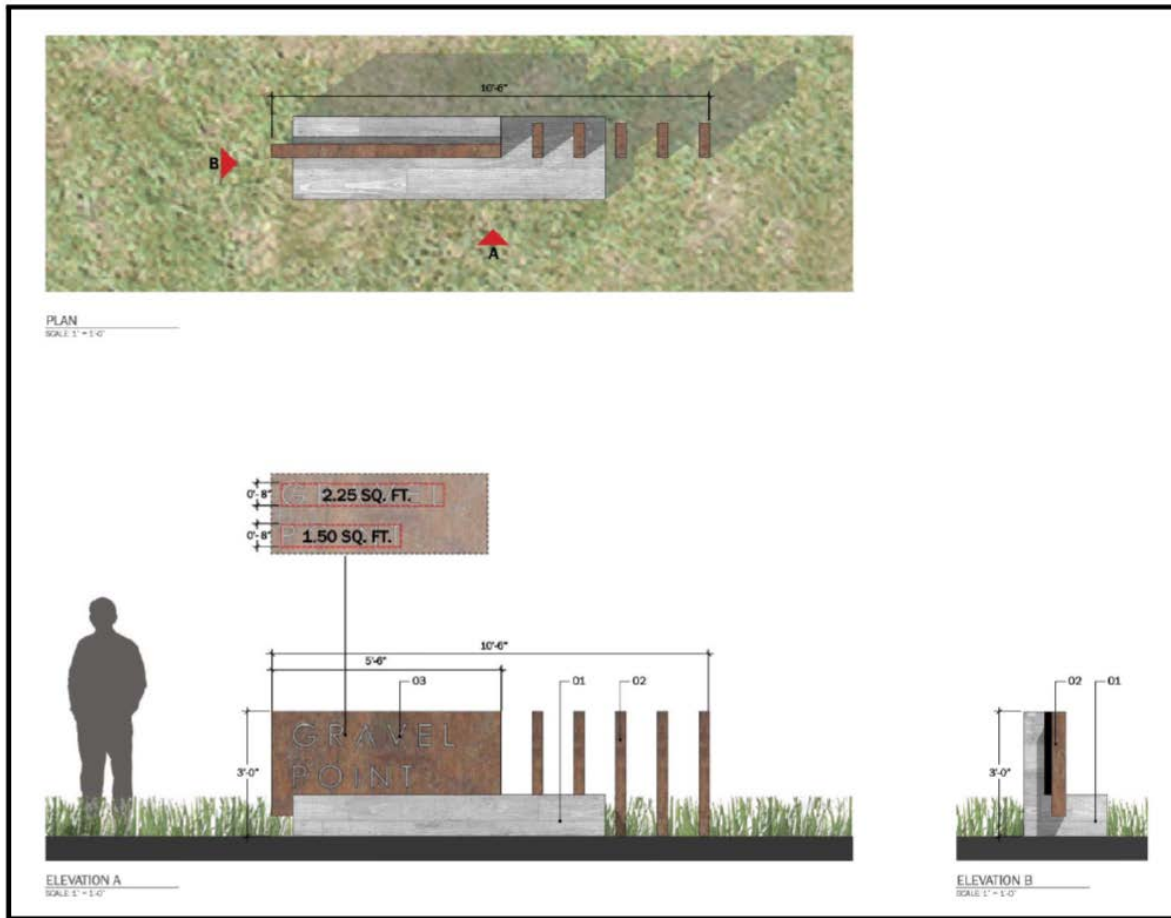




### MAIN ENTRANCE PROPOSED SIGN

*Figure 5 Proposed signage to be placed at the main entrance.*

The second sign will be placed near the entrance at Face Rock Drive. The sign is 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 the sign is 3.75 square feet. See Figure below.



PROPOSED SIGNS AT FACE ROCK DRIVE AND CARTER STREET

Figure 6. Signage proposed at Face Rock Drive.

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:** The total area of the signage proposed on site is 42.75 square feet. There are 719 linear feet along Beach Loop Road. There are 370 linear feet along Face Rock Drive. That is a combined total of 1,089 linear feet. Therefore, the maximum total area of all exterior signs that can be allowed on the property is 544.5 square feet (1,089 linear feet / 2).

**Staff finds the total area of all exterior signs does not exceed one square foot for each two linear feet of street frontage.**

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

**FINDING:** The proposed signage is 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.

**Staff finds signs are set back ten (10) feet from any adjoining lot used for residential purposes.**

**SUMMARY: Title 17 – Chapter 17.90 – Signs**

**Staff Finds:**

- The applicant is requesting three signs: a main entrance sign on Beach Loop Drive, and two smaller entrance signs on Face Rock Drive and Carter Street. These signs must be approved by the City Council because of their location in the Controlled Development 1 Zone.
- All signs have been designed for compliance with required vision clearance areas.
- The area of the sign is the area of the smallest rectangle required to encompass the outside of all words, numbers, letters, logos and symbols.
- The proposed signs are not double sided. Directional signage will be less than 10 degrees with double-sided.
- No signs are proposed in the city's right-of-way.
- No free-standing sign will exceed a height of fifteen (15) feet, measured from existing grade to the highest point of the sign.
- No signs are proposed to be attached to buildings.
- No signs will exceed forty-eight (48) square feet in size.
- All signs comply with building setback requirements.
- No signs are proposed to be projected from a structure or mounted on a pole.
- All signs will be securely fastened to their supporting surface or structure.
- The total area of all exterior signs allowed on the property does not exceed one square foot for each two linear feet of street frontage.
- The sign will be set back ten (10) feet from any adjoining lot used for residential purposes.

