




# 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 

**INITIATED BY:** Dana Nichols, Planning Director 

**DATE:** March 4<sup>th</sup>, 2024

**SUBJECT:** **ITEM 5.2 PUBLIC HEARING: ORDINANCE 1663, AN ORDINANCE AMENDING CHAPTER 2.18 OF THE BANDON MUNICIPAL CODE AND PROVIDING AN EFFECTIVE DATE**

### BACKGROUND:

All cities in Oregon are required to follow the 19 Statewide Land Use Planning Goals (where applicable), which are the foundation of Oregon's Land Use Planning Program. Goal one is titled *Citizen Involvement* and calls for the opportunity for citizens to be involved in all phases on the planning process.<sup>1</sup> Each city has a citizen involvement program, which must include an officially recognized committee for citizen involvement (CCI). The City of Bandon regulates the existence of the CCI through Chapter 2.18 of the Bandon Municipal Code. Currently, the code states that the CCI is comprised of seven members: one (1) member of the City Council, one (1) member of the Planning Commission, two (2) members from the City's Standing Committees, and three (3) at-large members from the general public. Staff is requesting an amendment to this code to appoint the Planning Commission as the CCI instead.

### ANALYSIS OF THE ISSUES:

The City has struggled to maintain membership of a CCI and does not have the resources required to properly manage another committee with the limited staff available. The CCI is intended to be broadly representative of geographic areas and interests related to land use and land use decisions. The composition of the Planning Commission meets these requirements and has the ability to serve this role.

There is an allowance in State law for the governing body to assign the responsibilities of implementing the citizen involvement program to the Planning Commission. To do so, the City must submit a letter to the Land Conservation and Development Commission for the state Citizen Involvement Advisory Committee's review stating the rationale for selecting this option, as well as indicating the mechanism to be used for an evaluation of the citizen

<sup>1</sup> Oregon's Statewide Planning Goals & Guidelines, Goal 1: Citizen Involvement, OAR 660-015-0000(1)  
<https://www.oregon.gov/lcd/OP/Documents/goal01.pdf>

involvement program. A draft letter indicating as such is attached for City Council review and consideration.

Should the City Council agree to assign the responsibilities of the citizen involvement program to the Planning Commission, Staff recommends holding a public hearing to consider amendments to Chapter 2.18 of the Bandon Municipal Code authorizing this change.

**FISCAL IMPACT:**

None.

**RECOMMENDATION:**

The following is recommended to the City Council:

1. Review and discuss the information provided; and
2. Make a motion to sign the draft letter found in Attachment 2; and
3. Hold a public hearing to consider ORDINANCE 1663, AN ORDINANCE AMENDING CHAPTER 2.18 OF THE BANDON MUNICIPAL CODE AND PROVIDING AN EFFECTIVE DATE, and
4. Request the City Attorney read Ordinance 1663 by Title only (First Reading); and
5. Make a motion to approve ORDINANCE 1663, AN ORDINANCE AMENDING CHAPTER 2.18 OF THE BANDON MUNICIPAL CODE AND PROVIDING AN EFFECTIVE DATE, by a roll call vote; and
6. Request the City Attorney read Ordinance 1663 by Title only (Second Reading); and
7. Make a motion to adopt ORDINANCE 1663, AN ORDINANCE AMENDING CHAPTER 2.18 OF THE BANDON MUNICIPAL CODE AND PROVIDING AN EFFECTIVE DATE, by a roll call vote.

Attachments:

1. Attachment 1: Oregon's Statewide Planning Goals & Guidelines, Goal 1: Citizen Involvement
2. Attachment 2: Letter to Land Conservation and Development Commission
3. Attachment 3: Ordinance 1663

# Oregon's Statewide Planning Goals & Guidelines

## GOAL 1: CITIZEN INVOLVEMENT

### OAR 660-015-0000(1)

**To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.**

The governing body charged with preparing and adopting a comprehensive plan shall adopt and publicize a program for citizen involvement that clearly defines the procedures by which the general public will be involved in the on-going land-use planning process.

The citizen involvement program shall be appropriate to the scale of the planning effort. The program shall provide for continuity of citizen participation and of information that enables citizens to identify and comprehend the issues.

Federal, state and regional agencies and special-purpose districts shall coordinate their planning efforts with the affected governing bodies and make use of existing local citizen involvement programs established by counties and cities.

The citizen involvement program shall incorporate the following components:

**1. Citizen Involvement -- To provide for widespread citizen involvement.**

The citizen involvement program shall involve a cross-section of affected citizens in all phases of the planning process. As a component, the program for citizen involvement shall include an officially recognized committee for citizen involvement (CCI) broadly

representative of geographic areas and interests related to land use and land-use decisions. Committee members shall be selected by an open, well-publicized public process.

The committee for citizen involvement shall be responsible for assisting the governing body with the development of a program that promotes and enhances citizen involvement in land-use planning, assisting in the implementation of the citizen involvement program, and evaluating the process being used for citizen involvement.

