



City of Bandon

555 Hwy 101, PO Box 67
Bandon, OR 97411
(541) 347-2437

Bandon by the Sea

CITY COUNCIL CONSENT AGENDA	DATE: 01-09-2024
SUBJECT: CITY COUNCIL URBAN RENEWAL AGENCY BOARD AND PLANNING COMMISSION	ITEM NO: 3.0

BACKGROUND:

City Council and Urban Renewal Agency Board, Planning Commission meeting minutes as submitted by Richard Taylor, Minutes Clerk

- City Council and Urban Renewal Agency Board – November 6, 2023
- Planning Commission – November 16, 2023
- Planning Commission – June 28, 2023
- City Council and Urban Renewal Agency Board – December 4, 2023

FISCAL IMPACT:

None

RECOMMENDATION:

Motion to approve as part of the Consent Calendar Items.

SUBMITTED BY:

June Hinojosa

June Hinojosa, City Recorder



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MINUTES

CITY OF BANDON CITY COUNCIL AND URBAN RENEWAL AGENCY BOARD

COUNCIL CHAMBERS, 555 HIGHWAY 101, BANDON, OR 97411

MONDAY, NOVEMBER 6, 2023

Livestreamed via Zoom Meetings

COUNCIL MEMBERS PRESENT:

Mary Schamehorn, Mayor
Joshua Adamson, Councilor
Peter Braun, Councilor
Geri Procetto, Councilor
Madeline Seymour, Council President
Brian Vick, Councilor

ABSENT:

Chris Powell, Councilor

STAFF PRESENT:

Torrey Contreras, City Manager
Shala Kudlac, City Attorney
Paula Burris, Finance Director
June Hinojosa, City Recorder
Dana Nichols, Planning Director
Nicolette Cline, Planning Assistant
Chief Cory Dhillon, Bandon Police
Officer Damon Price, Bandon Police
Officer Jesse Macy, Bandon Police
Richard Taylor, Minutes Clerk

CITY COUNCIL EXECUTIVE SESSION

1.0 CALL TO ORDER

Executive Session convened at 6:00 p.m.

1. ORS 192.660 (2)h,

To consult with your attorney regarding your legal rights and duties in regard to current litigation that is more likely than not be filed.

2. ORS 192.660 (2)e,

To conduct deliberations with persons you have designated to negotiate real property transactions.

2.0 ADJOURNMENT

Executive Session adjourned at 6:55 p.m.

CITY COUNCIL REGULAR MEETING

1.0 CALL TO ORDER/ROLL CALL/INVOCATION/PLEDGE OF ALLEGIANCE

Schamehorn called the meeting to order at 7:00 p.m. Roll Call was taken as indicated above. Pastor Jim Vickery, First Presbyterian Church of Bandon, delivered the invocation. The Pledge of Allegiance was led by Seymour.

2.0 PRESENTATIONS

2.1 Bethe Patrick – Volunteer of the Month (none)

2.2 Proclamation: Veterans Day

Schamehorn read the proclamation proclaiming November 11, 2023, as Veterans Remembrance Day.

2.3 Introduction of New City Staff – Jason Kral, Nicolette Cline (Planning), Stephanie Jones (Sprague Theatre), and Officer Jesse Macy (Bandon Police)

Nichols introduced Kral, the City's Vegetation Management Coordinator, who was adding the role of part-time Planner, and Cline, the new Planning Assistant.

Contreras introduced Jones, who with over 30 years' professional theater experience was excited to make the Sprague Theater an active part of the community again.

Chief Dhillon introduced Bandon's newest Police Officer, Jesse Macy, who had been sworn in on November 1, 2023 and would be training at the Police Academy.

Dhillon discussed the growing problem of homeless camping in Bandon and how the City might deal with the issue within the restrictions of court decisions and state law. There were 12 to 15 permanently entrenched individuals, but others had recently set up camp in a conspicuous Old Town location.

Schamehorn noted that Ordinance #1656, passed by the Council in June 2023, provided specific time, place, and manner regulations allowed by the law and the courts.

Dhillon observed that campers on private property could be removed for trespassing, but Bandon did not have a designated place for public campers. One option would be Pallet homes that could be set up on church properties.