To ensure compliance with these code provisions, or to mitigate any impact from the development, staff recommends the following project-specific conditions of approval:

**PC24.** All signs shall be of professional quality and shall be well-maintained.

**PC 25.** 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.

**PC26.** All signs shall be securely fastened to their supporting surface or structure.

**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 on appeal is the City Council. There is sufficient evidence to find that these criteria have been met. If City Council finds the applicant’s landscaping plan meets the applicable landscaping requirements, the City Council can delegate their authority to the Planning Director to conduct a final review and approval of the landscaping details. The applicant states: *The property owner will engage in maintenance of the property, including watering, pruning, trimming, mowing, debris and weed removal, and if necessary, replanting or replacement of failed landscape elements.*

**Staff finds that the applicant submitted a landscaping plan as part of this request that sufficiently meets the requirements of this chapter. A condition of approval has been added to ensure the proposed landscaping is installed and maintained by the property owner.**

- 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:** The applicant’s “Exhibit A” on page 5 shows a proposed site plan. Every building façade that faces a street or sidewalk has at least a landscaping strip separating the building from the street and/or sidewalk that is at least 20 feet wide.

**Staff finds that building facades facing a street or sidewalk have a four-foot-wide landscaping strip separating the building from the street and/or sidewalk.**

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 site plans provided in the restated application, the proposed landscaping density is uniform throughout the site and includes amenities such as natural focal points (wetlands, dune trails, and pocket gardens) and low wattage, downward facing lighting. There is sufficient evidence to find that these criteria have been met.

**Staff finds that landscape density is uniform throughout the site and includes site amenities for areas around a building over 2,500 square feet.**

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:** The conceptual Landscape plan can be found in the applicant’s materials: Exhibit “A” at Page 8. They state: *A mix of coastal grasses, herbs, shrubs, and trees are proposed. As seen on that plan, the trees and shrubs proposed for the site are compatible with the Southern Oregon Coast climate and do not have destructive root systems which could damage either buildings or paved surfaces... The Applicants intend to coordinate with a local landscape consultant to ensure these provisions are fulfilled.*

**Staff finds trees and shrubs have been selected from varieties compatible with the Southern Oregon Coast climate and do not have destructive root systems that could damage either buildings or paved surfaces.**

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-foot 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. There is sufficient evidence to find that these criteria have been met.

**A condition of approval has been added for 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. There is sufficient evidence to find that these criteria have been met.

**A condition of approval has been added to ensure compliance.**

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.

**A condition of approval has been added to ensure compliance. 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.

**Staff finds that the landscaping plan conforms to the vision clearance standards.**

#### B. Screening

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

**FINDING:** The applicant has stated that the plans show dense landscaping and architectural treatment screen features such as trash enclosures. Screening is provided on the western property line, the northeast, and the southeastern property lines. Further, the Meadow Lodge has screening elements to hide the loading area. No outdoor storage is proposed. Storage will be located in the basement of the Dune Lodge.

**Staff has included this as a condition of approval to ensure compliance. Therefore, this criterion has been met.**

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. There is sufficient evidence to find that these criteria have been met. Staff recommends 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 that the subject property abuts a residential zone and thus the setbacks have been increased to meet or exceed the code requirements. In addition, a 6-foot-tall landscaping screen is proposed to be located on all sides of the property.

**A condition of approval has been added to ensure compliance. Staff finds the applicant has proposed dense screening a minimum of six feet on all sides of the property.**

- 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:** The applicant states: *At this time the Applicants are only proposing elevator overruns as rooftop equipment as shown on the Meadow Lodge Concept Elevations. It has been designed to be screened from view by walls and roofing. The Applicants also agree to screen all other rooftop mechanical equipment, including satellite or other telecommunications equipment. However, the Applicants have only created concept plans and it is possible that additional mechanical equipment will*

*need to be added to the top of other buildings.* There is sufficient evidence to find that these criteria have been met.

**A condition of approval has been added to ensure compliance with this provision if additional mechanical equipment is added.**

**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 the proposed lighting plan below. The applicant states: *All lights will be shielded to avoid glare and skyward illuminations. Parking lot and landscape lighting shall be low to the ground. Light standards (poles) shall not exceed the height of the building and shall not exceed 14-feet in height along pedestrian pathways. Indeed, paths will have 3-foot-tall lighting. All other outdoor light fixtures emitting 2,050 lumens or more shall be shielded pursuant to the above provisions.*

Based on the provided plans (Exhibit A Pages 30-32) staff finds these criteria have been met.





Figure 7. 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:** The applicant has provided a parking plan (Exhibit A, Page 9) that shows a majority of parking will be located in parking garages beneath the Meadow Lodge and the Dune Lodge. Any parking exterior parking areas have perimeter landscaping strips not less than five feet wide and landscaping plants meet the minimum standards described above.

**Staff finds perimeter landscape strips, not less than five feet in width, are proposed for all parking lots and will 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.**

### 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. Therefore, this provision is not applicable.

**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. The nearest Ridgeline Suite is 53' from the western property line, which abuts a residential zone. The Dune lodge is 95' from the nearest property line. The nearest Meadow Suite is 30' from the southern property line, which abuts a property with a residence.

**Staff finds that the Ridgeline Suites and Meadow Suites abut residential zones. The side or rear yards are at least twenty (20) feet plus one foot for each two feet by which the height of the building exceeds twenty-eight (28) feet.**

*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's plans (Exhibit A, page 6) show a Roadway Hierarchy map describing the classification of proposed rights-of-way and driveways. See Figure below. These will be approved separately through a City Council action to vacate and accept the dedication of rights-of-way.

