



City of Bandon

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

Bandon by the Sea

CITY COUNCIL CONSENT AGENDA	DATE: 8-5-2024
SUBJECT: CITY COUNCIL AND PLANNING COMMISSION	ITEM NO: 3.10

BACKGROUND:

City of Bandon and Urban Renewal Agency meeting minutes as submitted by June Hinojosa, City Recorder

- June 3, 2024 – Regular Meeting
- June 17, 2024 – Work Session and Special Meeting
- July 1, 2024 – Regular Meeting

Planning Commission and CCI meeting minutes as submitted by Nicolette Cline, Planning Assistant

- May 13, 2024 – Joint Work Session With City Council
- June 27, 2024 – Regular Meeting

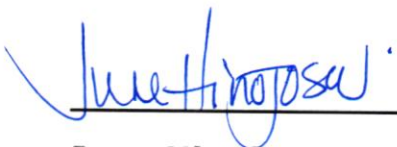
FISCAL IMPACT:

None

RECOMMENDATION:

Motion to approve as part of the Consent Calendar Items.

SUBMITTED BY:



June Hinojosa, City Recorder



City of Bandon

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

Bandon by the Sea

MINUTES

CITY OF BANDON CITY COUNCIL AND URBAN RENEWAL AGENCY BOARD

COUNCIL CHAMBERS, 555 HIGHWAY 101, BANDON, OR 97411

MONDAY, JUNE 3, 2024

Livestreamed via Zoom Meetings

This meeting will be available on YouTube on Tuesday the week following the meeting.

https://www.youtube.com/channel/UCt15AF3tbKKQxscb_jKR5AA

COUNCIL MEMBERS PRESENT:

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

STAFF PRESENT:

Torrey Contreras, City Manager
Shala Kudlac, City Attorney
Dana Nichols, Planning Director
Nicolette Cline, Planning Assistant
Andrea McMahon, Assistant to City Manager
Paula Burris, Finance Director

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 Jon Simpson of Pacific Community Church provided the Invocation. The Pledge of Allegiance was led by Procetto.

2. PRESENTATIONS

Bethe Patrick, Executive Director of the Greater Bandon Association (GBA), presented the organization's Volunteer of the Month award to Deb Holder.

3. CONSENT CALENDAR ITEMS

- 3.1 ACCOUNTS PAYABLE REPORT FOR APRIL 2024
- 3.2 LIBRARY REPORT FOR APRIL 2024
- 3.3 PUBLIC WORKS FOR APRIL 2024
- 3.4 THE BARN/THEATER REPORT FOR JUNE/JULY 2024
- 3.5 PLANNING DEPARTMENT REPORT FOR MAY 2024
- 3.6 POLICE DEPARTMENT REPORT FOR MAY 2024
- 3.7 FINANCE DEPARTMENT REPORT FOR APRIL 2024
- 3.8 CONSOLIDATED MUNICIPAL UTILITY REPORT FOR APRIL/MAY 2024
- 3.9 MUNICIPAL COURT REPORT FOR APRIL 2024

3.10 MINUTES PLANNING COMMISSION, CITY COUNCIL, AND URBAN RENEWAL AGENCY BOARD

- **April 25, 2024 – Planning Commission**
- **May 6, 2024 – City Council Regular Meeting**
- **May 13, 2024 – City Council Special Meeting**

3.11 REAPPOINT COMMITTEE MEMBERS AND COMMISSIONERS

- **REAPPOINT SHERI WRIGHT – LIBRARY – 2ND TERM**
- **REAPPOINT GORDON NORMAN – PLANNING COMMISSION – 2ND TERM**
- **REAPPOINT BILL FREY – PLANNING COMMISSION – 1ST TERM**

3.12 LIQUOR LICENSE – BANDON BAIT AND TACKLE

Powell moved to approve the Consent Calendar. Procetto seconded the motion and it carried unanimous of those present. (5.0.1)

AYES: Adamson, Braun, Powell, Procetto, Seymour

NAYES: None

Absent: Vick

4. PUBLIC HEARING ITEMS

4.1 RESOLUTION 24-13 STATE REVENUE SHARING FUNDS FOR FISCAL YEAR 2024-25

Burris: The Budget Committee held a public hearing on April 29 to provide input on distributing State Revenue Sharing Funds. The Budget Committee approved distributing \$35,200 in grants to community partners and one time funding in the amount of \$39,400 to The Greater Bandon Association.

Seymour moved to approve Resolution 24-13. Adamson seconded the motion, which carried by vote of Ayes and 1 Nay of those present. (4-1-1):

AYES: Adamson, Braun, Procetto, Seymour

NAYS: Powell

Absent: Vick

4.2 RESOLUTION 24-14 ADOPTING THE MUNICIPAL BUDGET AND IMPOSING AND CATEGORIZING TAXES FOR FISCAL YEAR 2024-25

Burris: The Budget Committee met on April 15 and April 29 to discuss the fiscal year 2024-25 budget. The item before you is the approved budget and taxation for the upcoming fiscal year. The total City budget is \$39,261,644.

Torres: The modification to the organizational chart that is part of the budget, includes qualifying the Finance Director as the City Treasurer as discussed and directed by the Council, and the reassignment of Code Enforcement to Planning.

Seymour moved to approved Resolution 24-14. Adamson seconded the motion, which carried by vote of Ayes and 1 Nay of those present (4-1-1):

AYES: Adamson, Braun, Procetto, Seymour

NAYS: Powell

Absent: Vick

4.3 RESOLUTION UR24-01 ADOPTING THE URBAN RENEWAL BUDGET FOR FISCAL YEAR 2024-25

Burris: The Budget Committee met on April 15 and April 29 to discuss the Urban Renewal Budget for District 1 and 2. The item before you are the approved Fiscal Year 2024-25 Budget. The Urban Renewal District 1 Budget is \$717,152 and District 2 Budget is \$649,720.

Powell moved to adopt Resolution UR24-01. Procetto seconded the motion, which passed unanimously by vote of Ayes of those present (5-0-1):

AYES: Adamson, Braun, Powell, Procetto, Seymour

NAYS: None

ABSENT: Vick

5. NEW AND OLD BUSINESS

5.1 RESOLUTION NUMBER 24-08 OF THE BANDON CITY COUNCIL ADOPTING THE EMPLOYEE SALARY SCHEDULE FOR FISCAL YEAR 2024-25

Burris: The Employee Salary Schedule before you has been updated for next fiscal year. The adjustments are based on collective bargaining agreements and past City practices. I would like to note that the City is currently negotiating two bargaining units for Public Works, Clerical, and Library. Once these tentative agreements are reached, the contracts will be presented to the Council for discussion.

Adamson: What was the standard practice for the City for the administration increases?

Burris: The practice has been to take all percentages combined and take the average. We have two organizations that we don't have a set percentage on, so we took the lower end of 4 percent.

Seymour moved to adopt Resolution 24-08. Procetto seconded the motion, which passed unanimously by vote of Ayes of those present (5-0-1):

AYES: Adamson, Braun, Powell, Procetto, Seymour

NAYS: None

ABSENT: Vick

5.2 RESOLUTION NUMBER 24-09 MEMORIALIZING AN INTERFUND TRANSFER AGREEMENT BETWEEN THE GENERAL FUND AND WATER FUND FOR FISCAL YEAR 2024-25

Burris: The Water Fund does not generate sufficient revenue to cover its operating costs. This item is to memorialize an interfund transfer from the General Fund to the Water Operating Fund in the amount of \$111,069. The fund balance in the Water Fund has been declining year after year. The Water Utility is funded solely by user fees. With the Council lacking rate-setting authority, the General Fund must now subsidize the Water Fund to continue operating. Currently we haven't been able to identify a repayment source or schedule, that's why we don't have it as a loan and just as an agreement.

Procetto moved to adopt Resolution 24-09. Seymour seconded the motion, which passed unanimously by vote of Ayes of those present (5-0-1):

AYES: Adamson, Braun, Powell, Procetto, Seymour

NAYS: None

ABSENT: Vick

5.3 RESOLUTION 24-10 MEMORIALIZING AN INTERFUND TRANSFER AGREEMENT BETWEEN THE GENERAL FUND AND WASTEWATER FUND FOR FISCAL YEAR 2024-25

Burris: This is very similar to the last item. With the Council not having rate-setting authority, the Wastewater Utility is also unable to recoup its operating cost. The item is to memorialize an interfund transfer from the General Fund to the Wastewater Fund in the

amount of \$80,143. Again, we haven't been able to identify a repayment source or schedule.

