




City of Bandon


555 Hwy 101, PO Box 67
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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: **5.2 CONTINUED PUBLIC HEARING: ORDINANCE 1665, AN ORDINANCE AMENDING THE HEAVY INDUSTRIAL ZONE CODE & COMPREHENSIVE PLAN AND PROVIDING AN EFFECTIVE DATE, PLANNING ACTION 23-055**

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 Heavy Industrial. 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.*

At the last meeting, the City Council opened the Public Hearing to hear a staff report and take comments from the public. Out of an abundance of caution, the City Council moved to continue the hearing to ensure proper noticing procedures were followed. The City Council must reopen the hearing to allow for any additional comments before making a decision.

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 ORDINANCE 1665, AN ORDINANCE AMENDING THE HEAVY INDUSTRIAL ZONE CODE & COMPREHENSIVE PLAN AND PROVIDING AN EFFECTIVE DATE, and
3. Request the City Attorney read Ordinance 1665 by Title only (First Reading); and
4. Make a motion to approve ORDINANCE 1665, AN ORDINANCE AMENDING THE HEAVY INDUSTRIAL ZONE CODE & COMPREHENSIVE PLAN AND PROVIDING AN EFFECTIVE DATE, by a roll call vote; and
5. If the full Council is present, request the City Attorney read Ordinance 1665 by Title only (Second Reading); and
6. Make a motion to adopt ORDINANCE 1665, AN ORDINANCE AMENDING THE HEAVY INDUSTRIAL ZONE CODE & COMPREHENSIVE PLAN AND PROVIDING AN EFFECTIVE DATE, by a roll call vote.

Attachments: Attachment 1: Record of the Planning Commission Hearings

Attachment 2: ORDINANCE 1665, AN ORDINANCE AMENDING THE HEAVY INDUSTRIAL ZONE CODE & COMPREHENSIVE PLAN AND PROVIDING AN EFFECTIVE DATE



City of Bandon

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Bandon by the Sea

PLANNING COMMISSION AGENDA ITEM	DATE: 1/25/2024
SUBJECT: PUBLIC HEARING: 23-055, HEAVY INDUSTRIAL CODE AMENDMENT & COMPREHENSIVE PLAN UPDATE	ITEM NO: 5.1

BACKGROUND:

See attached staff report and materials.

FISCAL IMPACT:

None.

RECOMMENDATION:

The Planning Commission may recommend approval, approval with modifications, or denial of the proposed legislative (Type IV) amendment to the City Council. The following motion may be used:

"I move to recommend to the City Council approval of application 23-055 as presented in the staff report (or as amended here)."

SUBMITTED BY:

Dana Nichols

Dana Nichols, Planning Director

**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
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.

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 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 uses more than 10 acres in size.

17.56.040 Limitations on uses.

A. 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.

- B. Residential uses may be permitted as accessory uses with Aquaculture if:
 - 1. They are in conjunction with and incidental 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.

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.

SHORELAND OVERLAY (SO) ZONE/SHORELAND ACTIVITIES MATRIX

Shorelands Mgt. Units	1	2	3A	3E	4	5	6	7	8	9	10	11	12
Plan Designation	PF	CD	MC	ESWD	PF	UR	OTC	OS	I	PF	NR	NR	CD
USES – Aquaculture	NP	NP	P	P	NP	P	NP	NP	P	NP	CU	CU	NP
Commercial Uses													
Water-Dependent	NP	NP	P	P	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	NPNP	NP	P	P	NP	NP	NP	NP	P	NP	NP	NP	NP
Water-Related		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	P	NP	NP	NP	NP
Marinas (on-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	P	P1	P1	P1	P1
Water-Related	NP	CU	P	CU*	P	P	P	CU	CU	P1	P1	P1	P1
Not Dependent Or Related	NP	CU	P	P	P	P	P	P	CU	P1	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 & Sanctuary	P	CU	CU	NP	CU	CU	P	P	CU	P	P	P	CU
Harvest Wld Crops	P	P	NP	NP	NP	P	NP	P	P	P	P	P	P
Pub Use Structure	P	CU	CU	CU*	P	CU	CU	P	CU	P	CU	CU	CU
Including Recreational													
Hist Structures, Including Rehab	CU	CU	CU	CU*	NP	CU	CU	NP	CU	CU	CU	CU	CU
Forest Products	NP	NP	NP	NP	NP	NP	NP	NP	P	NP	CU	CU	NP
Propagation and Selective Harvest													
Grazing	NP	NP	NP	NP	NP	NP	NP	CU	NP	NP	CU	CU	NP

