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Monday, April 12, 2021

Madeline Seymour, City Council President
Dana Nichols, Planning Manager
City of Bandon
P. O. Box 67, Bandon, Oregon 97411

re: *Bandon Beach Hotel – Plan Review Application #20-078*

Hon. Ms. Seymour and Ms. Nichols,

We accept the February 22, 2021 decision of Hearing Officer Virginia Gustafson Lucker, which approved a Plan Review Permit for the Bandon Beach Hotel. Please affirm the Plan Review Permit and invite Staff to prepare written findings for approval at your next meeting.

I participated in the City's March 29, 2021 *de novo* hearing and listened to the testimony presented. I also reviewed all the written submissions presented up the Hearing Officer decision and afterwards through April 5.

Most of the complaints were already rejected by the City Council on June 3, 2019 and again rejected by the Land Use Board of Appeals on April 28, 2020. The balance of the complaints were already addressed in the Hearing Officer's decision or are amply addressed and satisfied by evidence and arguments in the record.

We thank the City Engineer, Steve Dyer, P.E., for approving all the public works, engineering, geotechnical, and groundwater studies endorsing the Plan Review Permit. Mr. Dyer's professional opinion was prepared less than two weeks ago, on April 1, 2021. No credentialed expert is disputing your City Engineer.

There was a last-minute complaint filed by the attorney for the Oregon Coast Alliance, arguing about the landscaping. I think the writer misunderstands hardiness zone numbers. Plantings should be at *or below* the climate's hardiness zone number; a lower number is *better* and can survive in colder zones. Planning has approved, and we have not heard any other complaints about the landscaping, which was developed in consultation with Sherri Laier, a naturalist with Oregon State Parks, and with Kate Iaquinto, Director of the Bandon Marsh National Wildlife Refuge (including Coquille Point).

Sincerely,



Robert S. Miller III
Attorney for the Applicant