Powell moved to adopt Resolution 24-10. Procetto seconded the motion, which passed unanimously by vote of Ayes of those present (5-0-1):

AYES: Adamson, Braun, Powell, Procetto, Seymour

NAYS: None

ABSENT: Vick

5.4 AGREEMENT FOR SERVICES WITH THE URBAN RENEWAL AGENCY FOR FISCAL YEAR 2024-25

Burris: The Urban Renewal Agency (URA) does not have its own staff and contracts annually with the City to perform administrative services for the District. The URA total for services is \$138,270.

Procetto moved to accept the agreement. Powell seconded the motion, which passed unanimously by vote of Ayes of those present (5-0-1):

AYES: Adamson, Braun, Powell, Procetto, Seymour

NAYS: None

ABSENT: Vick

5.5 SPRAGUE THEATER LIGHTING PURCHASE IN THE AMOUNT OF \$249,583.75 AND AUTHORIZE THE CITY MANAGER TO ENTER INTO A CONTRACT WITH HOLLYWOOD LIGHTS

Powell: Was Hollywood Lights the only one out there?

Burris: We did try some other vendors. There are not too many that serve a small jurisdiction like us. Hollywood Lights is out of Portland. There are some companies we could buy the equipment from, but we would need to have it installed. The consensus after doing significant research was to go with Hollywood Lights.

Powell: Do we get any warranty?

Burris: I can get those details for you.

Seymour: When you get the information about the warranty, please send that to the Council.

Adamson: Was there no RFP or multiple bids needed?

Burris: We did request multiple bids. We weren't successful in finding another company that could give us a bid for the product and installation.

Seymour moved to accept. Procetto seconded the motion, which passed by vote of Ayes of those present (4-1-1):

AYES: Adamson, Braun, Procetto, Seymour

NAYS: Powell

Absent: Vick

5.6 AN EXCLUSIVE NEGOTIATING AGREEMENT BETWEEN THE CITY OF BANDON, THE BANDON SCHOOL DISTRICT, AND DORMY HOUSE LLC, RELATIVE TO THE PROPOSED JOINT WORKFORCE HOUSING PROJECT LOCATED ON 11TH STREET SW, SOUTH OF BANDON HIGH SCHOOL, BETWEEN ALLEGHENY AVENUE SW AND FRANKLIN AVENUE SW, IN THE CITY OF BANDON

Contreras: I would like to introduce the Bandon Superintendent, Shauna Schmerer, and our Project Manager, Matt Welter, here in the audience. With that said, City Staff is requesting City Council authorization to enter into a three-party agreement that would allow us to move forward with exclusive negotiations with the Developer in collaboration with the School District. The project site was identified as a potential workforce housing development area, and an RFP was circulated. Matt Welter with Dormy Housing LLC was selected as the preferred Developer. Since that time, City Staff have been working with the School District and the Developer to obtain required studies and information for the project engineers and architects to develop concepts. These concepts are still fluid and subject to further revision. Entering into this agreement allows us to ensure that there is a date for completing negotiations and the work that would allow this project to move forward. That would include the development of a Disposition and Development Agreement that would memorialize our responsibilities as the Lead Agency, the responsibilities of the School District, and that of the Developer. In addition to the required entitlements for allowing the development to move forward, we have assigned approximately 210 days for this to be completed. The provisions and stipulations in the agreement are detailed in the attachment. I would like to note one change, and that is on page eight of the agreement under Phase Development item 4c, second paragraph. According to a revision recently introduced into the site plan, Phase I and Phase II were comprised of one Dormy House apartment for each project phase. Phase I would include seven single-family homes and/or combination of condominiums to allow for a higher density. That is subject to a separate agreement that the Developer must enter into with the School District for use of an existing ball field that would be separate but contiguous. Collectively the objective here is to maximize the development opportunities at the site. We have identified an alternative location for the ball field. That would be a separate signed agreement with the Developer and the School District. Pending that authorization, we could then move forward with finalizing the site plan and establishing the exact unit count, which is still fluid and subject to revision. On the last signature page, the School District representative should be the Superintendent, not the City Manager. We are going to make those editorial changes. We are recommending City Council authorization to move forward with its execution.

Schamehorn: Does anyone have any questions for the Developer or the Superintendent?

Matt Welter, owner of Dormy House: We have reviewed the Agreement and basically we have negotiated an agreement to negotiate. Everyone is on the same page.

A little bit about me, I used to work in the golf industry and for about twelve years as a developer in my hometown and Bandon. We just finished up our first project at Bandon Dunes Golf Resort, and that included two of these Dormy House apartments. For this project in general, these are going to be modest homes. When you hear the word apartments, I know that kind of scares people. We have three site plans, and they all have apartments. They will be designed to fit with the aesthetic of the community. It's not going to be something ostentatious or an eyesore. Community feedback will include open houses so everyone can see what we are doing.

Schamehorn: How many housing units do you think you will have when the project is completed? Will they be for sale or rentals?

Welter: That is a good question and will depend on the agreed density and the housing types. It will be a nice mix of higher density apartments, medium density townhomes/duplexes, and single-family detached dwellings. The estimated number will be 20 to 30 units. Apartments will be rented, and the single-family dwellings will be for sale. The whole goal is that the City is contributing to the land, which brings down the cost. We are going to do everything we can to pass on the cost savings.

Seymour: Thank you for partnering with the School District and the City to do this project. I'm really looking forward to it and I know everyone appreciates it.

Contreras: From a design concept, we want to maintain the integrity of the existing single-family residential area. To do this, the single-family, one-story homes will be located directly adjacent to the existing homes. The duplex type of unit will be centrally located within the proposed development, which allows for a very aesthetic and pleasing frontage on Eleventh Street. It will also allow for incorporating some provisions to the existing parking layout for the ball fields, and as Matt indicated, the apartments will be positioned towards the rear. The aesthetic or elevation would be of the more decorative embellished tones, which is conceptually what we are looking at.

With the contribution of the value of the property provided by the City and the School District, an affordability covenant will be recorded on properties that will be made available for sale. They will run for a duration of time and allow for a blend of income levels to be accommodated within the development. Whether it's in the single-family residential component, the condominiums/town homes, or in the apartments, we are looking at creating a blend of income levels to target workforce housing needs.

Schamehorn: This is workforce housing not low-income housing?

Adamson: The softball fields are going to be relocated.

Welter: A single softball field. We have identified the location where the athletic fields are on June Ave. I plan/hope to update the current one, the most eastern field but, the western field will be relocated to June Ave.

Contreras: Our objective is to create a win/win situation for the City, School District, and the Developer. In doing so, we want to ensure that all facilities, when we are done with the project, have been enhanced and upgraded.

Adamson moved to accept the agreement. Procetto seconded the motion, which passed unanimously by vote of Ayes of those present (5-0-1):

AYES: Adamson, Braun, Powell, Procetto, Seymour

NAYS: None

Absent: Vick

5.7 RESOLUTION NUMBER 24-11 AUTHORIZING AN APPLICATION FOR A TRANSPORTATION AND GROWTH MANAGEMENT PLANNING GRANT TO DEVELOP A MASTER PLAN FOR THE DONUT HOLE

Nichols: We are going to apply for a Transportation and Growth Management grant, which is a program of the Oregon Department of Transportation and the Department of Land Conservation and Development. It's a grant program that allows you to look holistically at an area and do an integrated Land Use and Transportation Plan. Which means we would be looking at what the zoning would be for the donut hole and what the future

transportation plan would look like there. This is the same grant that we applied for with the Transportation System Plan update. Unfortunately, as part of that project we can't get so granular as looking at the donut hole in the North/South, East/West connection, which has come up recently as a major need for the City. We will look at that as part of this grant. We are also going to include an economic component, which would look at the economic impact of annexation of the area, what it would cost the City, and what it would provide in the form of benefits. The grant application requires a Resolution from the City Council showing support for the application. Please let me know if you have any questions.