	1	2	3A	3E	4	5	6	7	8	9	10	11	12
Shorelands Mgt. Units													
Plan Designation - Activities -	PF	CD	MC	ESWD	PF	UR	OTC	OS	I	PF	NR	NR	CD
Dredged Material Disposal	NP	NP	NP	NP	NP	NP	NP	NP	CU	NP	CU	NP	NP
										2, 3, & 5			
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	NP	NP	P	CU	NP	NP	NP	NP	P	P	NP	NP	CU
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	CU4	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
OTC - Old Town Commercial
OS - Open Space
I - Industrial
NR - Natural Resources

P - Permitted
CU - Conditional Use
NP - Not Permitted

ENDNOTES

1. Low intensity uses only.
2. In designated site only
3. Dredged Material Disposal (DMD) must include stabilization measures to control run-off 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 Environmental Areas, Natural Resource Areas.

CITY OF BANDON COMPREHENSIVE PLAN

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SHORELAND OVERLAY (SO) ZONE/SHORELAND ACTIVITIES MATRIX

Shorelands Mgt. Units	1	2	3A	3E	4	5	6	7	8	9	10	11	12
Plan Designation	PF	CD	MC	ESWD	PF	UR	OTC	OS	CD	PF	NR	NR	CD
USES –													
Aquaculture	NP	NP	P	P	NP	P	NP	NP	NP	NP	CU	CU	NP
Commercial Uses													
Water-Dependent	NP	NP	P	P	NP	NP	NP	NP	NP	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	NPNP	NP	P	P	NP	NP	NP	NP	NP	NP	NP	NP	NP
Water-Related		NP	P	CU*	NP	NP	CU	NP	P	NP	NP	NP	NP
Not Dependent	NP												
or Related		NP	P	NP	NP	NP	CU	NP	P	NP	NP	NP	NP
Log storage	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP
Marinas (on-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	P	P1	P1	P1	P1
Water-Related	NP	CU	P	CU*	P	P	P	CU	NP	P1	P1	P1	P1
Not Dependent													
Or Related	NP	CU	P	P	P	P	P	P	NP	P1	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 & Sanctuary	P	CU	CU	NP	CU	CU	P	P	CU	P	P	P	CU
Harvest Wld Crops	P	P	NP	NP	NP	P	NP	P	NP	P	P	P	P
Pub Use Structure	P	CU	CU	CU*	P	CU	CU	P	CU	P	CU	CU	CU
Including Recreational													
Hist Structures, Including Rehab	CU	CU	CU	CU*	NP	CU	CU	NP	NP	CU	CU	CU	CU
Forest Products	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	CU	CU	NP
Propagation and Selective Harvest													
Grazing	NP	NP	NP	NP	NP	NP	NP	CU	NP	NP	CU	CU	NP

	1	2	3A	3E	4	5	6	7	8	9	10	11	12
Shorelands Mgt. Units													
Plan Designation - Activities -	PF	CD	MC	ESWD	PF	UR	OTC	OS	CD	PF	NR	NR	CD
Dredged Material Disposal	NP	NP	NP	NP	NP	NP	NP	NP	CU	NP	CU	NP	NP
										2, 3, & 5			
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	NP	NP	P	CU	NP	NP	NP	NP	NP	P	NP	NP	CU
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	CU4	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
OTC - Old Town Commercial
OS - Open Space
I - Industrial
NR - Natural Resources

P - Permitted
CU - Conditional Use
NP - Not Permitted

ENDNOTES

1. Low intensity uses only.
2. In designated site only
3. Dredged Material Disposal (DMD) must include stabilization measures to control run-off 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 Environmental Areas, Natural Resource Areas.

areas there has been a tendency for development to fill in the blocks on either side of the main thoroughfare (Highway 101 in Woodland Heights and Second Street East downtown). This “blocking” trend is preferable to “strip” development in which businesses are strung out over long distances of a town’s main street. The blocking trend results in a more compact business area and its continuance should be encouraged.

In addition to the major commercial centers, there are other areas in the city containing or planned for tourist-oriented outlets, such as motels, restaurants, gift, and antique shops. One area is located at the junction of Highway 101 and Seabird Lane, and the other is the Ogden Avenue—Beach Loop Road area extending south along the beach from Eighth Street to Johnson Creek. Commercial development in the highway junction area is relatively compact, but is fairly scattered in the beach area, where there are four motels located in the 800, 1100, 1700, and 3200 blocks respectively. The other businesses on the beach area are located near various motels.

