



City of Bandon

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

Bandon by the Sea

AGENDA REPORT

TO: Honorable Mayor and Members of the City Council

FROM: Torrey Contreras, City Manager *TC*

INITIATED BY: Dana Nichols, Planning Director *DN*

DATE: March 4th, 2024

SUBJECT: **ITEM 5.1 PUBLIC HEARING: PLANNING ACTION 23-055, HEAVY INDUSTRIAL CODE AMENDMENT & COMPREHENSIVE PLAN UPDATE**

BACKGROUND:

In 2021, the Port of Bandon requested that the City consider an amendment allowing aquaculture on a specific property along the Coquille River (Moore Mill Log Yard). At the time, the City's Zoning map showed the subject property as Controlled Development 1 (CD-1), however the Comprehensive Plan map showed the property as Industrial. The Comprehensive Plan text also described the subject property as CD-1 and limited aquaculture to a small buffer zone along the water. After research by both City staff and a private consultant hired by the Port, it was determined that the zoning of the property was never legally changed from Industrial to Controlled Development, so the zoning is in fact Controlled Development 1. The history and decision of this matter is memorialized in Resolution 23-15.

Planning Staff presented the request to amend the Heavy Industrial Zone and the Comprehensive Plan to include provisions for aquaculture at the Joint Planning Commission and City Council meeting and the project was prioritized in the Planning Department Work Program (Resolution 23-15) for completion the FY23-24. The Planning Commission held a duly noticed public hearing on January 25th, 2024, at 7:00 pm in the Council Chamber. The Commission discussed various issues related to the proposal, including defining "aquaculture," provisions for housing, and whether the use should be outright permitted or conditional.

The Commission moved to recommend approval of the amendments as presented, with the following modifications:

1. Modify 17.56.040(2)(b) to read: *A density of no more than one dwelling per two acres is maintained. Alternatively, an applicant may request additional dwellings through a Type II process.*
2. Modify 17.56.040(2)(c) to read: *The total square footage of all residential uses must be less than 6,000 square feet.*

3. Add 17.56.040(2)(d): *Aquaculture uses involving crustacean and fin fish must be processed as a Type II request.*

ANALYSIS OF THE ISSUES:

The City of Bandon has two properties identified as "Heavy Industrial" inside city limits. These properties are limited to the subject property (Moore Mill Yard) and a concrete plant near 11th St SE and Fillmore Ave. The allowance of aquaculture in the Heavy Industrial zone thus only applies to the subject property, based on the close proximity of water. The proposed site is located along the Coquille River in a particularly appealing location for aquaculture due to the deep water nearby. As this site is nearly 30 acres, staff recommended allowing aquaculture outright under 10 acres, and conditionally at any size larger.

The Planning Commission discussed the following concerns: (1) provisions for on-site housing, (2) impact of the use on surrounding properties, (3) processing of the application (Type I, II, or III). In regard to housing, Staff recommended allowing housing, but limiting it to a related, accessory use not-to-exceed a certain density. After discussion, the Planning Commission recommends, for outright permitted uses, allowing a maximum of five residential dwellings and that the total square footage of all residential uses must be less than 6,000 square feet. The Planning Commission also recommends allowing some flexibility through a Type II process that would allow an applicant to apply for additional dwellings, maintaining the same square footage. This was done to allow for a variety of housing types: single-family, apartment or dorm style, or single-room occupancy.

The Planning Commission also discussed the impact this might have on surrounding neighborhoods and recommends limiting the size of the operation and the type of fish or crustacean produced for an outright permitted (Type I) path and allowing a larger project site and aquaculture uses that involved crustacean or fin fish to be approved through a Type II process. After learning more about aquaculture uses from the Port of Bandon, the Planning Commission found that the proposed use would have a limited effect on neighboring properties related to traffic, noise, smells, etc.

In addition to the changes to chapter 17.56 Heavy Industrial Zone, the Chapter 17.76, Shoreland Overlay Zone, and the associated information in the City's Comprehensive Plan must also be changed. These changes are limited to minor amendments allowing aquaculture as a use in Shoreland Management Unit #8 and amending text that identifies the "Moore Mill Log Yard" as CD-1.

FISCAL IMPACT:

None.

RECOMMENDATION:

The following is recommended to the City Council:

1. Review and discuss the information provided; and
2. Hold a public hearing to consider PLANNING ACTION 23-055, HEAVY INDUSTRIAL CODE AMENDMENT & COMPREHENSIVE PLAN UPDATE; and

3. Make a motion to approve the request as presented and direct Staff to prepare an Ordinance for adoption by City Council at a future meeting.

Attachments:

1. Attachment 1: Procedural Staff Report dated March 4th, 2023
2. Attachment 2: Record of the Planning Commission Hearings

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



FILE NUMBER: 23-055, Heavy Industrial Code Amendment & Comprehensive Plan Update

REQUEST: Amend regulations in Bandon Municipal Code Title 17.56, to allow for Aquaculture, Mariculture, and similar uses, as well as dwelling units in conjunction with permitted uses. Also, amend the Comprehensive Plan to be consistent with the newly proposed land use.

LEAD CITY STAFF: Dana Nichols, Planning Director

PUBLIC HEARING DATE: Planning Commission, January 25th, 2024 at 7:00 PM
City Council, March 4th, 2024

NOTICING INFORMATION: PAPA Notice Submitted to DLCD on September 27th, 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 Planning Department was approached by the Port of Bandon in 2021 to consider an amendment to allow for aquaculture on a property along the Coquille River (Moore Mill Log Yard). At the time, there was some confusion about the zoning of this property, as the City's Zoning map showed the Zoning as Controlled Development 1 (CD-1), however the Comprehensive Plan map showed it as Industrial. To further complicate things, the Comprehensive Plan text described this property as CD-1 and limited the area in which aquaculture would be allowed, despite aquaculture not being permitted at all in the CD zone. After research by both City staff and a private consultant hired by the Port, it was determined that the property zoning was never changed (through a legal process acknowledged by the State of Oregon),

so the prior zoning should apply. The history and decision of this matter is memorialized in Resolution 23-15.

