

# City of Bandon

<b>CITY COUNCIL AGENDA DOCUMENTATION</b>	<b>DATE:</b> October 2 <sup>nd</sup> , 2023
<b>SUBJECT:</b> PUBLIC HEARING – 23-046, an amendment to the Comprehensive Plan and Title 17 of the Bandon Municipal Code to address Coastal Public Access.	<b>ITEM NO:</b> 4.1

## **BACKGROUND:**

The City of Bandon received a planning assistance grant from the Department of Land Conservation and Development (DLCD) to review our Coastal Public Access policies and make changes to our city codes and comprehensive plan where applicable. The project began with an inventory of all access points, then we reviewed existing policies and codes for consistency with Statewide Land Use Planning Goal 17, Coastal Shorelands, before new goals and policies were crafted to meet current needs. Finally, draft code language was developed to implement the aspirational policies outlined in the Comprehensive Plan.

The implementation requirement of Goal 17 states: *Local governments in coordination with the Parks and Recreation Division shall develop and implement a program to provide increased public access. Existing public ownerships, rights of way, and similar public easements in coastal shorelands which provide access to or along coastal waters shall be retained or replaced if sold, exchanged or transferred. Rights of way may be vacated to permit redevelopment of shoreland areas provided public access across the affected site is retained.*

The attached Staff Report contains a summary of the proposed amendments and a review of the applicable policies. Also attached are the proposed code language and changes to the City's Comprehensive Plan.

**FISCAL IMPACT:** We do not anticipate any fiscal impact from the adoption of the proposed ordinance.

## **RECOMMENDATION:**

Potential Motion: *"I move to approve the proposed changes to Title 17 and amendments to the Comprehensive Plan and direct staff to prepare an Ordinance and Findings for adoption at the next meeting."*

## **SUBMITTED BY:**

*Dana Nichols*

---

Dana Nichols, *Planning Director*

**STAFF REPORT  
OF THE PLANNING DEPARTMENT  
FOR THE CITY OF BANDON, OREGON**



**FILE NUMBER:** 23-046, Coastal Public Access

**REQUEST:** Amend the Comprehensive Plan and Title 17 of the Bandon Municipal Code to address Coastal Public Access.

**LEAD CITY STAFF:** Dana Nichols, Planning Manager

**PUBLIC HEARING DATE:** Planning Commission, August 24<sup>th</sup>, 2023 at 7:00 PM  
City Council, October 2<sup>nd</sup>, 2023 at 7:00 PM

**NOTICING INFORMATION:** PAPA Notice Submitted to DLCD on June 22<sup>nd</sup>, 2023  
Notice published on the City’s website on August 3<sup>rd</sup>, 2023

**APPLICABLE CRITERIA:** BMC (Bandon Municipal Code) Chapter 16.32, Zone Changes and Amendments

**Purpose of Staff Report:**

Staff reports provide the reviewing body and community members with information regarding current land use requests and the staff’s analysis of the application. The staff report provides preliminary information and recommendations. The reviewing body will consider the staff report as well as public testimony and other materials submitted to the City in writing, when making decisions on the application.

**I. Background**

The City of Bandon received a planning assistance grant from the Department of Land Conservation and Development (DLCD) in 2021 and has been working with Claire Fiegenger, DLCD’s former Coastal Public Access Coordinator since. The project focused on addressing access to Bandon’s coastline, which includes points from both the beach and estuary. The project began with an inventory of all access points, which were mapped to show developed and undeveloped locations. Next, the existing policies and codes were reviewed for consistency with Statewide Land Use Planning Goal 17, Coastal Shorelands and then new goals and policies were crafted to meet current needs. Finally, draft codes were developed to implement the aspirational policies outlined in the Comprehensive Plan.

The implementation requirement of Goal 17 states: *Local governments in coordination with the Parks and Recreation Division shall develop and implement a program to provide increased public access.*

*Existing public ownerships, rights of way, and similar public easements in coastal shorelands which provide access to or along coastal waters shall be retained or replaced if sold, exchanged or transferred. Rights of way may be vacated to permit redevelopment of shoreland areas provided public access across the affected site is retained.*

The following proposal contains proposed amendments to the City's Comprehensive Plan and to Chapter 17.76, Shoreland Overlay Zone, of the Bandon Municipal Code.

## **II Proposed Ordinance/Comprehensive Plan Language**

The City's Comprehensive Plan currently addresses the bare minimum requirement of Goal 17 by stating the following:

### **PUBLIC ACCESS POLICY T.**

*The City in coordination with the Parks and Recreation Division shall develop and implement a program to provide increased public access. Existing public ownerships, rights of way, and similar public easements in coastal shorelands which provide access to or along coastal waters shall be retained or replaced if sold, exchanged or transferred. Rights of way may be vacated to permit redevelopment of shoreland areas provided public access across the affected site is retained.*

Staff recommends expanding on this Policy to include the following (also attached here for context within the existing Comprehensive Plan):

### **Definitions:**

*For the purpose of this policy, unless otherwise specifically provided, certain words are defined as follows:*

**ACCESSIBILITY**- *access that specifically refers to disability related needs and barrier removal processes that meet and/or exceed ADA regulation within coastal access.*

**ACCESSIBILITY FEATURES FOR SIGNAGE**- *include but are not limited to translation of message into languages reflective of the community, ADA color, font, and design guidelines, use of symbols, inclusion of braille and tactile (raised) letters, and placement for effective communication. ADA- The Americans with Disabilities Act of 1990 or ADA is a civil rights law that prohibits discrimination based on disability and sets a baseline standard for accessibility.*

**COASTAL SHORELINE PUBLIC ACCESS** – *the ability of the public to have access along coastal waters of the State to reach, touch, view and enjoy coastal shorelines and waters. Public access sites may include features such as paths, trails, stairs, ramps, boardwalks, boat ramps, piers, docks, fishing platforms, and other water access and viewing amenities. Generally, public access is provided along publicly owned property, road ends, road rights-of-way, and other access easements. Other amenities associated with public access sites include parking, interpretive signage, emergency evacuation signage, restroom facilities, and accessibility features for people with accessibility challenges ranging from mobility, cognitive and sensory needs.*

**COASTAL SHORELANDS**- Lands contiguous with the ocean, all estuaries, and all coastal lakes.

**COASTAL WATERS** – defined as ocean, estuary, and lakes located within the coastal zone.

**CULTURAL RESOURCE** - evidence of past human activity, which may include sites, districts, buildings, structures, and objects significant in American history, architecture, archaeology, engineering and culture.