Seymour made a motion to adopt Resolution 24-11. Procetto seconded the motion which passed unanimously by vote of Ayes of those present (5-0-1)

AYES: Adamson, Braun, Powell, Procetto, Seymour

NAYS: None

Absent: Vick

5.8 2024 BANDON MUNICIPAL CODE CLEAN-UP PERTAINING TO HOTEL PARKING STANDARDS, PAINT COLOR APPROVAL OLD TOWN, COMMERCIAL DESIGN STANDARDS, AND THE REORGANIZATION OF TITLE 17

Schamehorn: I'm just going to give a little background. We didn't realize that if a motel were to be built in Bandon you would need one parking space for every room, and a hotel only requires one parking space for every two rooms. So here we had a situation where Marriott was going to build downtown, and they would have only had to provide half the parking spaces that were needed. That's when we realized what our ordinance said.

Nichols: The paint color approval comes from the City that has a preapproved color palette for architectural overview overlay zone, which is primarily Old Town. City staff can approve administratively any request for new paint on a building if it is on the preapproved color palette. Anything outside of that needs to go to the Planning Commission for approval. Since Planning Commission meetings are once a month, it can take a long time to get that approval. We did speak with the Planning Commission about making it a staff type II decision where we would still send notices to the neighbors. They would have an opportunity to appeal it to the Planning Commission if it were an outrageous color, but otherwise they trust staff to make that decision. We also have a clarification of the commercial design standards. We have received many questions about when they would apply or not apply. There are some exemptions. We are just clarifying that language.

The final change is the reorganization of Title 17. Right now each zone has its own individual chapter. Most of those chapters say the same thing; they reiterate the same setbacks, the same height, which adds a lot of length to the code. It's also a little confusing for the public. I will give you an example: someone will come in and ask us, "I would like to open a restaurant. Where can I do that?" We must look in every single chapter to figure out where that restaurant can be located. So instead, what we would like to do is reorganize the code and have things placed in tables. It would be all the uses and all the zones and then an X where all the uses are allowed. I have included an example for you. We would be doing the same thing for all the standards to make it more concise.

The other thing is that the code cleanup will add some language around temporary uses, outdoor storage, and outdoor uses. For example, we had some folks that wanted to sell things at empty businesses on Highway 101. We didn't have anything in our code that said what to do if someone requested that. This will add a process for staff review of any sort of outdoor storage or temporary use of a property.

Finally, the last part of the reorganization would move things from the supplementary provisions chapter, which right now is just a catchall for all sorts of weird things. Moving it

into the chapter after the zoning chapter, which would include all the special uses. It would include things like accessory dwellings, residential care facilities, and mobile food units.

Schamehorn: The old service station across the street; do we have anything in our code about a falling down signpost? Is there any way something can be done about that?

Nichols: I believe that falls under the nuisance chapter and our code compliance officer has been working with the property owner to remedy that issue.

Schamehorn: It's been there two years. Certainly isn't a very fast remedy.

Contreras: I was excited this morning when I came into work and saw a crew out there doing some cleaning and removing a lot of the debris that was left behind by the prior operator. With that said, I can look at the Municipal Code and determine whether or not we have existing provisions that would allow us to require it to be removed.

Schamehorn: I was on the Council 40 years ago and we didn't have a specific ordinance for everything. We would use the nuisance ordinance regularly to take care of things like that. It seems like we are going in the wrong direction. When you come into Bandon the first thing you see is the toilet with green water pouring out of it. I understand that is in the County. And then you drive a little farther and you look at that service station, and you say to yourself, maybe people don't care about what things look like in this town, and that really concerns me. We are nitpicking on something like the color of a building because it's not the right green, and yet the building next to it is literally falling to pieces.

Contreras: I have also heard word that there may be a prospective tenant. I can't disclose any of those details. If that is the case, then in reviewing their application that would be an area we would take a specific look at to condition its removal upon approval.

Procetto made a motion to approve. Powell seconded the motion which passed unanimously by vote by Ayes of those present (5-0-1)

AYES: Adamson, Braun, Powell, Procetto, Seymour

NAYS: None

Absent: Vick

5.9 RESOLUTION UR24-02 AGREEMENT FOR SERVICES WITH THE CITY OF BANDON FISCAL YEAR 2024-25

Burris: This is the other side of the agreement that you talked about earlier from the City. It's a request for the URA to accept the agreement from the City to provide administration, accounting, auditing, public works, and planning services for fiscal year 2024-25.

Adamson: So those need two separate resolutions?

Burris: The City side is just your authorization. The resolution on this one is on the Urban Renewal side.

Seymour made a motion to adopt Resolution UR24-02. Procetto seconded the motion which passed unanimously by vote of Ayes of those present (5-0-1)

AYES: Adamson, Braun, Powell, Procetto, Seymour

NAYS: None

Absent: Vick

5.10 RESOLUTION UR24-03 TRANSFER OF ASSETS TO THE CITY OF BANDON

Burris: This is Resolution UR24-03 which will transfer assets to the City of Bandon. The Urban Renewal Agency supports economic development and community improvements by financing public projects. There are five projects that are requested to be transferred to the City and there is a typo on the fourth asset. It should be the VFW Memorial Park. I apologize for that. The resolution has been updated with the correct spelling. The City, once it's transferred, will be responsible for ongoing maintenance and taxes.

Seymour: Have we ever done this before?

Burris: It has not been done in some time and that's why there are five items. It should be done on a regular basis.

Adamson made a motion to adopt Resolution UR24-03. Seymour seconded the motion which passed unanimously by vote of Ayes of those present (5-0-1)

AYES: Adamson, Braun, Powell, Procetto, Seymour

NAYS: None

Absent: Vick

5.11 AUTHORITY TO ACCEPT ASSETS TRANSFERRED FROM THE URBAN RENEWAL AGENCY TO THE CITY OF BANDON

Seymour made a motion to accept. Adamson seconded the motion which passed unanimously by vote of Ayes of those present (5-0-1)

AYES: Adamson, Braun, Powell, Procetto, Seymour

NAYS: None

Absent: Vick

6. PUBLIC COMMENTS

John Costa, a Bandon resident, is concerned about the overpopulation of crows in his neighborhood.

Schamehorn: John, the first thing we would have to do is note that crows are not considered songbirds. We will have to take action to reintroduce them. Can I ask the City Manager to look at other coastal cities where this might be a problem to see how they have addressed it? When I moved into my neighborhood, which is very near where John lives, just a couple of blocks, there weren't any crows ten years ago and now they are everywhere. If in fact feeding them is bringing them here or causing them to stay in certain residential areas, then I agree something needs to be done. But there is a problem John, as you know, you have probably gone down Fillmore and seen the seagulls. The seagull situation there is worse than ever. We have had that man in Municipal Court probably six times. The District Attorney is not going to process feeding the seagull or crow violations. They are not going to go to jail. We keep fining him and he pays his fines. It's destroying the roof of the building next door. Just to show you, we have an ordinance that takes care of seagulls, but the situation continues to exist. So even if we agree with you one hundred percent, it's very difficult to control.

Costa: My solution to that is to raise the fine.

Contreras: The City staff has access to a listserv, and we can put out a question to coastal cities to see if they have a similar issue and if so, then how are the crows or any nuisance

birds being addressed? In addition, we could bring back, if it's City Council's directive, an informational report regarding our findings and seek Council direction at that point.

Costa: Why was the ordinance changed to take out crows?

Schamehorn: It had to do with the crows being listed as songbirds.

Seymour: Can we bring something back to the July meeting?

Contreras: Yes, I will work with staff to circulate that listserv question or survey tomorrow, and depending on the feedback, that will determine whether we have enough information necessary to move forward with an informational report in July.

7. CITY MANAGER COMMENTS

Contreras: I would also like to mention that in addition to the new lighting at the theater, the City Council previously awarded in the budget a complete renovation of the exterior. That component of the project has been completed. We have the contractor on site prepping the building for painting. We anticipate the painting will commence later this week weather permitting. That is just another example of how the Council values these community facilities and the importance that they are to everyone here.

8. CITY COUNCIL COMMENTS

Seymour: None

Adamson: None

Braun: None

Powell: None

Schamehorn: None

Procetto: On Memorial Day I went to the VFW where they were remembering the Vietnam soldiers, sailors, and veterans. It was a very moving event and I'm very proud of them.

9. ADJOURN

Schamehorn adjourns the Regular Meeting at 7:54 p.m.