**Staff finds that the site design provides direct vehicular connections and safe street crossings to abutting properties.**

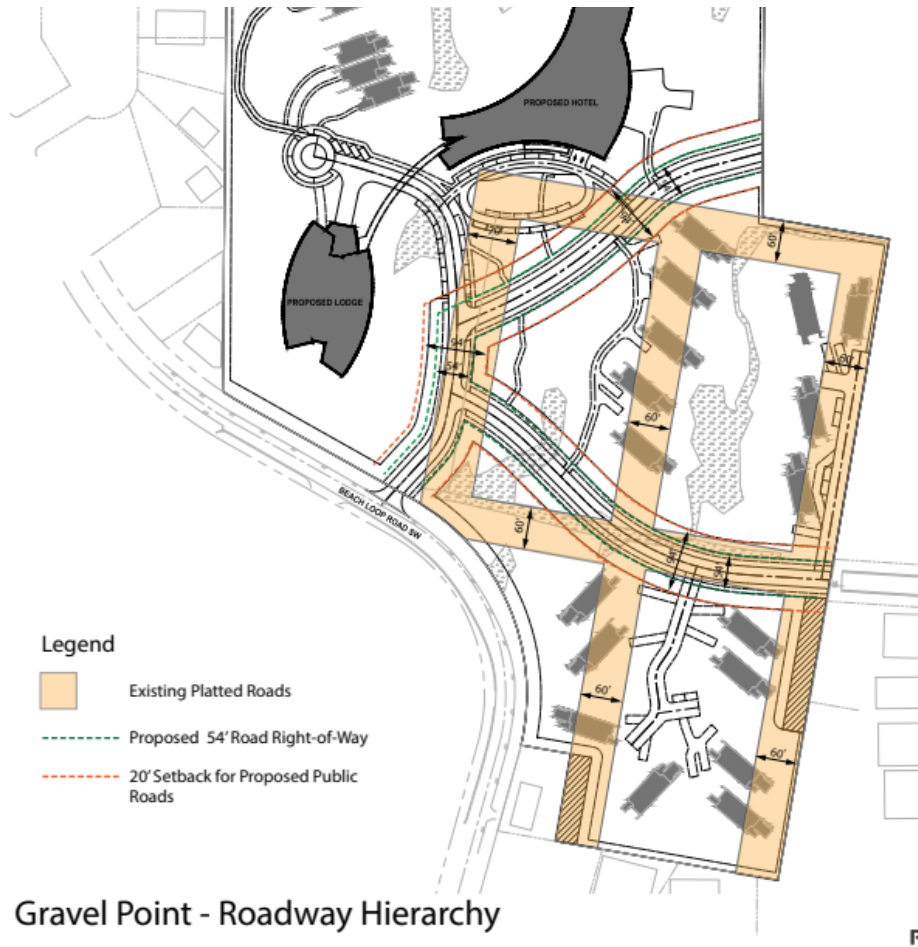


Figure 8 Roadway Hierarchy Map

- 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:** The applicant is proposing new pedestrian walkways provided from the public sidewalk or right-of-way to the principal customer entrance of all buildings on site. The pedestrian walkways will be open to the general public. A number of pedestrian paths will connect to Beach Loop Drive walkways and the residential neighborhood along Carter Street.

**Staff finds that continuous pedestrian walkways are provided from the public sidewalk or right-of-way to the principal customer entrance of all retail buildings on the site.**

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.

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

- 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.

**Staff finds that pedestrian walkways are covered within 30 feet of all customer entrances.**

- 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.

**Staff finds that the site design provides convenient pick-up and drop-off areas for cars and transit vehicles.**

#### *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 facade 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.

**Staff finds that front and publicly visible facades greater than 50 feet in length incorporate architectural projections or recesses with 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 are incorporated into exterior wall design at least every 50 horizontal feet.



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**DLRGROUP**



Figure 9. 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. As shown on the plans, façades facing streets have covered passageways, windows, columns, awnings or other such features along at least 60 percent (60%) of their horizontal length.

**Staff finds that facades facing a street have covered passageways, windows, columns, awnings or other such features along at least 60 percent (60%) of their horizontal length.**

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.

**Staff finds that windows are used as design features and meet the above standards.**

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. The building façades have a repeating pattern of wood siding and aluminum and glass windows, repeating horizontally. This ensures color change, texture change, and material change. It also complies with the horizontal repetition requirement.

**Staff finds that facades include repeating patterns and include repeating color, texture, and materials changes.**

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.

**Staff finds that architectural or structural bays are provided through a change in plane of at least 12 inches in width, such as an offset, reveal or projecting rib. The elements repeat at intervals no more than 30 feet horizontally and vertically.**

*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, all public entrances are covered, and the width of coverings meets or exceeds the width of the entry doors and are a minimum of ten feet in length.

**Staff finds that all public entrances are covered by the minimum width of coverings.**

- 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.

**Staff finds that delivery and service bays are located in the underground parking structure. Ingress and egress of service drives will be clearly posted.**

- 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, both the Meadow Lodge and the Dune Lodge have entrances on a façade that faces a street with pedestrian walkways or main parking lot. The entrances are architecturally prominent and clearly visible from the street.

