

Statement of Appeal

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

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

Statement Date: August, 20th, 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: Eric Montes/City Planner ; Dana Nichols/Planning Manager

Thank you for this opportunity to respond to the new information shared by Dana Nichols on Aug 17th 2022 from Cascadia Geoservices as well as an email sent from Dave Reed of Wayward R Studios dated July 27, 2022.

At the end of the previous hearing, when the continuance was issued, there were three main action items requested to be submitted for the continued review of this appeal.

- 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.

Point 1 was acknowledged in the letter from Eric Oberbeck, dated July 24th 2022 , and I will defer to the hearings officer to weigh in on if the information that they provided addresses his concerns to abide by the city requirements.

Point 2 was also acknowledged in the letter. My understanding of Mr. Oberbecks assertion is that because the home site buildout is less than 1 acre in size, that they are not required to submit an Erosion Control Plan. My concern has been from the beginning that the creation of new hard surfaces, construction and no described plan to deal with the sloping and drainage run off will increase the already unaddressed issue of water that is being dispersed to my property from Beach Loop Drive and the properties to the north. I don't know how I can 'sign-off' and okay a plan that isn't on paper when it could greatly have a negative affect on my property. Just because the property is under 1 acre, it shouldn't have a bearing on how the excess water of new construction would adversely affect my property. Please review to Attachment #2. This is not a typical Bandon home site and is already having issues with all of the other properties north of it as well as Beach Loop Drive draining into it. Water is flowing both above ground and underground to my property.

Point 3 is addressed via the email conversation in Attachment #1. The bold text below is an excerpt from email communications from Dana Nichols, Tim Lakey (Bandon Public Works Supervisor) and Steve Major, who is an Engineer consulting with City of Bandon Public Works on this issue. According to the Engineer, there are several factors that would prevent this proposed plan of a Drywell from being successful. In his own words below, and included in full, in Attachment #1:

“(I) Do not think a dry well will perform as needed during wet weather months. Groundwater will greatly reduce the capacity of the dry well. Raising the site could potentially push surface water onto adjoining properties. Property owner to the south already complains to the City that the City is creating flooding issues on his property.” -Steve Major, The Dyer Partnership Engineers & Planners, Inc. Coos Bay, Oregon.

Reading the above excerpt and the full email chain below in Attachment #1, it appears that the City of Bandon's Engineering Consultant has some of the same concerns and doubts about the effectiveness of the drywell as I do.

Given the consulting engineers' thoughts on the matter, I think it is very prudent to come up with a plan to show how the new drainage will be mitigated so as to not impact my property even further, before approval of the GAR. Mr. Major has even alluded that active methods like sump pumps and a wetwell would not work in this location in the email conversations in Attachment #1, so this really feels like a situation where advanced planning should be required.

Thank you,



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

8/20/2022
Date

Attachment #1 - Email Communication between Dana Nichols, Steve Major and City of Bandon Public Works/Tim Lakey.

From: S Major <smajor@dyerpart.com>
Sent: Wednesday, June 29, 2022 12:01 PM
To: Dana Nichols (dnichols@ci.bandon.or.us) <dnichols@ci.bandon.or.us>
Subject: O Beach Loop Drive

Dana,

Below is a copy of part of an e-mail I received from Megan Lawrence regarding the above subject property.

My apologies for reaching out to you directly, we've had difficulty getting information from the City of Bandon and are eager to keep the ball rolling.

I'm working with Dave Reed and the property owner of "O Beach Loop Drive" (29S-15W-01BB/TL 2000) ((vacant lot next to the Lively beach house)), who would like to build a single family dwelling on the lot. Dave submitted a planning application for zoning compliance and a geologic assessment review last March and received approval from the City in May. However, the application was appealed by a neighbor with drainage concerns, and the appeal hearing yesterday resulted in a continuance, with the Hearings Officer requiring an Erosion Control Plan and addendum to the Geotechnical Report to extend the validity of the report from two years to five.

We are working with Eric Oberbeck to provide those documents to the Hearings Officer, but it came to my attention that you may not have reviewed this application before it received approval from the Planning Department. In the spirit of getting through the process, I'm wondering if there's any information we (the applicant team) can provide you, or if you have any comments or requirements for us to incorporate into our plans.

Is there anything needed from my end on this proposed development?

Thanks

Steve

From: Dana Nichols <dnichols@ci.bandon.or.us>
Sent: Wednesday, June 29, 2022 12:16 PM
To: S Major <smajor@dyerpart.com>
Cc: Public Works <publicworks@ci.bandon.or.us>
Subject: RE: O Beach Loop Drive

Steve,

I believe this is what Tim has been talking to you about? There is a drywell plan for the property that may have required your review. I've cc'd Tim on the email as well as I have not spoken to Megan or other members of the applicant team about this.

Best,

Dana

From: S Major <smajor@dyerpart.com>
Sent: Thursday, June 30, 2022 10:08 AM
To: Dana Nichols <dnichols@ci.bandon.or.us>
Cc: Public Works (publicworks@ci.bandon.or.us) <publicworks@ci.bandon.or.us>
Subject: RE: O Beach Loop Drive

Dana,

Tim and I have been reviewing a site development at 9th and Beach Loop Drive. Just reviewed the attachments for this site and have several concerns based on the geotechnical report.

1. Need to fill a minimum of two feet to get above the 100 year flood plain.
2. Site is saturated during high rainfall events.
3. Ground water two feet below finish grade.

Do not think a dry well will perform as needed during wet weather months. Groundwater will greatly reduce the capacity of the dry well. Raising the site could potentially push surface water onto adjoining properties. Property owner to the south already complains to the City that the City is creating flooding issues on his property. Please review and let me know if you have any questions.

Thanks

Steve

From: Dana Nichols <dnichols@ci.bandon.or.us>
Sent: Thursday, June 30, 2022 10:22 AM
To: S Major <smajor@dyerpart.com>
Cc: Public Works <publicworks@ci.bandon.or.us>
Subject: RE: O Beach Loop Drive

Steve,

Thanks for your input. They are going to place the house on pilings because they can't bring in fill due to soil conditions and nearby wetlands. Is there another option besides a drywell to mitigate drainage issues in the winter months?

Thanks!

-Dana

From: S Major <smajor@dyerpart.com>
Sent: Thursday, June 30, 2022 10:51 AM
To: Dana Nichols <dnichols@ci.bandon.or.us>
Subject: RE: O Beach Loop Drive

Wetwell and sump pump but not sure where they would pump to. Steve

Attachment #2

Image 1a: Back Yard, 3470 Beach Loop and North Lots. Photo taken 8/20/22 after weeks of no rain. Shows ground flow of water pushing from north properties to my lot in the form of green grass.



Image 1b: Back Yard, 3470 Beach Loop and North Lots. Photo taken 8/20/22 after weeks of no rain. Shows ground flow of water pushing from north properties to my lot.



Image 2: Front Yard, 3470 Beach Loop Drive - Winter Months, Bandon



Image 3: Front Yard, 3470 Beach Loop Drive - Winter Months, Bandon



Image 4: Back Yard, 3470 Beach Loop Drive - Winter Months, Bandon



Image 5: Back Yard, 3470 Beach Loop Drive - Winter Months, Bandon