Now that the zoning of this parcel is decidedly Heavy Industrial, the Planning Commission is asked to consider an amendment to the zoning code to allow aquaculture and their accessory uses. A proposed definition for aquaculture is *the cultivation of marine, estuarine, or freshwater aquatic organisms for commercial, recreational, restoration and/or scientific purposes*. Accessory uses would include any outbuildings necessary to complete the work (storage, refrigeration, etc.). Staff proposes allowing aquaculture outright in the Heavy Industrial zone at a smaller (less than 10 acre) scale and requiring a conditional use should the proposal exceed that. An analysis of the issues is provided below that explains why the Planning Commission might consider having a two-part pathway. The proposal also includes a recommendation to allow for housing as incidental to the permitted uses, and at a limited density.

Staff also recommends updating the City's Comprehensive Plan and the Shoreland Overlay Chapter of the Bandon Municipal Code to bring the language related to coastal shorelands into conformance with the code update. Currently, the Comprehensive Plan contains multiple mentions of the property as Controlled Development and a preclusion of the use of the property for aquaculture.

The code below has been recommended by the Planning Commission for approval.

II Proposed Ordinance Language

Amend 17.02 Definitions and the Comprehensive Plan to add and/or amend:

AQUACULTURE: Refers to the cultivation of marine, estuarine, or freshwater aquatic organisms for commercial, recreational, restoration and/or scientific purposes.

Amend 17.56 Heavy Industrial (HI) to include the following language (in bold):

17.56.020 Permitted uses.

In the HI zone, the following uses are permitted outright, along with their accessory uses, provided that the use promotes the purpose of the zone, and all other requirements of this title are met:

A. Public utilities, including service structures.

B. Aquaculture provided the total square footage of such use is smaller than 10 acres.

17.56.030 Conditional uses.

In the HI zone, the following uses and their accessory uses may be allowed in accordance with Chapter 16.12 and the provisions of this title:

A. Manufacturing, repairing, compounding, fabrication, processing, packing and storage;

B. Governmental building or use;

C. Sales of products manufactured on site;

D. Aquaculture uses more than 10 acres in size.

17.56.040 Limitations on uses.

1. The dedication of additional street width may be required when an officially adopted street plan or the nature of the proposed development indicates the need for additional width.
2. Residential uses may be permitted as accessory uses with Aquaculture if:
 1. They are in conjunction with and incidental and subordinate to a permitted or conditional use on the same parcel or on contiguous property in the same ownership.
 2. A density of no more than one unit per two acres is maintained.
 3. The total square footage of such a unit must be less than 1000 square feet.

Amend Chapter 17.76, Shoreland Overlay, to amend the Uses/Activities Matrix (Changes in red, highlights are inconsistencies with Comprehensive Plan)

Shorelands Mgmt Unit No. Plan Designation Uses	1	2	3A	3E	4	5	6	7	8	9	10	11	12
	PF	CD	MC	ESWD	PF	UR	OTC	OS	CD I	PF	NR	NR	CD
Aquaculture	NP	NP	P	P	NP	P	NP	NP	NP P	NP	CU	CU	NP
Commercial Uses													
Water-dependent	NP	NP	P	P	NP	NP	NP	NP	NP P	NP	NP	NP	NP
Water-related	NP	NP	P	CU*	NP	NP	CU	NP	P	NP	NP	NP	NP
Not dependent or related	NP	CU	P	NP	NP	NP	CU	NP	P	NP	NP	NP	NP
Water oriented	NP	CU	P	NP	NP	NP	P	NP	P	NP	NP	NP	NP
Industrial Uses													
Water-dependent	NP	NP	P	P	NP	NP	NP	NP	NP P	NP	NP	NP	NP
Water-related	NP	NP	P	CU*	NP	NP	CU	NP	P	NP	NP	NP	NP
Not dependent or related	NP	NP	P	NP	NP	NP	CU	NP	P	NP	NP	NP	NP
Log Storage	NP	NP	NP	NP	NP	NP	NP	NP	NP P	NP	NP	NP	NP
Marinas (shore facilities)	NP	NP	NP	P	NP	NP	NP	NP	CU	NP	NP	NP	NP
Recreational Uses													
Water-dependent	P	CU	P	P	P	P	NP	NP	NP P	P	P1	P1	P1
Water-related	NP	CU	P	CU*	P	P	P	NP	NP CU	NP	P1	P1	P1
Not dependent or related	NP	CU	P	NP	P	P	P	P	P CU	NP	P1	P1	P1
Residential	NP	CU	P	NP	NP	P	P	NP	P	NP	NP	NP	CU6
Utilities	P	P	P	CU*	P	CU	P	P	P	P	CU	CU	P

Parks and Sanctuary	P	CU	CU	NP	CU	CU	P	P	CU	P	P	P	CU
Harvest Wild Crops	P	P	NP	NP	NP	P	NP	P	NP P	P	P	P	P
Pub. Use Structure including Recreational	P	CU	CU	CU*	P	CU	CU	P	CU	P	CU	CU	CU
Historical Struc. including Rehab.	P	CU	CU	CU*	P	CU	CU	P	CU	P	CU	CU	CU

Amend Comprehensive Plan

1. Amend the Uses/Activities Matrix found on page 49 to match the proposed changes to table in Chapter 17.76.
2. Amend language on Page 70 in section regarding “Land Use Classifications” under industrial land to read as follows:

Bandon has six locations where industrial land uses are occurring,

1. *Two locations along the waterfront, including Bandon Fisheries and the Moore Mill log yard*
2. *The Woolen Mill Addition area, associated with the Bandon Cheese Factory*
3. *The Douglas Pacific Veneer Mill at 11th and Fillmore (Portland Addition area)*
4. *The Bandon Airport area*
5. *The Ocean Spray Cranberry Facility*
6. *The Airport area is viewed as the best site for future Industrial development, provided the majority land owner provides feasible development options. This area is adjacent to Highway 101 and the extension of the City water and sewer services is expected to occur in this planning cycle.*

~~*There is no demand for waterfront industrial land in Bandon.*~~ *The Port of Coos Bay serves as the Industrial Port for this region (Ordinance 1326, 3-94).*

3. Amend language on page 77 in a section regarding “Land Use Classifications” under Public and Environmental Areas to read as follows:

The purpose of these five classifications is to identify areas necessary to meet the future needs for public services, to protect amenities, to protect and develop resources, and to protect agriculture outside of the urban growth boundary. These classifications recognize the environmental goals of the city.