There is considerable vacant land currently zoned for commercial development in both tourist-commercial areas. The vacant areas near the highway junction lie directly east of the existing businesses, and across the two highways to the west and south.

The vacant land in the beach area is in a controlled development which permits tourist-commercial uses. Because of the proximity of the Bandon beach area to Highway 101, and the access afforded by Beach Loop Road and Seabird Lane, additional tourist-commercial development is likely in the future. To ensure that such development does not detract from the aesthetic qualities of the beach area, careful examination of proposed developments will be necessary by the planning commission.

INDUSTRIAL AREAS

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).

PARK AND RECREATIONAL FACILITIES

The numerous recreational areas in and around Bandon contribute heavily to the city’s popularity with tourists and residents alike. A primary concern in developing Bandon’s recreational potential should be to provide for multiple recreational uses while at the same time preserving the area’s natural scenic beauty.

INDUSTRIAL AREAS

The purpose of Industrial Areas is to maximize the economic development potential of the city by ensuring that sufficient industrial land is available for industrial development. In order to maximize this potential as well as reduce conflicts with surrounding uses, a new classification of Light Industrial was developed.

LIGHT INDUSTRIAL.

Purpose: This classification is intended to provide additional areas suitable for the location of light industrial plants in order to ensure sufficient land will be available for future expansion. Permitted uses are industrial uses which lack the nuisance characteristics (noise, smoke, odor, heavy trucks, etc) frequently associated with heavy industrial uses. The Light Industrial Classification is intended to be applied to particular areas with a considerable degree of flexibility, so that if an area is designated in the Plan for light industrial development but such a development does not occur, other types of uses may be allowed in the area.

APPROPRIATE AREAS. Areas having existing light industrial uses of industrial potential are appropriate for this classification, particularly where nearby commercial, residential or recreational areas make heavy industrial uses appropriate due to their nuisance characteristics.

HEAVY INDUSTRIAL.

Purpose: This classification designates amounts of land suitable for all types of industrial uses.

Appropriate Areas. The Heavy Industrial Classification is suitable for areas which industrial uses are presently located, as well as areas having potential for industrial development due to highway or water access, availability of utilities and level terrain. Industrial development in such areas should have minimal adverse impact on residential, commercial and other uses in terms of nuisance characteristics.

PUBLIC AND ENVIRONMENTAL AREAS

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 Moore Mill north, the jetty area, and all the ocean

the opportunity for “rural” living afforded by large lots, plus proximity of much of the area to Moore Mill both tend to reinforce the lower density residential land use.

COMMERCIAL DEVELOPMENT.

Most of the existing commercial development in Bandon Heights is located at the junction of Highways 101 and 42S. Two motels and a shopping center are located north of Highway 42S and east of Highway 101. The plan designates the area bounded by U.S. 101, Highway 42, Division Avenue and the east city limits as Commercial in keeping with the present zoning ordinance. Immediately north of this area, the Plan also designates as Commercial the block bounded by Division Street, First Street North, Highway 101 and North Avenue. Commercial development of these areas takes advantage of the high visibility to travelers on the two highways as well as relative ease of access.

Three half-blocks on the north side of Highway 101 between Fillmore and Michigan Avenues, as well as the block formed by Michigan Avenue, Division Street and the curved portion of Highway 101, are classified by the Plan as General Commercial.

INDUSTRIAL DEVELOPMENT.

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.

Two areas outside the city yet near Bandon Heights are shown on the Plan as Heavy Industrial. They are the Rogge Lumber Mill on Highway 101 at Bullards Bridge and the Erdman Meat Packing Plant on Highway 42-S just east of the city limits. There is some residential development near the packing plant, but future residential development should not be sizable enough to create serious conflicts with either plant. The present residential development occurred after the establishment of the packing plant. Further development and expansion of these two industrial activities is encouraged.

OPEN SPACE

The playground area of the Bandon Heights Elementary School offers some close—by recreational opportunities for residents of Bandon Heights. Located near the school is a cemetery which has potential as “passive” open space, offering a visual contrast to nearby residential development. The Plan proposes that the area along Riverside Drive west of the school and cemetery and running south to Ferry Creek be maintained as open space for the purpose of creating an integrated buffer area between the Moore Mill site and the city’s sewage treatment plant on the west, and residential areas and the school on the east.

