

**CITY OF BANDON
PLANNING COMMISSION**

**THURSDAY, JANUARY 25TH, 2024
Regular Meeting – 7:00 PM**

MEETING WILL BE HELD IN PERSON AT THE COUNCIL CHAMBERS AT CITY HALL

AND OVER ZOOM:

Link to meeting:

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

Meeting ID: 215 705 9460

1. CALL TO ORDER

2. ROLL CALL

3. CONSENT AGENDA

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

4. PUBLIC COMMENT

- Comments from the Public on any item NOT on the agenda – limited to 3 minutes each.
- 4.1 Written Comment – Barbara Stollberg

5. HEARINGS

- 5.1 23-055, Heavy Industrial Code Amendment & Comprehensive Plan Update:
Amend regulations in Bandon Municipal Code Title 17.56, to allow for Aquaculture and residential uses in conjunction with permitted uses. Also, amend the Comprehensive Plan to be consistent with the newly proposed land use.

6. WORK SESSION

- 6.1 Discuss determination of lot lines & fences

7. STAFF UPDATE

- 7.1 Planning Department Report

8. OPEN DISCUSSION

- Commissioner Comments

9. ADJOURN

Council Chamber is accessible to the disabled. For services contact City Hall at 347-2437; 711 TTR;

e-mail: citymanager@ci.bandon.or.us

City Web site: www.ci.bandon.or.us

Bandon is an equal opportunity employer including individuals with disabilities.

Dana Nichols

From: Barbara Stollberg <bl.stollberg@icloud.com> on behalf of Barbara Stollberg
Sent: Thursday, January 11, 2024 3:30 PM
To: Dana Nichols
Subject: Downtown streetscape plan

Follow Up Flag: Follow up
Flag Status: Flagged

To Dana, the Planning Commission and DLA staff,

My comments below address only one portion of the plan - the boardwalk and proposed "improvements" to create a "uniform" and more "modern" look.

Bandon is a funky town.

Architecture, as an art form, should strive to be unique and fit into the environment. I've heard the term "site sensitive" used as a goal when designing a place. Why, then, should Bandon look like Florence, Corvallis or Eugene?

I recently read an article in the Atlantic magazine, "Why Every City Feels the Same Now", by Darran Anderson. Though he is referring to larger metro areas his sentiments play out in smaller cities such as ours. In fact there are quite a few articles published recently that share the same idea. Darran writes:

"The anthropologist, Marc Auge gave the name *non-place* to the escalating homogeneity of urban spaces. In non-places, history, identity, and human relation are not on offer" ...Everywhere looks like everywhere else, and as a result, anywhere feels like nowhere in particular."

Non-places or "placelessness" disregard history and other qualities that make an area unique. The word vernacular, used in an architectural sense, refers to local styles using local materials to reflect an historical identity that interacts with local environment.

How do "carbon" copies of benches and garbage cans that come off steel rolling machines from back east or overseas fit into Bandon's local history and environment?

I can't imagine sitting on one of those benches at the waterfront on a windy day. The wind will go through the slats chilling anyone who sits there. On the other hand the solid wooden slab benches have warmth to them, weathered well and were mostly hand built in honor or memory of someone from Bandon's past.

The trash barrels are actual barrels and are ubiquitous downtown. They look pretty uniform to me but yes, they too, were hand built, crafted and assembled locally. Where else has something similar and quaint?

On to the carved wooden statues. Sea life and tribal individuals are depicted. (Tribal representation sadly falls short in what I saw of the presentation.) They represent the three things I most associate with Bandon- the Tribal history and the lumber and fishing activities that made the town what it is today. Maybe they don't fall under the heading of fine art but are quaint or functional or depict the past. They provide an identity that you won't find in Florence, Corvallis or Eugene.

The fishing life is represented by the boat cleats, some huge, ropes anchors etc. as well as the harbor itself. What would replace them?

Another idea was to construct some kind of barrier to block the wind out on the boardwalk. The wind is part of the harbor character! Any additional structures would mean blocking off the beautiful view of the river as it meanders from the lighthouse to the march on to the park and then the bridge. That is a million dollar view! Don't break it up any more than it already is.

My two cents worth. Thank you!

Respectfully,
Barbara Stollberg



City of Bandon

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

Bandon by the Sea

PLANNING COMMISSION CONSENT AGENDA	DATE: 1/25/2024
SUBJECT: MEETING MINUTES	ITEM NO: 3.1

BACKGROUND:

These are minutes from the following meetings:

- Regular Meeting - October 5th, 2023
- Special Meeting – November 2nd, 2023
- Regular Meeting - November 16th, 2023

FISCAL IMPACT:

None.