CONTROLLED DEVELOPMENT AREA (CDA).

Purpose: This special classification is intended to recognize the scenic and unique quality of Bandon’s ocean front and view areas and to maintain the quality of Bandon’s ocean front by carefully controlling the nature and scale of future development in the area. It is intended that a mix of uses would be permitted, including residential, tourist commercial, and recreational. Future development is to be controlled in order to enhance the area’s unique qualities.

APPROPRIATE AREAS. The CDA includes the south bank of the Coquille River west of the Robertson concrete plant (First and Edison) and ~~from~~ north of Moore Mill ~~north~~, the jetty area, and all the ocean beaches within the city limits. The inland boundaries of the CDA are the bluff from Edison Avenue west to Newport Avenue, Newport Avenue from the bluff south to Tupper Creek, (including the portion of the city east of Tupper Creek) and the city limits extending from Tupper Creek to the Pacific Ocean. Some land adjacent to the water might not be usable for water related or water dependent uses. To maintain environmental quality amid a mix of uses, certain unique natural features will be conserved, for example, the south jetty's freshwater lagoon and the associated riparian vegetation.

4. Amend language on page 80 in a section regarding "land Use Classifications" under Industrial Development to read as follows:

At present there is no industrial development in Bandon Heights, although the old Moore Mill property, ~~which is zoned CD-1~~, is located across Riverside Drive from the area.

5. Amend language on page 156 in a section regarding "Natural Resources" under Ecologically and Scientifically Significant Natural Areas to read as follows:

*In the past, the U.S. Army Corps of Engineers have been responsible for the dredging of the navigation channel, disposing of the spoils in a designated area of sea. Areas outside of the navigation channel have been dredged at the expense of private interests and the spoils have been deposited at upland sites. Currently an estuarine area just north of the old Moore Mill's upland log storage deck is zoned ~~CD-1~~ **Heavy Industrial**, but continuing north past the line of pilings, the zoning is Natural Resource. Development of the old Moore Mill area will not be allowed to impact negatively the Natural Resource zoned marsh area to the north.*

6. Amend language on page 175 in a section regarding "Scenic Resources" under Zoning and Ownership to read as follows:

*The area encompassed by the viewshed includes a number of different zoning designations. South Jetty Park is zoned Public Facilities and Parks (PF), the area along Jetty Road is zoned CD-2 and CD-3, the area north of 1st Street is zoned Marine Commercial (C-3) with shoreland overlays, the Coast Guard Hill area is zoned CD-R2, the Moore Mill log yard is zoned ~~CD-1~~ **HI**, and the Bandon Cemetery is zoned R1. There are a number of private and public owners of property in the viewshed, with South Jetty Park, the Redmon Pond area, and the Waterfront and Boat Basin being examples of publicly owned properties.*

7. Amend language on page 175 in a section regarding "Estuary Management Section 2" under Especially Sensitive for Water Dependent Use Sites in Shoreland Management Units within the City and Urban Growth Areas to read as follows:

MANAGEMENT UNIT # 8: MOORE MILL: A 50-foot strip adjacent to the channel is designated as ESWD. ~~This area, earlier a mill designated as Heavy Industrial, has been rezoned to a Controlled Development zone.~~

III. Procedural – Required Burden of Proof

The proposed ordinance will amend the Bandon Municipal Code and the 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.”

Staff finds that the proposed amendment is consistent with the City Comprehensive Plan and that the amendment will not adversely affect city development.

IV. Analysis of the Issues

Aquaculture V Mariculture: The City and Port discussed whether to allow for aquaculture, mariculture, or both in this update. Aquaculture appears to be the larger umbrella term used to describe any function of aquatic cultivation under controlled conditions¹, while mariculture is a specialized type of aquaculture that uses seawater (either in the open ocean or in tanks). If the Planning Commission wants to allow a broad array of options during development, the term aquaculture is likely the best option.

Housing in an Industrial Zone: The proposal includes an allowance for residential uses, as long as they are incidental to and in conjunction with a permitted or conditional aquaculture use, subject to certain limitations. Staff recommends that if residential uses are allowed that they remain subordinate and related to the use. By nature, heavy industrial land is generally set aside for uses that might be more offensive (by way of odor, noise, glare, etc.) and thus residential uses are usually protected or buffered from this zoning. In this case, the aquaculture use may be benefitted by limited on-site housing (a maximum of five units for an outright permitted development as proposed) to allow for researchers, on-site managers, and employees to monitor and maintain the site. The Planning Commission may choose to discuss the proposed allowance, proposed density, or proposed size limitation as part of their discussion.

Permitted or Conditional Uses: In the work session regarding this topic, the Planning Commission discussed the allowance of aquaculture as either an outright permitted or conditional use. Staff has proposed a two-part path that allows both, depending on the size of the proposed development. Aquaculture uses less than 10 acres in size may be outright permitted (Type I or Type II) and larger developments will require planning commission approval (Type III). The Planning Commission may

¹ <http://www.differencebetween.net/miscellaneous/difference-between-aquaculture-and-mariculture/>

choose to discuss whether the size proposed to delineate the two options is sufficient, whether the permitted uses should be allowed as a Type I or a Type II, and whether there should be any additional limitations on use or conditions required for the Type III application.

Shoreland Overlay: The Shoreland Overlay zone was developed to protect areas identified as coastal shorelands, which include areas in the floodplain, steep bluffs, riparian areas, shoreland and wetland habitats, especially suited for water dependent (ESWD) uses, and areas identified in the Coquille River Estuary as a visual resource. The proposed amendment changes Management Unit 8 (the Moore Mill Site) from Controlled Development to Industrial and proposes to allow a variety of outright permitted uses, provided they are water dependent. This remains in line with the Comprehensive Plan text that a 50-foot strip adjacent to the channel is designated as ESWD, which is not being modified through the amendment.

IV. Recommendations

Staff recommends that the Planning Commission review the materials provided and hold a public hearing regarding the proposed amendments. The Planning Commission may want to request additional information, modifications to the proposed language, or allow for additional public input by continuing the hearing. Otherwise, the Planning Commission may make a motion to recommend approval of the amendments as proposed for City Council consideration.



