

MAY 19 2022

**Notice of Appeal****Subject: Appeal of Type II Decision, file number: 22-030, dated 5/8/2022****Subject Property:** TBD Beach Loop Drive SW (29s-15W-01BB / TL 2000)**Appeal Submission Date:** May 19th, 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**Appeal Summary:**

I am submitting this appeal to the conditional approval for a geological assessment review to construct a new single-family dwelling at the subject property location. I have read the documentation, plans and assessments provided previous to this initial decision. A dry well has been proposed at the site to address the roof and drain runoff. While this might be adequate for the roof and the new hard surfaces of the driveway and parking, I am very concerned that additional storm runoff will drain into my property and/or the backyard of the subject property.

For years, I have struggled with trying to address the surface and stormwater runoff from Beach Loop Drive and the subject property. The city has not equipped Beach Loop Drive with any means of controlling the stormwater runoff and it ends up in my front and back yard. Year after year, the subject property and my property flood due to dealing with excess stormwater runoff. My property has been in my family for over 30 years. In fact, my family used to own the subject property that is being proposed to be built on. I am extremely familiar with decades of stormwater runoff conditions on these properties, and understand how the water drains. The flooding started about 12 years ago. The first 20 years, stormwater runoff drained to the ocean.

The primary issue is that none of the properties north of my property and the subject property practice adequate stormwater runoff mitigation. Historically, as recently as 12 years ago, this was not an issue as all water just naturally ran out to the ocean. However, since an invasive species of seagrass was planted along the properties of Beach Loop Drive, a new dune has formed by catching the sand that used to naturally move back and forth from the jetty to Johnson creek.

That sand is now trapped and has formed an impenetrable wall that prevents properties, from the Windermere Hotel to my property, from draining to the ocean. What now occurs is that all the stormwater runoff can't drain to Beach Loop Drive as there is no storm culvert and can't run to the ocean because of the dune, so it pools into my yard and home as well as the subject properties proposed backyard.

If construction were to move forward, during the excavation and design of the sloping of the proposed new property, there is a very high likelihood that the designs will call for sloping the backyard to the south even further than it naturally lays today to prevent pooling in the subject property. This will result in twice the amount of water being run into my property; water that should run to the ocean, but now runs to mine and the subject property due to no stormwater runoff prevention from the north laying properties or the City of Bandon.

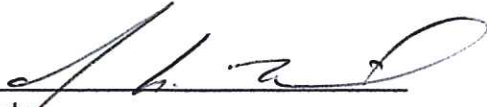
According to the Oregon Drainage Law:

*Oregon has adopted the civil law doctrine of drainage. Under this doctrine, adjoining landowners are entitled to have the normal course of natural drainage maintained. The lower owner must accept water which naturally comes to his land from above, **but he is entitled not to have the normal drainage changed or substantially increased.***

My main concern is that the sheer amount of storm runoff water from the properties along Beach Loop Drive and the Beach Loop Drive itself, is not being addressed by the northern property owners or the city. The city has heard my concerns for years. They have attempted to solve the issues with crude hand dug solutions and eventually just gave up, leaving me with no resolution.

This proposed property will cause great additional harm to my home. In a bubble, I am sure the proposed dry well could handle the needs of the newly proposed residence. However, the new sloping of the property from its normal drainage and additional surface areas could have devastating results for my home. As part of this appeal, please refer to the images I initially submitted on 04-6-2022 that show what the proposed property looks like after a storm. Where will that water go if this proposed residence is built?

It is for these reasons that I am submitting this appeal of the conditional approval of a request for geological assessment review to construct a new single-family dwelling adjacent to my residence.

  
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Joe Lively  
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Bandon, Oregon 97411  
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5-19-22  
Date

CITY OF BANDON  
PO BOX 67  
555 HIGHWAY 101  
BANDON OR 97411

541-347-2437

Receipt No: 9.129207

May 19, 2022

LIVELY, JOE/3470 BEACH LOOP DR

Previous Balance:	.00
LICENSES AND PERMITS	
PLANNING FEES - APPEAL	250.00
TYPE II DECISION	
100-413-09	
PLANNING PERMIT FEES	

Total:	-----
	250.00
	=====

CHECK	
Check No: 9506	250.00
Payor:	
LIVELY, JOE/3470 BEACH LOOP DR	
Total Applied:	-----
	250.00

Change Tendered:	-----
	.00
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