RECOMMENDATION:

Approve the minutes as presented.

SUBMITTED BY:

Dana Nichols

Dana Nichols, Planning Director

**CITY OF BANDON, OREGON
MINUTES**

**Planning Commission Special Meeting, October 5, 2023
Council Chambers, 555 Highway 101, Bandon, OR 97411
Livestreamed via Zoom Meetings and on Facebook**

PRESENT: COMMISSION

Bill Frey, Commissioner
Sally Jurkowski, Vice Chair
Gordon Norman, Commissioner
Tom Orsi, Commissioner
Catherine Scobby, Commissioner
Gerald “Bear” Slothower, Chair
Donald Starbuck, Commissioner

STAFF

Torrey Contreras, City Manager
Shala Kudlac, City Attorney
June Hinojosa, City Recorder
Dana Nichols, Planning Manager
Sgt. Matthew Whitmer, Bandon Police

1.0 CALL TO ORDER/ ROLL CALL

Slothower called the meeting to order at 7:00 p.m. Roll Call was taken as indicated above.

2.0 HEARINGS

2.1 CONTINUED: 23-045, Request for approval of a Conditional Use Permit to construct a new resort - 110 room hotel, two restaurant spaces, meeting rooms, and spa, as well as 32 villas/suites; request for approval of a variance to certain height restrictions and plan review for commercial design standards, parking, and signage.

Slothower introduced the new City Manager, Torrey Contreras, and opened the Public Hearing at 7:01 p.m.

Jurkowski declared that she had walked on the property earlier in the day. Scobby noted that she had overheard conversations and been party to conversations involving the Gravel Point project. Frey, Norman, Orsi, and Slothower had no new ex parte contact to report.

Nichols provided an addendum to the Staff Report on the project for the Commissioners and members of the public who were in attendance. Staff had requested additional evidence from the applicant on items specified in the Staff Report itself. The addendum recommended a condition of approval requiring the applicant to present options for mitigating measures to alleviate the anticipated increase in traffic congestion at the Seabird Drive/Highway 101 intersection. The addendum stated:

- The City did not request access to the development from Carter Avenue via Spinnaker Drive and Lincoln Avenue. The request was for Carter Avenue to extend to Beach Loop Drive for connectivity. A street making a north-south connection was also required. The City also insisted on public rights-of-way along public streets through the development.
- The applicant’s variance request regarding the roof on the Meadow Lodge building was not because of the height but due the roof pitch architectural feature, one element of the approval criteria for allowing a 35-foot height.
- While the Bandon Municipal Code (BMC) required eight dedicated RV (recreational vehicle) parking spaces, the applicant had only requested two. The Commissioners had the authority to change the number of off-street parking spaces.
- A Conditional Use Permit (CUP) was valid for one year, but the Commission could set a shorter or longer period if it was deemed appropriate. After receipt of a CUP, the applicant would have one year to obtain a Zoning Compliance permit, then two years in which the first building permit should be acquired. Five years were allowed for a project to obtain all necessary permits.

Having chosen not to conduct a Geologic Assessment Review (GAR) at the time of the application, the applicant would have to come to the Commission for a CUP modification if a GAR indicated the need for any additional review of structures or locations due to the site’s high landslide susceptibility.

A request had been made to leave the hearing record open an additional seven days, which would allow an additional seven days for responses, followed by seven more days to permit the applicant to respond.

There were follow-up questions by Frey and Norman.

Adam Gould, Gould Law Firm, Coos Bay, OR, representing the applicant

- The purpose of the CD-1 (Controlled Development 1) zone, stated in BMC 17.20.010, was to “recognize the scenic and unique qualities of Bandon’s ocean viewfront and nearby areas” and that a mix of uses including residential, tourist, commercial, and recreational would be permitted and should “enhance and protect this area’s unique qualities.”
- The property in question was covered by invasive gorse before the applicant arrived, and the applicant was restoring it to its natural state.
- In response to letters submitted by attorney Sean Malone on behalf of Oregon Coast Alliance, Gould countered that a variance request could be submitted in conjunction with a CUP on an appropriate form, and in accordance with appeals court precedence.
- Regarding the applicant’s traffic impact study, 2021 was not selected as a slow year for traffic on streets that would be affected by the development; rather it was a relatively high traffic year.

Christopher Bell, DLR Group, project architect

- A slideshow began with the location of the project in the context of existing lodging in the Beach Loop area and potential housing and infrastructure developments.
- Adjustments to project plans were made in reaction to comments from neighbors about privacy and lighting, the proposed entrance to the development, the angle of villas on the south end of the property, the screening of loading bays behind the hotel, and the distance of buildings from the western boundary.
- The Dune Lodge was shown to sit below the ridgeline of the dunes, and the Meadow Lodge was concealed from surrounding homes by trees.