The Plan proposes open space corridors along both Spring and Ferry Creeks. The city could possibly coordinate limited development of these corridors, perhaps including construction of hiking trails, benches or related facilities. The main point is to call attention to these natural amenities and make them available for the enjoyment of the general public.

SOUTHEAST BANDON

Harlem Avenue, Highway 101, and the south and east city limits form the boundaries of this area, which is bisected by Ferry Creek. The Plan proposes that Southeast Bandon develop primarily as a residential district, with particular emphasis on retention of the area’s present open character to a large degree.

TABLE 6

Projected Housing Units by Type

Dwelling Type and Number		Percent	Additional Units by Type
1980 Total	1223	76	
SF	930	15	
MF	183	9	
MH	110		
1985 Total	1450	70	99
SF	1029	20	93
MF	276	9	35
MH	145		
1990 Total	1716	65	86
SF	1115	25	153
MF	429	10	27
MH	172		
1995 Total	1989	60	78
SF	1193	30	168
MF	597	10	27
MH	199		
2000 Total	2305	60	190
SF	1383	30	95
MF	692	10	31
MH	230		

Summary of Additional Housing Units

Needed by the Year 2000

Single-Family Homes	453
Multi-Family	509
Mobile Homes	<u>120</u>
	1082

COMMERCIAL AND INDUSTRIAL LAND NEEDS

A very rough estimate of the City's commercial and industrial land needs can be calculated by extrapolating existing conditions to accommodate the projection for the year 2000. Such a "straight-line" estimate is made below.

TABLE 7

	1980 Population Bandon City	Acres In use	Persons/ Acre	Population Inc. 1980-2000	Additional Land
Industrial	2435	49	49.7	1959	39.4
Commercial	2435	80	30.4	1959	64.4

The estimates presented above are very rough figures of the amount of needed land. The “need” for future commercial and industrial growth is also a function of the type of uses that are desired, and the location of existing uses. Bandon’s commercial growth needs include:

- A. development of the Old Town area for tourist-related uses; and
- B. “careful” infill and public safety planning along the commercial strip of the U.S. 101 corridor south of town.
- C. With regard to industrial acreage, Bandon’s needs are threefold:
 - A. Waterfront acreage for water-dependent uses (estimated to be 1440 feet of waterfront and 13 acres of backup land - see Appendix 1);
 - Small parcels for light/small industry (e.g. meat packing, publishing);
 - A large parcel for heavy/large industry (e.g. finished wood products), industrial park.

accompany in-filling, together with an “offsetting” continuation of the existing pattern of a relatively low-density residential environment.

Development in the Mobile Home Residential zone will occur at an average gross density of 4 D.U./Ac. This density is based upon the recognition that mobile home owners will, in general, seek small lots and that mobile home parks will typically achieve densities in excess of 5 D.U./Ac.

Future development in the CD-1 and CD-2 zones will be 90% residential and 10% commercial/other. This 10% allotment is made because both controlled development zones allow some commercial uses conditionally.

Using density assumptions stated above, the number of dwelling units accommodated by buildable residential lands within the City is computed as follows:

TABLE 9

<u>Zone</u>	<u>Acres</u>	<u>D.U./Acre</u>	<u>Dwelling Units</u>	Thus, 808
Residential	107.1	3.0	321	
Mobile Home Residential	45.4	4.0	182	
Controlled Development	135.41	2.25	305	
			808	

dwelling units can be accommodated within the City. Needed housing has been projected to be 1082 dwelling units, thus buildable lands are not adequate to accommodate projected housing needs. Buildable land outside the City limits is needed to accommodate the projected housing needs.

ACCOMMODATION OF PROJECTED HOUSING TYPES

The projection of housing units by type showed a need for 453 single-family homes, 509 multi—family units, and 120 mobile homes. Article 3 of the Bandon Zoning Ordinance permits the various housing types in City’s “residential” zones as shown in the matrix below:

TABLE 10

<u>Uses/Zones...</u>	<u>R</u>	<u>MHR</u>	<u>CD-1</u>	<u>CD-2</u>
Single-Family	P	P	P	P
Duplex	P	P	C	P
Mobile Home	N	P	N	N
Multi-Family	C	C	P	C
Mobil Home Park	N	P	N	N

From Table 10. it can be seen that single-family and multi-family units (including duplexes)are allowed either outright or conditionally in all four zones. It is apparent, then, that the projected need for single-family and multi—family units will be accommodated in the City on Urban Growth Area lands.