Minutes Recorded
By June Hinojosa
City Recorder



City of Bandon

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

Bandon by the Sea

MINUTES CITY OF BANDON CITY COUNCIL AND URBAN RENEWAL AGENCY BOARD WORK SESSION AND SPECIAL MEETING

COUNCIL CHAMBERS, 555 HIGHWAY 101, BANDON, OR 97411

MONDAY, June 17, 2024, AT 5:00 p.m.

Livestreamed via Zoom Meetings

This meeting will be available on YouTube on Tuesday the week following the meeting.

https://www.youtube.com/channel/UCt15AF3tbKKQxscb_jKR5AA

COUNCIL MEMBERS PRESENT:

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

STAFF PRESENT:

Torrey Contreras, City Manager
Shala Kudlac, City Attorney
Dana Nichols, Planning Director
Andrea McMahon, Assistant to City Manager
Paula Burris, Finance Director

1. CALL TO ORDER

Schamehorn called the meeting to order at 5:00 p.m. Roll Call was taken as indicated above.

2. DISCUSSION

2.1 REVIEW OF THE ANNUAL FUNDING ALLOCATION ASSIGNED BY THE CITY OF BANDON CITY COUNCIL TO THE BANDON CHAMBER OF COMMERCE AND ALLOCATION OF REMAINING FUNDS

City Manager Contreras provides an oral summary of the staff report.

Schamehorn: Showed a chart of other coastal Oregon cities and whether they have a Chamber and/or if they fund them with Transient Occupancy Taxes (TOT). Of the six polled, only two cities provide funds to their Chambers. It is at a much lower amount than the \$170,000 the City of Bandon provides to our Chamber, and their revenues are much higher than ours for TOT's:

Lincoln City	\$3,000	Newport	\$41,667
--------------	---------	---------	----------

Note: Cities surveyed included Lincoln City, Brookings, Gold Beach, Newport, North Bend, and Port Orford.

Braun: If Newport gives \$48,000 to their Chamber Commerce, we know they are generating quite a bit more and they are obligated to spend that money on tourism. We know that is just a small percentage. What is there advertising and promotion, how are they spending that money?

Contreras: We can do a deeper dive and review their budget to determine where the TOT is being assigned. This survey was just to get an understanding of the allotment to each Chamber. There is a document produced by the Oregon League of Cities titled *Legal Guide to Collecting Lodging Tax in Oregon* and it details what TOTs can be used for. There are a number of things listed that I'm sure that City probably utilizes TOT's in lieu of General Fund to support whatever they do in the form of programming services that support tourism.

Julie Miller: Talked about how funds are allocated in other towns.

Robin Miller presented the Chamber's position. The agreement with the Chamber does automatically renew, unless specifically terminated for some reason. You can unilaterally terminate, and when the agreement terminates depends on when you elect to terminate it. Since we are past January 1 right now, my interpretation of the contract is that the Chamber is good for next July 1 through June 30. Even if you terminate tonight, the Chamber is still under an agreement with you to carry forward until next year. The agreement states that basically a flat rate of 20.7% of TOT's goes to the Chamber, and the Chamber has to come up with a plan. My understanding is that for the past few years you have gone along with the Chamber plans. Margaret has advised me that the City is presently in arrears to the Chamber in the amount of \$60,000 to \$70,000. I'm sorry I don't have the specific accounting for you, but there have been short falls in these previous years. Margaret has raised that with Torrey's predecessor, but never actually got a reply. My suggestion at this point is simply to read and comply with the contract. Pay the Chamber, because the Chamber has done what it was contracted for, they've done their job. If you feel like there is an issue with the Chamber itself, or if you are doing a big think about how to apply TOT funds, or if you should coordinate with the Chamber of Commerce or not, or if you should have an in-house City position or not, is fine. The message that Margaret wanted me to convey this evening is that we ask you to comply with your existing contract. If there is some legal issue with the contract, or some noncompliance by the Chamber that was not resolved within the contract, please let us know.

Council discussion centered on how to allocate the TOT funds to the Chamber; the \$293,025 unallocated funds. The Council was split on how to handle the allocation. Whether to match the \$170,000 that was budgeted for the current fiscal year, or the 20.7% stipulated in the contract, was the appropriate allocation for Fiscal Year 2024-25. The Council would like to meet with the Chamber Director and/or Representative to determine if they are willing to support Staff's recommendation to \$68,000 assigned to landscaping and maintenance, and an additional \$29,000 for janitorial services in Old Town and the South Jetty restrooms, etc., which would leave approximately \$195,000 available for the Chamber. Otherwise, the funds would have to come from the General Fund. By using TOT's, it helps alleviate some of the pressure on the General Fund, since the fund only receives .46/1000 property tax. A suggestion to keep from tying the Chamber's hands is to budget \$170,000, and if there are special projects, to get approval from the Council for additional funding.

Powell stated that he would be comfortable reviewing the contract to confirm its terms. He believes there is a clause specifying when the contract can be canceled, and he wants to ensure that we adhere to the contract to avoid any potential legal issues. If you want to set an arbitrary amount, you will need to do that by January 2025. He also mentioned that he does not have a problem with the money they are spending.

Seymour noted that we have not done our diligence year-to-year. It is stipulated in the agreement that we audit the TOT funds every January. I talked to Paula and since she has been here, they have not done that. I would like to see that start happening.

As to the arrearage, Fiscal Year 2023-24 budgeted \$170,000, which was approved by the Budget Committee and by Council. Finance did not have their budget last year. It is believed that the Chamber spoke directly with the previous City Manager. He directed the Finance Department to put \$170,000 in the budget. The actual amount of TOT's would have been over \$207,000. The Finance Department believes the difference is approximately \$40,000, rather than the \$60,000 to \$70,000 mentioned. The Council asks the Chamber to show them the figures and where they come from.

The City Attorney confirmed to the Council that Contreras was correct, the agreement is at will and stipulates that notice needs to be given prior to January 1 with the idea that the agreement would be terminated the following June. If the Council were to look at moving in that direction, the City would prepare a notice of termination that meets those requirements.

It was noted that the Chamber's advertising budget for Fiscal Year 2024-25 is \$115,000, which is about 69% of the \$170,000 budget. If the Council chooses to allocate 20.7% that would be \$225,000.

In summary the Council would like to meet with the Chamber in Mid-July to discuss the staff's recommendations, where the overages go above and beyond the advertising budget, and address the Chamber's suggested arrearage. This will allow both agencies to come to an acceptable agreement on allocation for Fiscal Year 2024-25 and how to plan to move forward with the agreement in the future.

Schamehorn adjourns Work Session meeting to Special Council meeting at 5:38 p.m.

Schamehorn adjourns Special Council meeting at 5:38 p.m.

Minutes prepared by June Hinojosa, City Recorder



City of Bandon

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

Bandon by the Sea

MINUTES

CITY OF BANDON CITY COUNCIL AND URBAN RENEWAL AGENCY BOARD

COUNCIL CHAMBERS, 555 HIGHWAY 101, BANDON, OR 97411

MONDAY, July 1, 2024

Livestreamed via Zoom Meetings

This meeting will be available on YouTube on Tuesday the week following the meeting.

https://www.youtube.com/channel/UCt15AF3tbKKQxscb_jKR5AA

Due to technical difficulties, we do not have a video of the meeting to post on YouTube, but we do have an audio recording, which the City Recorder can provide upon request.

COUNCIL MEMBERS PRESENT:

Mary Schamehorn, Mayor
Joshua Adamson, Councilor – Zoom
Peter Braun, Councilor
Chris Powell, Councilor

Geri Procetto, Councilor
Madeline Seymour, Council President
Brian Vick, Councilor – Absent

STAFF PRESENT:

Torrey Contreras, City Manager
Shala Kudlac, City Attorney
Dana Nichols, Planning Director
Andrea McMahon, Assistant to City Manager

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. Rev Robin Haruna of Unity of Bandon provided the Invocation. The Pledge of Allegiance was led by Seymour.