**DUNE COMPLEX**- Various patterns of small dunes with partially stabilized intervening areas. **DUNE, CONDITIONALLY STABLE**- A dune presently in a stable condition, but vulnerable to becoming active due to fragile vegetative cover.

**PRIMARY ACCESS SITES**- physical or visual access points that are currently developed with access amenities, these sites are open to the public.

**SECONDARY ACCESS SITES**- sites that are in public ownership but not developed with trails and access amenities, these sites are closed to the public. These Secondary sites can be developed for increased coastal public access needs.

### **Goals:**

1. *Develop a comprehensive public access program to protect, maintain, and provide increased public access to coastal waters including ocean, estuaries, and lakes, for current and future generations.*
2. *Balance the protection of cultural and natural resources with the need for public access and recreational use of coastal waters.*
3. *Encourage equitable coastal shoreland access for all residents and visitors with a focus on marginalized communities including accessibility for those with disabilities.*
4. *Consult with local Tribal Governments for protection of archeological sites and cultural resources during planning, maintenance, and development of coastal shoreland public access sites.*

### **Policies:**

#### **City Role/General Coordination**

1. *(Coastal Shorelands) The City in coordination with Oregon Parks and Recreation Department (OPRD) shall develop and implement a program to protect, maintain and provide increased public access to coastal waters. Existing public ownerships, rights-of-way, and similar public easements for coastal shorelands that provide primary or secondary access to or along the estuary, ocean or lake, shall be retained or replaced if sold, exchanged or transferred. Rights-ofway may be vacated to permit redevelopment of shoreland areas provided public access across the affected site is retained.*
2. *(Coastal Shorelands) An inventory of current public access sites to coastal shoreland waters will be maintained and is included in this Comprehensive Plan along with a map (Map 1) showing the location of the listed access sites (Table 1). The inventory shall contain both primary and secondary access sites.*

3. *(Coastal Shorelands, Estuary, Beaches and Dunes) Identify and increase public access sites to coastal shorelands by acquiring land and easements when appropriate. New shoreland access sites must have easements for public access in place if located on private property.*
4. *(Natural Resources, Scenic and Historic Areas, and Open Spaces, Estuarine Resources, Coastal Shorelands, Beaches and Dunes) Public access programs should consider and balance negative impacts of public access on cultural and natural resources along coastal shorelands. The City shall coordinate with appropriate state or federal agencies and tribal governments including but not limited to USFWS, ODFW, and Coquille Indian Tribe, to ensure that any negative impacts from public access to cultural and natural resources along coastal shorelands are mitigated and/or avoided.*
5. *(Beaches and Dunes) Identify and maintain select public access points as emergency vehicle access and coordinate with local emergency service providers on where these entry points are located.*
6. *(Transportation) Improvements to the City's Transportation System Plan shall include a section that addresses equitable coastal shoreline access and accessibility through any public transit services offered to and from coastal shoreline access points.*
7. *Adopt implementing ordinances to protect, maintain, and enhance public access to coastal waters.*

#### Recreation Standards

8. *(Recreation) Development or improvement of access sites should include appropriate, adequate, and inclusive signage. Signage should be provided in languages reflective of the community and include a spectrum of accessibility features to accommodate multiple abilities and identities. Accessibility features for signage include, but are not limited to ADA color, font, and design guidelines, use of symbols, inclusion of braille and tactile (raised) letters, and placement for effective communication.*
9. *(Recreation) The City will collaborate with local tribes when developing a public access plan. The City will also consult the tribe when considering new access sites or making improvements to existing sites, and ensure that sites highlight traditional tribal knowledge, which may include archaeological and ecological expertise of the area in interpretive materials.*
10. *(Recreation) The development or improvement of public access sites shall be designed to include accessible and equitable access features with the intent to meet or exceed ADA standards. Accessible and equitable access features that strive to reduce barriers of people accessing Oregon's coastal shorelands may include features such as ADA accessible parking, restrooms, signage, pathways or docks, as well as offering seasonal mobility mats, beach wheelchairs, accessible boat ramps and fishing piers, and transportation to access sites.*
11. *(Recreation) Adequate parking, restroom and accessibility infrastructure will be provided and maintained at coastal shoreland access sites. These amenities shall be provided to the public at no or a nominal cost.*

#### Development Standards

12. *(Beaches and Dunes) Criteria for review of all shoreline stabilization measures shall require that necessary access to the beach is maintained. Unless public access is deemed unsafe, or public*

*access would damage cultural or natural resources, shoreline stabilization permits will require, in addition to other requirements, that the proposed project will not restrict any primary or secondary public access sites. Shoreline stabilization projects that abut street ends and other public rights-of-way shall incorporate steps or paths or other improvements that protect or improve public access.*

13. *(Beaches and Dunes) Unless public access is deemed unsafe, or public access would damage cultural or natural resources, new public or commercial developments shall be encouraged to provide public access to coastal shorelands.*
14. *(Beaches and Dunes) Access to or through dunes areas, particularly conditionally stable dunes and dune complexes, shall be controlled and designed to maintain the integrity, vegetation, and uniformity of the dunes. Dunes provide scenic value and protect development from hazards such as coastal erosion, flooding, and wildfire.*
15. *(Estuary, Coastal Shorelands) In the design of fill projects, port and marina facilities, excavation projects, or development of waterfront areas, new public access to the estuary shall be mandatory to the extent compatible with the proposed use.*
16. *(Estuary) Community and public docks or moorages are encouraged. The City shall act to restrict the proliferation of individual single-purpose docks and piers by encouraging community facilities common to several uses and interests. The size and shape of a dock or pier shall be limited to that required for the intended use. Alternatives to docks and piers, such as mooring buoys, dryland storage, and launching ramps shall be investigated and considered.*
17. *(Transportation) The City shall consider accessibility elements when developing and amenitizing emergency evacuation (tsunami) routes.*
18. *(Natural Resources, Scenic and Historic Areas, and Open Spaces) Protect archaeological and historic resources at or near coastal shoreland public access sites, consistent with the standards of the State Historic Preservation Office (SHPO), affected tribal governments, and federal laws. Coordinate and consult with appropriate tribal governments on these issues.*