**Staff finds that at least one façade facing a street with pedestrian walkways features a customer entrance. The entrance is architecturally prominent and clearly visible from the street.**

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

- a. *Group 1*
  - 1. *Canopies*
  - 2. *Awnings*
  - 3. *Porticos*
  - 4. *Overhangs*
- b. *Group 2*
  - 1. *Recesses/projections*
  - 2. *Architectural details, such as tile and moldings, which are integrated into the building and design*
  - 3. *Windows and/or display windows*
- c. *Group 3*
  - 1. *Covered walkways*
  - 2. *Arches*
- d. *Group 4*
  - 1. *Raised corniced parapets over entrances*
  - 2. *Peaked roofs*
- e. *Group 5*
  - 1. *Integral planters or wing walls that incorporate landscaped areas and/or places for sitting*
  - 2. *Public plazas*

**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.

**Staff finds that the proposed development has clearly visible customer entrances areas, the facades of which are enhanced with features as required by the code. Facades abutting public streets meet the same standards.**

**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, more than 75% of exterior building materials for the Meadow Lodge and the Dune Lodge include vertical wood siding, board form concrete, glass railings and aluminum clad windows with bird proofing. The remainder of the buildings’ exteriors are windows. The



various suite-villas are made of vertical wood siding, board form concrete, glass railings and aluminum clad windows with bird proofing.

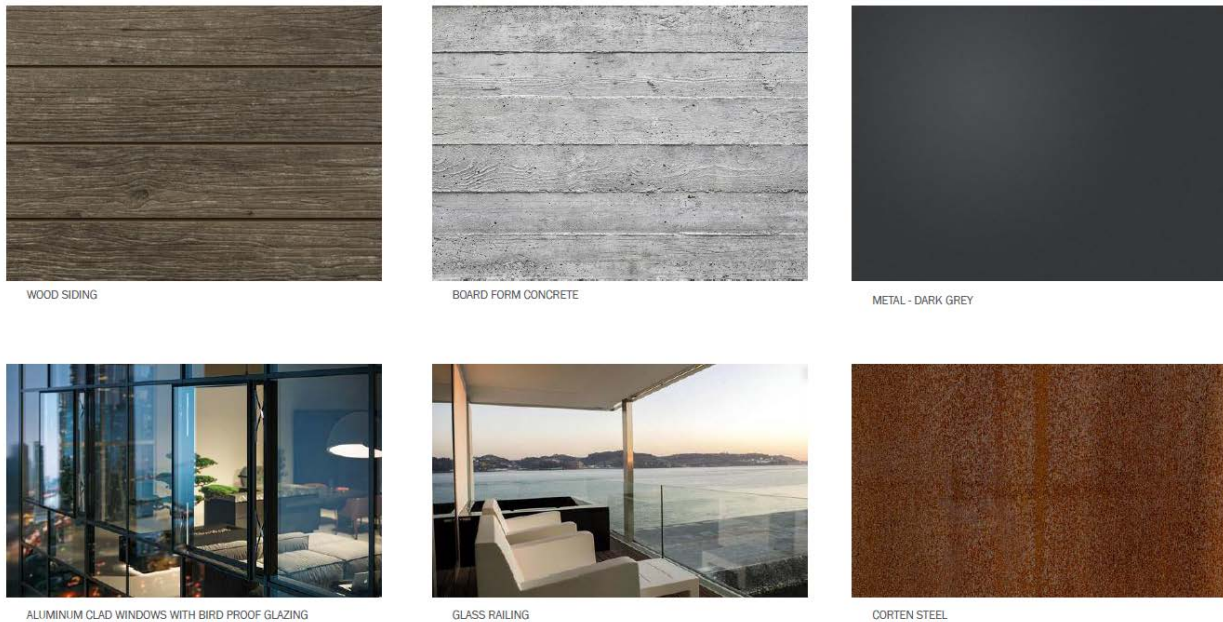


Figure 10. Proposed color and materials palette.

Staff finds that more than 75% of exterior building materials include vertical wood siding, board form concrete, glass railings and aluminum clad windows with bird proofing. Visible exterior do not include smooth-faced concrete block, smooth-faced tilt-up concrete panels, or unarticulated board siding.

#### 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 show conformance with the construction standards listed above.

These have been included as conditions of approval. Criterion met.

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

**Staff Finds:**

- The proposed development contains commercial buildings or groups of buildings exceeding 2,500 square feet of gross floor area, so the Commercial Design Standards apply.
- The developers held a pre-application meeting with planning staff on May 31<sup>st</sup>, 2023.
- The applicant submitted a landscaping plan as part of this request.
- Building facades facing a street or sidewalk have a four-foot-wide landscaping strip separating the building from the street and/or sidewalk.
- Landscape density is uniform throughout the site and includes site amenities for areas around a building over 2,500 square feet.
- Trees and shrubs have been selected from varieties compatible with the Southern Oregon Coast climate and do not have destructive root systems that could damage either buildings or paved surfaces.
- Trees will be planted in landscaped areas such that the tree trunk is at least 3 ft. from any curb or paved area.
- The landscaped area will 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).
- Landscaping conforms with the vision clearance standards.
- Dense landscaping will be provided on all property lines.
- No outdoor storage is proposed.
- No razor wire, electric fencing, or chain link fencing (except temporary during construction) are proposed.
- All lighting fixtures will meet or exceed the City's minimum requirements. Light poles will not exceed the height of the building and pathway lights will be only 3-feet tall. All outdoor fixtures emitting more than 2,050 lumens will be shielded.
- Perimeter landscape strips, not less than five feet in width, are proposed for all parking lots and will 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.
- The Ridgeline Suites and Meadow Suites abut residential zones. The side or rear yards are at least twenty (20) feet plus one foot for each two feet by which the height of the building exceeds twenty-eight (28) feet.
- The site design provides direct vehicular connections and safe street crossings to abutting properties.
- Continuous pedestrian walkways are provided from the public sidewalk or right-of-way to the principal customer entrance of all retail buildings on the site.
- Walkways are provided along the full length of the building along any facade featuring a customer entrance, and along any facade abutting public parking areas. The walkways are located at least 4 ft. from the facade of the building with planting beds in between the facade and the walkway for foundation landscaping, except where features such as covered passageways or entryways are part of the facade.

