

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



FILE NUMBER: 23-045

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

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

REQUEST: Approval of a conditional use permit to construct 11- room hotel, two restaurant spaces, meeting rooms, and spa, as well as 32 villas/suites. Approval of a variance to design feature regulating height, and plan review for commercial design standards, parking, and signage.

REVIEWING BODY: City of Bandon Planning Commission

STAFF REPORT PREPARED BY: Dana Nichols, Planning Director

MEETING DATE: November 2nd, 2023 at 7:00 PM

NOTICING INFORMATION: 250' Notice Mailed: September 7th, 2023
First Evidentiary Hearing: September 28th, 2023 at 7:00 PM
Second Evidentiary Hearing: October 5th, 2023 at 7:00 PM

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

I. Background

The Planning Commission met on September 28th for the initial evidentiary hearing of a Type III request for a conditional use permit, variance and plan review for the Gravel Point project. 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 5th, 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 is then given seven days to make a final argument.

Since the last public hearing, additional written testimony has been received and submitted to the Planning Commission for consideration. On October 18th, city staff met with surrounding neighbors to answer questions about the development proposal. The majority of the questions were related to concerns around the transportation impacts of the proposed development.

The applicant submitted final rebuttal, as allowed in ORS 197.797(6)(e). This rule states that the applicant's final submittal shall be considered part of the record but shall not include any new evidence. The submittal was submitted into the record for your consideration.

II. Burden of Proof

The initial Staff Report considered each of the applicable criteria and provided draft findings that the Planning Commission might consider in making their decision. Under certain criteria, Staff recommended the Planning Commission discuss the item and direct staff to prepare a finding. While some of these discussion points were considered or addressed throughout the public hearings, Staff recommends using deliberation time to discuss the following:

1. BMC 16.12.040(F): *All required public facilities and services have adequate capacity to serve the proposal and are available or can be made available by the applicant.* Specifically related to the transportation system.
2. BMC 17.20.090(B)(1)(a): In order to permit a 35-foot height limit, an application must show conformance with five criteria. The Planning Commission should make findings related to whether the burden of proof has been met, specifically for (1) *The additional height shall not negatively impact the views from surrounding properties,* (3) *The additional height shall not negatively impact the aesthetic character of the neighborhood,* and (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.*
3. The applicant has requested a variance to #4 above, so the Planning Commission should also make a finding related to the variance criteria located in BMC 16.36.040. In particular, the City's variance code states that there must be a special or unique physical circumstance that makes a variance to the City's adopted codes necessary, and that the variance request cannot be self-imposed. The applicant is requesting a flat roof instead of a 3:12 roof pitch.
4. BMC 17.96.050(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.* A condition of approval has been recommended below to mitigate the desire of the applicant to provide fewer RV spaces while still leaving room to accommodate them should the demand arise.
5. Proposed public and private streets: The applicant has proposed both public and private streets. The proposed street areas have not yet been dedicated as public right-of-way, nor have the existing rights-of-way been vacated. The applicant will have to request a street vacation and

street opening before the City Council, along with any exception requests. Staff recommends adding a condition of approval that all streets be public and built to city standards unless otherwise modified by the City Council.

The Planning Commission may approve, approve with conditions, or deny the application. Should the Planning Commission choose to approve the application, Staff recommends the following conditions:

STANDARD CONDITIONS OF APPROVAL

1. All proposals of the applicant shall become conditions of approval.
2. Approval of the plan is based on information provided by the applicant. No other approvals are expressed or implied. Any changes to the approved plan shall be submitted, in writing, and approved by the Planning Department prior to implementation.
3. All state, federal, and city permits associated with this approval shall be obtained by the applicant prior to operation.
4. The applicant shall submit for zoning compliance approval prior to any ground disturbance.
5. Unless otherwise stated in this document, all four property corners must be located and properly marked prior to the first City inspection.
6. 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.
7. All construction materials and equipment shall be staged on site. No construction materials shall be stored in the City right-of-way.
8. 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:

9. Electrical equipment must be installed per the requirements listed in the Electric Department Bid Packet.
10. The meter shall be installed at curbside on a post, or on the structure, facing the vehicular access and no more than 5 feet down the side of the structure nearest the vehicular access.
11. The electric meter shall be stainless steel and shall not be enclosed.
12. Electric meter 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.
13. Any cost for new or modified utility upgrades will be borne by the developer.

Public Works:

14. Public Works Permit and Right-of-Way Permit must be obtained prior to any work commencing

within right-of-way.

15. 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.
16. A construction timeline shall be submitted and approved by the Public Works Director, prior to any construction, grading or preparation of the site.
17. 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.
18. 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.
19. 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.
20. 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:

21. 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.
22. The parking lot approach shall be paved or concrete from the edge of the City street to a minimum of one foot (1') inside the property line.
23. Parking lot approach, 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.
24. Parking lot approach forms must be inspected and approved by the Public Works Department prior to pour.
25. 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.
26. Property lines shall be clearly marked during all phases of ground preparation and construction.

Prior to certificate of occupancy:

27. 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.
28. Certificate of Occupancy shall not be issued until conformance of all conditions of approval has been verified.
29. 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.
30. Certificate of Occupancy will not be issued until all meter placements have been approved, in writing, by a representative of the Electric Department.
31. Certificate of Occupancy shall not be issued until Final Construction and drainage is approved by the Public Works Director.

Other:

32. 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. Only one water service shall be permitted.
33. 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

34. The conditional use permit shall become void two years from the date the decision is final unless a zoning compliance permit has been issued.
35. Metal-sided buildings shall be prohibited anywhere on the site.
36. 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.
37. 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.
38. Parking shall be provided in accordance with the parking provisions of the Bandon Municipal Code (BMC) for said use. Specifically, a total of 152 parking stalls measuring 8.5' (W) x 19' (L) shall be designated for passenger vehicles, and a minimum of two (2) parking stalls measuring 10' (W) x 30' (L) shall be designated for recreation vehicles. In lieu of designating a total of eight (8) 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 164 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.
39. 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.
40. 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.
41. 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.
42. The applicant shall sign an anti-remonstrance agreement to the formation of an LID for the construction of a future sidewalk system along Beach Loop Drive for the section that abuts their property.
43. 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.

44. 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.
45. A final landscaping plan shall clearly demonstrate that planted area will cover 50% within 1 year and 90% within 5 years.
46. Prior to issuance of zoning compliance, applicant shall obtain approval of screening materials for electrical equipment from City electrical department or their designee.
47. A 6-foot-tall fence or screen shall be required on the property lines abutting a residential zone.
48. 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.
49. 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.
50. 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 prior to the City’s issuance of a final Certificate of Occupancy (C of O).
51. 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.
52. 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 off-loaded 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.