Alex Atchison, Parametrix, traffic engineer

- A traffic assessment was not required as part of the application, but the developer chose to proactively address traffic concerns.
- Traffic data from 2009 and 2021 was used to forecast trips created by the project and analyze operations at intersections, comparing with jurisdictional standards, and proposing mitigation if necessary.
- A growth rate of 58% from 2009 to 2021 at Seabird and U.S. 101 was used to estimate the 2021 counts for the Seabird and Beach Loop Drive intersection.
- Oregon Department of Transportation (ODOT) analysis procedures were followed to estimate traffic volumes, including ODOT data showing 2021 counts exceeded pre-pandemic volumes.
- A 2% annual growth rate was added to project 2026 counts after completion of the project.
- Standard methodology was used to forecast 111 new PM peak hour trips based on land use and size of the development, assuming full occupancy of the hotel and a standalone function of the restaurant.
- Existing traffic volumes on Beach Loop Drive were low but would increase due to the project; intersections were expected to operate within allowable standards with additional volumes.

Gould clarified that a geotechnical report was not required at this stage of the application process and would be taken care of during the Zoning Compliance phase.

Sheri McGrath, Coos Curry Consulting

- Architectural updates had been submitted the night before; everything of concern had been submitted.

Norman inquired if there had been a meeting with neighbors of the project during the week since the previous Commission meeting. Bell responded that he had met with about a dozen people on site and incorporated some of their suggestions into an updated plan for the project.

Frey got confirmation from the project team that no community pool or workforce housing were included in the Gravel Point project, and that City utility staff and the City Engineer believed Bandon’s current infrastructure could support the development.

McGrath addressed Frey's concerns that there was insufficient water pressure to serve the hydrants on the perimeter of the development, saying the developer would provide a water reserve on an adjacent property for emergency purposes.

Bell added that there would be discussions with the Fire Department and City Engineer to determine the technical solution to meet the project's requirements, including sprinklers for the hotel. Nichols interjected that Beach Loop Drive near the project already had both a six-inch and a ten-inch water line.

Frey understood that Bandon Power had indicated there would be sufficient power to support a development the size of Gravel Point, provided the applicant purchased items such as transformers. McGrath noted that the Electric Department needed sufficient advance notice for supply orders. It could take up to two years to acquire transformers. The developer would find inconspicuous locations for transformers.

Given Gravel Point's 110-room hotel, 32 suites, 258-seat restaurant, staff of 40 to 60 people, delivery and service vehicles, Frey questioned that it would only contribute 111 PM trips and wondered why there were no estimates for AM trips. Atchison responded that PM data was the industry standard. Frey brought up the number of public comments that expressed concern about the potential traffic flow caused by the development, through residential areas, past City Park, and through Old Town.

McGrath stated that under the conditions discussed with the City, Carter Avenue would be extended to Beach Loop Drive, with a north-south "stub" provided that would enable a future connection, when a master plan annexation would require access. Atchison added that another roadway to the development would not be warranted, based on projected usage and guided by years of survey data for other similar facilities.

Scobby suggested additional access could be made a condition of approving the project. McGrath was dubious that the Commission could require annexation to bring in a new road. Slothower agreed. Scobby was concerned about the impact of construction and delivery traffic on Beach Loop Drive. She advised the formation of a Local Improvement District (LID) with plans in place to improve Beach Loop Drive.

Slothower covered the ground rules for public comment. The following citizens spoke:

Laurea Arnoldt, a resident of the Bandon area

Recommended conducting a geotechnical report early in the development process. Feared the project's planned "bioswales" would affect wells east of the development. Did not look forward to the proposed reservoir near her property and worried about the reservoir being located where liquefaction was likely in an earthquake. Questioned the credentials of the consultant who conducted the wetlands delineation.

Juston Potter, a Bandon property owner

Felt the project offered a great opportunity for Bandon. Urged everyone to accept it for the future.

Claudine Hundhausen, a Bandon resident

Thought a geotechnical engineer working with a developer had a financial interest and little incentive to question a project's viability. Require an independent person to conduct geotechnical reports. The people of Bandon intended the CD-1 zone to be primarily residential. Uses that were conditional could be rejected by the Commission or City Council. The project's anticipated \$1 million in SDCs (System Development Charges) would not cover the full cost of new infrastructure.

Jason Youmans, a Bandon resident

Bandon's water system had no reservoir and a tank on the hill, like Port Orford's, where the hydrants ran dry on one occasion. Water pressure in his part of Bandon dropped in half around 5:00 p.m. daily and stayed low for two hours. The perpetual state of construction in Bandon would require a reservoir and an upgrade to the sewer system. There would be increased stress on roadways from heavy vehicles.