- Pedestrian walkways are covered within 30 feet of all customer entrances.
- The site design provides convenient pick-up and drop-off areas for cars and transit vehicles.
- Front and publicly visible facades greater than 50 feet in length incorporate architectural projections or recesses with 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 are incorporated into exterior wall design at least every 50 horizontal feet.
- Facades facing a street have covered passageways, windows, columns, awnings or other such features along at least 60 percent (60%) of their horizontal length.
- Facades include repeating patterns and include repeating color, texture, and materials changes.
- Architectural or structural bays are provided through a change in plane of at least 12 inches in width, such as an offset, reveal or projecting rib. The elements repeat at intervals no more than 30 feet horizontally and vertically.
- All public entrances are covered by the minimum width of coverings.
- Delivery and service bays are located in the underground parking structure. Ingress and egress of service drives will be clearly posted.
- At least one façade facing a street with pedestrian walkways features a customer entrance. The entrance is architecturally prominent and clearly visible from the street.
- The proposed development has clearly visible customer entrances areas, the facades of which are enhanced with features as required by the code. Facades abutting public streets meet the same standards.
- More than 75% of exterior building materials include vertical wood siding, board form concrete, glass railings and aluminum clad windows with bird proofing. Visible exterior do not include smooth-faced concrete block, smooth-faced tilt-up concrete panels, or unarticulated board siding.

To ensure compliance with these code provisions, or to mitigate any impact from the development, staff recommends the following project-specific conditions of approval:

- PC12. 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. A photometric study shall be prepared to minimize residual light pollution and/or glare impacts to adjacent properties.
- PC13. All site lighting shall be dark sky compliant as proposed by the applicant in their September 28<sup>th</sup> submittal.
- PC14. 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.
- PC15. A final landscaping plan shall clearly demonstrate that planted area will cover 50% within 1 year and 90% within 5 years.
- PC16. All bare earth shall be covered with bark, mulch, landscape rock, or other similar landscaping material to prevent dust and soil erosion.
- PC17. 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.

- PC18.** Landscaping shall be 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.
- PC19.** Prior to issuance of zoning compliance, applicant shall obtain approval of screening materials for electrical equipment from City electrical department or their designee.
- PC20.** A 6-foot-tall fence or screen shall be required on the property lines abutting a residential zone.
- PC22.** All rooftop mechanical equipment, including satellite or other telecommunications equipment, shall be screened from public view at building grade.
- PC23.** The applicant shall show conformance with BMC 17.94.090(H) as part of an application for zoning compliance from the City of Bandon.

**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 (Exhibit A, Page 9), and shown below. In total, the project will provide 178 standard vehicle parking spaces and 9 Recreational Vehicle spaces. In the Planning Commission hearing, parking was discussed at length, and there was some concern about meeting the requirement for Recreational Vehicle parking.

**Staff finds the project requires 178 standard vehicle spaces and 9 recreational vehicle spaces, which are provided on-site.**

## **PARKING**

### Required Parking (table 17.96.020)

Hotel:	One space per two guest rooms: <b>55 spaces = 110 x 0.5</b> One space per two employees: <b>20 spaces = 40 x 0.5</b>
Motel:	One space per one guest rooms: <b>32 spaces = 32 x 1.0</b> One space for manager: <b>1 spaces</b>
Eating/Drinking:	One space per 200 sq.ft. <b>35 spaces = 7,000 sf. / 200sf.</b>
Meeting Rooms:	One space per four seats <b>35 spaces = 40+40+60=140 seats/4</b>
RV Parking Spaces	5% of the total spaces <b>9 size spaces req'd</b>

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**Total Required Parking: 178 spaces + 9 RV spaces**

### Parking Provided

#### Basement Parking

Meadow Lodge:	75 spaces
Valet:	18 spaces
Dune Lodge:	15 spaces

#### Surface Parking

Car Parking	70 spaces
RV Parking	9 spaces

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**Total Provided Parking: 178 spaces + 9 RV spaces**

### **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's plans show that both lodges have off-street loading berths in sufficient number and size to adequately handle materials and merchandise as described above.

**Staff finds that the project will provide and maintain off-street loading berths in sufficient number and size to handle adequately the needs of the particular use.**

### **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.

**Staff finds that the plans presented show property that is and will remain available for exclusive use as off-street parking and loading space.**

- 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:** Staff finds the proposed uses meet the uses provided in this chapter. There is sufficient evidence to find that these criteria have been met. Criterion met, unless the City Council finds otherwise.

- 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. Criterion met.

- 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 states: *No dwellings are proposed in this application and so this provision is not applicable. All parking spaces are located on the subject property. For the villa suites golf carts will be provided on site to convey people from the villa suites to the parking areas and other parts of the project. Further, the golf cart pathways will be built to withstand the weight of emergency vehicles.* Criterion is not applicable.

- 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 that durable and dustless surfaces are proposed on site. The driving and parking surfaces are porous asphalt or stabilized landscape parking features similar to pavers. Further, there are drainage swales to provide drainage and avoid flow of water across sidewalks. Parking areas shall be adequately maintained for all weather use and so drained as to avoid flow of water across sidewalks. Sidewalks will be chip sealed.