**Proposed Actions:**

*The City shall:*

1. *Develop a comprehensive public access program.*
2. *Maintain and update public access inventory map and data (on a minimum of a decadal basis in partnership with DLCD's shoreline public access inventory)*
3. *Review and strengthen implementing ordinances to protect public access sites and align with updated public access policies.*
4. *Require that all development be consistent with the priorities and policies of the Comprehensive Plan and implementing ordinances.*
5. *Update all forms, information sheets (for the public), and processes associated with the updated public access policies.*

This section of the Comprehensive Plan will also include a reference map of all public access sites and a table, briefly describing those sites (attached).

Title 17 of the Bandon Municipal Code includes the Shoreland Overlay Zone (Chapter 17.76) which is where staff proposes making amendments to implement the Comp Plan policies.

\*Proposed language is *italicized*.

## Chapter 17.76

### SHORELAND OVERLAY (SO) ZONE

#### Sections:

17.76.010 Purpose.

17.76.020 Permitted uses and activities.

17.76.030 Conditional uses and activities.

17.76.040 Correspondence with underlying zone.

17.76.050 Special provisions.

17.76.060 Supplemental provisions for estuarine and shoreland uses/activities-- pre-application conference.

17.76.070 Notification of public agencies.

17.76.080 Information to be provided.

17.76.090 Resource capabilities test.

17.76.100 Dredge, fill, or other significant reductions or degradations.

17.76.110 Impact assessment.

17.76.120 Coordination with Division of State Lands (DSL) state/federal waterway permit reviews.

17.76.130 Shoreland uses/activities matrix.

17.76.140 *Public Access*

#### 17.76.140 *Public Access.*

*Public Access points, as identified in the Comprehensive Plan, "City of Bandon Shore Access Sites", shall be developed, maintained or improved as required by Public Access Policy T. As applicable, the following provisions may apply to both permitted and conditional uses in the zone:*

- 1. Existing public access to coastal shorelands shall be retained or replaced if sold, exchanged, or transferred. Rights-of-way may be vacated to permit redevelopment provided public access across the affected site is maintained.*
- 2. New access sites must have easements or access agreements in place prior to city approval.*
- 3. The development or improvement of public access sites shall be designed to include accessible or equitable access features with the intent to meet and exceed ADA standards.*
- 4. Shore and beachfront protective structures shall ensure that public beach access is maintained and not impeded by development.*
- 5. Unless public access is deemed unsafe, or public access would damage cultural or environmental resources, structural shoreland stabilization permits must not restrict any existing public access sites, as identified in the Comprehensive Plan.*

6. *Structural shoreline stabilization projects that abut street ends and other public rights-of-way shall incorporate improvements that protect or improve public access.*
7. *New public or commercial development shall dedicate easements for public access, as required by Public Access Policy T.*
8. *Prior to the dedication or development of new public access points, the City will coordinate with the following public agencies to determine if there are any impacts to cultural and environmental resources along coastal shorelands:*
  - *Coquille Indian Tribe*
  - *USFWS*
  - *ODFW*
9. *In the design of fill projects, new port marina facilities, excavation projects, or development of waterfront areas, new public access to the estuary shall be mandatory to the extent compatible with the proposed use.*
10. *Individual docks or piers shall be allowed by a Type II process, after finding that the proposed request meets the standards listed in Public Access Policy T.*

### **III. Procedural – Required Burden of Proof**

The proposed ordinance will amend existing chapters within Title 17, Zoning, as well as the City's Comprehensive Plan. A legislative amendment is subject to Chapter 16.32.020 of the Bandon Municipal Code, which is as follows:

*The Planning Commission (and ultimately the City Council) shall, “review the proposed amendments to the text of the zoning ordinance to determine consistency with the comprehensive plan and that the amendment will not adversely affect the city’s or the developer’s ability to satisfy land use, transportation and utility service needs or capacities. The proposed amendment shall also be reviewed to determine the suitability of the uses proposed in terms of slope, geologic stability, flood hazard, wetlands, and other relevant hazard or resource considerations.”*

As mentioned above, the City is required to develop and implement a program to provide increased public access to coastal shorelands, which is accomplished through this proposed code and plan amendment. The Comprehensive Plan, related to Coastal Shorelands, states:

*The City shall strive to conserve, protect and, where appropriate, develop or restore the resources and benefits of the coastal shorelands within its jurisdiction, recognizing their value for the protection and maintenance of water quality, fish and wildlife habitat, water-dependent uses, economic resources, recreation, and aesthetics.*

*The City shall also manage these coastal shorelands in a way that is compatible with the characteristics on the adjacent estuary.*

*The City shall also strive to reduce the hazard to human life and property, and the adverse effects upon water quality and fish and wildlife habitat resulting from the use and enjoyment on the Coastal*



*Shorelands of the Coquille Estuary.*

*The Plan and related implementing actions and permit reviews shall consider the critical relationships between shorelands and estuarine resources, and the geologic hazards associated with shorelands. The City shall, within the limit of its authority, maintain the diverse environmental, economic and social values of coastal shorelands, and maintain estuarine water quality, which shall include minimizing man induced sedimentation.*

Staff finds that this proposal helps to strengthen the city's ability to enforce and implement the aspirational policies of the comprehensive plan and expounds on the overall importance of coastal shoreland access to our community. Throughout this process, Staff and DLCDC have given presentations in work sessions to City committees and have found that there is a desire to continue to preserve, maintain, and improve public beach access sites, especially for our vulnerable populations. Bandon's topography and bluff formations make it difficult to find opportunities to improve beach access for those in a wheelchair, or those who may have difficulty walking up and down stairs. The proposed code addresses a variety of ways in which we might make our beaches more accessible.