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Bandon by the Sea

INTERGOVERNMENTAL AGREEMENT: GEOGRAPHIC INFORMATION SYSTEM
(GIS) CONTRACT WITH THE LANE COUNCIL OF GOVERNMENTS

CITY OF BANDON PLANNING COMMISSION MEETING THURSDAY JANUARY 25TH, 7:00pm

CALL TO ORDER: 7:00 p.m. by Planning Commissioner Slothower

ROLL CALL: Taken by Director Dana Nichols

COMMISSIONER FREY: present
COMMISSIONER JURKOWSKI: present
COMMISSIONER NORMAN: present
COMMISSIONER ORSI: present
COMMISSIONER SCOBBY: joined meeting remotely
COMMISSIONER SLOTHOWER: present
COMMISSIONER STARBUCK: present

CITY STAFF PRESENT:

DANA NICHOLS, PLANNING DIRECTOR
NICOLETTE CLINE, PLANNING ASSISTANT
JUNE HINOJOSA, CITY RECORDER
SHAYLA KUDLAC, CITY ATTORNEY

3. CONSENT AGENDA

- 3.1 Regular Meeting October 5th, 2023
- 3.2 Special Meeting November 2nd, 2023
- 3.3 Regular Meeting November 16th, 2023

Commissioner Slothower asked the Commission if they read the previous agenda minutes. All Commissioners responded with yes. Slothower then asked if there were any changes and or objections. The Commissioners had no changes or objections to the minutes.

Commissioner Slothower moved and approved all minutes as written. Director Nichols explained we will be moving to action minutes.

4. PUBLIC COMMENT

A written comment by Barbara Stollberg was provided to and read by all commissioners. Norman, Slothower and Frey all agreed she made good points.

5. PUBLIC HEARING – opened by Commissioner Slothower at 7:05 p.m.

5.1 23-055 Heavy Industrial Code Amendment and Comprehensive Plan Update: Amend Regulations in Bandon Municipal Code Title 17.56 to allow for Aquaculture and residential uses in conjunction with permitted uses and Amend 17.76 (Shoreland Overlay Zone) to change management unit 8 to Industrial and allow Aquaculture and Amend the Comprehensive Plan to be consistent with the newly proposed land use.

Planning Director Dana Nichols gave background and a PowerPoint presentation on the proposed project, known as the Moore Mill property.

Planning Commissioner Slothower asked about the 10-acre language referenced in the presentation. Director Nichols responded by indicating that said number was arbitrary and could be amended.

Planning Commissioner Norman asked about the number of dwelling units proposed and the square footage of said units. Commissioner Norman proceeded to ask if the dwelling units were specific to the project and if said units will house workers and researchers.

Planning Commissioner Jurkowski asked City staff for clarification about the permitted density. Director Nichols indicated that density referenced in the report was an arbitrary starting point.

Planning Commissioner Frey asked City staff to clarify the language used to describe the dwelling units. Director Nichols informed the Planning Commission that the numbers are preliminary estimates and could be re-defined or changed by the Commission if deemed necessary.

Commissioner Slothower asked about the difference between the I Zone and HI zone, with Director Nichols responding accordingly. Commissioner Slothower also requested clarification regarding the inconsistency with the Airport designations on the Shoreland matrix. Director Nichols stated that it wasn't related to this proposed amendment.

Commissioner Norman had questions about whether the subject site was the same site as the truck shop. Norman also had questions about the housing language.

Commissioner Frey requested clarification on the Shoreland Map, which Director Nichols referenced in her explanation to the Commission.

The Planning Commission proceeded to discuss the ESWD land and water dependent uses. Commissioner Slothower indicated that Aquaculture would meet the ESWD permitted uses.

Commissioner Norman raised questions about the management units and requested an explanation between Aquaculture and Mariculture. Director Nichols responded accordingly.

Planning Commissioner Scobby asked if there was a private entity interested in the project or just a plan for future development. Scobby inquired with City Staff about the ability to word the zoning regulations to encourage "dormitory" style housing. Director Nichols responded accordingly.

Slothower opened the Hearing to the public for comment.

- Jeff Griffin, the Port of Bandon Director, came up to speak. He discussed this proposed project, The Ports' current use with Aquaculture and why it is important. He indicated the 10-acre threshold is reasonable. Commissioner Slothower asked if fresh water and brackish water would be an issue for Aquaculture moving up the river. Jeff stated that it would not. He was asked if the amount of housing units would be sufficient, and he responded it is too early to tell but would probably be enough.
- Director Nichols made a general statement about all the housing inquiries; Housing must be outright permitted in all zones, but the Commission could put conditions on what type of housing and make certain types a Conditional Use or a Type III decision.
- Sheri McGrath, Coos Curry Consulting, came up to speak. She addressed the housing concerns and the zoning language. She addressed the definition of Aquaculture and Mariculture and stated that it was set by the State. She doesn't agree with restricting these properties even more regarding ESWD use. She was asked about Tax Lot 1500 and the sizes of the three lots on this site. The ArcGIS map was pulled up on the TV to clarify. She indicated using cluster housing as an option on this site.
- Director Nichols clarified the definition of dwelling versus dwelling unit and indicated that the Commission should designate which term to include in this amendment.
- Robert (Robin) S. Miller, representative of Moore Mill, came up to speak. He thanked Jeff Griffin, Sheri McGrath, Dana, Commissioners, and staff. He stated that the main concern right now just needs to be the zoning of this site. Any project is purely speculative at this point. Director Nichols clarified that the City Council had memorialized the findings that the zoning for this property is Heavy Industrial in Resolution 23-15.
- Planning Commissioner Starbuck asked if this was all just paperwork at this point. Director Nichols clarified that it was a change to the code pertaining to the zoning for the purposes of Aquaculture.

Public Comment period ended.

Commissioner Slothower stated he would like to open a discussion about the issues and details. He stated 1000 square feet per unit seems too small, and raised the question of whether residences are going to be outright permitted or conditional use. Commissioner Norman asked if they are approving a code change to allow aquaculture in Heavy Industrial Zoning. Commissioner Frey felt certain types of Aquacultures should be excluded and restrict this proposal to just on shore.

Jeff Griffin came up and spoke to those concerns. Jeff has a degree in marine biology, and he responded to the Commission that there is a lot of oversight for aquaculture which ensures environmental concerns are addressed. Director Nichols also responded that a

LUCS form is needed, with her sign off, by outside agencies as an extra layer of environmental protection. The discussion of size and types of housing was addressed by the Commissioners and Director Nichols.