The accommodation of mobile homes can be approximated in the following manner:

MHR buildable land x assumed average density = units potentially accommodated

45.4 acres X 4.0 units/acre = 182 units

This approximation shows that the City's present buildable land in the MHR zone will accommodate the projected need for 120 mobile homes between 1980 and 2000. This assumes that no more than 15.4 acres (33%) of the MHR land will develop with uses other than mobile homes.

BUILDABLE COMMERCIAL LAND

Buildable land within the City's commercial zones has been inventoried and equal 36 acres. Approximately 13 of the 36 acres are located along U.S. 101 and in the "Old Town". These areas have historically been the focus of commerce in Bandon. Today, "Old Town" is primarily oriented towards tourism and the City's waterfront heritage, while the U.S. 101 area serves more of the City's daily commercial activity. Another 10 acres of commercially zoned land lies east of U.S. 101 in an area of mixed commercial/residential uses. The available sites are somewhat scattered and without an arterial to carry traffic; these sites are probably better suited to commercial activity other than high volume retail sales. The remaining 13 acres is located adjacent to U.S. 101 at the junction of Seabird Lane.

In addition to the acreage in commercial zones, another 15 acres may be considered available in the Controlled Development (CD) zones of the Jetty and Beach Loop Road areas. The City estimates that 10% of the buildable land in the CD zones will go to commercial uses. Such uses will likely be tourism related.

The total buildable commercial land equals 51 acres. This is 13.4 acres short of the projected need for 64.4 acres, which is based upon "straight-line" estimates.

BUILDABLE INDUSTRIAL LAND IN THE CITY

The buildable industrial land in Bandon (exclusive of potential industrial sites in the estuary) is quite limited at 6.4 acres. This area is split between two parcels located along Riverside Drive (2.4 acres) and south of Bandon Cheese Factory (4.0 acres). These sites have some limitations beyond size. Riverside Drive site is an elongated parcel (150 ft. X 700 ft.) and is broken into several ownerships. The other parcel is near some residences and a church.

An additional 13.4 acres of waterfront industrial land may be considered as potentially available. Two sites in the estuary are proposed for Development designations in the Draft Coquille River Estuary Management Plan, contingent upon adoption of "Goal 16 Exceptions" being prepared. These two sites are located north of Moore Mill and at the mouth of Ferry Creek.

The total buildable industrial land equals 19.8 acres (6.4 acres zoned and available plus 13.4 acres potentially available in the estuary). This is 19.6 acres short of the projected need for 39.4 acres, which is based on "straight-line" estimates.

accommodate 51.0 acres of the projected need for commercial land leaving a shortfall of 13.4 acres needed in the UGA. The proposed UGA includes 31.6 acres of buildable land which is proposed for commercial use.

5. “Straight-Line” projections show a need for 39.4 acres of additional industrial land. Approximately 6.4 acres (on two parcels) are available within the City. The suitability of these areas is limited by parcel shape in one case and adjacent residential and public uses in the other. Approximately 13.4 acres of industrial land for water-dependent uses is potentially available, contingent upon final plan designations and Goal 16 Exceptions adoption in the Coquille River Estuary Plan. The proposed UGA includes 36 acres of buildable land which is proposed for industrial use.

The following findings are presented to justify the location of the Urban Growth Boundary.

6. Quantitative assessments of Bandon’s need for housing are presented in findings (1)-(3). From the standpoint of a qualitative assessment of the City’s need for housing availability, the selected residential urban growth areas promote the locational characteristics which are identified with Bandon and make it a unique and desirable place to live. The coastal landscape, the sights and sounds of the ocean, and even the extreme weather are all locational amenities considered “needed” by the City to promote and enhance livability in its future residential areas.
7. Another factor contributing to the selection of the Sunset City Addition for future residential urban growth is the fact the area is already substantially “committed” to residential uses. As noted in the Buildable Lands Report (see Table 11) this legally established subdivision has about 33 acres of suitable and available land. The remainder of the subdivision includes unbuildable land along the beach (10 acres), the Beach Loop Road right-of-way (5 acres) and 19 lots which are improved with structures and road access (12 acres). The gross buildable residential density of the subdivision is 2.3 (33 buildable acres plus 12 improved acres divided by 19 dwelling units). According to the procedure for identifying committed areas used in the Draft Coos County Comprehensive Plan (1980, sec. 4.3.2), such a density would be defined as borderline between “physically developed” and “substantially committed.”
8. The area selected to accommodate commercial needs and provide commercial employment opportunities is greater in land area than the quantitative “need” estimated in finding (4) above. The City recognizes that a “straight line” estimation of needed commercial lands must be augmented by consideration of where commercial employment opportunities exist, the types of commercial land needed, and existing traffic patterns. The commercial area along U.S. 101 has been selected to accommodate estimated needs and tap the potential to attract business oriented to both local and tourist traffic along the arterial. Existing commercial uses and traffic patterns serve to “commit” the area to future urban—level commerce. Further, the location of this land dictates that it function as a planned “gateway” corridor to the City.
9. The area select to accommodate industrial needs and provide industrial employment