**Staff finds that areas used for parking vehicles and for maneuvering have durable and dustless surfaces and will be maintained adequately for all weather use and drained as to avoid flow of water across sidewalks.**

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

**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.

**Staff finds that sufficient evidence in the record exists to show parking and loading areas adjacent to or within residential zones or adjacent to dwellings has been 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.**

- 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:** There is sufficient evidence to find that these criteria have been met. A condition of approval has been added that final construction plans for the parking lot shall include the above design requirements.

**Staff finds that parking spaces along the outer boundaries of a parking lot are 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.**

- 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:** There is sufficient evidence to find that these criteria have been met. 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.

**Staff finds that artificial lighting is deflected as not to shine or create glare in any residential zone or 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.

**Staff finds that standard parking spaces will be eight and one-half feet by nineteen (19) feet). Spaces may also be different sizes if used for compact, RVs, or ADA purposes.**

*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 stated: *an onsite circulation driveway is proposed between the Dune Lodge and the Meadow Lodge. It is designed and will be 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.* Criterion met.

**Staff finds that there is sufficient evidence in the record to show that service drives to off-street parking areas have been designed and will be 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. There is only one, circular service drive, which will be clearly marked and defined.**

*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. There is sufficient evidence to find that these criteria have been met. 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. A final parking plan will be reviewed by the City's Engineer as part of zoning compliance approval. 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. A final parking plan will be reviewed by the City's Engineer as part of zoning compliance approval. 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 is providing nine (9) RV spaces. Criterion met.

#### **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 provided a Roadway Hierarchy map that shows areas to be dedicated to the public and those that will serve as private driveways. The street configuration must be approved by the City Council through a vacation request.

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

**Staff Finds:**

- **Off-street parking is required for all development and will remain available for exclusive use as off-street parking and loading space.**
- **The project requires 178 standard vehicle spaces and 9 recreational vehicle spaces, which are provided on-site. The uses (from parking table) are hotel, motel, eating and drinking establishment, and meeting rooms.**
- **The project will provide and maintain off-street loading berths in sufficient number and size to handle adequately the needs of the particular use.**
- **Parking and loading areas adjacent to or within residential zones or adjacent to dwellings has been 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.**
- **Parking spaces along the outer boundaries of a parking lot are 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.**
- **Artificial lighting is deflected as not to shine or create glare in any residential zone or on any adjacent dwelling.**
- **Standard parking spaces will be eight and one-half feet by nineteen (19) feet). Spaces may also be different sizes if used for compact, RVs, or ADA purposes.**
- **Service drives to off-street parking areas have been designed and will be 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. There is only one, circular service drive, which will be clearly marked and defined.**
- **The applicant's parking plan meets the requirements of the ADA.**

**To ensure compliance with these code provisions, or to mitigate any impact from the development, staff recommends the following project-specific conditions of approval:**

- PC6. 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.
- PC7. 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.
- PC8. Parking shall be provided in accordance with the parking provisions of the Bandon Municipal Code (BMC) for said use. Specifically, a total of 178 parking stalls measuring 8.5' (W) x 19' (L) (or compact where applicable) shall be designated for passenger vehicles, and a minimum of nine (9) parking stalls measuring 10' (W) x 30' (L) shall be designated for recreation vehicles. In lieu of designating a total of nine (9) parking stalls for recreational vehicles as required by the BMC, the project applicant shall be permitted to provide shared parking for both passenger vehicles and recreational vehicles

and recreational vehicles accommodating up to twelve (12) passenger vehicles and six (6) recreational vehicles at any given time. This is a total of 190 standard parking spaces and two (2) RV spaces. All of the required parking stalls referenced herein shall be provided and contained on-site and in no instance shall off-site parking be permitted in association with the subject development and/or this entitlement. All parking lots will meet requirements of the Americans with Disabilities Act.

PC9. All proposed vehicular access streets located in city rights-of-way shall be public and meet the City's street design standards unless otherwise modified by the City Council.

PC10. 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.

PC11. One third of the required spaces may be compact spaces. Compact spaces shall be eight feet by sixteen (16) feet.