A motion was made:

· **Recommend to the City Council approval of Amendments as presented, with the changes to Title 17.56.040, Limitations on maintained.**

· **Alternatively, an applicant may request additional dwellings through a Type II process.**

· **Stating that the total square footage of all residential uses must be less than 6000 sq ft.**

· **Adding in a requirement to #2D that crustacean and fin fish farming can only be permitted through a Type II process.**

Moved: Commissioner Norman

Seconded: Commissioner Jurkowski

Ayes: Commissioners Frey, Jurkowski, Norman, Orsi, Scobby and Starbuck

Nays: None

Absent: None

Motion is passed by Commissioner Slothower, Hearing is closed at 8:40 P.M.

6. DISCUSSIONS

6.1 Work session to discuss lot lines on corner lots and the impact on fence placement. The background of Bandon Municipal Code Language relevant to this topic was discussed. Director Nichols discussed that corner lots are a particular ongoing issue and presented an example of a corner lot where the front lot is adjacent to the side yard and the side lot faces the front of the house. She proposed to the Commission an interpretation be made that the front yard fence and it's required height be placed where the front door is, and/or where the address of the property is. Commissioners all agreed to that interpretation; Commissioner Scobby referenced her own property as an example of this interpretation. Codifying this in a future code clean-up was also agreed on. Commissioner Norman wanted to clarify if this was a code amendment. Director Nichols clarified this was only changing the application of the code right now.

7. STAFF UPDATE

7.1 Planning Department Report

Director Nichols reports there are 3 single-family dwelling requests, and five requests for accessory dwelling units. Five out of the ten System Development Charges waivers have been taken up.

A work session took place between the City Council and the Planning Commission on Monday January 22nd regarding the Transportation System Plan.

The City Council did not take action on the Public Access Ordinance. City Attorney Shayla Kudlac gave a background and update on the recreational immunity that has affected the Public Access Ordinance.

A Vacation Rental Application will be brought to the Commission for the February Meeting.

Gravel Point Approval was appealed by two entities, and will be heard by the City Council on February 21st at 6:00 P.M.

The Planning Department is pursuing an inter-governmental agreement with the Lane Council of Governments to begin having a GIS program. A consultant will be hired to develop layer files and at the end of that there will be a public facing GIS mapping system that shows items like parcel zoning, storm drainage, utilities, and laterals.

City met with Regional Solutions (15 different entities from the State level that help with getting projects "unstuck") on January 24th to discuss challenges that Bandon is having regarding HWY 101 & TSP, Gorse Removal, lack of available housing, and infrastructure.

Dana mentioned setting up a Coastal Land Use Goals Presentation/Work Session with Meg Reed from the DLCDC for the Commission.

8. OPEN DISCUSSIONS

8.1 Commissioner Comments

Commissioner Frey asked about the status of the Parametrix contract and their evaluation of the bike and walking paths. He also asked about the timetable on the recommendation from them. Director Nichols stated the survey response was low pertaining to that, so it is being kept open for an additional period. Planning Commissioner Orsi commented that he received an error message when trying to access that link for the TSP survey. Director Nichols responded she will look into that. There was a discussion on how to implement more public input on the survey. There will also be a public open house component to this.

9. ADJOURN: Commissioner Slothower adjourned the meeting at 9:06 P.M.

Planning Commission Meeting Minutes

Submitted by Nicolette Cline, Planning Assistant

Chapter 17.56

HEAVY INDUSTRIAL (HI) ZONE

Sections:

17.56.010	Purpose.
17.56.020	Permitted uses.
17.56.030	Conditional uses.
17.56.040	Limitations on uses.
17.56.050	Signs.
17.56.060	Lot size.
17.56.070	Yards.
17.56.080	Height of building.
17.56.090	Lot coverage.
17.56.100	Outside sales area.

17.56.010 Purpose.

The purpose of the HI zone is to provide space for industry to ensure the future well-being of the city.

17.56.020 Permitted uses.

In the HI zone, the following uses are permitted outright, along with their accessory uses, provided that the use promotes the purpose of the zone, and all other requirements of this title are met:

- A. Public utilities, including service structures.
- B. Aquaculture, Mariculture and other similar uses provided the total square footage of such use is smaller than 10 acres.

17.56.030 Conditional uses.

In the HI zone, the following uses and their accessory uses may be allowed in accordance with Chapter 16.12 and the provisions of this title:

- A. Manufacturing, repairing, compounding, fabrication, processing, packing and storage;
- B. Governmental building or use;
- C. Sales of products manufactured on site
- D. Aquaculture, Mariculture and other similar uses greater than 10 acres in size.

17.56.040 Limitations on uses.

The dedication of additional street width may be required when an officially adopted street plan or the nature of the proposed development indicates the need for additional width.

Dwelling units may be permitted as accessory uses (caretaker's units) if:

1. They are accessory to a permitted use at a density of no more than one unit per two acres.
2. The total square footage of such a unit must be less than 1000 square feet.

17.56.050 Signs.

See Chapter 17.90 Signs

17.56.060 Lot size.

In the HI zone, lot size shall have no requirements.

17.56.070 Yards.

In the HI zone a side or rear yard abutting a residential zone shall be at least twenty (20) feet.

17.56.080 Height of building.

In the HI zone, no structure within one hundred fifty (150) feet of a residential zone shall exceed a height of forty-five (45) feet.

17.56.090 Lot coverage.

In the HI zone, buildings shall not occupy more than seventy-five (75) percent of the developed lot or lots.

17.56.100 Outside sales area.

In the HI zone, any outside sales area shall be drained and paved or surfaced with crushed rock.

The only changes are to the Matrix are for Segment 8. The highlighted areas do not match the Comp Plan for your quick reference. I also adjusted the table, so that it is on two full pages with the headers in the correct locations.

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.

17.76.010 Purpose.

The purpose of the shoreland overlay zone is to implement the provisions of the shoreland management units adopted in the city's comprehensive plan. The uses for each shoreland management unit are shown in Table 17.76.130, Shoreland Uses/Activities Matrix. These management units are shown on the city's zoning map.