Wade Troxell, a Bandon resident

Recently moved to Bandon from a city that grew from 85,000 to 120,000 in two decades by proactively investing in its infrastructure. The monthly newsletter in Bandon's utility bill explained that hotel tax revenue was crucial to the City's government, so the project made sense from an economic standpoint. But increased traffic, the impact on wildlife habitat, and stress on City resources, made the development too big for Bandon, its residents, and those who came to enjoy its small-town qualities.

Robert McClernon, a resident of the Bandon area

Lived just outside the Bandon city limits and adjacent to the properties being developed for Gravel Point and potentially for housing and an aquatic center in the future. Residents of the county area affected by those developments should receive notifications. People were receiving inaccurate information on Facebook, reading brochures put out by the developer. The project and its employment opportunities were positive, but consideration should be given to the residents of the Donut Hole.

Nichols clarified that property owners within 250 feet of the subject property were given notice by mail, whether they lived in the City or the county. She advised anyone not receiving those notices to make sure their address was correct with the County Assessor.

Rita Buck, a resident of the Bandon area

Owner of almost three acres in the Donut Hole. Concerned about wildlife and increased summer traffic, disrespectful visitors, and trash on Highway 101. Project is too much for Bandon.

Calan Taylor, a Bandon resident

Lived five years near the dunes and woods and regularly explored the area. Accepted the inevitable change and welcomed a project striving for LEED (Leadership in Energy and Environmental Design) gold certification.

Tammy McKee, a Utah resident

Had family in Bandon. Asked if the development was going to be done in phases or if a Certificate of Occupancy would only be issued at the end of the project. Had witnessed projects done in phases with no guarantee all phases would be completed.

Rebuttal from the applicant:

Darren Sandeno, Parametrix, landscape architect

- A geotechnical engineer enlisted by the project team had produced a detailed final report and a separate memo addressing appropriate treatment for areas susceptible to landslides.
- Wetland delineations on the subject property by a local, independent individual who had conducted a number of them in the Bandon area were recently accepted by DSL (Department of State Lands).
- Darcy Grahek of Stillwater Natives Nursery was being consulted on native habitat management.

Adam Gould, Gould Law Firm, Coos Bay, OR

- The developer was going out of the way to listen to public comments.
- The project would protect and enhance the property's qualities and restore it from being a patch of gorse.
- Buildings would only comprise 10% of the 24.8 acres; all impervious structures—roads, parking lots, and buildings—would only constitute 22% of the property, compared to 65% allowed by the code. The remainder would be native and natural.
- If this development was rejected, the next owner could fill the acreage with an outright permitted use that could cause even more traffic.

Sheri McGrath, Coos Curry Consulting

- The geotechnical engineering report was being emailed to the City, plus a memo stating that the project was exempt from submitting a report, accompanied by the wetland study.
- The project team put thought into its site meetings with the community, to make the project more compatible with neighbors who had concerns. Some neighbors supported the project.
- Everyone wanted to see Beach Loop Drive upgraded, and the property owner would contribute to an LID for that purpose.

Scobby asked if the project was fully funded, and McGrath replied that funding was in place for all of it.

Jurkowski repeated McKee's question about phasing. McGrath said the intention was to build it at one time.

Nichols thanked the members of the community who attended the meetings and provided public comments. She emphasized that proposals by the same developer for a reservoir, a community pool, and workforce housing were not part of this project. The Commission could deliberate on the traffic issue, given the public concern, and request mitigation or deny the application.

Norman inquired about how much infrastructure development was covered by SDCs, and Nichols answered that the amount was determined by pre-approved methodology, with the fees going into the City's capital improvement fund.

Frey questioned how the development would serve RVs with only two dedicated parking spaces, and how guests with RVs would be prevented from parking on City streets. Bell responded they would use two regular spaces or parallel parking. McGrath added that potential RV parking included long spaces in front of the villas. There would be no parking on Carter Avenue, but a City provision would allow the development to lease off-street parking within 500 feet.

Slothower closed the hearing at 8:40 p.m. Kudlac pointed out that the Commission would not deliberate or make a decision at this meeting, because the record had to be held open for another seven days.

Nichols explained that the next meeting would be on October 19 or November 2, 2023, depending on whether there was another seven-day request, and whether the applicant requested seven more days to respond. Written material had to be submitted by 5:00 p.m. on October 12 and would be available on the City's website, along with the application and the applicant's presentations.

3.0 ADJOURN

Slothower adjourned the meeting at 8:44 p.m.

