

Nathaniel Miller

From: Matt Cohen <mattc@csconstruction.com>
Sent: Wednesday, January 25, 2023 1:42 PM
To: Nathaniel Miller
Subject: Herman Land Use / Meadery Public Comments

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[EXTERNAL EMAIL]

Nathaniel – Please accept the following comments in regards to the Public Hearing for the Herman Property on 1/25/23. Sorry, I had to drop off the call before the public testimony came up.

1. Pursuant to DCC 18.144.040, part D item #12 and #13 the applicant has not demonstrated ADA access to all proposed facilities including a site plan showing how existing and proposed topography and surfacing will allow for an accessible path of travel to all proposed public improvements that are a component of the project. Furthermore the applicants request to waive the requirement for paved surfaces and use gravel does not provide for an accessible path of travel between components of the proposed project. To comply with the DCC a continuous unobstructed path connecting all accessible elements and spaces of the proposed improvements shall be shown and included on the site plan. Hardened materials such as concrete or asphalt will need to be provided in order to comply with the American with Disabilities Act.
2. The applicant has not established compliance with ORS 374.305, which requires anyone wanting to construct a new approach or change the use of an existing connection to a State Highway to first obtain written permission from ODOT. I have reviewed the revised Burden of Proof submitted by the Applicant dated 10/26/22 and I do not see anything responding to this requirement. Clearly there is a change of use here to a commercial use and as such this requirement should be included as a condition of approval.
3. The applicant has noted site lighting will not be modified. As part of the change of use to a commercial use the Building Code will require egress lighting at the exterior to comply with life, safety requirements. The applicant has stated no changes will be required and we have not found this to be the case on similar projects as the addition of lights will be needed to comply with the commercial building code. We request the applicant be required to provide a photometric light study, with existing and proposed lights that demonstrate compliance with 18.124.040, part D, #11. If this is reviewed and approved as part of the Building Permit process as requested by the Applicant, public comment on this component of the application is eliminated which is contradictory to the LU process.

Thanks, Matt

Matt Cohen
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