The requirements of this overlay zone are applied in addition to the requirements of the underlying zone. In cases where the requirements of this zone overlap or conflict with the requirements of the underlying zone, the more restrictive shall apply.

17.76.020 Permitted uses and activities.

Permitted uses and activities are designated for each management unit in Table 17.76.130, Shoreland Uses/Activities Matrix. To resolve possible conflicts, the following rules shall apply:

- A. Uses permitted in the shoreland overlay zone but conditional uses in the underlying zone shall be conditional uses.
- B. Uses permitted in the shoreland overlay zone but not permitted in the underlying zone shall not be permitted.
- C. Activities not listed in the underlying zone shall be permitted or not permitted according to this overlay zone.

17.76.030 Conditional uses and activities.

The conditional uses listed in Table 17.76.130, Shoreland Uses/Activities Matrix, may be allowed when in accordance with Chapter 16.12, applicable conditions of approval listed as footnotes on the table, and applicable policies of the comprehensive plan. Plan estuary Policies "A" through "U" are included herein by reference and made a part of this title.17.76.040 Correspondence with underlying zone.

Specific uses listed in the underlying zone but not listed in this overlay zone shall be considered under the general category of use which corresponds to the specific use.

17.76.050 Special provisions.

All uses and activities, whether permitted or conditional, must conform to the standards listed below and the shoreland uses/activities matrix, appearing as Table 17.76.130 in this chapter. These standards are applicable to wetlands shown on the National Wetlands Inventory Map and other inventory maps of the city.

- A. Dredged Material Disposal (DMD), Restoration (R), or Mitigation (M) Sites. Uses otherwise permitted by this title but proposed within a designated DMD, R or M site shall be permitted only upon satisfying all of the following criteria:
1. The proposed use must not entail substantial structural or capital improvements, such as roads, permanent structural or capital improvements, such as roads, permanent buildings, or non-temporary water and sewer connections;
 2. The proposed use must not require any major alteration of the site that would affect drainage or reduce the usable volume of the site, such as extensive site grading/excavation or elevation from fill;
 3. The proposed use must not require site changes that would prevent the expeditious conversion of the site to estuarine habitat.
- B. Significant Wildlife Habitat. These sites are limited to uses and activities which are consistent with the protection of natural values. Such uses may include harvesting wild crops and low-intensity recreational and educational activities not requiring developed facilities.
- C. Riparian Vegetation. Riparian vegetation shall be protected as per Section 17.104.100, and by requiring a site plan showing (as applicable):
1. The shoreline;
 2. The shorelands plan boundary;
 3. The extent of riparian vegetation;
 4. The details of proposed construction or access and any proposed vegetation removal;
 5. The above shall be shown for an area within fifty (50) feet horizontal distance from the line of non-aquatic vegetation.
- D. Areas Especially Suited for Water-Dependent Uses (ESWD). Any use proposed for a site designated as ESWD on the special features map must be found to be consistent with comprehensive plan Policy "L."
- E. Historic Structures and Sites. The Breuer Building, the Bandon Lighthouse, the Old Coast Guard Building and the Moore Mill Truck Shop are protected by the historic-cultural overlay zone (HC), and all uses shall be consistent with comprehensive plan Policy 2--Historical and Archaeological Preservation.

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

- A. The following provisions shall be applied as applicable to implement Chapter

17.64: The applicant may request a pre-application conference which will be held within ten (10) days of the request.

- B. The purpose of the conference shall be to acquaint the applicant with the substantive and procedural requirements of this title and the comprehensive plan, provide for an exchange of information regarding applicable elements of the comprehensive plan and city ordinances, determine what technical and design assistance will be needed to aid the applicant, identify previously approved development proposals of a similar nature into conformance with necessary state and/or federal permit requirements, indicate what information will be required to review the application, and otherwise identify policies and requirements of this title that create opportunities or pose constraints for the proposed development.

17.76.070 Notification of public agencies.

For conditional uses within the shoreland overlay zone, the following agencies shall be notified by mail according to the notice provisions as stated in Chapter 16.04:

- A. State agencies:
 - 1. Division of State Lands,
 - 2. Department of Fish and Wildlife,
 - 3. Department of Environmental Quality;
- B. Federal agencies:
 - 1. Army Corps of Engineers,
 - 2. National Marine Fisheries Service,
 - 3. U.S. Fish and Wildlife Service;
- C. Other notification (where applicable):
 - 1. State Water Resource Department (uses including appropriation for water only),
 - 2. State Department of Geology and Mineral Industries (mining and mineral extraction only),
 - 3. State Department of Energy (generating and other energy facilities only),
 - 4. Department of Economic Development (docks, industrial and port facilities and marinas, only).

17.76.080 Information to be provided.

In addition to the information listed in Chapter 16.12 and in the underlying zone and in other parts of this title, the following information may be required, as applicable:

- A. Identification of resources existing at the site;
- B. Description of the types of alteration to occur, if any, including information detailing the extent of the alteration, such as:
 - 1. Area measurement,
 - 2. Site coverage,
 - 3. Depth to which alterations will extend,
 - 4. Volume of material removed or placed as fill;
- C. Effects of the proposed use on physical characteristics of the estuary and the proposed site, such as:
 - 1. Flushing,
 - 2. Patterns of circulation and other hydraulic factors,
 - 3. Erosion and accretion patterns,
 - 4. Salinity, temperature and dissolved oxygen,

5. Biological and chemical oxygen demand,
 6. Turbidity and salinity characteristics of the water;
- D. Effects of the proposed use on biological characteristics of the estuary and shorelands such as:
1. Benthic habitats and communities,
 2. Anadromous fish migration routes,
 3. Fish and shellfish spawning and rearing areas,
 4. Primary productivity, resting, feeding and nesting areas for migratory and resident shorebirds, wading birds and other waterfowl,
 5. Riparian vegetation,
 6. Wildlife habitat;
- E. Effects of the proposed use on other established uses in the area;
- F. Impacts of the proposed use on navigation and public access to shoreland or estuarine areas;
- G. Assurance that structures have been properly engineered;
- H. Alternative project designs and/or locations which have been considered in order to minimize preventable adverse impacts;
- I. Steps which have been taken to minimize or avoid adverse impacts;
- J. If application has been made to the Corps of Engineers of Oregon Division of State Lands for permit approval, applications for local approval shall include the federal/state permit application and information submitted with that request;
- K. A set of findings which demonstrate compliance with the applicable policies, standards, the criteria required by the comprehensive plan and this title;
- L. Maps, photographs, or other descriptive materials showing how the siting, design, operation and maintenance chosen by the applicant meets the policies, standards and criteria of the comprehensive plan and this title.

