



OREGON SHORES
CONSERVATION COALITION

January 23, 2019

David Kimes, Commission Chair
Planning Commission, City of Bandon
Dennis Lewis
Planning Director, City of Bandon
555 Highway 101
Bandon, OR 97411
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VIA Electronic Mail

**Re: Supplemental Comments on Application#18-132
(Bandon Beach Hotel Proposal)**

To Chair Kimes and the City of Bandon Planning Commission:

Oregon Shores Conservation Coalition (Oregon Shores) submits the following comments in opposition to application #18-132 submitted by Steere Bandon Associates, LLC (applicant) for the purpose of constructing a new hotel. Please include these comments in the record for the Planning Commission's public hearing set for Thursday, January 24, 2019.

Oregon Shores has reviewed the supplemental information provided by the applicant. As explained below, Oregon Shores opposes this application because it will result in adverse impacts to the adjacent wildlife refuge. Considering the proposed excavation of the basement level of the hotel and the substantial increase of total impervious surface at the site, of primary concern is the application's failure to explain how stormwater and groundwater will be managed so as to avoid adverse impacts to the refuge. For this and other reasons, the Planning Commission cannot conclude that the application meets the requirements of Bandon Comprehensive Plan Special Policy No. 2, and should deny the permit.

The Applicant has not demonstrated that the new hotel will not have adverse effects on the functioning of the adjacent portion of the Oregon Islands Wildlife Refuge Complex.

The staff report notes that the first requirement for a conditional use permit is that the use be found consistent with the Bandon Comprehensive Plan (BCP). The comprehensive plan explains the importance of the wildlife refuge and requires a demonstration that nearby

development does not affect the refuge's functioning. Special Policy 2 applies to the subject property because it is within 100 feet of the wildlife refuge, and requires that:

“[T]he applicant shall demonstrate that the proposal will have no adverse impact on the function of the Refuge. This shall be accomplished by supplying detailed plans that include proposed landscaping and vegetation, shielded exterior lighting, and noise minimization. In addition, the applicant shall demonstrate how the proposal enhances an identified scenic resource.”

BCP at 12. The U.S. Fish and Wildlife Service's Comprehensive Conservation Plan and Wilderness Stewardship Plan provides for the refuge's purposes, including:

- Protection of natural resources
- Protecting the bluff zone for wildlife species
- Provide wildlife observation and environmental education
- Provide incidental fish and wildlife-oriented recreational development
- To buffer and insulate the vertical bluff and offshore rocks from development

The application does not provide any analysis of the potential impact of the hotel on the function of the refuge. The applicant has provided additional information for best management practices to reduce bird strikes and other negative impacts to birds and wildlife. Although (contrary to the applicant's assertion) the U.S. Fish and Wildlife Service letter never stated that there will be “no adverse impacts” to the function of the refuge from the hotel, it does appear that the refuge managers are satisfied with the proposed best management practices regarding lighting, bird safe glass, waste storage, and native plantings. The USFWS letter does not state or indicate that there will be no adverse impacts to the function of the refuge from the hotel project. The supplemental staff report, however, indicates that there are “significant conditions that have yet to be met” prior to final approval. Specifically, the staff report notes that the aforementioned plans are not detailed, and suggests requiring detailed planting and lighting plans as a condition of approval. The Planning Commission should not defer review of the detailed lighting and planting plans to a later date (i.e. in conjunction with the Zoning Compliance application) but instead require that they be submitted for review of compliance with the comprehensive plan policies for protecting the refuge functions. Absent an analysis of the potential impacts to the refuge, and findings demonstrating that the impacts to the function of the refuge will be at most, *de minimus*, the planning commission should deny the permit.

The applicant has provided additional statements from its engineer stating that the geologic reports from U.S. Fish and Wildlife Service do not show a risk of failure at this site. However, the applicant has not addressed concerns regarding the management of groundwater and stormwater from the site and their potential impacts on the function of the refuge. The report of Dr. Robert Fischer in the record indicates that if the appropriate native grade elevation were used for evaluation, the lowest finished floor of the proposed hotel would be 1.5 feet below the water table on the bluff slope. The drainage system required to keep the lower level of the hotel and elevator shaft dry must have a point of discharge. If discharged west onto the refuge, erosion and risks to slope stability of the bluff would harm the ability of the refuge bluff to function as a buffer for wildlife and compromise existing public access points including the path and stairs. The staff report recommends a condition of approval to evaluate storm and groundwater impacts as part of the zoning compliance application to follow. Again, the Planning Commission should

not defer the analysis of the potential impacts to the refuge lands from groundwater and stormwater to a later process. Based on this record, the applicant has not met its burden to demonstrate that groundwater and stormwater discharged from the site will not adversely affect the function of the refuge.

The Applicant has not demonstrated that the project will enhance a scenic resource.

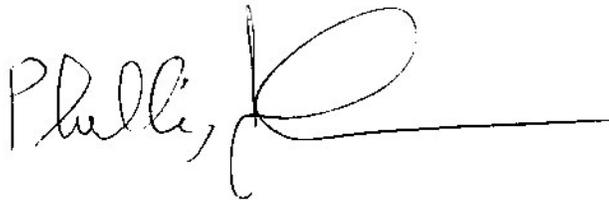
The applicant has likewise not met the high burden of demonstrating how the hotel will enhance a scenic resource (the second requirement of Special Policy 2). The staff report notes that by keeping the 11th St. lot for parking, it will not be developed as a structure. However, the Planning Commission cannot find, based on the evidence in the record, that the proposed project enhances a scenic resource because there is currently no structure on the 11th street property, and because the hotel structure will not enhance the viewshed or other scenic resources in this zone.

Coquille Point and the wildlife refuge implicate multiple statewide planning goals, including Goal 17 and Goal 5. Goal 17 provides for the protection of coastal shorelands, including headlands like Coquille Point. Goal 17 prioritizes the value of these lands for protection and maintenance of water quality, fish and wildlife habitat, water-dependent uses, economic resources and recreation and aesthetics. These lands are to be managed to reduce the hazard to human life and property, and the adverse effects upon water quality and fish and wildlife habitat, resulting from the use and enjoyment of Oregon's coastal shorelands. The Bandon Comprehensive Plan implements Goal 17: "The Plan and related implementing actions and permit reviews shall consider the critical relationships between shorelands and estuarine resources, and the geologic hazards associated with shorelands." (BCP at 40). Goal 5 provides for the protection of open spaces, scenic values, historic areas and natural resources. The Bandon Comprehensive Plan implements Goal 5 through various policies, including Special Policy No. 2 for the protection of the refuge.

The applicant has not demonstrated that the proposed hotel will be consistent with comprehensive plan policies to protect the adjacent wildlife refuge, and the Planning Commission should deny the application.

Thank you for the opportunity to provide these comments.

Sincerely,

A handwritten signature in black ink, appearing to read "Phillip Johnson", followed by a long horizontal line extending to the right.

Phillip Johnson
Executive Director
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