If the governing body wishes to assume the responsibility for, development as well as adoption and implementation of the citizen involvement program or to assign such responsibilities to a planning commission, a letter shall be submitted to the Land Conservation and Development Commission for the state Citizen Involvement Advisory Committee's review and recommendation stating the rationale for selecting this option, as well as indicating the mechanism to be used for an evaluation of the citizen involvement program. If the planning commission is to be used in lieu of an independent CCI, its members shall be selected by an open, well-publicized public process.

**2. Communication -- To assure effective two-way communication with citizens.**

Mechanisms shall be established which provide for effective communication between citizens and elected and appointed officials.

**3. Citizen Influence -- To provide the opportunity for citizens to be involved in all phases of the planning process.**

Citizens shall have the opportunity to be involved in the phases of the planning process as set forth and defined in the goals and guidelines for Land Use Planning, including Preparation of Plans and Implementation Measures, Plan Content, Plan Adoption, Minor Changes and Major Revisions in the Plan, and Implementation Measures.

**4. Technical Information -- To assure that technical information is available in an understandable form.**

Information necessary to reach policy decisions shall be available in a simplified, understandable form. Assistance shall be provided to interpret and effectively use technical information. A copy of all technical information shall be available at a local public library or other location open to the public.

**5. Feedback Mechanisms -- To assure that citizens will receive a response from policy-makers.**

Recommendations resulting from the citizen involvement program shall be retained and made available for public assessment. Citizens who have participated in this program shall receive a response from policy-makers. The

rationale used to reach land-use policy decisions shall be available in the form of a written record.

**6. Financial Support -- To insure funding for the citizen involvement program.**

Adequate human, financial, and informational resources shall be allocated for the citizen involvement program. These allocations shall be an integral component of the planning budget. The governing body shall be responsible for obtaining and providing these resources.

**GUIDELINES**

**A. CITIZEN INVOLVEMENT**

1. A program for stimulating citizen involvement should be developed using a range of available media (including television, radio, newspapers, mailings and meetings).

2. Universities, colleges, community colleges, secondary and primary educational institutions and other agencies and institutions with interests in land-use planning should provide information on land-use education to citizens, as well as develop and offer courses in land-use education which provide for a diversity of educational backgrounds in land-use planning.

3. In the selection of members for the committee for citizen involvement, the following selection process should be observed: citizens should receive notice they can understand of the opportunity to serve on the CCI; committee appointees should receive official notification of their selection; and

committee appointments should be well publicized.

## **B. COMMUNICATION**

Newsletters, mailings, posters, mail-back questionnaires, and other available media should be used in the citizen involvement program.

## **C. CITIZEN INFLUENCE**

**1. Data Collection** - The general public through the local citizen involvement programs should have the opportunity to be involved in inventorying, recording, mapping, describing, analyzing and evaluating the elements necessary for the development of the plans.

**2. Plan Preparation** – The general public, through the local citizen involvement programs, should have the opportunity to participate in developing a body of sound information to identify public goals, develop policy guidelines, and evaluate alternative land conservation and development plans for the preparation of the comprehensive land-use plans.

**3. Adoption Process** – The general public, through the local citizen involvement programs, should have the opportunity to review and recommend changes to the proposed comprehensive land-use plans prior to the public hearing process to adopt comprehensive land-use plans.

**4. Implementation** - The general public, through the local citizen involvement programs, should have the opportunity to participate in the development, adoption, and application of legislation that is needed to carry out a comprehensive land-use plan. The

general public, through the local citizen involvement programs, should have the opportunity to review each proposal and application for a land conservation and development action prior to the formal consideration of such proposal and application.

**5. Evaluation** - The general public, through the local citizen involvement programs, should have the opportunity to be involved in the evaluation of the comprehensive land use plans.

**6. Revision** - The general public, through the local citizen involvement programs, should have the opportunity to review and make recommendations on proposed changes in comprehensive land-use plans prior to the public hearing process to formally consider the proposed changes.

## **D. TECHNICAL INFORMATION**

1. Agencies that either evaluate or implement public projects or programs (such as, but not limited to, road, sewer, and water construction, transportation, subdivision studies, and one changes) should provide assistance to the citizen involvement program. The roles, responsibilities and timeline in the planning process of these agencies should be clearly defined and publicized.

2. Technical information should include, but not be limited to, energy, natural environment, political, legal, economic and social data, and places of cultural significance, as well as those maps and photos necessary for effective planning.

### **E. FEEDBACK MECHANISM**

1. At the onset of the citizen involvement program, the governing body should clearly state the mechanism through which the citizens will receive a response from the policy-makers.

2. A process for quantifying and synthesizing citizens' attitudes should be developed and reported to the general public.

### **F. FINANCIAL SUPPORT**

1. The level of funding and human resources allocated to the citizen involvement program should be sufficient to make citizen involvement an integral part of the planning process.