Further, as we continue to see more development along the waterfront, it's important to protect or enhance access points that are not yet developed. Geomorphology and impacts from storms may, at some point, affect where our access points are located. By inventorying all public access points now and identifying them as potential access points for the future, we are ensuring we won't lose access through street vacations or other development. This code also requires Staff consult with other affected agencies to determine impacts to environmental or cultural resources that may be located along the shoreline.

**IV. Recommendations**

Staff recommends the City Council approve the proposed changes to Title 17 and amendments to the Comprehensive Plan and direct staff to prepare an Ordinance and Findings for adoption at the next meeting.

# CITY OF BANDON COMPREHENSIVE PLAN

## TABLE OF CONTENTS

<b>SECTION I: PLAN POLICIES .....</b>	<b>9</b>
<b>CITIZEN INVOLVEMENT GOAL 1 .....</b>	<b>10</b>
INTRODUCTION .....	10
THE PLANNING PROCESS .....	10
COMMITTEE FOR CITIZEN INVOLVEMENT .....	10
MEMBERSHIP .....	10
RESPONSIBILITIES .....	11
TWO-WAY COMMUNICATION .....	11
POLICY .....	11
IMPLEMENTATION MEASURES.....	11
CITIZEN INFLUENCE .....	12
POLICY .....	12
IMPLEMENTATION MEASURES.....	12
TECHNICAL INFORMATION .....	12
POLICY .....	12
IMPLEMENTATION MEASURES.....	12
FEEDBACK MECHANISMS .....	12
POLICY .....	12
IMPLEMENTATION MEASURES.....	12
POLICY .....	13
IMPLEMENTATION MEASURES.....	13
<b>LAND USE GOAL 2 .....</b>	<b>14</b>
GENERAL COMMERCIAL ACTIVITY .....	14
TOURIST COMMERCIAL DEVELOPMENT.....	14
MARINE COMMERCIAL ACTIVITY .....	14
PUBLIC SERVICE .....	14
INDUSTRIAL LOCATIONS .....	14
TYPES OF INDUSTRIAL DEVELOPMENT .....	14
<b>OPEN SPACE, SCENIC, HISTORIC AREAS AND NATURAL RESOURCES GOAL 5.....</b>	<b>15</b>
SCENIC RESOURCES .....	15
POLICY 1 .....	15
IMPLEMENTATION MEASURE.....	15
POLICY 2 .....	15
IMPLEMENTATION MEASURE.....	15
POLICY 3 .....	15
IMPLEMENTATION MEASURE.....	15
POLICY 4 .....	16
IMPLEMENTATION MEASURES.....	16
POLICY 5 .....	16
IMPLEMENTATION MEASURE.....	16
POLICY 6 .....	16
IMPLEMENTATION MEASURES.....	17
POLICY 7 .....	17
IMPLEMENTATION MEASURES.....	17
SPECIAL POLICIES.....	17
<b>HISTORICAL AND ARCHAEOLOGICAL PRESERVATION GOAL 5 .....</b>	<b>19</b>
POLICIES .....	19
<b>NATURAL RESOURCES – WETLANDS GOAL 5.....</b>	<b>21</b>
GOALS, POLICIES, AND IMPLEMENTATION MEASURES .....	21
GOAL.....	21
POLICIES .....	21
IMPLEMENTATION MEASURES.....	21
<b>AREAS SUBJECT TO NATURAL DISASTERS AND HAZARDS GOAL 7.....</b>	<b>22</b>
<b>ENVIRONMENTAL QUALITY OF LIFE GOAL 6.....</b>	<b>23</b>
RESOURCE CONSERVATION AND CONFLICT RESOLUTION .....	23
ENVIRONMENTAL QUALITY AND QUALITY OF LIFE .....	23
WATER CONSERVATION .....	24