2. PRESENTATIONS

3. CONSENT CALENDAR ITEMS

- 3.1. Accounts Payable Report for – May 2024
- 3.2. Library Report for – May 2024
- 3.3. Public Works Report for – May 2024
- 3.4. The Barn/Theater Calendar for – July/August 2024
- 3.5. Planning Department Report for – June 2024
- 3.6. Police Department Report for - Unavailable
- 3.7. Finance Department Report for – May 2024
- 3.8. Consolidated Municipal Utility Report for – May/June 2024
- 3.9. Municipal Court Report for May 2024
- 3.10. City Council/Urban Renewal Agency and Planning Commission Minutes
April 15, 2024 - Planning Commission
April 29, 2024 – Budget Committee
May 23, 2024 - Planning Commission/CCI

Braun moved to approve the Consent Calendar. Procetto seconded the motion, and it carried by unanimous show of hands vote (5:0:1):

AYES: Adamson, Braun, Powell, Procetto, Seymour

NAYS: None

ABSENT: Vick

4. NEW AND OLD BUSINESS ITEMS

4.1. RESOLUTION 24-12 RESCINDING THE FAÇADE IMPROVEMENT LOAN/GRANT PROGRAM AND ADOPTING GUIDELINES FOR THE BANDON BUSINESS IMPROVEMENT GRANT (BIG) PROGRAM

Nichols: Provided an oral summary of the staff report.

Seymour made a motion to adopt Resolution 24-12 Rescinding the Façade Improvement Loan/Grant Program and Adopting Guidelines for the Bandon Business Improvement Grant (Big) Program. Adamson seconded the motion, and it passed unanimously by Ayes (5-0-1)

AYES: Adamson, Braun, Powell, Procetto, Seymour

NAYS: None

ABSENT: Vick

4.2. ORDINANCE 1666 OF THE CITY OF BANDON AMENDING BANDON MUNICIPAL CODE SECTION 6.24.150 FEEDING WILD ANIMALS PROHIBITED ACTIVITY

Contreras: Provided an oral summary of the staff report.

Council: Asked for clarification of chapter 6.24.150.

Contreras: Explained the chapter and deferred to City Attorney for more information on chapter 1.16.

Kudlac: Chapter 1.16 would let you file for an injunction in Circuit Court. It can be escalated up the chain and appear in court in Coquille. The Circuit Court Judge could do an injunction. An injunction is essential rather than just a fine. It is a Thou Shalt Not Do This by court order.

Powell: How does a person get caught feeding wild animals.

Contreras: That's the difficulty with enforcement. My understanding is that the person must be caught in the act of feeding wild animals. I will defer to the City Attorney to expand on that.

Kudlac: We have not had too tough of a time in Municipal Court prosecuted cases. The evidence becomes quite clear. Our Code Enforcement Officers find means to catch folks in the act. It is essentially the court's judgement.

Schamehorn: I wonder how many actual complaints we get from a neighbor saying that they are causing a problem in our neighborhood. It isn't that you just drive by and see someone throwing a handful of seeds out.

John Costa, resident of Bandon: My problem is there are a great number of people in my neighborhood that feed the crows frequently. I've been using a laser to deter the crows. I've done extensive research on using a laser. It does not hurt the crow's eyes. I have discussed with the Chief of Police and SGT about using the laser. They say if anybody has a problem with it, they will address that it is totally legal.

Braun: John, is there the same liability that we experience with seagulls? Are we experiencing property damage? What's going on with the crows? Yes, they are everywhere and in a lot of different neighborhoods. There are a lot of people that really enjoy feeding the crows.

John Costa: They are damaging nature's way of keeping everything in balance and in check. From a quarter after 5 in the morning until quarter of 9 at night, all I get to listen to is screaming crows.

Procetto: Are the people spreading bird feed on the sidewalk or out of their apartments?

John Costa: There's a guy that lives right in front of our apartment that feeds them at his house. To this day I see people in our apartment complex feeding crows at 5:30 a.m.

Schamehorn: Can I ask the City Manager about how many actual complaints we get about the crows? I'm sure we get some about the seagulls. We have tried to address the two major problems. Do we get a lot of complaints about the crows?

Contreras: I usually get a complaint at least twice a month up at my level. But I'm sure Code Enforcement receives more complaints than I do.

Schamehorn: I believe I told you last time, even if we implement this, we have a very strong ordinance against the seagulls, and you can see how successful we have been. We have not been able to do a thing.

Geroge Davis, resident of Bandon: I have no problem with the ordinance you are talking about except, you need spell out what the feeding actually is. When I go to mow my field, the minute they hear the mower start they flock to the trees. They follow me all around the field looking for field mice and going after them. Am I feeding them?

Deborah Greenwall, Manager of Pacific Pines: When I started working there, I put out a notice to not feed the birds. There is absolutely no one feeding the crows. I got a call from Richard because someone called with a complaint. We don't feed the crows and it's one man's word against everybody.

Valerie Sutton, Resident of Pacific Pines: I live directly below John Costa. We have been accused of feeding the crows. Never once have we fed any birds. He has to have proof. Don't make any kind of accusation if you can't prove it.

Kudlac read Ordinance 1666 by title only. Seymour made a motion to pass the ordinance to a second reading by roll call vote. Procetto seconded the motion and it failed (2-3-1)

AYES: Procetto, Seymour

NAYS: Adamson, Braun, Powell

ABSENT: Vick

4.3 ACCEPT QUALIFIED BIDS FOR EDISON AVENUE SIDEWALK PROJECT AND AWARD CONTRACT

Nichols: Provided oral summary of staff report.

Seymour made a motion to accept all bids. Seconded by Braun. Motion passed unanimously By Ayes (5-0-1)

Seymour made a motion to award the contract for the Edison Avenue Pedestrian Improvements – 2024 Rebid to Guido Construction, Inc. in the amount of \$325,083.18. Seconded by Procetto. Motion passed unanimously by Ayes (5-0-1)

AYES: Adamson, Braun, Powell, Procetto, Seymour

NAYS: None

ABSENT: Vick

5. PUBLIC HEARING ITEM

None.

6. PUBLIC COMMENTS

George Davis, Bandon Resident: Discussion about homeless encampment on his property and the Grand Ave right of way. I'm really concerned about the fire danger.

Council: We will get the police out there.

Christine Hall, Friends of Bandon Parks and Recreation: I'm here because it's Park and Recreation month, and I want to promote that.

Schamehorn: Steve contacted me about a Proclamation for next month. It's in the works.

7. CITY MANAGER COMMENTS

Contreras: This is the first I have heard about the homeless encampment. I have heard the direction given by the City Council loud and clear and we will inform our law enforcement.

Nichols: Just want to let you know that the Planning Commission held a public hearing for the Holy Trinity Catholic Church proposal. During the public comment period there was a request to leave the record open for an additional seven days. So they did close the hearing, but kept the record open. This starts the confusing 7-7-7 rule where there is a period of seven days in which people can keep requesting the record be open. I wanted to let the public know that the record will be open until the 11th of July, after which the applicant has the last opportunity to make the final argument. The Planning Commission will then make their decision at the July meeting. Another thing to note at that meeting, staff did a presentation on the host compliance program. I know there were some questions from the City Council. So if you are interested, we can send you the link to that so you can watch it. We did have some good conversations about the usefulness of the program.

Procetto: Will the applicant be able to know what the information is to know what to respond to.

Nichols: Yes, the City keeps on our website a project page for any decision that involves type II, type III or type IV. The staff has been uploading all the public testimony we have received.

Schamehorn: Are there any opponents?

Nichols: There are folks that provided public testimony regarding the lighting.

8. CITY COUNCIL COMMENTS

Procetto: Happy 4th Of July.

Seymour: Happy 4th of July, please take care of your animals.

Schamehorn: Happy 4th of July.

Braun: Maybe we can have a conversation with the fire department regarding what happens if we are fogged in. Congratulation Joshua Adamson, newly married.

Powell: Happy 4th of July

Schamehorn: I do have one more thing. Councilor Brian Vick has submitted his resignation to me. We will be looking for a replacement. The replacement needs to know that the seat expires December 31.

Adamson: Happy 4th of July. Please come down to the cardboard boat races. Thank you to everyone who spoke in public comment, we appreciate it.

9. ADJOURNMENT

Schamehorn adjourned the Regular Meeting at 8:00 p.m.