### 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.

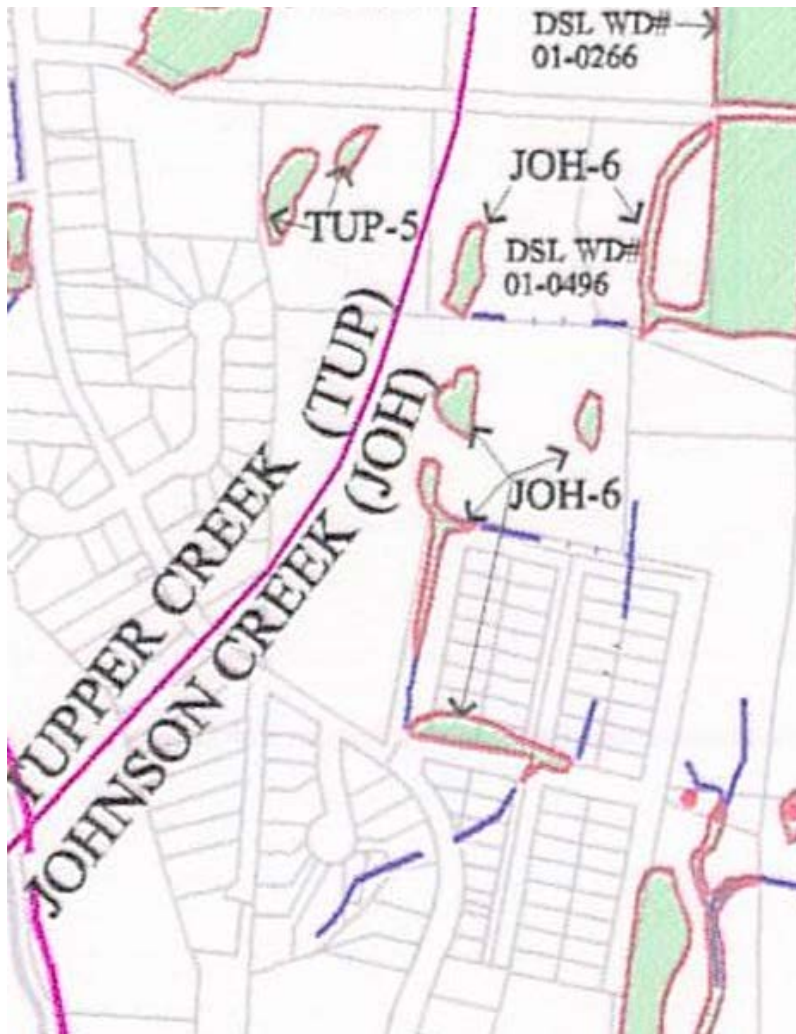


Figure 11. Bandon Local Wetlands Inventory.

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. Based on the evidence and findings in the records Staff recommends approval of the proposal with the following conditions:

##### **STANDARD CONDITIONS OF APPROVAL**

1. 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.
2. All state, federal, and city permits associated with this approval shall be obtained by the applicant prior to operation.
3. The applicant shall submit for zoning compliance approval prior to any ground disturbance.
4. Unless otherwise stated in this document, all four property corners must be located and properly marked prior to the first City inspection.
5. No preparation of the subject lot shall be allowed prior to issuance of a City Grading and Fill permit, signed by the authorizing designee of the City of Bandon.
6. All construction materials and equipment shall be staged on site. No construction materials shall be stored in the City right-of-way.
7. No construction work shall be performed on Sundays or city holidays, except that a person may perform construction work on the person's own property, provided such construction activity is not carried on for profit or livelihood, between the hours of ten (10:00) a.m. and five (5:00) p.m. on Sundays and city holidays. No construction work shall be performed on Saturday before nine (9:00) a.m. or after seven (7:00) p.m. No construction work shall be performed before seven (7:00) a.m. or after seven (7:00) p.m. on weekdays (exclusive of holidays).

##### **Electric:**

1. Electrical equipment must be installed per the requirements listed in the Electric Department Bid Packet.
2. The meter shall be installed at curbside on a post, or on the structure, facing the vehicular access and no more than five feet down the side of the structure nearest the vehicular access.
3. The electric meters shall be stainless steel and shall not be enclosed.
4. Electric meters must be accessible at all times, without locked doors, gates, enclosures, boxes or covers which deny access, including the keeping of animals in such a manner that access is denied or hazardous.
5. Any cost for new or modified utility upgrades will be borne by the developer.

**Public Works:**

1. A Public Works Permit must be obtained prior to any work commencing within right-of-way.
2. Repair costs of any damage to City property, or right-of-way, as a result of use during construction shall be the responsibility of the property owner and/or applicant.
3. A construction timeline shall be submitted and approved by the Public Works Director, prior to any construction, grading or preparation of the site.
4. Driveway and fill specifications shall be provided and approved by the Public Works Director and/or City Engineer prior to any preparation of the site.
5. A staging plan for construction of the foundation system and the structure shall be provided and approved by the Public Works Department prior to any construction, grading or preparation of the site.
6. Any necessary repairs to City property, infrastructure or right-of-way, must be submitted and approved by the Public Works Department prior to the commencement or repair work.
7. An Erosion Control Plan shall be provided and approved by the Public Works Director prior to any preparation of the site.

**With development of the site:**

1. Any changes to the approved preparation, construction, or final stages of the approved plan shall be submitted, in writing, and approved by the Planning Department prior to implementation.
2. Parking approaches shall be paved or concrete from the edge of the City street to a minimum of one foot (1') inside the property line.
3. Parking approaches, trenching, service connections, cleanouts and other underground construction shall be constructed in accordance with APWA standards and must be inspected and approved by the Public Works or Electric Departments.
4. Parking approach forms must be inspected and approved by the Public Works Department prior to pour.
5. The applicant shall be responsible for preparation and maintenance of the site to prevent tracking of soil or construction material or debris onto any rights-of-way. All public streets must be kept clean during the construction period. Clean-up costs shall be the responsibility of the property owner.
6. Property lines shall be clearly marked during all phases of ground preparation and construction.

**Prior to certificate of occupancy:**

1. Certificate of Occupancy must be issued by the City prior to occupancy of the structure. This approval is required prior to receiving occupancy from the Coos County Building Department.
2. Certificate of Occupancy shall not be issued for a structure until conformance of all relevant conditions of approval have been verified.
3. Certificate of Occupancy will not be issued until repairs, as required by the City, to the City infrastructure or right-of-way are completed and acceptable by the Public Works Department.
4. Certificate of Occupancy will not be issued until all meter placements have been approved, in writing, by a representative of the Electric Department.
5. Certificate of Occupancy shall not be issued until Final Construction and drainage is approved by the Public Works Director.