3.0 CONSENT CALENDAR ITEMS

3.1 Accounts Payable Report for September 2023

3.2 Library Report for September 2023

3.3 Public Works Report for October 2023

3.4 Sprague Theater and Community Center Calendar for November/December 2023

3.5 Planning Department Report for October 2023

3.6 Police Department Report for October 2023

3.7 Finance Department Report for September 2023

3.8 Consolidated Municipal Utilities Report for October 2023

3.9 Municipal Court Report for September 2023

Seymour thanked the Police Department for doing a good job. Schamehorn asked for an explanation for the recurring loss of potable water reported by the Water Treatment Plant. Contreras reported the water usage was being estimated during the past year due to an inoperable meter.

Seymour moved to approve the Consent Calendar. Procetto seconded the motion, which carried by unanimous show of hands of those present (5:0:1):

AYES: Adamson, Braun, Procetto, Seymour, Vick
NAYS: None
ABSENT: Powell

4.0 OLD AND NEW BUSINESS ITEMS

OLD BUSINESS

4.1 Accessory Dwelling Unit Amnesty Program

Nichols: Illegal or unpermitted ADUs (Accessory Dwelling Units) that predated Ordinance #1629 in 2019 (modified by Ordinances #1657 and #1660) could be legalized under the existing code with payment of planning permit fees and System Development Charges (SDCs), plus approval from the Coos County Building Department.

Seymour moved to direct City Staff to prepare an ADU amnesty ordinance for the Council to adopt at its next Regular Meeting. Braun seconded the motion, which carried by unanimous show of hands of those present (5:0:1):

AYES: Adamson, Braun, Procetto, Seymour, Vick
NAYS: None
ABSENT: Powell

4.2 Resolution #23-31 Requesting that the Oregon State Legislature Repeal and/or Modify Ballot Measure 110

Contreras: As directed by the City Council, Staff had prepared a letter and a resolution to be addressed to State Representative Court Boice and State Senator David Brock Smith, joining other municipalities and law enforcement agencies in opposition to Ballot Measure 110, approved by Oregon voters in 2020. The measure was promoted as providing additional services for those experiencing drug abuse and addiction, but there was a growing sentiment that it had failed to prevent drug use and overdoses, which had increased greatly.

With Resolution #23-31, the Council urged the legislature to repeal Measure 110, but recognizing that repeal was unlikely, favored a comprehensive amendment to the measure.

Braun lauded the resolution as well-crafted but wanted it to specify that Measure 110 had enabled the proliferation of fentanyl, the major cause of the increase in overdose deaths. He favored modifying the measure so it would accomplish what it was intended to do, and his suggestions were to be incorporated into the Council's letter.

Seymour moved to adopt Resolution #23-31, a resolution of the City Council of the City of Bandon requesting that the Oregon State Legislature repeal and/or modify Measure 110. Braun seconded the motion, which carried by unanimous show of hands of those present (5:0:1):

AYES: Adamson, Braun, Procetto, Seymour, Vick
NAYS: None
ABSENT: Powell

4.3 Resolution #23-32 Allowing Recreational Vehicles as Temporary Housing

Nichols: Resolution #23-07, passed by the Council in March 2023, allowed RVs (recreational vehicles) to be used as temporary housing, subject to specific guidelines. Directed by the Council, Staff prepared Resolution #23-32 to continue the program for another six months, with essentially the same guidelines as Resolution #23-07. City water service could be accessed with permission of the Public Works Department and installation of an approved and inspected backflow device.

Braun moved to adopt Resolution #23-32, allowing recreational vehicles as temporary housing. Vick seconded the motion, which carried by unanimous show of hands of those present (5:0:1):

AYES: Adamson, Braun, Procetto, Seymour, Vick
NAYS: None
ABSENT: Powell

4.4 Ordinance #1662 – Amendments to the Comprehensive Plan and Title 17 of the Bandon Municipal Code to Address Coastal Public Access

Nichols: Ordinance #1662 would change the City's Comprehensive Plan and modify the Bandon Municipal Code to enforce those changes.

Schamehorn was concerned about loss of recreational immunity because cities were no longer protected when someone fell on a trail and sued for damages. Vick noted that the City would have to maintain trails well enough to avoid lawsuits, so he questioned making it easier for people to have access to the City's beaches.

