



City of Bandon

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Bandon by the Sea

MINUTES

CITY OF BANDON CITY COUNCIL AND URBAN RENEWAL AGENCY BOARD

COUNCIL CHAMBERS, 555 HIGHWAY 101, BANDON, OR 97411

MONDAY, MARCH 4, 2024

Livestreamed via Zoom Meetings

COUNCIL MEMBERS PRESENT:

Mary Schamehorn, Mayor
Joshua Adamson, Councilor
Peter Braun, Councilor
Chris Powell, Councilor
Geri Procetto, Councilor
Madeline Seymour, Council President
Brian Vick, Councilor

STAFF PRESENT:

Torrey Contreras, City Manager
Shala Kudlac, City Attorney
Dana Nichols, Planning Director
Nicolette Cline, Planning Assistant
Richard Taylor, Minutes Clerk (via Zoom)

1. CALL TO ORDER/ROLL CALL/INVOCATION/PLEDGE OF ALLEGIANCE

Schamehorn called the meeting to order at 7:00 p.m. Roll Call was taken as indicated above. Pastor Dan Wilson of Restoration Worship Center provided the Invocation. The Pledge of Allegiance was led by Seymour.

2. PRESENTATIONS

Beth Patrick – Volunteer of the Month

Patrick, Executive Director of the Greater Bandon Association (GBA), presented the organization's Volunteer of the Month Award to Samantha Stanger for her role in the City's tree planting program, first while serving on the Parks and Recreation Commission and later as a member of the Commission's Tree Sub-Committee. Stanger also helped obtain a grant for new playground equipment, facilitated community work days in City Park, and reworked the City of Bandon Tree Guide.

3. CONSENT CALENDAR ITEMS

3.1 Accounts Payable Report for January and February 2024

3.2 Library Report for February 2024

3.3 Public Works Report for February 2024

3.4 Sprague Theater and Community Center Calendar for March, April, and May 2024

3.5 Planning Department Report for February 2024

3.6 Police Department Report for February 2024

3.7 Finance Department Report for January 2024

3.8 Consolidated Municipal Utility Report for January and February 2024

3.9 Municipal Court Report for January 2024

3.10 City Council/Urban Renewal Agency and Planning Commission Minutes

- Planning Commission Regular Meeting – January 25, 2024
- City Council and Urban Renewal Agency Board Regular Meeting – February 5, 2024
- City Council and Urban Renewal Agency Board Work Session - February 12, 2024

3.11 Parks & Recreation Commission

Braun moved to approve the Consent Calendar. Adamson seconded the motion and it carried by unanimous show of hands vote (6:0:0):

AYES: Adamson, Braun, Powell, Procetto, Seymour, Vick

NAYS: None

ABSENT: None

4. NEW AND OLD BUSINESS ITEMS

4.1 Resolution 24-02 of the Bandon City Council Authorizing the City of Bandon, Coos County, Oregon, United States of America, to Enter into a Twinning Agreement with the Bandon-Kinsale Municipal District, County Cork, Ireland, Strengthening Existing Ties of Heritage, Commerce, and Friendship between the two Greater Bandon Areas

Contreras: Recognized Robin Miller for bringing the "twinning" proposal to the Council. If approved, the resolution would be forwarded to the City's companion municipality in Ireland for consideration.

Schamehorn: A document in her files showed the City had formalized a similar twinning agreement, probably in or before 2018.

Seymour made a motion for the City of Bandon to enter a twinning agreement with the Bandon-Kinsale Municipal District in County Cork, Ireland. Vick seconded the motion and it passed unanimously by show of hands vote (6:0:0):

AYES: Adamson, Braun, Powell, Procetto, Seymour, Vick
NAYS: None
ABSENT: None

4.2 Ordinance 1662, Amendments to the Comprehensive Plan and Title 17 of the Bandon Municipal Code, to Address Coastal Public Access

Nichols: The Planning Commission and City Council held hearings on the matter in 2023. The Council heard a first reading of the ordinance at its November 2023 meeting but could not proceed to a second reading because one member was not present. Due to a court ruling that held cities liable for injuries on improved trails, the Oregon Legislature was working on a solution to the recreational immunity gap caused by the litigation. To allow time for that legislation to be developed, and to enable Staff to close out the grant that funded the City's review of Coastal Public Access policies, Staff recommended adopting the ordinance with an effective date six months in the future.