Significant natural areas are primarily estuarine orientated and are not developed. Development is not expected to put undue pressure on any of the areas. Estuaries in general, and the Coquille Estuary in particular, are important resources for the development of the area. The use of these resources may be expected to continue, especially continued dredging of the estuary for navigation, expansion of the small boat basin, and the removal of aggregate.

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, 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.

The north spit area could be the site of some dredge spoil deposition on Port of Bandon lands or a salmon ranching operation, but these activities are not expected to generate negative impacts on the surrounding land. In the south jetty area, some development will occur, but the freshwater pond should remain undisturbed.

Overall, the ecologically and scientifically important natural areas are a very positive influence on the community. Their importance and influence should not be compromised by unbalanced growth. Careful balancing of development pressures and the natural areas discussed above is necessary.

FISH AND WILDLIFE HABITATS

The most significant fish and wildlife habitats in the area are associated with water and wetland discussed below. In addition, the undeveloped areas of the City (most notably the Northwest and Southwest corners of the city) provide-wildlife habitat values for deer, and other wildlife associated with deciduous hardwood or coastal shore pine-spruce habitats. Among these species are grouse, pigeons, gray squirrel and other small birds and animals. These habitats generally compose only a small portion of the range of these species and abundant habitat of similar qualities is available in the entire area around the city. No particular unique qualities have been identified for these habitat areas.

The above mentioned four areas of natural importance are significant fish and wildlife habitats with characteristics similar to Oregon estuaries in general. The City of Bandon Inventory of Coastal Resources discusses wildlife in greater detail.

The Ferry Creek stream corridor provides habitat for freshwater and anadromous fish, as well as many perching birds and small mammals. Some improvements to fish populations and stream habitat have been done by the Oregon Department of Fish and Wildlife (ODFW) as part of the Salmon and Trout Enhancement (STEP)Program. City zoning of the stream corridor is currently Natural Resource-Open Space, which will protect the fish habitat from conflicting uses.

WATERSHEDS AND GROUNDWATER

The City's Municipal Water System was discussed previously in the Public Facilities Plan. The watershed itself is relatively small, but capable of providing water to the city for the foreseeable future. Ferry Creek drains 1,130 acres and Geiger Creek drains 1,292 acres. During the sever drought of 1977, the water

Protected areas are available which are subject to scour by the current of the river as it bends west toward the mouth. There are also outstanding water-dependent recreational opportunities at the boat basin. The Marine Commercial (C-3) zoning designation reserves specified ESWD sites for water-dependent or water-related uses as the highest priorities, consistent with the "Priority" requirements of Goal 17. These sites begin at the west end of the Bandon Fisheries Building and extend up to the High Dock, where there exists a fish buying station and the remainder of the jetty that protects the boat basin.

Other sites in the C-3 zone which do not have ESWD qualities are afforded a broader range of uses, mostly as conditional uses, though they still retain the C-3 Marine Commercial designation. These sites include the remainder of the C-3 properties west of the Bandon Fisheries building, the new port office and the remainder of the high dock facility which, for various reasons, cannot be used for or do not have the essential characteristics of ESWD sites.

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.

MANAGEMENT UNITS # 9 & 10: THE NORTH JETTY AND VICINITY: "Public Facilities" and "Natural Resources" designations, respectively. Both areas are suited to water-dependent recreational activities (fishing) and are suitably protected.

MANAGEMENT UNITS #2, #4, #5, #6 & # 7: The remaining Management Units do not have lands that have features which make them ESWD sites. They are designated for more general urban uses. Certain Shoreland Management Units contain significant resources, which require protection. Management unit #2, (Controlled Development) has a small freshwater lagoon on part of the site. This will be protected by the public review procedure which is part of Bandon's Controlled Development Ordinance.

Special note: Management Units # 3 and 10 have archaeological sites in part of the Management Unit. These will be protected as required in the appropriate Policy (see Policy U).