# City of Bandon

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March 4<sup>th</sup>, 2024

Land Conservation and Development Commission  
Attn: Citizen Involvement Advisory Committee  
DLCD Salem Office  
635 Capitol St NE, Suite 150  
Salem, OR 97301-2540

To whom it may concern:

The City of Bandon respectfully requests that the Land Conservation and Development Commission's Citizen Involvement Advisory Committee accept our request to allow the City's Planning Commission to assume the responsibility to implement the City's Citizen Involvement Program. Currently, the Bandon Municipal Code states that the Committee for Citizen Involvement shall be made up of members of the City's governing body, advisory commissions, and members-at-large. In a small community, it has been challenging to maintain active participation of all members, and with limited staff, coordinating these meetings has also proven difficult. In an effort to efficiently and effectively implement our Citizen Involvement Program, the City prefers to use the services of our Planning Commission.

The Planning Commission meets the requirements set forth in OAR 660-015-0000(1) and meet regularly to allow for public input. The City proposes designate a portion of each well-publicized public Planning Commission meeting as a time to discuss the Citizen Involvement Program and ensure we are meeting our statutory requirements.

If you have any questions about our proposed change, please feel free to contact the City of Bandon for more information.

Sincerely,

Mary Schamehorn,  
Mayor of Bandon

## ORDINANCE 1663

### AN ORDINANCE AMENDING CHAPTER 2.18 OF THE BANDON MUNICIPAL CODE, COMMITTEE FOR CITIZEN INVOLVEMENT AND PROVIDING AN EFFECTIVE DATE.

#### THE CITY OF BANDON ORDAINS AS FOLLOWS:

#### SECTION 1. CHAPTER 2.18, COMMITTEE FOR CITIZEN INVOLVEMENT

Chapter 2.18, Committee for Citizen Involvement, is amended as follows (strikeout shows removed language, bold shows additions):

Chapter 2.18

COMMITTEE FOR CITIZEN INVOLVEMENT Sections:

- 2.18.010 Membership
- 2.18.020 Terms of Appointment
- 2.18.030 Responsibilities of the CCI
- 2.18.040 Meetings
- 2.18.050 Implementation

Ordinance History: #1516, **1662**

##### 2.18.010 Membership

The membership shall consist of **the appointed members of the Planning Commission.** ~~seven members. These members shall include a member of the City Council, a member of the Planning Commission, two members selected from the City's Standing Committees, and three at-large members from the general public.~~

##### 2.18.020 Terms of Appointment

- A. ~~The terms of members of the City Council, Planning Commission and standing committee appointments~~ appointed to the CCI shall expire when their ~~Council, Commission or Committee~~ appointment expires.
- B. ~~At-large members shall be appointed to four year terms. Members will be selected and serve in accordance with the Standing Committee rules.~~

##### 2.18.030 Responsibilities of the CCI

- A. Under the direction of the City Council, **the Planning Commission** shall ensure that the Citizen Involvement Program is being implemented, **acting as the CCI.**
- B. **The Planning Commission, acting as the CCI,** shall make an annual written report to the City Council that assesses the effectiveness and overall implementation of the Citizen Involvement Program.

~~Copies will be distributed to all Standing Committee members.~~

- C. **The Planning Commission** shall assist citizens and citizen groups in becoming aware of opportunities provided by the Citizen Involvement Program.
- D. **The Planning Commission** shall make recommendations to the City Council for improving the Citizen Involvement Program if necessary.



E. **The Planning Commission** shall perform such other duties, **acting as the CCI**, as directed by the City Council.

2.18.040 Meetings

- A. The CCI shall meet **at regularly scheduled Planning Commission meetings**, ~~at least bi-monthly in an open public meeting~~, and more often if the Council or the CCI determines it necessary.
- B. The CCI shall conduct its proceedings in accordance with this chapter and Robert's Rules of Order.
- C. The CCI will be staffed by the Planning Director or, in his/her absence, the City Manager.

**Section 4.** The City Recorder, at the request of, or with the concurrence of the City Attorney, is authorized to administratively correct any reference error contained herein or in other provisions of the Bandon Municipal Code, to the provisions added, amended, or repealed herein.

**Section 5.** If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof. Further, if this Ordinance is remanded back to the City Council for further action by the Oregon Land Use Board of Appeals, those sections, subsections, sentences, clauses, phrases or portions that do not require action on remand shall be deemed separate, distinct, and independent provisions and such remand shall not affect their validity or effect.

**Section 6.** This Ordinance shall take effect pursuant to section 37 of the Bandon Charter, the thirtieth day after its enactment.

PASSED to a second reading this \_\_\_\_ day of \_\_\_\_\_ 2024 on a roll call vote, \_\_\_\_

ADOPTED by the City Council this \_\_\_\_ day of \_\_\_\_\_ 2024 on a roll call vote, \_\_\_\_

\_\_\_\_\_  
Mary Schamehorn, Mayor

Attest:

\_\_\_\_\_  
June Hinojosa, City Recorder