PRETREATMENT OF INDUSTRIAL WASTE	24
AIR, WATER, NOISE AND SOLID WASTE-STANDARDS AND COOPERATION WITH DEQ/EPA	24
NEEDED PUBLIC FACILITIES AND FINANCING	24
DEQ/EPA COQUILLE RIVER STUDY	24
WETLANDS	24
<b>RECREATION GOAL 8</b> .....	<b>26</b>
<b>ECONOMIC DEVELOPMENT GOAL 9</b> .....	<b>27</b>
<b>HOUSING GOAL 10</b> .....	<b>28</b>
<b>PUBLIC FACILITIES GOAL 11</b> .....	<b>29</b>
POLICIES	29
IMPLEMENTATION MEASURES	29
<b>TRANSPORTATION GOAL 12</b> .....	<b>30</b>
<b>URBANIZATION GOAL 14</b> .....	<b>35</b>
<b>ANNEXATION POLICIES GOAL 14</b> .....	<b>36</b>
ANNEXATION CONFIGURATIONS .....	36
LEVERAGING THE ANNEXATION OF ADJACENT PROPERTIES .....	36
CREATING COUNTY ISLANDS.....	36
FISCAL IMPACT .....	36
DEVELOPMENT CONTROL ISSUES .....	36
SUFFICIENCY OF INFRASTRUCTURE SYSTEMS.....	36
STREET PAVING .....	37
TIMING OF ANNEXATIONS .....	37
SEWER CONNECTION REQUIREMENTS.....	37
COMPREHENSIVE PLAN AND ZONING.....	37
ANNEXATION ORDINANCE.....	38
ANNEXATION PRIORITIES.....	38
THE FIRST HIQHEST PRIORITY.....	38
THE SECOND HIQHEST PRIORITY.....	38
THE THIRD HIQHEST PRIORITY .....	38
THE FOURTH HIQHEST PRIORITY.....	38
<b>ESTUARINE RESOURCES GOAL 16</b> .....	<b>39</b>
POLICIES	39
POLICY A: ESTUARY CLASSIFICATIONS .....	40
POLICY B: NATURAL ESTUARINE MANAGEMENT UNITS .....	40
POLICY C: CONSERVATION MANAGEMENT UNITS .....	40
POLICY D: DEVELOPMENT MANAGEMENT UNITS.....	40
POLICY E: RESOURCE CAPABILITIES, CONSISTENCY, AND IMPACT ASSESSMENT.....	41
POLICY F: ESTUARINE FILL AND REMOVAL .....	41
POLICY G: TEMPORARY ALTERATIONS .....	41
POLICY H: ESTUARINE MITIGATION REQUIREMENTS:.....	42
POLICY I: SOLUTIONS TO EROSION AND FLOODING PROBLEMS.....	42
POLICY J: PROLIFERATION OF SINGLE-PURPOSE DOCKS AND PIERS .....	43
POLICY K: AUTHORITY OF OTHER AGENCIES:.....	43
POLICY L: LIMITING DREDGE AND FILL AS ESTUARINE RESTORATION.....	43
<b>COASTAL SHORELANDS GOAL 17</b> .....	<b>44</b>
THE "PLANNING AREA".....	44
CRITERIA FOR IDENTIFYING COASTAL SHORELANDS BOUNDARY.....	44
APPLICATION OF THE COASTAL SHORELANDS .....	45
POLICIES	46
ESTUARINE BEACHES	46
POLICY M: FLOW-LANE DISPOSAL OF DREDGE MATERIAL IN DEVELOPMENT MANAGEMENT UNITS.....	46
POLICY N: DREDGED MATERIAL DISPOSAL (DMD) SITES.....	46
POLICY O: PROTECTION OF MAJOR MARSHES AND SIGNIFICANT WILDLIFE HABITATS IN COASTAL SHORELANDS.....	47
POLICY P: LIMITING DREDGE AND FILL AS ESTUARINE RESTORATION.....	47
POLICY Q: INTERTIDAL DREDGE MATERIAL DISPOSAL .....	47
POLICY R: REDEVELOPMENT OF WATERFRONT AREAS .....	47
POLICY S: PUBLIC ACCESS .....	47
<b>BEACHES AND DUNES GOAL 18</b> .....	<b>51</b>
POLICIES	51
POLICY U: AREAS SUBJECT TO GOAL 18 DEVELOPMENT RESTRICTIONS.....	52
POLICY V: CITY REVIEW CRITERIA IN BEACH AND DUNE AREAS .....	53
POLICY W: MINIMIZE EROSION IN BEACH AND DUNE AREAS.....	53
POLICY X: BEACH FRONT PROTECTIVE STRUCTURES .....	53

Plan reflect the following key environmental considerations required by LCDC Goals:

- A. Disposal of dredged material in upland or ocean waters or Via proper use of flow-lane disposal was given general preference in the overall site selection process;
- B. Disposal of dredged material in estuary water is permitted in this Plan only when such disposal is consistent with state and federal law.
- C. Selected DMD sites must be protected from preemptory uses.

**POLICY O: PROTECTION OF MAJOR MARSHES AND SIGNIFICANT WILDLIFE HABITATS IN COASTAL SHORELANDS:**

The City shall protect major marshes and significant wildlife habitat located within the Coquille River Coastal Shorelands Boundary. Uses in these areas shall be consistent with the area's natural values.

This Policy recognizes that special protective consideration must be given to key resources in coastal shorelands over and above the protection afforded such resources elsewhere in this Plan.

**POLICY P: LIMITING DREDGE AND FILL AS ESTUARINE RESTORATION**

The City shall support estuarine dredge or fill actions as estuarine restoration when appropriate in areas where activities have adversely affected some aspect of the estuarine system and where such restoration would contribute to the objectives of Goal #16.

This Policy recognizes that not all estuarine dredge or fill actions may be considered estuarine restoration pursuant to LCDC Statewide Planning Goals.

**POLICY Q: INTERTIDAL DREDGE MATERIAL DISPOSAL**

The City shall prohibit dredged material disposal in intertidal or tidal marsh areas except where such disposal is part of an approved fill project.

This Policy shall be implemented through operation of the waterway permit process as a response to a request for comment from the Department of State Lands.

This strategy recognizes that upland disposal, flow-lane disposal, and ocean disposal are alternatives to intertidal disposal.

**POLICY R: REDEVELOPMENT OF WATERFRONT AREAS**

The City shall determine whether there are any existing, developed commercial/industrial waterfront areas which are suitable for redevelopment which are not designated for water-dependent uses. Plans shall be prepared for these areas which allow for a mix of water-dependent, water-related, and water oriented nondependent uses and shall provide for public access to the shoreline.

[Highlighted currently exists, italicized is proposed]

**POLICY S: PUBLIC ACCESS**

The City in coordination with the Parks and Recreation Division shall develop and implement a program to provide increased public access. Existing public ownerships, rights of way, and similar public easements in coastal shorelands which provide access to or along coastal waters shall be retained or replaced if sold, exchanged or transferred. Rights of way may be vacated to permit redevelopment of shoreland areas provided public access across the affected site is retained.

*Note: Policy T, as part of the 2011 coastal resource amendments, was determined not to be needed and was removed during Goal 17, and 18 Revision, Ord. 1582.*

### **Definitions:**

*For the purpose of this policy, unless otherwise specifically provided, certain words are defined as follows:*

**ACCESSIBILITY-** *access that specifically refers to disability related needs and barrier removal processes that meet and/or exceed ADA regulation within coastal access.*

**ACCESSIBILITY FEATURES FOR SIGNAGE-** *include but are not limited to translation of message into languages reflective of the community, ADA color, font, and design guidelines, use of symbols, inclusion of braille and tactile (raised) letters, and placement for effective communication.*

**ADA-** *The Americans with Disabilities Act of 1990 or ADA is a civil rights law that prohibits discrimination based on disability and sets a baseline standard for accessibility.*

**COASTAL SHORELINE PUBLIC ACCESS –** *the ability of the public to have access along coastal waters of the State to reach, touch, view and enjoy coastal shorelines and waters. Public access sites may include features such as paths, trails, stairs, ramps, boardwalks, boat ramps, piers, docks, fishing platforms, and other water access and viewing amenities. Generally, public access is provided along publicly owned property, road ends, road rights-of-way, and other access easements. Other amenities associated with public access sites include parking, interpretive signage, emergency evacuation signage, restroom facilities, and accessibility features for people with accessibility challenges ranging from mobility, cognitive and sensory needs.*

