

## Statement of Appeal

**Subject: Statement of Appeal of Type II Decision, file number: 22-030**

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**Subject Property:** TBD Beach Loop Drive SW (29s-15W-01BB / TL 2000)

**Statement Date:** November 09, 2022

**Appeal Submitter:** Joe Lively, Owner - 3470 Beach Loop Drive, Bandon, Oregon 97411- A Residence located adjacent and lower of the subject property.

**Decision being Appealed:** File Number 22-030. Conditional approval of a request for Geological Assessment Review to construct a new single-family dwelling at the subject property location.

**Attention:** Dana Nichols/Planning Manager, Hearings Officer, Gary Darnielle, LCOG

This response is to again highlight the points that were discussed in the hearing in June as well as to offer a final summary of the reasoning for this appeal.

These 3 points that were to be addressed were described in detail in the 8-22 submission from the appellant. I will not go into details again at length, but just to relist them here as points 2 and 3 were not addressed in the hearing on 11/2/22.

- 1) Applicant to address the hearings officers' concern of the reports adherence to the five year validity period.
- 2) Provide reports showing a Erosion Control Plan which includes plans to mitigate new drainage onto my property as well as a grading details that show the property won't be sloped south.
- 3) Review and signing off of the plans by the City Engineer.

We have seen no Erosion Control plan or description of how the addition of a new dwelling will not increase water flow to the property to the south that was requested by both the appellant and the hearings officer in the June hearing.

We heard the comments from the City Engineer that the proposed dry well will not prevent additional water from flooding our property in the winter months and that with the additional hard surfaces of the dwelling will create a situation where the water would run faster, providing less time than is presently available for the water to absorb into the ground, thus, making the situation worse. It doesn't appear that the City Engineer would sign off on this permit based on his comments in the last hearing and the email conversation between him and Dana Nichols that was submitted to the court file earlier.

Without either of these two points being satisfied, it does not seem that the applicant's team has answered the Hearings Officers request adequately.

With regards to the memo submitted to the case file today by Dana Nichols from Mr Bill Kloos, it appears the goal of the memo is to say that a GAR isn't required because the language of the code can be seen as ambiguous. The analogy given during the hearing by Mr. Kloos was that "We shouldn't even be at this baseball game."

Unfortunately, this isn't a game. This is our family home that is being negatively impacted by this proposed dwelling. This is an unfortunate situation that the appellant has been trying to get resolved for 5 years. We have tried to work with the City of Bandon to come to a solution. We are also submitting to the case file a document that was written to the previous head of Public Works, Richard Anderson, pleading with him for help to solve this issue. Had the situation been addressed by the City of Bandon in 2017, we would not be appealing this process.

We hope that you can see the issues for what it is, and that we are trying to not make a bad situation worse.

Thank you,



Joe Lively  
3470 Beach Loop Drive  
Bandon, Oregon 97411  
541-347-7707 (work)  
541-329-2444 (home)

11/09/2022

Date