3.2.2 PROTECTION OF DREDGED MATERIAL DISPOSAL SITES AND MITIGATION/RESTORATION SITES.

Within the City Limits and Urban Growth Boundary (UGB) there are no dredged material disposal sites that are protected as such. Dredged material disposal (DMD) is allowed as a conditional use in Shore land Management Units # 8 and # 10, but these Management Units are not protected for this use. There are, however, sites that are protected for dredged material disposal that are under County jurisdiction. In addition to the previously mentioned DMD sites, Estuarine Management Unit # 1, the main channel of the Coquille, is used for flow-lane disposal of dredged material by the Port of Bandon's Boat Basin dredge project. This site also has many specified uses besides DMD.

There are no sites specifically protected for mitigation because there is little expected fill. Unprotected sites exist in several locations. Mitigation will be coordinated with state and federal fish and wildlife agencies.

3.2.3 CONSISTENCY DETERMINATION

A portion of the Coquille estuary tideflats lie within the city limits. The north half of the parcel within the City has been zoned as natural resource by the City. The southern half contains the major eel-grass beds on the estuary. It borders the Moore Mill properties on the south and has been zoned industrial along with the mill site. It has been platted early in this century as the Timmons Waterfront Addition. No development has occurred and it remains in its natural state at this time.

CITY WATER FRONT

Much of the economic life of Bandon is related to the properties along the City waterfront. These properties include the Moore Mill and Lumber Company, the properties of the Port of Bandon, Bandon Fisheries, and other businesses. The central business district is only one block in from the waterfront. The following paragraphs describe that essential stretch between the estuary tideflats and the south jetty.

Between Riverside Drive and Highway 101 is the predominantly residential old Bandon Heights area. This area, zoned as residential, contains some very attractive, modern residences, some large, older homes that survived the fire of 1936, and a variety of modest homes. Most of the streets are unpaved. The unused Bandon Heights School buildings and grounds are in this area, as well as the cemetery which includes the Bandon Cemetery, the GAR Cemetery, and the Catholic Cemetery. Lord Bennett, Bandon's founder is buried there, as well as veterans of the Civil War, making it a site of historical interest.

Immediately south of the tide flats platted as Timmons Waterfront Addition and below Bandon Heights is the site of Moore Hill. This mill had been owned and operated at the right angle bend of the river by the Moore Mill and Lumber Company since 1890 (2:10). Moore Mill was Bandon's largest single employer with, in 1977, about 170 employees. It ships about 27,000,000 board feet of lumber annually. Between 1913 and 1977, 25.4 acres of tidelands had been filled to provide the site for the sawmill. At the east end of the mill additional tidelands are used as a log storage area. In 1961-62 .41 acres was filled to provide an access road to the Moore Mill truck maintenance shop which stands on piling off the foot of Delaware Avenue. The fill is 40 by 450 feet. It is of interest to note that the truck shop was one of the very few structures in west Bandon which did not burn in the great fire of September 26, 1936. Moore Mill escaped that fire but was destroyed in another fire in August of 1987.

Between Moore Mill and the Moore Mill truck maintenance shop is the sewage treatment plant. The outfall for the chlorinated effluent is in the tideflat between the mill and the shop. This tideflat also has a small bed of softshell clams. The sewage treatment plant which is located at river mile .5 was completed in 1971. It serves about 3/4 of the area of Bandon, and about 1/3 of the population, providing secondary treatment by extended aeration and activated sludge.

MOORE MILL TRUCK SHOP.

The Port of Bandon has made several major changes in the past 12 years since the first Coastal Resources Inventory. The first major change was the building of the boat basin. Built in 1982, this 90-slip facility is the cornerstone of the Port's marine activities. In 1988 a new double lane boat ramp was built where the old boat basin was. Between these areas, the Port built the High Dock, which contains a fish buying station and the new Port offices and ticket facilities for the river boat. In 1989 the Port paved and finished the parking areas from Chicago Ave to Alabama Ave, linking this area to the already paved boat ramp parking area.

APPENDIX A: DEFINITIONS

ACCRETION: The build-up of land along a beach or shore by the deposition of waterborne or airborne sand, sediment, or other material.

AGRICULTURAL LAND: See definition in Goal 3, "Agricultural Lands."

ANADROMOUS: Referring to fish, such as salmon, which hatch in fresh water, migrate to ocean waters to grow and mature, and return to fresh waters to spawn.

ARCHAEOLOGICAL RESOURCES: Those districts, sites, buildings, structures, and artifacts which possess material evidence of human life and culture of the prehistoric and historic past. (See Historical Resources definition.)