Minutes Recorded by
June Hinojosa, City Recorder



City of Bandon

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

Bandon by the Sea

MINUTES

JOINT CITY OF BANDON CITY COUNCIL AND PLANNING COMMISSION WORK SESSION

COUNCIL CHAMBERS, 555 HIGHWAY 101, BANDON, OR 97411

MONDAY, MAY 13TH, 2024

Livestreamed via Zoom Meetings

COUNCIL MEMBERS PRESENT:

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

PLANNING COMMISSIONERS PRESENT:

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

COUNCIL MEMBER NOT PRESENT:

Brian Vick, Councilor

COMMISSION MEMBER NOT PRESENT:

Donald Starbuck, Commissioner

STAFF PRESENT:

Torrey Contreras, City Manager
Shayla Kudlac, City Attorney
Dana Nichols, Planning Director
June Hinojosa, City Recorder
Andrea McMahon, Assistant to City Manager
Nicolette Cline, Planning Assistant

1. CALL TO ORDER/ROLL CALL

Schamehorn called the meeting to order at 1:30 p.m. Roll Call was taken as indicated above. Procetto joined the meeting using Zoom.

2. NEW AND OLD BUSINESS ITEMS

2.1 Transportation System Plan Update

Nichols introduced the Parametrix consultants, Emily Mannisto-Myers and Ryan Farncomb, and the ODOT representatives, Mike Baker and Tom Guevara. She also provided a brief statement on what our TSP is. Myers and Farncomb jointly provided a PowerPoint Presentation that encompassed what the TSP is, the current goals and objectives, what draft improvements have been made, addressing what our current transportation needs are, and where we stand in the project timeline, which is improvement alternatives. They are hopeful for a late summer and early fall wrap up. Myers presented the following Draft Improvement items:

- Pedestrian System: Shared-Use Paths, pedestrian paths on the quieter streets, sidewalks on busier streets, and crossings in town.
- Bicycle System: Shared-Use Paths, bike lanes on side streets and Highway 101, and neighborhood bikeways.
- Roadway connections: This addresses lack of connections, for example through our Donut Hole, as well as new street and roadway connections.
- Parking: a focus on Old Town and Beach Loop Drive, increasing awareness of our existing lots, implementation of time constraints or pricing, the shuttle, "know before you go" signage, and new parking lot for the larger vehicles.

Schamehorn stated that we have a lot of options for parking, and without knowing where these new lots would be, questions could not be asked without seeing what is proposed. Farncomb responded that they were not proposing new lots, only the management of existing lots. Braun stated that the City acquired the lot behind Freedom Graphics to develop it into RV parking. Nichols clarified that the Council could consider policies that would lower the cost, such as managing our current parking lots. Norman asked about the number of perceived parking spots, which Nichols responded she would provide after the meeting. Powell stated that our 20-year plan should include additional parking. Myers clarified that the amount of parking spots could be determined for Old Town, but Beach Loop Drive, in theory, is not supposed to have parking spots. Farncomb brought up the idea of striping on-street parking, which has worked in other coastal towns.

- Public Transportation: improving signage, consideration of covered shelters at existing bus stops, bike/ped access, increase awareness and frequency of existing transit, local shuttle and rideshare services.

Farncomb then went into the next set of Draft Improvement Items:

- U.S. 101 Issues and Needs: Bike/Pedestrian deficiencies, ODOT's Highway Design Manual, Capacity, Speeding and Aesthetics. He shared existing and proposed configurations. He discussed four (4) alternatives, which were based on feedback received from recent PAC meetings, which included the cost, opportunities, and issues.
- A 5 to 4 lane configuration was addressed in detail as being a feasible option for this test project, which is Alternative 3. It has been a proven safety strategy as it slows traffic, reduces crossing distances, and makes it more comfortable to bike or walk, and could be implemented as a pilot project. The configuration specifically discussed the sections of 101 near Harlem Street, Fillmore Ave, and 13th Street.

Farncomb invited Mike or Tom from ODOT to speak on this topic.

Mike joined the conversation and stated that ODOT has received public input regarding bike lanes on HWY 101, issues at Fillmore, and the fact that no set corridor cross section exists. Addressing both the needs of the public and the required ODOT standards are important factors. The Alternative 3 being discussed meets both the design standards and fits the corridor. An idea apart from this project that ODOT has been considering is development of a bike-pedestrian bridge that would extend from Bullards State Park to Bandon. There is also a study currently underway for passing lanes outside urban areas.

Seymour wanted some clarification on the double lane switch in town and the direction and location of this. Tom spoke to this and referenced an aerial graphic that showed the transition of the 5 lanes into 4, with a center turn lane for June and Fillmore.

Powell also had concerns about this configuration. Jurkowski had a concern about the school district area, 9th through 11th St, with the school traffic. Both were addressed.

Schamehorn wanted to know why bike traffic wasn't being directed to 1st street to Edison to Beach Loop Dr, as this section of 101 seems dangerous to send bikes down. Mike stated that no bike lane exists on HWY 101, and there needs to be one.

Tom stated that ODOT still needs to provide safe routes for bikes and pedestrians on 101, and this is the best solution that works.

Schamehorn asked if no change is an option. Reedsport and Port Orford were referenced as examples of a road diet, but the community here has expressed in the past that they did not want that as an option. It was also mentioned that the road diet in Reedsport has not worked effectively.

Jurkowski asked how long the trial for paint striping would be. Mike responded one year.

Powell needed clarification about it being permanent, as he heard conflicting information about that. Mike stated that Reedsport was a lesson learned, but the alternative being proposed for Bandon was not the same.

Coquille - Myrtle Point configuration was addressed, as was the crosswalk near Old Town.

Braun stated that it seems as if there is some opposition to adopting this plan, which would mean we are directing traffic onto Beach Loop Drive and side streets. That means the City will bear the responsibility. So, developing pedestrian and bicycle traffic on our side streets has to become a priority of the Council if we are not going to adopt a plan.

Schamehorn stated that it has been this way for years and does not see the result with this plan. Mike reiterated that there needs to be safe facilities for all traffic. Schamehorn indicated that there is a plan and there is reality. She would like there to be more notice to residents and people who would be directly affected by this, perhaps by sending out a letter. Tom replied that a letter is a great idea, and ODOT could send one to all property owners abutting 101 with what is being considered, and therefore provide an opportunity for comment.

Powell indicated that we should be informing more than just residents on 101, and Tom agreed.

Nichols added that we still have a survey available to the public that addresses this exact scenario. We will not get everything we want, so we have to decide what we are willing to compromise on.

Schamehorn suggested staff put out this letter.

Slothower stated he likes the two lanes into one lane plan. He thinks it will work, and it would certainly slow down traffic.

The configuration was addressed for clarification. The 5 lanes near 42S would remain because of the signal, then it would turn into a 3 lane, with one lane going north and south and a center turning lane for June and Fillmore. It would then transition just south of there into two lanes southbound and one lane still going north.

Seymour asked how it is determined which side gets the two lanes and which side gets the one.

Tom stated this is just a concept, but if this concept is agreed on, then these issues would be addressed, and a joint decision would be made with the City and ODOT.

Jurkowski asked about slowing down traffic with the possibility of blinking lights, flashing beacons or reader boards, or delaying a light signal (Fillmore was specifically referenced for this). Tom agreed this was not a safe crossing and asked how we improve the safety of the highway.

Norman wanted to clarify that this is either a plan we can sign on for, or we can sign off on doing nothing. So, do we like the plan or don't we, do we do something or do nothing?

Nichols responded that other options were looked at, but they seemed politically unfeasible.

Mike responded that we are trying to get the most out of what we have.

Braun interjected that there seems to be some hesitation adopting this, so let's move forward to the next section, Beautification, which no one would have an objection to.

Tom states that Beautification would only work with a three-lane configuration.

Schamehorn wanted to know about making a turn lane near Fillmore, where the striping is currently to indicate no parking.

Mike stated that adding a turn lane is not an option there.

Ryan referenced some Beautification examples of other towns.

He then referred to the PowerPoint presentation for a center turn lane and crossings. He stated the importance of getting a turn lane near Fillmore, and two concepts for the 2nd St and HWY 101 intersection.

He asked the Council and Commission for directions on a preferred movement. He summarized that Tom and Mike presented an option that is viable and has public interest. So, we are left to a no build option, or something else.

Braun stated that they need some direction, not necessarily a vote, on how to proceed with this.

Nichols indicated that these are preferred scenarios and with those a draft plan would be submitted to the Planning Commission for recommendation to the City Council, and then an adoption. The

hope is that at some point before the end of the year this would be a decision that goes into the 20-year plan. It doesn't mean that it gets done tomorrow, but that it is in our 20-year plan.