Nichols stated that the ordinance did not make access easier. It identified current and potential access points and indicated how the City would like to have them developed.

Kudlac explained the court's decision in the case against Newport, Oregon. It ruled that the trail that provided access to the beach could not be considered recreational and would not be covered by recreational immunity.

Schamehorn thought the City should examine its current access points and make sure they were as safe as possible. Kudlac observed that a checklist was available to help municipalities audit their trails and lessen their risk.

Kudlac read Ordinance #1662 by title only. Seymour moved to pass Ordinance #1662 to a second reading. Procetto seconded the motion and it passed by roll call vote of those present (4:1:1):

AYES: Adamson, Braun, Procetto, Seymour
NAYS: Vick
ABSENT: Powell

The second reading would take place at the next Regular Meeting of the City Council, provided a full Council was present.

NEW BUSINESS

4.5 Award Contract for Capital Improvements to the Sprague Theater for the Replacement of Existing Wood Siding Material (Urban Renewal District 2)

Contreras: Three bids were received for replacement of wood siding on the Sprague Theater, ranging from \$329,000.00 to \$484,535.32—all below the City Engineer's original estimates. City Staff completed its due diligence and deemed Kaminski Construction, LLC to be the lowest bidder and qualified to perform the work. An additional contingency of \$42,370.70 would be necessary unexpected project costs. Appropriation of Urban Renewal District 2 funds would be required.

Seymour moved to accept all bids. Procetto seconded the motion, which carried by unanimous show of hands of those present (5:0:1):

AYES: Adamson, Braun, Procetto, Seymour, Vick
NAYS: None
ABSENT: Powell

Seymour made a motion to award the contract for capital improvements to the Sprague Theater to Kaminski Construction, LLC, in accordance with the project's scope of work and contractor's bid dated October 2, 2023. Procetto seconded, and the motion carried by unanimous show of hands of those present (5:0:1):

AYES: Adamson, Braun, Procetto, Seymour, Vick
NAYS: None
ABSENT: Powell

4.6 Resolution #23-33 Declaring a Local Emergency Providing for the Completion of Capital Improvements to the Ferry Creek Impoundment for the Provision and Use of Raw Water by the City's Water Utility (Emergency Order #23-01)

Contreras: After consulting with Kudlac, Staff recommended adopting Emergency Order #23-01, to expedite approvals needed to begin the project, hoping to complete work before the summer of 2024.

Seymour moved to table Resolution #23-33 until the Council's next Regular Meeting. Procetto seconded the motion, which carried by unanimous show of hands of those present (5:0:1):

AYES: Adamson, Braun, Procetto, Seymour, Vick
NAYS: None
ABSENT: Powell

4.7 Resolution #23-34 Amending the City's Existing Fee Schedule in Accordance with the City Charter and Resolution #96-08

Contreras: City Staff reviewed the existing fee schedule and determined City fees were not sufficient to recoup administrative costs. An annual review of the fee schedule was recommended as part of the City's budget process, as was common practice in other municipalities.

Braun moved to adopt Resolution #23-34, amending the City of Bandon's existing fee schedule and thereby increasing select service fees and establishing new planning permit fees, and to order the City Manager or designee to conduct a review of the fee schedule as part of the annual budget process. Adamson seconded the motion, and it carried by unanimous show of hands of those present (5:0:1):

AYES: Adamson, Braun, Procetto, Seymour, Vick
NAYS: None
ABSENT: Powell

4.8 Liquor License for The Station Restaurant LLC (Jaime Gallagher)

Seymour moved to approve an OLCC (Oregon Liquor and Cannabis Commission) liquor license for The Station Restaurant. Adamson seconded the motion, which carried by unanimous show of hands of those present (5:0:1):

AYES: Adamson, Braun, Procetto, Seymour, Vick
NAYS: None
ABSENT: Powell

5.0 PUBLIC HEARING ITEMS (none)

6.0 CITY COUNCIL MEETING MINUTES

6.1 Review and Approval of City Council Meeting Minutes

- **September 11, 2023 – Regular Meeting**
- **September 25, 2023 – Special Meeting**

Seymour moved to approve the City Council minutes. Braun seconded the motion, which carried by unanimous show of hands of those present (5:0:1):