17.76.090 Resource capabilities test.

Certain uses in estuarine areas require findings of consistency with the resource capabilities of the area. For uses and activities requiring the resource capabilities test, a special condition is noted in the applicable subdistrict. Other uses either do not require the test or adequate findings are already included in the comprehensive plan. The provisions of this section apply only to those uses and activities for which the resource capabilities test is required as a special condition.

- A. A determination of consistency with resource capabilities shall be based on:
1. Identification of resources existing at the site, including environmental (e.g., aquatic life and habitat present, benthic populations, migration routes) and social and economic factors (navigation channels, public access facilities, areas especially suited for water-dependent use);
 2. Evaluation of impacts on those resources by the proposed use;
 3. Determination of whether the resources can continue to achieve the purpose of the management unit if the use is approved.
- B. In determining consistency of a proposed use with the resource capabilities of the area, the city shall rely on federal or state resource agencies for regulated activities in estuarine areas. Findings must show that the proposed use is consistent with the permits approved for that area. The city may submit proposed findings to the permit-issuing agency as a part of the local review and comment process.
(Amended during 2000 codification)

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

Uses and activities which involve dredge, fill or other significant reductions or degradations of natural estuarine values are allowed in the respective management units only if such actions are found to be consistent with comprehensive plan Policy "E." For the purpose of this requirement, "significant" shall be determined by:

- A. The U.S. Army Corps of Engineers through its Section 10 and 404 permit processes; or
- B. The Department of Environmental Quality for approvals of new aquatic log storage areas only; or
- C. The Department of Fish and Wildlife for new aquaculture proposals only.
(Amended during 2000 codification)

17.76.110 Impact assessment.

Findings for uses in Sections 17.76.090 and 17.76.100 shall be made according to comprehensive plan Policy "E." Findings need not be lengthy or complex, but it shall provide a clear understanding of the impacts to be expected.

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

If the city is notified by DSL that a state or federal permit has been requested for a use or activity which is permitted outright or permitted with standards, the following provisions shall apply:

- A. No application to the city is necessary for uses or activities which do not require local approval. Local input shall be provided to permit granting agencies in response to public notice provisions of their application procedures.
- B. The fact that a use or activity is permitted, permitted conditionally or not permitted shall be reported to the permit granting agency within three working days of a public notice or other request for such information. The report shall contain a statement of what, if any, standards and conditions must be applied if the permit is granted, and the need, if any, for other local permits for uses associated with the regulated activities. Also, the city may submit proposed findings to the permit agency as a part of the local review and comment process.

17.76.130 Shoreland uses/activities matrix.

Shoreland uses/activities in the SO zone are shown in the following table:

Table 17.76.130: SHORELAND USES/ACTIVITIES MATRIX

Shorelands Mgmt Unit No. Plan Designation Uses	1	2	3A	3E	4	5	6	7	8	9	10	11	12	
	PF	CD	MC	ESWD	PF	UR	OTC	OS	CD I	P F	NR	NR	CD	
Aquaculture	NP	NP	P	P	NP	P	NP	NP	NP	P	NP	CU	CU	NP
Commercial Uses														
Water-dependent	NP	NP	P	P	NP	NP	NP	NP	NP	P	NP	NP	NP	NP
Water-related	NP	NP	P	CU*	NP	NP	CU	NP	P	NP	NP	NP	NP	NP
Not dependent or related	NP	CU	P	NP	NP	NP	CU	NP	P	NP	NP	NP	NP	NP
Water oriented	NP	CU	P	NP	NP	NP	P	NP	P	NP	NP	NP	NP	NP
Industrial Uses														
Water-dependent	NP	NP	P	P	NP	NP	NP	NP	NP	P	NP	NP	NP	NP
Water-related	NP	NP	P	CU*	NP	NP	CU	NP	P	NP	NP	NP	NP	NP
Not dependent or related	NP	NP	P	NP	NP	NP	CU	NP	P	NP	NP	NP	NP	NP
Log Storage	NP	NP	NP	NP	NP	NP	NP	NP	NP	P	NP	NP	NP	NP
Marinas (shore facilities)	NP	NP	NP	P	NP	NP	NP	NP	CU	NP	NP	NP	NP	NP
Recreational Uses														
Water-dependent	P	CU	P	P	P	P	NP	NP	NP	P	P	P1	P1	P1
Water-related	NP	CU	P	CU*	P	P	P	NP	NP	NP	NP	P1	P1	P1
Not dependent or related	NP	CU	P	NP	P	P	P	P	NP	CU	NP	P1	P1	P1
Residential	NP	CU	P	NP	NP	P	P	NP	P	NP	NP	NP	NP	CU6
Utilities	P	P	P	CU*	P	CU	P	P	P	P	CU	CU	CU	P
Parks and Sanctuary	P	CU	CU	NP	CU	CU	P	P	CU	P	P	P	P	CU
Harvest Wild Crops	P	P	NP	NP	NP	P	NP	P	NP	P	P	P	P	P
Pub. Use Structure including Recreational	P	CU	CU	CU*	P	CU	CU	P	CU	P	CU	CU	CU	CU
Historical Struc. including Rehab.	P	CU	CU	CU*	P	CU	CU	P	CU	P	CU	CU	CU	CU

Shorelands Mgmt Unit No. Plan Designation Uses	1	2	3A	3E	4	5	6	7	8	9	10	11	12
	PF	CD	M C	ESW D	PF	UR	OT C	OS	GD I	PF	NR	NR	CD
Forest Products													
Propagation & selective harvest	NP	NP	NP	NP	NP	NP	NP	NP	NP P	NP	CU	CU	NP
Grazing	NP	NP	NP	NP	NP	NP	NP	CU	NP	NP	CU	CU	NP
Dredged Material													
Disposal	NP	NP	NP	NP	NP	NP	NP	NP	CU 2,3,5	NP	CU 2,3,5	NP	NP
Dune Stabilization and Restoration													
Active	NP	CU	NP	NP	NP	NP	NP	NP	NP	NP	CU	CU	CU
Passive	NP	P	NP	NP	NP	NP	NP	NP	NP	NP	P	P	P
Fill	P	P7	P	P	P	P	P	P	P	P	P	P	P
Land Division	NP	P	P	P	NP	P	P	P	P	NP	CU	CU	CU
Mitigation	NP	P	NP	NP	NP	NP	NP	NP	P	NP	P	P	CU
Shoreline Stabilization													
Structural	CU 4	CU4	CU4	CU4	CU4	NP	CU4	NP	CU4	CU4	CU4	CU4	CU4
Nonstructural	P	P	P	P	P	P	P	P	P	P	P	P	P