Planning Commission Special Meeting Minutes
Submitted by Richard Taylor, Minutes Clerk

**CITY OF BANDON, OREGON
MINUTES**



**Planning Commission Special Meeting, November 2, 2023
City Hall Council Chambers, 555 Highway 101, Bandon, OR 97411
Livestreamed via Zoom Meetings and on Facebook**

COMMISSIONERS PRESENT:

Bill Frey, Commissioner
Sally Jurkowski, Vice Chair
Gordon Norman, Commissioner
Tom Orsi, Commissioner
Catherine Scobby, Commissioner
Gerald "Bear" Slothower, Chair
Donald Starbuck, Commissioner

STAFF PRESENT:

Torrey Contreras, City Manager
Shala Kudlac, City Attorney
June Hinojosa, City Recorder
Dana Nichols, Planning Director
Nicolette Cline, Planning Assistant
Richard Taylor, Minutes Clerk

1.0 CALL TO ORDER/ROLL CALL

Slothower called the meeting to order at 7:00 p.m. Roll Call was taken as indicated above.

2.0 HEARINGS

2.1 DELIBERATION & DECISION: 23-045, Request for approval of a Conditional Use Permit to construct a new resort - 110 room hotel, two restaurant spaces, meeting rooms, and spa, as well as 32 villas/suites; request for approval of a variance to certain height restrictions and plan review for commercial design standards, parking, and signage.

Regarding the height of buildings on the Gravel Point development, Orsi found very few public comments that voiced concerns. Only one letter opposed the variance for the main hotel's height. Orsi favored granting approval and recognized that the hotel's flat "green roof" contributed to the potential LEED (Leadership in Energy and Environmental Design) gold certification.

Scobby, Jurkowski, and Norman concurred. Frey agreed with the height variance in spite of elevator overruns that he felt pushed the height to 40 feet. Starbuck approved and noted that the flat roof might fare better in high winds than a 3:12 pitch. Slothower pointed out that the requested height variance was to accommodate parking under the hotel, reducing pavement on the property.

Regarding lights on the property Slothower thought the applicant had addressed concerns by lowering them and ensuring they faced downward. Nichols stated that the applicant proposed a dark-sky compliant illumination plan. Starbuck suggested softer off-white lighting.

Addressing the RV (recreational vehicle) parking requirement, Frey was comfortable with the applicant's proposal to use regular parking spaces as overflow for RVs with only two dedicated RV spaces. Norman thought the need for RV spaces would be hard to determine, but he favored requiring four or five. Jurkowski accepted the applicant's solution but understood the concerns. Scobby agreed but noted there had been discussion of a lease for overflow parking at a nearby church. Orsi was confident the development could handle its parking needs.

Frey wondered if the City might consider "No Parking" signs along parts of Carter Avenue and Lincoln Avenue where visitors to Gravel Point might try to park RVs. Nichols indicated there were streets in Old Town where RV parking was prohibited. The Staff Report included a condition that called for increasing the number of regular spaces to enable the required eight RV stalls.

Since local residents worried that vehicles would enter Gravel Point from Carter Avenue and Lincoln Avenue, causing excess traffic in the residential neighborhood, Orsi wondered if those concerns could be addressed by posting signage. A report from Parametrix had explained that GPS (global positioning system) driving directions would not send people onto Lincoln and Carter.

Norman understood that the City had requested Carter Avenue to be open for emergency access. Jurkowski felt it would be safer to have more than one access point. Nichols stated that the section of Carter Avenue at the entrance to the project on Beach Loop Drive might be renamed when the existing platted streets were vacated.

Focusing on the volume of traffic, Frey disagreed with the Parametrix traffic study, believing it underestimated the impact of the project on Beach Loop Drive, considering the potential number of guests, diners, employees, conferencegoers, delivery and service vehicles, and visitors on any day.

Starbuck already saw a lot of construction traffic on Beach Loop Drive, Seabird Drive, 11th Street, and elsewhere, due to residential construction as vacant parcels were developed. He saw Beach Loop as providing the best access for Gravel Point. He noted that by clearing the gorse, PERK Development had shown there was a lot of good real estate north of Carter Avenue.

Orsi observed from his experience that single-family homes created more traffic than resort developments. Frey countered that guests at Gravel Point were likely to come and go in their vehicles to enjoy Old Town, golf, and destinations up and down the coast, creating more traffic. To Norman, it did not make sense that Beach Loop Drive could handle the increased traffic.

Scobby was concerned about the pedestrian/vehicle interactions on Beach Loop, especially with the lack of sidewalks and bike paths. She thought the traffic analysis missed local nuances such as Circles in the Sand.

Nichols noted that Staff had recommended a condition of approval requiring the applicant to submit a construction traffic mitigation plan. Scobby wondered if there would be mitigation for construction dust, especially with the project's sandy location.