AYES: Adamson, Braun, Procetto, Seymour, Vick
NAYS: None
ABSENT: Powell

7.0 COMMISSION AND COMMITTEE MEETING MINUTES

7.1 Review and Approval of Planning Commission Meeting Minutes

- **September 28, 2023 – Regular Meeting**

Seymour moved to approve the Planning Commission minutes. Braun seconded the motion, which carried by unanimous show of hands of those present (5:0:1):

AYES: Adamson, Braun, Procetto, Seymour, Vick
NAYS: None
ABSENT: Powell

8.0 PUBLIC COMMENTS

Bruce Spencer, Bandon resident: Submitted written testimony earlier regarding the Gravel Point project. At the September Council meeting it was stated that the Council had no recourse after Planning Commission decisions, but Bandon Municipal Code section 16.04.070(e) enabled City Council to initiate its own proceedings, take up appeals, and accept new testimony (de novo).

Schamehorn: Is it okay for the Council to be hearing this information on a pending issue?

Kudlac: Spencer's statements given before the Council as a whole were not ex parte and not considered part of the record for the Gravel Point application because they were not part of a hearing. The application was still at the Commission level and could come before the Council next.

Braun: How would citizens prefer the Council to hear the matter?

Spencer: Would like to see the Council take new testimony.

Michael Sterling, Bandon resident: His dogs had been attacked on the beach the previous month by an off-leash dog. Recently, a homeless person's dog chased his dogs near Edgewater's Restaurant. He talked to people camping across from The Arcade. They left Coos Bay, feeling insecure, and planned to stay where they were camped. Bandon was behind the curve and should check with cities that have successfully designated camping areas.

Ruby Berry, Bandon resident: Regularly walked her dogs in Old Town and was concerned about two camps there. Noted an encampment near Edgewater's Restaurant and worried about safety of cross country athletes who usually run past that area. There were provisions in Bandon's ordinance to handle homeless camping, particularly in Old Town.

Lori Osborne, Bandon business owner: The previous Monday, some of her customers at Farm & Sea in the Old Town Marketplace had been accosted by aggressive panhandling homeless campers across the street. Someone was camping on the front porch of Edgewater's Restaurant. The homeless had been going through the trash outside her business.

Devon Matsuda, Bandon business owner: People sleeping on her private property behind her store and in her backyard at home, leaving garbage behind. Excrement was thrown at her building. Had to board up the area under the stairs because someone was sleeping there. Had to close her store early because she and employees were nervous about leaving work after dark.

Schamehorn: Need to memorize the camping ordinance and make it work, as other communities had.

9.0 CITY MANAGER COMMENTS

Contreras: Working with Staff to update and modernize the Staff Report process and formalize the City Council agenda.

10.0 CITY COUNCIL COMMENTS

Vick: Kudos to the Public Works Department.

Seymour: Holiday Meals was not serving meals during the holidays but was supporting Susan Miller of Alloro, Danielle Benjamin of Raven Saltwater Grille, and Bandon Brewing Company in providing takeout-only Thanksgiving meals under the name Old Town Friendsgiving.

Adamson: Appreciated the City Manager’s Newsletter.

11.0 ADJOURNMENT

Schamehorn adjourned the meeting at 8:35 p.m.



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MINUTES

CITY OF BANDON CITY PLANNING COMMISSION REGULAR MEETING

COUNCIL CHAMBERS, 555 HIGHWAY 101, BANDON, OR 97411

THURSDAY, NOVEMBER 16, 2023

Livestreamed via Facebook and Zoom Meetings

COMMISSIONERS PRESENT:

Bill Frey, Commissioner
Sally Jurkowski, Vice Chair
Gordon Norman, Commissioner
Tom Orsi, Commissioner
Catherine Scobby, Commissioner
Gerald "Bear" Slothower, Chair
Donald Starbuck, Commissioner

STAFF PRESENT:

Dana Nichols, Planning Director
Nicolette Cline, Planning Assistant
Richard Taylor, Minutes Clerk

1.0 CALL TO ORDER

Slothower called the meeting to order at 7:00 p.m.

2.0 ROLL CALL

Roll Call was taken as indicated above. Norman and Taylor joined the meeting remotely, while all other Commissioners and Staff were present in the Council Chambers.