Schamehorn and Seymour addressed the fact that they do not want the Commission to waste time on a plan that they think won't work, or to bring an option they recommend to the Council, and the Council says no.

Nichols mentioned the fact that this was a funded project through a grant, and that funding, along with the consultants, is limited, so we only have them for so long.

Schamehorn expressed that while they see the options that are available to them, it doesn't mean it will work.

Ryan asked if there was other information that the Council would like to be given. Schamehorn replied no.

Braun mentioned that he would be interested in seeing a potential bicycle route. If we don't adopt something on the 101 corridor, then we are going to have to do something within the City Limits on our side streets, so we should be trying to utilize the resources that we have in Parametrix.

Nichols clarified that the Transportation System Plan would not include a bike route, but that there is a plan called the Bike and Pedestrian Backbone Plan. That plan lays out where we may want bike/ped routes. It is on the City's website. The funding for the TSP also comes from ODOT, so the plan needs to incorporate HWY 101. It is joint funding from DLCD and ODOT.

Jurkowski expressed concern about the connector streets and Fillmore intersection. Her concern was that if we don't make any changes, we are giving up the opportunity to do some things we should do.

Schamehorn responded that is why she wants to route bicycle traffic off 101. While ODOT has state standards they must meet, Tim Lakey could restripe with just a white line and make it safer to turn.

Jurkowski added that her proposal doesn't address the pedestrian safety and east-west connection.

Seymour wanted to know how much Right-Of-Way is owned by ODOT. Tom responded that it averages about 80 feet. She then asked if ODOT or the City was responsible for the diagonal striping at Fillmore, and Tom responded it was the City's leg of the intersection. If we want to reconfigure, it would be a joint project with ODOT and the City.

Schamehorn addressed the concern about safety and the striping at this intersection, but before anything happens, she wants a letter sent out to the residents who would be directly affected.

Nichols wanted to state that Parametrix and Staff do not want to develop a plan or waste time on a plan that the decision makers just say no to. We are looking closer at Fillmore though and looking at more opportunities for the proposed bike routes in the future.

Orsi mentioned that speeding is a problem, because once people get away from that one lane they want to pass and get first position. That is why he likes this plan, because it slows down traffic.

Norman asked if there was a hard deadline, and Nichols and Guevara both stated there wasn't necessarily a hard deadline, but that the consultant teams do have a contract date. Guevara also pointed out that right now we are either at Alternative 3, that was presented today, or we do nothing. To make this a bit more comfortable, the Consultant teams and Staff can do more public outreach. If that feedback is absolutely not, at least we know the plan will be a no go.

Schamehorn asked Nichols if there was anything else on the agenda, and Nichols responded there was still one more item on the agenda.

A Five-Minute Break was taken.

Nichols introduced the annual work program. She indicated that the Commission met last month and discussed what has been accomplished and what still needs to be accomplished. Nichols clarified that there are still two projects left this year, the master planned developments and code clean up.

Code Clean-Up addressed a few items:

- One item that has been on the list for a while is to look at the Architectural Review Overlay Zone, which is primarily Old Town, and the reviewing body for things like paint color choices for efficiency purposes.
- Setting up our Zoning Code into tables. Right now, it is a bit daunting to navigate what is allowed where, and this would streamline the information so that you could see the uses in the zones listed together. It was also noted by Nichols that Code Clean-Up will likely always be on the list because it is a good idea to fix or address items in our code along the way.
- We received funding to update our Housing Code Update, so this would address our middle housing issue.
- We also received funding for the Beaches and Dunes Overlay Mapping and Code Update.

The current Transportation System Plan Update is on the list.

Nichols wanted to point out that there are only two staff people in the Planning Department, so it might not be realistic to take on another Level 5 project.

Nichols laid out the projects that had been presented to the Commission in a previous meeting, and the projects that had majority votes were the following:

- Addressing the View Line Ordinance: Currently the view line ordinance is not clear and objective, or enforceable. It is implemented for accessory structures like fences or decks, but not for new homes being built.
- Donut Hole Master Plan: We did receive funding for another transportation and growth management project to look at the Donut Hole Master Plan for both land use and East/West and North/South Connections.

There was a request made by Commissioner Frey to look at Vacation Rental Dwellings (VRD) regarding tracking occupancy rates, but that was withdrawn. Staff is working with the Finance Department, to make sure that tracking is accurate for the number of nights, as it would appear that was not getting done effectively. Therefore, the VRD update will be pushed off until Staff has more information.

Norman asked if this meant pushing it out another year.

Nichols reminded the Council and Commission that there was a VRD update in September, and that Frey's proposal required data that we don't have to make that amendment to the current Code.

Frey stated that the small proposal was based on the theory that we have excess VRD space, and this was an attempt to increase the availability of housing for people that want to live and work in Bandon. He pointed out that the last five of the six Conditional Use Permits that were issued for VRDs were given just six months after these homes were purchased. The median price of those homes was around \$600,000, which is the median home price for Bandon.

Norman questioned whether staff needs the data, as we know we have a housing issue here. Each VRD we approve takes away that house for a potential resident. He questioned the City Council on whether they are representing tourists or residents. He asked how the community is benefiting from having VRDs and having houses being taken off the market.

Braun responded that Bandon has had a fairly restrictive ordinance on vacation rentals, with the 200-foot radius that we determine the saturation rate and the zoning where VRDs are allowed. He stated these are rough numbers, but 90% of Bandon does not allow rentals. City Council also adopted the overlay zone in CD-1, which adds to the restrictions. Bandon is a tourist-based economy, and we have to recognize the new model for vacationing families where VRDs are a necessary component. We need resort properties like Gravel Point for our economy, as not everyone wants to stay in a hotel.

Norman responded that VRDs are proliferating.

Frey responded that while he recognizes the necessary component of VRDs, the basis of his point was that we have enough VRDS, and we do not need any more. The Planning Commission has to

approve a VRD if they follow the law and the standards of our code. Frey said when is it going to be an excess.

Braun responded that with the restrictions and rules we have, there will be a time when there is no more property that will be eligible.

Slothower stated that we did disallow three VRDs recently.

Schamehorn responded that if it were up to the three of them, VRDs would no longer be allowed. It isn't about the goodness of the community or serving the tourists, it's about the real estate agents who are making money off our town.

Braun responded that the license doesn't travel with the property, so that restricts the marketability of a vacation rental property.

Nichols responded that we field a lot of phone calls and inquiries in the Planning Department about VRDs, and if we did not have an Ordinance in place, we would have a lot more of them. We currently have 65 VRDS, which is a decrease since the last audit that was done before the 2018 amendment. What we have done in between 2018 and 2023 has accomplished the goal of limiting and lowering the number of vacation rentals that we have overall.

Frey responded that during that time the rentals were not being used as vacation rentals, and Nichols responded that since that was during COVID, most VRDs were given a pass.

Frey stated he was requesting a simple addition to the existing code where the purchaser of a home in Bandon would need to wait three years before they can apply for a Conditional Use Permit (CUP) for a VRD. It dovetails into the existing standard of a home being three years old. It is not outlawing VRDs, we just do not need people who are already wealthy coming into our community, buying our homes, and taking them off the market for people who want to live and work in the same place. It doesn't make sense.

Jurkowski stated that it is a bit more complicated though, because when you have a small business and you want tourists, it can't just be an either/or, we need both. She isn't against the proposal of change, but it isn't as cut and dry as people think.

Frey responded that it can be. We don't need to pontificate for the next three years about the subject. You either believe that they should be allowed, or you believe that there should be a stop to them. You either believe that we need to put a stop to the proliferation of VRDs, or you are in favor of them, as the Mayor indicated the brokers in town are, who are making large commissions off of properties, and who have admitted they can sell a property for a lot more with it being a VRD enabled property. People that stand in front of the Planning Commission for the CUP for a VRD say how much they love the city and eventually want to move here, but until they do, they will just come here a couple times a year and make a lot of money renting it out the rest of the time.

Braun responded that the larger problem for Bandon is investment properties that actually sit vacant for more than half the year, not the 65 VRDs we have. He estimated that over 300 properties are vacant most of the year.

Schamehorn agreed and added that most of those property owners come in long enough to cut their lawn and then they leave, and the house sits vacant.