Slothower pointed out that there were regulations everywhere requiring construction crews to mitigate mud and dust, and from experience he knew that big projects were conducted more responsibly than individual home construction.

Nichols informed the Commissioners of several conditions normally included in the Zoning Compliance process that had been added to the Conditional Use approval for this project, including erosion control and measures to prevent tracking of soil and debris and to keep City streets clean.

Scobby wanted the developer to install sidewalks along the project's portion of Beach Loop Drive. Nichols said there was a condition requiring the applicant to sign a non-remonstrance agreement regarding a future Local Improvement District (LID), and the City was formulating a pathway project for Beach Loop Drive, so sidewalk development should wait for the City's plans.

Frey believed the Commission had the authority to deny this CUP (Conditional Use Permit) if it did not think the public streets had adequate capacity for the proposed development. This was confirmed by Nichols.

Norman stated that Gravel Point would be a wonderful project if the applicant followed through with all of the goals and promises, but he thought it was in the wrong location.

Nichols pointed out that Staff had included a condition of approval that required all streets with vehicular access in the project that were on City rights-of-way to remain open to the public and built to full City standards, unless modified by the City Council.

Frey agreed that roads should be public unless they were specific to maintenance requirements. Jurkowski, Slothower, Orsi, Scobby, and Norman voiced agreement.

Based on the Commission's deliberations, Nichols recommended additional language requiring a photometric study to be conducted to ensure lighting would address the impact on adjacent properties and requiring all lighting to be dark sky compliant. It was also advised that the height variance be conditioned on the gold LEED certification.

Starbuck moved to approve Conditional Use Permit Application 23-05 with the conditions of approval as written and amended. Jurkowski seconded the motion, which carried by roll call vote (4:2):

AYES: Jurkowski, Orsi, Scobby, Starbuck

NAYS: Frey, Norman

NOT VOTING: Slothower

ABSENT: None

3.0 ADJOURN

Slothower adjourned the meeting at 7:56 p.m.



City of Bandon

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

Bandon by the Sea

MINUTES

CITY OF BANDON CITY PLANNING COMMISSION REGULAR MEETING

COUNCIL CHAMBERS, 555 HIGHWAY 101, BANDON, OR 97411

THURSDAY, NOVEMBER 16, 2023

Livestreamed via Facebook and Zoom Meetings

COMMISSIONERS PRESENT:

Bill Frey, Commissioner
Sally Jurkowski, Vice Chair
Gordon Norman, Commissioner
Tom Orsi, Commissioner
Catherine Scobby, Commissioner
Gerald "Bear" Slothower, Chair
Donald Starbuck, Commissioner

STAFF PRESENT:

Dana Nichols, Planning Director
Nicolette Cline, Planning Assistant
Richard Taylor, Minutes Clerk

1.0 CALL TO ORDER

Slothower called the meeting to order at 7:00 p.m.

2.0 ROLL CALL

Roll Call was taken as indicated above. Norman and Taylor joined the meeting remotely, while all other Commissioners and Staff were present in the Council Chambers.

3.0 CONSENT AGENDA

3.1 Regular Meeting Minutes – September 28, 2023

Slothower approved the Minutes as written.

4.0 PUBLIC COMMENT (concerning any item not on the agenda, limited to 4 minutes per speaker)

Neal Barlow, Bandon resident

Inquired about the status of the Marriott Hotel project in Old Town. Nichols responded that the developer could submit a completed application by mid-December 2023, within 180 days from the time the application was deemed incomplete. No new information was available.

5.0 DISCUSSION

5.1 Code Cleanup 2024

Nichols: The Commission would be holding an annual joint meeting with the City Council to discuss its work program for the following year. Minor corrections and clarifications to the Bandon Municipal Code (BMC) would be addressed in an annual Code Cleanup, along with adjustments to the BMC's organizational structure and changes to code language to match new state laws.

The Commissioners were shown a presentation and given pertinent documentation covering Staff's recommendations for the 2024 Code Cleanup:

- Review parking minimums and standards (BMC Chapter 17.96)
- Respond to required code changes from Oregon HB 3395 (Housing Omnibus Bill)
- Use tables instead of individual zone chapters to reorganize BMC Title 17
- Modify the Hazard Overlay to make language clear and objective

Slothower: Housing issues should be separated from Code Cleanup.

Nichols: Those issues could then be included with items generated by the Housing Needs Analysis. Most provisions of HB 3395 would take effect on January 1, 2024. If the Bandon Municipal Code was not updated by then, the City would apply the minimum state standards to comply. Bandon awaited funding to conduct an audit to ensure its code matched state standards.