**COASTAL SHORELANDS-** *Lands contiguous with the ocean, all estuaries, and all coastal lakes.*

**COASTAL WATERS –** *defined as ocean, estuary, and lakes located within the coastal zone.*

**CULTURAL RESOURCE -** *evidence of past human activity, which may include sites, districts, buildings, structures, and objects significant in American history, architecture, archaeology, engineering and culture.*

**DUNE COMPLEX-** *Various patterns of small dunes with partially stabilized intervening areas.*

**DUNE, CONDITIONALLY STABLE-** *A dune presently in a stable condition, but vulnerable to becoming active due to fragile vegetative cover.*

**PRIMARY ACCESS SITES-** *physical or visual access points that are currently developed with access amenities, these sites are open to the public.*

**SECONDARY ACCESS SITES-** *sites that are in public ownership but not developed with trails and access amenities, these sites are closed to the public. These Secondary sites can be developed for increased coastal public access needs.*

### **Goals**

1. *Develop a comprehensive public access program to protect, maintain, and provide increased public access to coastal waters including ocean, estuaries, and lakes, for current and future generations.*
2. *Balance the protection of cultural and natural resources with the need for public access and recreational use of coastal waters.*

3. *Encourage equitable coastal shoreland access for all residents and visitors with a focus on marginalized communities including accessibility for those with disabilities.*
4. *Consult with local Tribal Governments for protection of archeological sites and cultural resources during planning, maintenance, and development of coastal shoreland public access sites.*

## **Policies**

### **City Role/General Coordination**

1. *(Coastal Shorelands) The City in coordination with Oregon Parks and Recreation Department (OPRD) shall develop and implement a program to protect, maintain and provide increased public access to coastal waters. Existing public ownerships, rights-of-way, and similar public easements for coastal shorelands that provide primary or secondary access to or along the estuary, ocean or lake, shall be retained or replaced if sold, exchanged or transferred. Rights-of-way may be vacated to permit redevelopment of shoreland areas provided public access across the affected site is retained.*
2. *(Coastal Shorelands) An inventory of current public access sites to coastal shoreland waters will be maintained and is included in this Comprehensive Plan along with a map (Map 1) showing the location of the listed access sites (Table 1). The inventory shall contain both primary and secondary access sites.*
3. *(Coastal Shorelands, Estuary, Beaches and Dunes) Identify and increase public access sites to coastal shorelands by acquiring land and easements when appropriate. New shoreland access sites must have easements for public access in place if located on private property.*
4. *(Natural Resources, Scenic and Historic Areas, and Open Spaces, Estuarine Resources, Coastal Shorelands, Beaches and Dunes) Public access programs should consider and balance negative impacts of public access on cultural and natural resources along coastal shorelands. The City shall coordinate with appropriate state or federal agencies and tribal governments including but not limited to USFWS, ODFW, and Coquille Indian Tribe, to ensure that any negative impacts from public access to cultural and natural resources along coastal shorelands are mitigated and/or avoided.*
5. *(Beaches and Dunes) Identify and maintain select public access points as emergency vehicle access and coordinate with local emergency service providers on where these entry points are located.*
6. *(Transportation) Improvements to the City's Transportation System Plan shall include a section that addresses equitable coastal shoreline access and accessibility through any public transit services offered to and from coastal shoreline access points.*
7. *Adopt implementing ordinances to protect, maintain, and enhance public access to coastal waters.*

### **Recreation Standards**

8. *(Recreation) Development or improvement of access sites should include appropriate, adequate, and inclusive signage. Signage should be provided in languages reflective of the community and include a spectrum of accessibility features to accommodate multiple abilities and identities. Accessibility features for signage include, but are not limited to ADA color, font, and design guidelines, use of symbols, inclusion of braille and tactile (raised) letters, and placement for effective communication.*
9. *(Recreation) The City will collaborate with local tribes when developing a public access plan. The City will also consult the tribe when considering new access sites or making improvements to existing sites, and ensure that sites highlight traditional tribal knowledge, which may include archaeological and ecological expertise of the area in interpretive materials.*

10. *(Recreation) The development or improvement of public access sites shall be designed to include accessible and equitable access features with the intent to meet or exceed ADA standards. Accessible and equitable access features that strive to reduce barriers of people accessing Oregon's coastal shorelands may include features such as ADA accessible parking, restrooms, signage, pathways or docks, as well as offering seasonal mobility mats, beach wheelchairs, accessible boat ramps and fishing piers, and transportation to access sites.*
11. *(Recreation) Adequate parking, restroom and accessibility infrastructure will be provided and maintained at coastal shoreland access sites. These amenities shall be provided to the public at no or a nominal cost.*

#### Development Standards

12. *(Beaches and Dunes) Criteria for review of all shoreline stabilization measures shall require that necessary access to the beach is maintained. Unless public access is deemed unsafe, or public access would damage cultural or natural resources, shoreline stabilization permits will require, in addition to other requirements, that the proposed project will not restrict any primary or secondary public access sites. Shoreline stabilization projects that abut street ends and other public rights-of-way shall incorporate steps or paths or other improvements that protect or improve public access.*
13. *(Beaches and Dunes) Unless public access is deemed unsafe, or public access would damage cultural or natural resources, new public or commercial developments shall be encouraged to provide public access to coastal shorelands.*
14. *(Beaches and Dunes) Access to or through dunes areas, particularly conditionally stable dunes and dune complexes, shall be controlled and designed to maintain the integrity, vegetation, and uniformity of the dunes. Dunes provide scenic value and protect development from hazards such as coastal erosion, flooding, and wildfire.*
15. *(Estuary, Coastal Shorelands) In the design of fill projects, port and marina facilities, excavation projects, or development of waterfront areas, new public access to the estuary shall be mandatory to the extent compatible with the proposed use.*
16. *(Estuary) Community and public docks or moorages are encouraged. The City shall act to restrict the proliferation of individual single-purpose docks and piers by encouraging community facilities common to several uses and interests. The size and shape of a dock or pier shall be limited to that required for the intended use. Alternatives to docks and piers, such as mooring buoys, dryland storage, and launching ramps shall be investigated and considered.*
17. *(Transportation) The City shall consider accessibility elements when developing and amenitizing emergency evacuation (tsunami) routes.*
18. *(Natural Resources, Scenic and Historic Areas, and Open Spaces) Protect archaeological and historic resources at or near coastal shoreland public access sites, consistent with the standards of the State Historic Preservation Office (SHPO), affected tribal governments, and federal laws. Coordinate and consult with appropriate tribal governments on these issues.*