Kudlac read Ordinance 1662 by title only.

Seymour moved to adopt Ordinance 1662. Vick seconded the motion, which carried by unanimous roll call vote (6:0:0):

AYES: Adamson, Braun, Powell, Procetto, Seymour, Vick
NAYS: None
ABSENT: None

4.3 Intergovernmental Agreement: Geographic Information System (GIS) Contract with the Lane Council of Governments

Nichols: Staff requested authorization for the City Manager to enter into an Intergovernmental Agreement (IGA) with Lane Council of Governments (LCOG) to provide assistance to the Planning and Public Works Departments in setting up a Geographic Information System (GIS). Initially the system would be used within these departments. At some point it would become accessible to the public. The City was already paying for GIS licenses that were shared with the Electric Department. LCOG would be available for ongoing maintenance and support.

Seymour made a motion to authorize the City Manager to enter into an Intergovernmental Agreement with Lane Council of Governments for the Scope of Work requested by Staff, not to exceed \$10,000. Procetto seconded the motion, which carried by unanimous show of hands vote (6:0:0):

AYES: Adamson, Braun, Powell, Procetto, Seymour, Vick
NAYS: None
ABSENT: None

5. PUBLIC HEARING ITEMS

5.2 Ordinance 1663, a Public Hearing to Consider Amendments to Chapter 2.18 of the Bandon Municipal Code Regulating the Committee for Citizen Involvement

Nichols: Staff recommended approval of a letter to the State of Oregon's Land Conservation and Development Commission (LCDC), requesting the City's Planning Commission to also serve as the Committee for Citizen Involvement (CCI). A Public Hearing would be held regarding a code

amendment that would enable this change. Staff requested delaying the Public Hearing because the City received a public comment from a citizen who was concerned that proper Public Hearing noticing had not been provided.

Seymour made a motion to sign a draft letter to LCDC and direct Staff to schedule a Public Hearing at a future Council meeting to consider the proposed code amendments. Vick seconded the motion, which carried by unanimous show of hands vote (6:0:0):

AYES: Adamson, Braun, Powell, Procetto, Seymour, Vick
NAYS: None
ABSENT: None

5.1 Planning Action 23-055, Heavy Industrial Code Amendment and Comprehensive Plan Update

Schamehorn opened the Public Hearing at 7:18 p.m. and read aloud the standard procedures for conducting a hearing.

Nichols provided a presentation with background information on the code amendment and Comprehensive Plan (Comp Plan) update request. The property at issue, the Moore Mill log yard, was zoned Heavy Industrial (HI) according to the Comp Plan map. Although it had never been legally changed, it appeared as Controlled Development-1 (CD-1) on the City's zoning map. However, the Comp Plan itself and the Shoreland Overlay did show the property as CD-1. All of this was discovered when the property owner wanted to develop an aquaculture project there, which would not be allowed in the CD-1 zone.

Staff's request was to amend Bandon Municipal Code (BMC) chapter 17.56 to allow aquaculture and dwelling units in the HI zone; to amend BMC 17.76 to change management unit 8 of the Shoreland Overlay to industrial and allow aquaculture; and to amend the Comprehensive Plan for consistency with those code changes. At its January 2024 meeting, the Planning Commission held a Public Hearing on Staff's request and recommended the Council's approval with modifications regarding the size and type of aquaculture allowed and the size and type of housing allowed.

Sheri McGrath, Coos Curry Consulting: The Shoreland Overlay had other inaccuracies. Would they be addressed with this ordinance?