3.0 CONSENT AGENDA

3.1 Regular Meeting Minutes – September 28, 2023

Slothower approved the Minutes as written.

4.0 PUBLIC COMMENT (concerning any item not on the agenda, limited to 4 minutes per speaker)

Neal Barlow, Bandon resident

Inquired about the status of the Marriott Hotel project in Old Town. Nichols responded that the developer could submit a completed application by mid-December 2023, within 180 days from the time the application was deemed incomplete. No new information was available.

5.0 DISCUSSION

5.1 Code Cleanup 2024

Nichols: The Commission would be holding an annual joint meeting with the City Council to discuss its work program for the following year. Minor corrections and clarifications to the Bandon Municipal Code (BMC) would be addressed in an annual Code Cleanup, along with adjustments to the BMC's organizational structure and changes to code language to match new state laws.

The Commissioners were shown a presentation and given pertinent documentation covering Staff's recommendations for the 2024 Code Cleanup:

- Review parking minimums and standards (BMC Chapter 17.96)
- Respond to required code changes from Oregon HB 3395 (Housing Omnibus Bill)
- Use tables instead of individual zone chapters to reorganize BMC Title 17
- Modify the Hazard Overlay to make language clear and objective

Slothower: Housing issues should be separated from Code Cleanup.

Nichols: Those issues could then be included with items generated by the Housing Needs Analysis. Most provisions of HB 3395 would take effect on January 1, 2024. If the Bandon Municipal Code was not updated by then, the City would apply the minimum state standards to comply. Bandon awaited funding to conduct an audit to ensure its code matched state standards.

The Commissioners discussed how much parking was necessary for businesses with employees and for multiple-family dwellings, and by what means electric vehicle charging capability could be required in new development.

Nichols: Code Cleanup could include additional items not in the meeting documentation:

- Allow home offices as an accessory use in some zones
- Clarify the definitions, heights, and placement of retaining walls and fences

The Commissioners discussed aspects of these two topics. They also expressed support for Staff's proposal to reorganize the code's zoning chapters.

5.2 Master Planned Development

Nichols: Under Master Planned Development regulations, a developer of a large parcel could propose a modification to its underlying zoning, provided there was a public benefit. Mixed uses and variations in density and housing types might be allowed. Bandon's Municipal Code did not have a Master Planned Development chapter.

The Commissioners received copies of the Department of Land Conservation and Development (DLCD) Model Code and examples of Master Planned Development codes from other cities. They discussed considerations Bandon might include in a Master Planned Development code, such as incorporating wetlands, flexibility in housing, space for recreational vehicles, and use of open space.

6.0 STAFF UPDATE

6.1 Planning Department Report

Nichols:

- After a slow summer, new permit applications had increased.
- The City Council had adopted an increase in Water System Development Charges (SDCs). They would be calculated based on a new single-family detached dwelling's heated square footage, causing a significant increase in SDCs for some new homes.
- Online surveys were in progress for community input into Bandon's Transportation System Plan and for a proposed Beach Access Connector.
- As part of Bandon's annual Tree City USA obligations, the Parks and Recreation Commission planned a tree planting event in City Park on November 18, 2023, aimed at maintaining the required rate of trees per capita. Friends of Bandon Parks would be holding a tree planting event at Johnson Creek Park on November 24.
- The Commission would not meet in December. It would hold a Public Hearing on a proposed aquaculture project at its January 2024 meeting.
- There were two new Planning Staff members: Planning Assistant Nikki Cline, and Jason Kral, who was adding Planning duties to his Vegetation Management Coordinator role.
- A recent court decision ruled that "recreational immunity" did not apply to trails that provided transportation to a recreational site, opening public entities such as Bandon, as well as those who had private beach access, to potential lawsuits from anyone injured on those paths. Cautionary signage might have to be posted.

7.0 OPEN DISCUSSION (Commissioner Comments)

One Public Comment was permitted:

Denise Frazier, Bandon resident

Encouraged the Commission to consider mandatory visitor parking spaces for multiple-unit housing developments and engineering requirements for eight-foot fences.

8.0 ADJOURNMENT

Slothower adjourned the meeting at 8:31 p.m.



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Mary S.

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