



# City of Bandon

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*Bandon by the Sea*

## **CITY OF BANDON PLANNING COMMISSION MEETING THURSDAY JANUARY 25<sup>TH</sup>, 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 5<sup>th</sup>, 2023
- 3.2 Special Meeting November 2<sup>nd</sup>, 2023
- 3.3 Regular Meeting November 16<sup>th</sup>, 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

Nayes: 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 22<sup>nd</sup> 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 21<sup>st</sup> 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 24<sup>th</sup> 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 DLCD 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