Nichols: Some changes would have to wait. Bandon's Shoreland Overlay was more complicated than that of any other city and Staff would be working with Department of Land Conservation and Development (DLCD) to clean up that overlay.

Staff requested that the hearing stay open and be continued to a future meeting, to provide additional time for public noticing and public comment.

Procetto: Is there a company involved?

Nichols: Not at this time. There was someone interested in conducting aquaculture at the Moore Mill site, and the City wanted to provide an opportunity.

Braun: Since the Port's property was zoned Marine Commercial, why zone the Moore Mill property as Heavy Industrial?

Nichols: In Resolution 23-15, the Council memorialized the findings that the subject property was zoned HI. Staff's request was to amend the code to permit aquaculture in the HI zone.

Schamehorn: She was Planning Commission Chair when David L. Davis requested rezoning the property to CD-1, probably to enable a resort development. The commission had approved the change.

Nichols: The commission actually approved a motion to put the rezoning into a periodic review that would update the code and Comp Plan at a later date, but the update never occurred.

Vick: Is the water quality conducive to aquaculture?

Nichols: Permits from the Department of Environmental Quality (DEQ) are required, and water is pulled from the Coquille River and put back in with no change.

Jeff Griffin, Port Manager, Port of Bandon: The Port supports the proposal before the Council. The Moore Mill site is desirable for mariculture because there is deep water in the river adjacent to it, where the tide brings in ocean water beneath the fresh water. Feasibility studies were conducted through a grant from Business Oregon.

Vick moved to continue the Public Hearing to April 1, 2024, at 7:00 p.m. in the Council Chambers. Seymour seconded the motion, and it carried by unanimous show of hands vote (6:0:0):

AYES: Adamson, Braun, Powell, Procetto, Seymour, Vick
NAYS: None
ABSENT: None

6. URBAN RENEWAL AGENCY ITEM (none)

7. PUBLIC COMMENTS

Bill Frey, Bandon resident: One reason people cannot afford housing is that it costs more than they earn. The 2023 Housing Needs Analysis says Bandon's median annual household income is around \$37,000/year. In general, 30% of household income should go to housing, which would place affordable housing in Bandon at under \$1,000/month, or virtually unavailable. The City's joint project with the Bandon School District could provide some affordable workforce housing, and the Council could define the cost of affordability to ensure that the developer produces housing units that are affordable to Bandon's workforce.

Steve Friedland, Chair, Parks and Recreation Commission: Concerned that the Parks and Recreation Commission was brushed aside with a cursory email, without public input or any discussion with the commissioners, based on information that was not entirely accurate. The commission tried to ease the burden on Planning Staff by agreeing to meet less frequently. Commissioners understood there was no money in the City's budget for parks and recreation, so any projects they initiated would have to be funded by donations or grants. They were surprised when Staff asked them to produce a "wish list," and after they did so, it was construed that they were making demands. Considering budgetary limitations, commissioners only made helpful suggestions for minor inexpensive improvements. A comprehensive plan is needed for Bandon's parks and recreation.

Schamehorn: Parks and Recreation does not have a budget, so over the years small projects were usually conducted within the Public Works Department budget. The City purchased the old golf course at Johnson Creek and the Council has never voted on what should be done with the property. Before trees are planted and money is spent there, the Council needs to address the matter and decided it was best for the commission to go on a hiatus in the meantime. The Planning Department is understaffed for the amount of work required for big issues such as the recent PERK Development Gravel Point project.

Nichols: The commission's stated role in the City's code includes presenting recommendations for long- and short-term parks and recreation projects, so Staff solicited the commissioners' ideas prior to the upcoming budget process. The commission's work is appreciated.

Schamehorn: The commission's work and enthusiasm are appreciated.

Friedland: A comprehensive plan could best determine the future of Johnson Creek. The Parks and Recreation Commission is involved in many other activities—Arbor Day, tree planting in City Park, Clean-up Day in City Park—coordinating volunteers and reducing the workload on City Staff.