PF Public Facilities
 CD Controlled Development
 MC Marine Commercial
 UR Urban Residential
 P Permitted
 CU Conditional Use
 NP Not Permitted
 * Must be in conjunction with a water-dependent use
 OTC Old Town Commercial
 OS Open Space
 I Industrial
 NR Natural Resource

Endnotes

1. Low intensity uses only
2. In designated site only
3. Dredged material disposal (DMD) must include stabilization measures to control runoff and prevent sloughing
4. Subject to comprehensive plan policy "I"
5. Subject to comprehensive plan policy "N"
6. See Bandon comprehensive plan, Part V, Land Use Classifications, Public and Environmental Areas, Natural Resource Areas
7. Fill subject to specific requirements of the CD-2 zone Chapter 17.24.110



Date of Notice: January 3rd, 2024

NOTICE OF PUBLIC HEARING

Planning Commission: Thursday, January 25th, 2024, 7:00 PM

City Council: Monday, March 4th, 2024, 7:00 PM

Proposal: The City of Bandon will hold public hearings at the above dates to consider an ordinance to amend Title 17, Chapters 17.02, *Definitions*, 17.56 *Heavy Industrial Zone*, and 17.76 *Shoreland Overlay Zone* of the Bandon Municipal Code and make corrections to the Comprehensive Plan related to aquaculture.

Location: All meetings will begin at 7:00 PM at the City of Bandon Council Chambers, located at 555 HWY 101, Bandon, Oregon, 97411. These meetings are open to the public. You may also access the meeting online using the following information:

Meeting Link: <https://us02web.zoom.us/j/2157059460>

Meeting ID: 215 705 9460

How can I Participate?

The City of Bandon strongly encourages community members to provide testimony on this topic. We encourage you to notify your neighbors, renters, and others who might be interested in, or affected by, the decision.

The Planning Commission and City Council will each hold hearings where both written and oral testimony can be provided. Testimony can be mailed to the City of Bandon, Attn: Planning Department, PO Box 67, Bandon, OR, 97411 or emailed to planning@cityofbandon.org. The following dates should be noted for testimony deadlines:

Planning Commission Hearing

- **5:00 pm, January 17th, 2024:** Deadline for inclusion of testimony in meeting packet.
- **5:00 pm, January 24th, 2024:** Deadline for electronic (e-mail or FAX), hand delivered or US mail testimony.
- **After 5:00 pm on January 24th, 2024:** Testimony must be presented at the hearing.

City Council Hearing

- **5:00 pm, February 27th, 2024:** Deadline for inclusion of testimony in meeting packet.
- **5:00 pm, March 1st, 2024:** Deadline for electronic (e-mail or FAX), hand delivered or US mail testimony.
- **After 5:00 pm on March 1st, 2024:** Testimony must be presented at the hearing.

All public testimony received by the Planning Commission will also be forwarded to the City Council. The City Council's decision will not be limited to the materials considered by the Planning Commission as new testimony and evidence may be submitted at the City Council's public hearing. The ordinance

criterion applicable to this application is available to review online at www.cityofbandon.org. Oregon law states that failure to raise an objection concerning this application, either in person or by letter, or failure to provide sufficient specificity to afford the decision maker an opportunity to respond to the issue, precludes your right of appeal to the Land Use Board of Appeals (LUBA) on that issue. Failure to specify which ordinance criterion the objection is based on also precludes your right of appeal to LUBA on that criterion.

What is the hearing process?

The Planning Commission will hold the initial public hearing on January 25th, 2024, at 7:00 PM. At the public hearing, the Commission will receive public testimony and may deliberate and make a recommendation to the City Council. They may also schedule additional meetings for deliberations on this matter. The City Council is expected to hold a public hearing on March 4th, 2024, unless the Planning Commission schedules additional deliberations. At the public hearing, the City Council will receive public testimony and may deliberate and make a decision at that meeting. Based on testimony, applicable review criteria, and recommendations of City Staff and the Planning Commission, the City Council will approve, modify, or deny the proposed ordinance language, or they may schedule additional meetings to deliberate.

Any participant in the hearing may request that the hearing be continued to a second hearing or may request the written record remain open for seven days to allow for the submittal of additional written testimony. However, because this hearing is a legislative hearing, it is not mandatory for the City Council to grant such requests. Notwithstanding the requirements of ORS 197.830(2), persons who participated either orally or in writing in the local government proceedings leading to the adoption of a text amendment may appeal the decision to the Land Use Board of Appeals. Appeals to LUBA must be filed within 21 days of the notice of decision mailing.

What are the criteria?

Chapter 16.32 of the Bandon Municipal Code describes the process and criteria for making a determination on an amendment to the text of the zoning code. This section states that the Planning Commission shall make a recommendation to the City Council to approve, approve with conditions, or deny the amendment. The City Council may hold a public hearing and amendments shall be adopted by ordinance. The amendment will be evaluated for consistency with the City's Comprehensive Plan and findings made to ensure the proposed change will not adversely affect the city's land use, transportation, and utility service needs or capacities.

How can I learn more?

The proposed ordinance is available for inspection at the City of Bandon Planning Department at no cost, or hard copies can be made available for purchase at the actual cost of copying. A copy of the Staff Report will be available for inspection at the City of Bandon Planning Department at no cost at least one week prior to the public hearing.

The City will also make these materials available on the website as a courtesy, prior to the hearings: <https://www.cityofbandon.org/planning/page/pending-land-use-decisions>

Please contact City of Bandon Planning Department staff for more information at: (541) 347-7922. Office hours are Monday-Thursday, 9:00 AM – 3:00 PM.