AQUACULTURE: Raising, feeding, planting and harvesting fish, shellfish and seaweed and associated facilities necessary for the use.

AVULSION: A tearing away or separation by the force of water. Land which is separated from uplands or adjacent properties by the action of a stream or river cutting through the land to form a new stream bed.

BEACH: Gently sloping areas of loose material (e.g., sand, gravel, and cobbles) that extend landward from the low-water line to a point where there is a definite change in the material type or landform, or to the line of vegetation.

BENTHIC: Living on or within the bottom sediments in water bodies.

BRIDGE CROSSING SUPPORT STRUCTURES: Pilings, pillars, bulkheads and similar structures used in bridge construction.

BRIDGE CROSSING SUPPORT STRUCTURES: Piers, piling, and similar structures necessary to support a bridge span but not including fill for causeways or approaches.

BRIDGE CROSSINGS: The portion of a bridge spanning a waterway not including supporting structures or fill located in the waterway or adjacent wetlands.

BULKHEAD: An upright retaining wall of wood, concrete or masonry along a waterfront that separates uplands from aquatic areas.

CARRYING CAPACITY: Level of use which can be accommodated and continued without irreversible impairment of natural resources productivity, the ecosystem and the quality of air, land, and



City of Bandon Planning Department

Bandon, Oregon 97411

Phone: 541-347-7922

www.cityofbandon.org/general/page/planning-department

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.



City of Bandon

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

Bandon by the Sea

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.

ORDINANCE 1665

AN ORDINANCE AMENDING THE HEAVY INDUSTRIAL ZONE CODE & COMPREHENSIVE PLAN AND PROVIDING AN EFFECTIVE DATE

THE CITY OF BANDON ORDAINS AS FOLLOWS:

TITLE 17, ZONING

Section 1. Chapter 17.02, Definitions is amended to add the following definition:

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

Section 2. Chapter 17.56, Heavy Industrial (HI) Zone is amended to provide as follows (bold language is an addition):

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.

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:**
 - a. **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.**
 - b. **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.**
 - c. **The total square footage of all residential uses must be less than 6,000 square feet.**
 - d. **Aquaculture uses involving crustacean and fin fish must be processed as a Type II request.**

Section 3. Chapter 17.76, Shoreland Overlay is amended to provide as follows (strikeout is deleted language, bold is an addition):

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	N P	NP P	N P	C U	C U	NP
Commercial Uses													
Water-dependent	NP	NP	P	P	NP	NP	NP	N P	NP P	N P	NP	NP	NP
Water-related	NP	NP	P	CU*	NP	NP	C U	N P	P	N P	NP	NP	NP
Not dependent or related	NP	C U	P	NP	NP	NP	C U	N P	P	N P	NP	NP	NP
Water oriented	NP	C U	P	NP	NP	NP	P	N P	P	N P	NP	NP	NP
Industrial Uses													
Water-dependent	NP	NP	P	P	NP	NP	NP	N P	NP P	N P	NP	NP	NP
Water-related	NP	NP	P	CU*	NP	NP	C U	N P	P	N P	NP	NP	NP
Not dependent or related	NP	NP	P	NP	NP	NP	C U	N P	P	N P	NP	NP	NP
Log Storage	NP	NP	NP	NP	NP	NP	NP	N P	NP P	N P	NP	NP	NP
Marinas (shore facilities)	NP	NP	NP	P	NP	NP	NP	N P	CU	N P	NP	NP	NP
Recreational Uses													
Water-dependent	P	C U	P	P	P	P	NP	N P	NP P	P	P1	P1	P1
Water-related	NP	C U	P	CU*	P	P	P	N P	NP CU	N P	P1	P1	P1
Not dependent or related	NP	C U	P	NP	P	P	P	P	P CU	N P	P1	P1	P1
Residential	NP	C U	P	NP	NP	P	P	N P	P	N P	NP	NP	CU 6
Utilities	P	P	P	CU*	P	C U	P	P	P	P	C U	C U	P
Parks and Sanctuary	P	C U	C U	NP	C U	C U	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	C U	C U	CU*	P	C U	C U	P	CU	P	C U	C U	CU
Historical Struc. including Rehab.	P	C U	C U	CU*	P	C U	C U	P	CU	P	C U	C U	CU

Section 4. The Comprehensive Plan is amended to provide as follows (strikeout is deleted language, bold is an addition):

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.

- e. 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.

- f. 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.

Section 5. 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 6. 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 7. 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