Schamehorn: The previous commission chair, Christine Hall, formed Friends of Bandon Park, not affiliated with the City, which has also been helpful.

Susan Miller, Bandon resident: Gorse that was killed along Carter Avenue last year has not been cut down or removed and poses a fire hazard to the Ocean Trails neighborhood. Businesses bring a revenue opportunity and a positive outlook to the community. Businesses that remain closed for weeks or months at a time have a devastating impact on those that try to remain open. People come to Bandon during the off-season and have less reason to come back if most restaurants and shops are closed. If businesses were open, more people would be working in Bandon.

Schamehorn: It has been a grim winter. Lori Osborne is bringing people to town with events at the Fisheries Warehouse. Business owners who rely on tourism are swamped for most of the year and must take some time off during slower months.

Powell: Other businesses pick up the slack when the bakery is closed. In recent years, his staff has dropped from seven to five to four, and was down to only three last summer.

Nancy Post, Bandon resident: Worried about the CCI becoming a function of the Planning Commission. She was a CCI member a decade earlier and felt it was productive. Concerned about the impact of the Gravel Point resort on Beach Loop Drive. What is happening with plans for a pathway on Beach Loop? How will the \$20,000 pledged by the developer be used? Will any improvements to Beach Loop be made before Gravel Point is developed?

Schamehorn: City government has known for years that it was important to get another connector road between U.S. 101 and Beach Loop. As more of the Donut Hole is developed, it will become harder to obtain the necessary rights-of-way to do that. Alleviating traffic problems at the Seabird Drive intersection with 101, on Beach Loop, and on 11th Street through City Park should be a priority for the City. One condition of the City's approval of the Gravel Point project was that the City could determine the route for construction vehicles to take to the project site. They will not be allowed to go through City Park. At the City Manager's recommendation, there will be a study of Gravel Point's impact on traffic after it has operated for six months.

Nichols: The Transportation System Plan (TSP) is broad and aspirational. Preliminary engineering studies on the Beach Access Connector Plan could lead to grant funding in the fall of 2024. Public input for both plans will be taken at an open house in April 2024.

8. CITY MANAGER COMMENTS

Contreras: The contractor conducting exterior Sprague Theater repairs is mobilizing and work should be completed within two months, depending on weather. A branch of the historical cypress tree on private property at 4th Street SW and Ocean Drive, which projects over the street and had previously been repaired after storm damage, had recently lowered by about three feet and was below the minimum 15-foot clearance requirement. The City's arborist inspected the tree and determined the tree was uplifted and leaning due to an unstable root system and rotting at the base of the tree. He recommended removal of the portion of the tree that projected over the street, in an effort to save the remainder of the tree. The property owner has authorized the City to do whatever is necessary for public safety and to protect and preserve the tree.

9. CITY COUNCIL COMMENTS

Vick: There are cypress trees along 8th Street SW on Bandon School District property that should also be checked out.

Procetto: Compliments to Contreras and City Staff for their work on the Council agendas.

Braun: Congratulations to Volunteer of the Month Samantha Stanger.

Powell: Shout-out to the Police Department for a drug bust earlier in the day.

Schamehorn: The Police announced later that they were forced to release the suspects. The Budget Study Session scheduled for March 25, 2024, was rescheduled to precede the Council's next Regular Meeting, on April 1, 2024.

10. ADJOURN TO EXECUTIVE SESSION

Schamehorn adjourned the Regular Meeting at 8:15 p.m. The Council convened an Executive Session to conduct deliberations with persons designated to negotiate real property transactions and to consult with the City Attorney regarding the City's legal rights and duties in regard to current litigation or litigation that is more likely than not to be filed, pursuant to ORS 192.600 (e) and (h).

The Executive Session was called to order at 8:20 p.m. and adjourned at 8:30 p.m.