#### Proposed Actions

*The City shall:*

1. *Develop a comprehensive public access program.*
2. *Maintain and update public access inventory map and data (on a minimum of a decadal basis in partnership with DLCDC's shoreline public access inventory)*
3. *Review and strengthen implementing ordinances to protect public access sites and align with updated public access policies.*

4. *Require that all development be consistent with the priorities and policies of the Comprehensive Plan and implementing ordinances.*
5. *Update all forms, information sheets (for the public), and processes associated with the updated public access policies.*



\*Proposed language is *italicized*.

## Chapter 17.76

### SHORELAND OVERLAY (SO) ZONE

#### Sections:

17.76.010 Purpose.

17.76.020 Permitted uses and activities.

17.76.030 Conditional uses and activities.

17.76.040 Correspondence with underlying zone.

17.76.050 Special provisions.

17.76.060 Supplemental provisions for estuarine and shoreland uses/activities-- pre-application conference.

17.76.070 Notification of public agencies.

17.76.080 Information to be provided.

17.76.090 Resource capabilities test.

17.76.100 Dredge, fill, or other significant reductions or degradations.

17.76.110 Impact assessment.

17.76.120 Coordination with Division of State Lands (DSL) state/federal waterway permit reviews.

17.76.130 Shoreland uses/activities matrix.

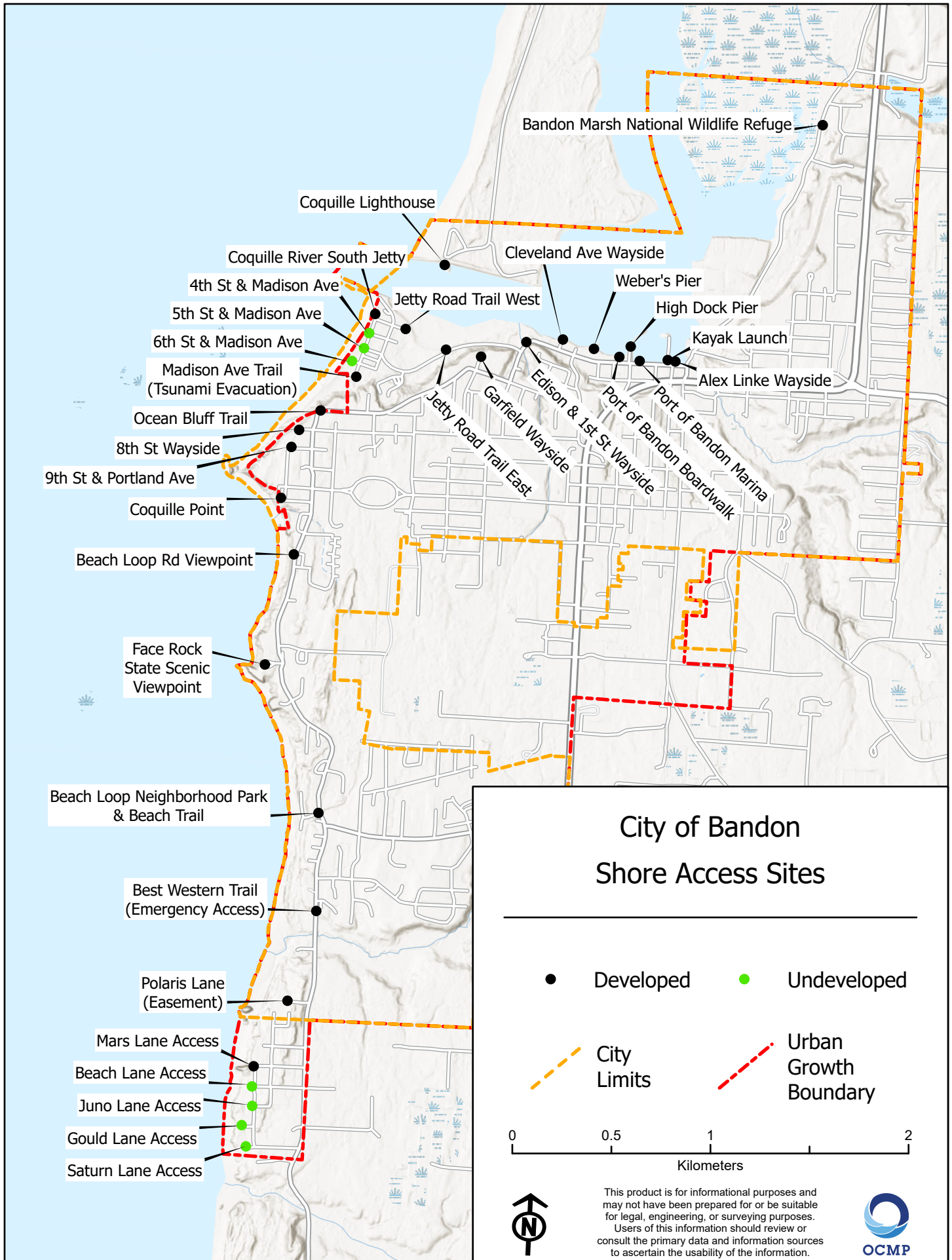
17.76.140 *Public Access*

#### 17.76.140 *Public Access.*

*Public Access points, as identified in the Comprehensive Plan, "Map Name Here", shall be developed, maintained or improved as required by Public Access Policy T. As applicable, the following provisions may apply to both permitted and conditional uses in the zone:*

