




City of Bandon


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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: April 1, 2024

SUBJECT: **5.1 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 Lane 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.¹ 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 are 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. While the State Law technically states that the City must submit a letter to the state's Citizen Involvement Advisory Committee (CIAC) for review stating the rationale for selecting this option, as well as indicating the mechanism to be used for an evaluation of the citizen involvement

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

program, when Staff contacted DLCD, they stated this is not required. Staff spoke with Sadie Carney, a Policy Analyst & Communications Manager in the Director's Office who has offered to bring an item to the CIAC in the future if we desire recommendations to improve our CCI or modify the citizen involvement program.

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. 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
3. Request the City Attorney read Ordinance 1663 by Title only (First Reading); and
4. 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
5. If the full Council is present, request the City Attorney read Ordinance 1663 by Title only (Second Reading); and
6. 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: Ordinance 1663, AN ORDINANCE AMENDING TO CHAPTER 2.18 OF THE BANDON MUNICIPAL CODE AND PROVIDING AN EFFECTIVE DATE

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 is amended to provide 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 2. 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 3. 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 4. 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