

Dana Nichols

From: Diane Bilderback <ddbilderback@gmail.com> on behalf of Diane Bilderback
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To: Planning@cityofbandon.org
Subject: Testimony for Public Hearing Before the City of Bandon Hearings Officer, Application Number 22-001
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Testimony for Public Hearing Before the City of Bandon Hearings Officer, Application Number 22-001

Dear City of Bandon Hearings Officer:

Thank you for the opportunity to provide testimony relating to the appeal before the City of Bandon Appeals Officer regarding **Application # 22-001** for construction located at **4000 Beach Loop Drive SW**.

We have strongly supported the CD-1 Zone and have recently given written and oral testimony concerning a request for a variance to the height limitation of a structure within the zone. We also support the protection of view corridors and viewsapes. Viewsapes are important not only aesthetically but add value to property. Any loss of viewscape can reduce the value of a property, and viewsapes can usually be protected by the concept of a viewline.

We have reviewed all the posted documents related to the appeal and have concluded that the disagreement seems to center on the position of the approximate viewline. The methodology used to determine an approximate viewline appears to be simple and elegant when there is no significant change in topography. As an example, to determine the viewline of a vacant lot, a line is drawn between the westernmost structures on the two adjoining properties, and any construction of a structure on the vacant lot to the west of the viewline is prohibited. Unfortunately, the viewline methodology falters when considering a structure that will be identified henceforth as a *primary* structure. A *primary* structure is the very first structure to be built in a neighborhood on the ocean edge and thereby, uniquely establishes the westernmost *cardinal* point. Because the *cardinal* point occurs as a point on a longitudinal meridian, a viewline can be drawn along that longitudinal meridian to the west of which no structures can be constructed. Secondary structures on the adjoining properties should then be set back to the east behind that *cardinal* point and its associated viewline. Because the adjacent structures have already been set back to the east behind the *cardinal* point, any new viewline drawn between the westernmost structures of the two adjoining properties will necessarily cross over the *primary* structure and places the property owners in jeopardy of being in noncompliance of a building code and possibly reduces the value of their property. The full viewsapes of the adjacent setback structures could be reduced by the *primary* structure. No uniquely defining *primary* structure should be placed in jeopardy of being placed in noncompliance, and any drawn viewline should be expected to pass through a defining *cardinal* point.

When specifically considering Attachment A – BMC 17.20 .040(B)(2), Viewline (see attachment below) for the structure located at 4000 Beach Loop Drive SW, the red approximate viewline has been drawn to cross over the structure on the subject property and places the structure in noncompliance by an interpretation of the building code. The structure at 4000 Beach Loop Drive SW was the very first to be built in the neighborhood on the ocean edge (ca. 1975-76) and thereby, uniquely established the westernmost *cardinal* point. Viewing Attachment A, it also appears that the secondary structures on the two adjoining properties have been appropriately set back behind the *primary* structure's *cardinal* point and its longitudinal meridian line. The adjoining residence to the north was constructed in 1989 on a significant natural topographic setback. The red approximate viewline appears not to pass through any possible *cardinal* point.

If the GPS location of a *cardinal* point is known, its specific longitudinal meridian offers an infinite number of points and can be regarded as an approximate viewline. With the approval of landowners, independent GPS readings were taken. The placement of a *cardinal* point on the westernmost portion of a deck seems to be permissible for drawing a viewline (See Attachment A, the adjoining property to the left). When the *cardinal* point is placed on the westernmost portion of the deck on the subject property, and its longitudinal meridian viewline is extended to the south, the structure on the adjacent property lies directly behind and to the east of the viewline (See black line on the attachment below). It appears that the *cardinal* point on the deck of the subject property was used during the planning process to site the residence to the south of the subject property. Placement of a *cardinal* point on the westernmost corner of the residence of the subject property would have placed the structure on the southern adjoining property in noncompliance with the building code. The structure on the adjoining property to the north is set back considerably from the longitudinal meridian line because the topography did not allow its construction directly behind and to the east of the line. If the topography had permitted construction directly behind and to east of the longitudinal meridian line and a red viewline had been drawn, the structure and proposed structures on the subject property would have been in compliance with an interpretation of the building code. An analysis using Google Earth resulted in similar results.

Because the *cardinal* point and its longitudinal viewline was used previously, it seems that the *cardinal* point and its longitudinal meridian viewline should be used to define the current viewscape. If the *cardinal* point on the deck on the subject property and its associated viewline are used, the proposed low, non-obstructing decks fall behind and to the east of the *cardinal* point and its viewline. Regardless of the position of any viewlines drawn between the two adjacent, setback secondary structures, the viewscales of those adjacent setback structures will be reduced by an existing *primary* structure. Construction of a low deck adjacent to the *primary* structure that already has confined a viewspace will not further reduce the existing viewscape of the southern adjacent property.

We also noticed that for the southern adjacent structure, a raised patio constructed of seven levels of concrete block and fill above the natural grade was permitted to the west of the red approximate viewline as well as the *cardinal* point viewline. The proposed low decks will be below the level of this neighboring patio and will not obstruct any view from the patio.

For the reasons given above as well as those provided in the appeal document, we strongly support the applicant's appeal concerning Application 22-001.

Thank you for your consideration.

Best regards,

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Attachment A – BMC 17.20.040(B)(2), Viewline

Based on the language of Bandon Municipal Code 17.20.040(B)(2), and the interpretation by the City Council in Resolution 01-03, staff prepared a diagram to show the approximate “viewline” for the subject property. New structure are to be built inside the view line to protect existing “viewsapes”.