The Commissioners discussed how much parking was necessary for businesses with employees and for multiple-family dwellings, and by what means electric vehicle charging capability could be required in new development.

Nichols: Code Cleanup could include additional items not in the meeting documentation:

- Allow home offices as an accessory use in some zones
- Clarify the definitions, heights, and placement of retaining walls and fences

The Commissioners discussed aspects of these two topics. They also expressed support for Staff's proposal to reorganize the code's zoning chapters.

5.2 Master Planned Development

Nichols: Under Master Planned Development regulations, a developer of a large parcel could propose a modification to its underlying zoning, provided there was a public benefit. Mixed uses and variations in density and housing types might be allowed. Bandon's Municipal Code did not have a Master Planned Development chapter.

The Commissioners received copies of the Department of Land Conservation and Development (DLCD) Model Code and examples of Master Planned Development codes from other cities. They discussed considerations Bandon might include in a Master Planned Development code, such as incorporating wetlands, flexibility in housing, space for recreational vehicles, and use of open space.

6.0 STAFF UPDATE

6.1 Planning Department Report

Nichols:

- After a slow summer, new permit applications had increased.
- The City Council had adopted an increase in Water System Development Charges (SDCs). They would be calculated based on a new single-family detached dwelling's heated square footage, causing a significant increase in SDCs for some new homes.
- Online surveys were in progress for community input into Bandon's Transportation System Plan and for a proposed Beach Access Connector.
- As part of Bandon's annual Tree City USA obligations, the Parks and Recreation Commission planned a tree planting event in City Park on November 18, 2023, aimed at maintaining the required rate of trees per capita. Friends of Bandon Parks would be holding a tree planting event at Johnson Creek Park on November 24.
- The Commission would not meet in December. It would hold a Public Hearing on a proposed aquaculture project at its January 2024 meeting.
- There were two new Planning Staff members: Planning Assistant Nikki Cline, and Jason Kral, who was adding Planning duties to his Vegetation Management Coordinator role.
- A recent court decision ruled that "recreational immunity" did not apply to trails that provided transportation to a recreational site, opening public entities such as Bandon, as well as those who had private beach access, to potential lawsuits from anyone injured on those paths. Cautionary signage might have to be posted.

7.0 OPEN DISCUSSION (Commissioner Comments)

One Public Comment was permitted:

Denise Frazier, Bandon resident

Encouraged the Commission to consider mandatory visitor parking spaces for multiple-unit housing developments and engineering requirements for eight-foot fences.

8.0 ADJOURNMENT

Slothower adjourned the meeting at 8:31 p.m.



City of Bandon

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

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	€ € I	PF	NR	NR	CD
Aquaculture	NP	NP	P	P	NP	P	NP	NP	NP P	NP	CU	CU	NP
Commercial Uses													
Water-dependent	NP	NP	P	P	NP	NP	NP	NP	NP P	NP	NP	NP	NP
Water-related	NP	NP	P	CU*	NP	NP	CU	NP	P	NP	NP	NP	NP
Not dependent or related	NP	CU	P	NP	NP	NP	CU	NP	P	NP	NP	NP	NP
Water oriented	NP	CU	P	NP	NP	NP	P	NP	P	NP	NP	NP	NP
Industrial Uses													
Water-dependent	NP	NP	P	P	NP	NP	NP	NP	NP P	NP	NP	NP	NP
Water-related	NP	NP	P	CU*	NP	NP	CU	NP	P	NP	NP	NP	NP
Not dependent or related	NP	NP	P	NP	NP	NP	CU	NP	P	NP	NP	NP	NP
Log Storage	NP	NP	NP	NP	NP	NP	NP	NP	NP P	NP	NP	NP	NP
Marinas (shore facilities)	NP	NP	NP	P	NP	NP	NP	NP	CU	NP	NP	NP	NP
Recreational Uses													
Water-dependent	P	CU	P	P	P	P	NP	NP	NP P	P	P1	P1	P1
Water-related	NP	CU	P	CU*	P	P	P	NP	NP CU	NP	P1	P1	P1
Not dependent or related	NP	CU	P	NP	P	P	P	P	P CU	NP	P1	P1	P1
Residential	NP	CU	P	NP	NP	P	P	NP	P	NP	NP	NP	CU6
Utilities	P	P	P	CU*	P	CU	P	P	P	P	CU	CU	P

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

Amend Comprehensive Plan

- Amend the Uses/Activities Matrix found on page 49 to match the proposed changes to table in Chapter 17.76.
- 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,