**Other:**

1. All utilities are considered temporary until a Certificate of Occupancy has been obtained through the City. Utility service lateral installation is the responsibility and cost of the applicant.
2. Applicant must adhere to all conditions and requirements set out by the Coquille Indian Tribe, State Historic Preservation Office (SHPO) or both if required.

**PROJECT SPECIFIC CONDITIONS OF APPROVAL**

PROCESS

- PC1. Conditional Use - The conditional use permit shall become void two years from the date the decision is final unless a zoning compliance permit has been issued.
- PC2. Wetlands- 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.
- PC3. One Phase Construction – the subject project shall be constructed in its entirety, including the completion of all related conditions of approval, in one singular phase.
- PC4. Geologic Assessment Review - The property owner shall be required to receive Geologic Assessment Review approval prior to receiving zoning compliance.
- PC5. Sidewalks - The applicant shall sign an anti-remonstrance agreement to the formation of a Local Improvement District for the construction of a future pathway system along Beach Loop Drive for the section that abuts their property.

PARKING

- PC6. 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.
- PC7. 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.
- PC8. Parking shall be provided in accordance with the parking provisions of the Bandon Municipal Code (BMC) for said use. Specifically, a total of 178 parking stalls measuring 8.5' (W) x 19' (L) (or compact where applicable) shall be designated for passenger vehicles, and a minimum of nine (9) parking stalls measuring 10' (W) x 30' (L) shall be designated for recreation vehicles. In lieu of designating a total of nine (9) parking stalls for recreational vehicles as required by the BMC, the project applicant shall be permitted to provide shared parking for both passenger vehicles and recreational vehicles accommodating up to twelve (12) passenger vehicles and six (6) recreational vehicles at any given time. This is a total of 190 standard parking spaces and two (2) RV spaces. All of the required parking stalls referenced herein shall be provided and contained on-site and in no instance shall off-site parking be permitted in association with the subject development and/or this entitlement. All parking lots will meet requirements of the Americans with Disabilities Act.

- PC9. All proposed vehicular access streets located in city rights-of-way shall be public and meet the City's street design standards unless otherwise modified by the City Council.
- PC10. 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.
- PC11. One third of the required spaces may be compact spaces. Compact spaces shall be eight feet by sixteen (16) feet.

#### LIGHTING

- PC12. 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. A photometric study shall be prepared to minimize residual light pollution and/or glare impacts to adjacent properties.
- PC13. All site lighting shall be dark sky compliant as proposed by the applicant in their September 28<sup>th</sup> submittal.

#### LANDSCAPING AND SCREENING

- PC14. 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.
- PC15. A final landscaping plan shall clearly demonstrate that planted area will cover 50% within 1 year and 90% within 5 years.
- PC16. All bare earth shall be covered with bark, mulch, landscape rock, or other similar landscaping material to prevent dust and soil erosion.
- PC17. 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.
- PC18. Landscaping shall be 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.
- PC19. Prior to issuance of zoning compliance, applicant shall obtain approval of screening materials for electrical equipment from City electrical department or their designee.
- PC20. A 6-foot-tall fence or screen shall be required on the property lines abutting a residential zone.

#### BUILDING DESIGN

- PC21. Metal-sided buildings shall be prohibited anywhere on the site.
- PC22. All rooftop mechanical equipment, including satellite or other telecommunications equipment, shall be screened from public view at building grade.
- PC23. The applicant shall show conformance with BMC 17.94.090(H) as part of an application for zoning compliance from the City of Bandon.

## SIGNS

- PC24. All signs shall be of professional quality and shall be well-maintained.
- PC25. 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.
- PC26. All signs shall be securely fastened to their supporting surface or structure.

## STREETS & IMPROVEMENTS

- PC27. Rights-of-Way - The property owner shall be required to dedicate the rights-of-way proposed by this application, found in Exhibit A, pages 6 & 7 of the applicant's materials, or as otherwise required by the City. This shall occur after the existing streets have been vacated by the City Council, but prior to the commencement of construction.
- PC28. Public Improvements - The project applicant shall be required to comply with the development standards and public improvement requirements of the City of Bandon including, but not limited to, the installation of sewer, water, and electric utilities as well as the construction of public sidewalks, street curbs, gutters and drainage improvements. All public improvements shall be completed prior to the City's issuance of a final Certificate of Occupancy (C of O) and the cost of said improvements shall be borne solely by the project applicant.
- PC29. Construction Traffic Mitigation Plan – the project applicant shall be required to devise a traffic mitigation plan for regulating truck traffic during construction for the purpose of reducing truck traffic impacts to the surrounding sensitive residential land uses that exist in the subject area. The traffic mitigation plan shall be subject to the City's review and final approval shall be obtained by the project applicant prior to the issuance of building permits. Further, construction vehicles shall be required to be staged and all building materials shall be offloaded on the subject property. Violations of this condition of approval shall result in the issuance of a stop work notice; whereas repeat offenses totaling three (3) or more within a twelve (12) month period may result in the revocation of City issued entitlements, permits and/or approvals.
- PC30. Storm Drainage Mitigation Plan - The property owner shall provide a storm drain plan to be approved by the City Engineer prior to Zoning Compliance approval.

## PROPOSALS OF THE APPLICANT

- PC31. Gold LEED Certification – in accordance with the project applicant's public testimony remitted during the Planning Commission meeting dated October 5, 2023, the subject project shall be designed and constructed as a "Gold" certified green building pursuant to Leadership in Energy and Environmental Design (LEED) standards. Specifically, the subject development shall be required to meet the "Gold" standard of development and obtain the required LEED certification, or equivalent, prior to the City's issuance of a final Certificate of Occupancy (C of O).