- 1. Existing public access to coastal shorelands shall be retained or replaced if sold, exchanged, or transferred. Rights-of-way may be vacated to permit redevelopment provided public access across the affected site is maintained.*
- 2. New access sites must have easements or access agreements in place prior to city approval.*
- 3. The development or improvement of public access sites shall be designed to include accessible or equitable access features with the intent to meet and exceed ADA standards.*
- 4. Shore and beachfront protective structures shall ensure that public beach access is maintained and not impeded by development.*
- 5. Unless public access is deemed unsafe, or public access would damage cultural or environmental resources, structural shoreland stabilization permits must not restrict any existing public access sites, as identified in the Comprehensive Plan.*
- 6. Structural shoreline stabilization projects that abut street ends and other public rights-of-way shall incorporate improvements that protect or improve public access.*

7. *New public or commercial development shall dedicate easements for public access, as required by Public Access Policy T.*
8. *Prior to the dedication or development of new public access points, the City will coordinate with the following public agencies to determine if there are any impacts to cultural and environmental resources along coastal shorelands:*
  - *Coquille Indian Tribe*
  - *USFWS*
  - *ODFW*
9. *In the design of fill projects, new port marina facilities, excavation projects, or development of waterfront areas, new public access to the estuary shall be mandatory to the extent compatible with the proposed use.*
10. *Individual docks or piers shall be allowed by a Type II process, after finding that the proposed request meets the standards listed in Public Access Policy T.*



**TABLE 1: CITY OF BANDON COASTAL SHORELAND PUBLIC ACCESS SITE INVENTORY**

Site #	Site Name	Site Description	Primary/Secondary Access Site
1	Bandon Marsh National Wildlife Refuge	Part of the Oregon Coast National Wildlife Refuge Complex. Contains parking and trails. Managed by U.S. Fish & Wildlife	Primary
2	Alex Linke Wayside	Owned by Moore Mill & Lumber Co. Picnic table and river/mud flat viewing area.	Primary
3	Kayak Launch	Public kayak launch in Marina. Owned and managed by the Port of Bandon.	Primary
4	Port of Bandon Marina	78 slip Marina in Old Town Bandon. Owned and managed by the Port of Bandon.	Primary
5	High Dock Pier	Also known as the Chicago wayside. Contains an ADA accessible fishing pier. Owned and managed by the Port of Bandon.	Primary
6	Port of Bandon Boardwalk	The Riverwalk is a wooden boardwalk with benches, artwork, and amphitheater along the Coquille estuary waterfront. This area also contains ample parking and a glass picnic shelter. Owned and managed by the Port of Bandon.	Primary
7	Weber's Pier	Contains a floating crab dock as well as the boat launch. Owned and managed by the Port of Bandon.	Primary
8	Cleveland Ave Wayside	Public right-of-way road end with river viewing area.	Primary
9	Edison & 1st St Wayside	Start of Jetty trail. City right-of-way and river viewing area.	Primary
10	Garfield Wayside	Viewing area with bench of Coquille River and Lighthouse on road end. Owned and maintained by the City of Bandon.	Primary

11	Jetty Road Trail East	Access point for Redmon Pond viewing and sandy Coquille River shores. Future site of trail.	Primary
12	Jetty Road Trail West	End of 3rd St. Access point for Redmon Pond viewing and sandy Coquille River shores. Future site of trail.	Primary
13	Coquille Lighthouse	Located in Bullards Beach State Park. Owned by the US Army Corps of Engineers and managed by Oregon Parks & Recreation Department.	Primary
14	Coquille River South Jetty	Beach access and viewing area owned by the City of Bandon. Contains large parking lot and restrooms.	Primary
15	4th St & Madison Ave	Unopened City right-of-way road end designated for future access point (if needed).	Secondary
16	5th St & Madison Ave	Unopened City right-of-way road end designated for future access point (if needed).	Secondary
17	6th St & Madison Ave	Unopened City right-of-way road end designated for future access point (if needed).	Secondary
18	Madison Ave Trail (Tsunami Evacuation)	Tsunami evacuation route. Steep walking trail from Jetty to Ocean Bluff Trail.	Primary
19	Ocean Bluff Trail	Walking trail along the north side of 7th Street SW. Continues off-street along bluff and out to Coquille Point.	Primary
20	8th St Wayside	Road-end parking area with benches and access to Ocean Bluff trail. USFWS manages the paved trail and stairs down to the beach from 8 <sup>th</sup> St.	Primary
21	9th St & Portland Ave	Road-end parking area with benches and access to Ocean Bluff trail.	Primary
22	Coquille Point	Part of the Oregon Islands National Wildlife Refuge. Contains parking lot, stairs to the beach front, and interpretive signs. Connects to Ocean Bluff Trail. Managed by U.S. Fish & Wildlife.	Primary
23	Beach Loop Rd Viewpoint	Roadside parking area with expansive ocean view.	Primary

24	Face Rock State Scenic Viewpoint	Contains parking lot, stairs to the beach front, restrooms and picnic tables. Managed by Oregon Parks & Recreation Department.	Primary
25	Beach Loop Neighborhood Park & Beach Trail	Parking area on the east side of Beach Loop Drive, beach access trail on the west. Owned and managed by the City of Bandon.	Primary
26	Best Western Trail - Emergency Access	Privately owned and maintained. Not intended for public use but may be made available for emergency access. Should be retained as a potential future access site should it ever come up for sale.	Secondary
27	Polaris lane Easement	10-foot public pedestrian access easement centered on tax lots 1900, 1199, and 599, from Polaris Lane to the ocean shore. Undeveloped.	Secondary
28	Mars Lane Access	Mostly undeveloped beach access point on County right-of-way.	Primary
29	Beach Lane Access	Undeveloped beach access point on County right-of-way.	Secondary
30	Juno Lane Access	Undeveloped beach access point on County right-of-way.	Secondary
31	Gould Road Access	Undeveloped beach access point on County right-of-way.	Secondary
32	Saturn Lane Access	Undeveloped beach access point on County right-of-way.	Secondary