 - Two locations along the waterfront, including Bandon Fisheries and the Moore Mill log yard*
 - The Woolen Mill Addition area, associated with the Bandon Cheese Factory*
 - The Douglas Pacific Veneer Mill at 11th and Fillmore (Portland Addition area)*
 - The Bandon Airport area*
 - The Ocean Spray Cranberry Facility*
 - 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).*~~
- 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 Plan Designation	1	2	3A	3E	4	5	6	7	8	9	10	11	12
Shorelands Mgt. Units 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	P	- Permitted
CD	- Controlled Development	CU	- Conditional Use
MC	- Marine Commercial	NP	- Not Permitted
UR	- Urban Residential		
OTC	- Old Town Commercial		
OS	- Open Space		
I	- Industrial		
NR	- Natural Resources		

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 Plan Designation	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 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	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	P	- Permitted
CD	- Controlled Development	CU	- Conditional Use
MC	- Marine Commercial	NP	- Not Permitted
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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	<u>305</u>	
			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



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: <http://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

PLANNING COMMISSION AGENDA ITEM	DATE: 1/25/2024
SUBJECT: WORK SESSION – LOT LINES & FENCES	ITEM NO: 6.1

BACKGROUND:

The Planning Department requests assistance from the Planning Commission to interpret and potentially modify the language in the Bandon Municipal Code regarding the determination of lot lines on corner lots and their impact on fence placement. The City's code defines front lot lines as:

"Lot line, front" means the property line separating the lot or parcel from the road or street, other than an alley. In the case of a corner lot or parcel or a lot with double frontage, the shortest property line along a street or road which has been improved and for which addresses have already been assigned, other than an alley. In the case of a flag lot or other parcel or lot, where the majority of the lot or parcel does not front on a road, the front lot or parcel line shall be one of the shortest lines, if a rectangular lot or parcel.

Often, on a corner lot, we get requests to face the home towards the wider lot line to fit current building plan standards. In this case, the front lot is actually adjacent to the side yard and the side lot line faces the front of the house. The setbacks are determined based on the lot line, so the front of the house (where the front door is located and where it is addressed) is 15 feet (side yard) from the lot line, while the side of the house has a 20-foot (front yard) setback.

We generally do not receive complaints about this process; however, an issue arises when the property owner wants to site a fence. Front yard fences are only permitted to be four feet, while side yard fences can be six feet. This ends up looking odd when put into practice and is impractical in application.

Staff requests the Planning Commission discuss this issue and provide Staff will feedback regarding whether a code amendment may be necessary to resolve the matter.

FISCAL IMPACT:

None.

RECOMMENDATION:

Discussion only at this time. The Planning Commission may want to request this item be included in the 2024 code clean-up.

SUBMITTED BY:

Dana Nichols

Dana Nichols, Planning Director



MEMORANDUM

TO: Planning Commission
FROM: Dana Nichols, Planning Director
DATE: January 25th, 2024
RE: Planning Department Report

The purpose of this memorandum is to provide a summary report to the Commission about Planning Department activities, including details about on-going projects and changes to practice in the Department.

Planning Applications

Received as of January 19th, 2024 (YTD):

Single Family Dwelling ZC	Accessory Structures ZC	CUP	Land Divisions	GAR	Other
3	1	1	1	0	0

Materials and information about pending Land Use decisions:

<https://www.cityofbandon.org/planning/page/pending-land-use-decisions>

Materials and information about recent Land Use decisions:

<https://www.cityofbandon.org/planning/page/recent-land-use-decisions>

Year to date the Planning Department has received 6 applications.

Planning Fees Collected in FY23-24

	FY 22-23	July	August	Sept	Oct	Nov	Total
Total Fees	\$128,247	\$2,866	\$1722	\$2,087	\$4,522	\$1,772	\$12,969

Project Updates

- **Grants:** The Planning Commission & City Council will have a Joint Work Session on January 22nd at 1:30 PM to hear a presentation about the Transportation System Plan update from Parametrix, our consultant team, and ODOT. A reminder that the online open house is still live. The City Council did not take action on the Public Access Ordinance because of the recent decision in Fields V City of Newport regarding the loss of recreational immunity on improved trails.
 - **Upcoming Hearings:** We received an application for a Vacation Rental Dwelling that has been deemed complete. It is tentatively scheduled for your February meeting.
 - **General Updates:** The Gravel Point approval was appealed by two entities and will be heard before the City Council on February 21st at 6 pm. The Beach Access Connector (Pathway along Beach Loop Drive)
-



City of Bandon Planning Department

Bandon, Oregon 97411

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project is currently underway, and a survey is still live to provide input. This survey can be found on the City's website. Staff is pursuing an Intergovernmental Agreement with the Lane Council of Governments to establish a basic GIS program, which would include zoning and infrastructure layers to be available to the public.