Braun added that with the tax rate being \$.046 per \$1,000 assessed is nothing.

Jurkowski asked if there was a legal solution to that.

Schamehorn added that there has to be some way other cities are doing this.

Slothower stated that where he used to live in Utah, if you were a nonresident, you paid a 10% surcharge.

Nichols responded that while this is a great conversation, it perhaps needs to be a policy discussion and we could schedule another work session to discuss this exact item.

Nichols stated that there are just three more items on the list to go through:

- The Architectural Review Overlay Zone Update: this one is a bigger ask as she feels this particular item is necessary. We spend a lot of time in Old Town and the feedback she gets from business owners is they do not like the AR Zone. The design standards and vision for old town is a bit dated, so a new take on what Old Town should look like was given as an example.
- Home Occupations: creating a process to allow people to operate small cottage industry out of their homes like hair cutting or photography.
- Commercial Planned Unit Development: we currently allow for a residential planned unit development with a little bit of commercial mixed in, but we do not have the same option for doing something mostly commercial with a little bit of residential.

Braun said to do it all.

Seymour asked about the Donut Hole Master Plan and why we keep having studies on it. Until the City annexes it in, it is basically private property.

Nichols responded that we do not want to annex something that we don't have a plan for or what you are going to do with it. Since Gravel Point, there has been more concern about East/West and North/South connections, and we need to do more studying before we can determine what that is going to be. This plan also looks at its economic viability and does it make sense to consider annexation. Since this land is in our UGB, it is our responsibility to look into it.

Nichols confirmed with the Council which projects they would like to see in this work program.

Schamehorn, Seymour, and Braun all agreed to prioritize the examination of the Architectural Overlay Zone and get a separate work session together to discuss vacation rentals.

4. ADJOURN

Schamehorn adjourned the Joint Work Session at 3:39 PM.

Minutes Submitted by Nicolette Cline, Planning Assistant



City of Bandon

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

Bandon by the Sea

MINUTES

CITY OF BANDON PLANNING COMMISSION AND COMMITTEE FOR CITIZEN INVOLVEMENT

COUNCIL CHAMBERS, 555 HIGHWAY 101, BANDON, OR 97411

THURSDAY, JUNE 27TH, 2024

Livestreamed via Zoom Meetings

This meeting will be available on YouTube on Tuesday the week following the meeting.

https://www.youtube.com/channel/UCt15AF3tbKKQxscb_jKR5AA

COMMISSIONERS PRESENT:

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

STAFF PRESENT:

Dana Nichols, Planning Director
Shala Kudlac, City Attorney
Nicolette Cline, Planning Assistant
Caden Contreras, Intern

- 1. CALL TO ORDER: Slothower called the meeting to order at 7:00 p.m.**
- 2. ROLL CALL: Roll call was taken by Nichols, as indicated above.**
- 3. CONSENT AGENDA**
 - 3.1 Regular Meeting Minutes April 25th, 2024**

The Commission approved all minutes as written.

4. PUBLIC COMMENT

Neal Barlow, 1250 Tish-A-Tang Lane, wanted to thank and apologize to Planning staff for his recent interactions with them.

5. PUBLIC HEARING – Opened by Slothower at 7:02 p.m.

- 5.1 24-007, A request for approval of a Conditional Use Permit to remodel and enlarge an existing church (Holy Trinity Church) at 355 Oregon Ave SE in the City of Bandon.**

Slothower asked if there were any members of the public who wished to challenge whether the Public Hearing should be held. There were none. He asked the Commission if anyone

wished to declare *ex parte* contact, a site visit, or bias to this hearing. Frey, Orsi, and Jurkowski stated they all did some sort of site visit, but did not have a bias or prejudice.

Nichols provided a brief overview of the application and a PowerPoint presentation. She discussed four specific Conditions of Approval that staff recommended: Parking, Drainage, Fencing, and Lighting.

Norman stated that we received a lot of rainfall this year, and asked if there were any issues so far and where the runoff goes now. Nichols responded that would be a question to ask the applicant. She was not aware of any flooding this year.

Frey asked if the submission of the recent photometric plan satisfied the City's concerns. Nichols indicated that staff was unable to determine that with the current information presented.

Slothower asked why there are 100 ft light poles, as that seems very tall, and asked if there were code requirements indicating how tall light fixtures can be. Nichols responded she would look into that further.

Frey wanted clarification on how the 39 parking spaces were determined if it was by the square footage of the building or by bench seating. Nichols responded that it was based on the occupancy of the building, and that is 4 seats per bench. Frey also wanted clarification on how many ADA compliant parking spaces are required, and if this was a City requirement or a State requirement. Nichols responded that our code only states a parking lot needs to have ADA compliant spaces, the amount and size is a State requirement, but would be reviewed by our City Engineer.

Frey asked about the fencing and why it wasn't required on the west side of the property. Nichols responded that was a staff recommendation, and the Commission could make a different condition of approval to require it.

Orsi wanted to clarify the planned number of spaces, whether it was 39 or 43. Nichols responded 39 spaces would be required to meet City Standards and our Code, and 43 is what the church currently has.

Slothower opened the Hearing to the public for comment.

- Joe Slack, HGE Architect and applicant, presented a PowerPoint presentation and addressed the concerns that had been brought to his attention by staff. The PowerPoint presentation reflected the square footage, ADA compliant restrooms, discussed renderings, floor plans, an interior perspective, parking, drainage, and parking calculations.

Frey asked if there were any issues currently with parking, or any overflow that went into the street. Joe responded that overflow might be needed for big events, but this design was for day-to-day typical uses.

Norman asked where big event parking goes. Joe responded that the current parking lot has been sufficient for that.

Norman wanted to know what the number of parishioners was. Father Anthony responded there were 160 on the books, but that number is different than the weekly attendance, which is about 120.

Norman asked about other events and where those are held. Father Anthony responded that they use the hall after Mass. Norman asked during the week how many parishioners are in attendance, and Father Anthony responded about 15.

Slack addressed further questions from Slothower, Frey, and Norman regarding the lighting.

Nichols confirmed that the City Standard given for lighting poles can't exceed 28 feet. A structure can't exceed 50 feet.

- Jennifer Wirsing, 395 Oregon Ave SE: Jennifer is a resident who lives right next to the Church to the South, and addressed the concern about lighting that has been ongoing for over 2 years.
- John Huttli, resident of Sixes, OR: John supports this application.
- Shirley Burek, 350 Oregon Ave SE: Shirley is a resident who lives right next to the Church to the West, and addressed the concern about lighting that has negatively affected her for over the last two years.
- Kevin Kent, resident of Bandon: Kevin shared that this Church is a critical building to have in this town and that it serves as other uses for people, and to please consider those people.
- Tom Stadelman, resident of Bandon: Tom addressed the lighting and that it serves as security, and they are working on getting shields on.
- Father Anthony resides on Church grounds: Father Anthony spoke to the history of the Church, as well as the purpose the Church serves that extends beyond the parishioners.
- Matt Whitty, 395 Oregon Ave SE: Matt is a resident who lives right next to the Church to the South, and shared that there can be a solution that will make everyone happy regarding the lighting.
- Richard Graves, 887 11th St SW: Richard is a member of AA and shared that the Church hosts AA meetings and it helps this community in many ways.
- Geri Proscetto, resident of Bandon: Geri stated that she fell on the South Side of the Church due to poor lighting and chastised them to get the lights fixed.
- Joe gave a rebuttal to the topic of lighting, and the Commission had follow-up questions that were addressed.

Slothower closed the Public Hearing at 8:25 p.m. on June 27th, 2024. A motion was made by Jurkowski to keep the record open under the 7-7-7 rule.

Moved: Commissioner Jurkowski

Seconded: Commissioner Orsi

Ayes: Orsi, Scobby, Jurkowski, Frey, Starbuck

Nays: Norman

6. Work Session

6.1 Host Compliance Program Tour

Nichols provided a PowerPoint presentation on this program.

Slothower asked is the cost worth what it offers. Nichols responded that the cost is \$15,000 but is very helpful.

Jurkowski asked about the component for tracking nights. Nichols responded that it was not useful for tracking nights.

Norman asked if the website could distinguish between short term rentals and hotel rooms. Nichols responded that it doesn't show the difference.

Norman asked if there were any new VRD applications. Staff responded there were none.

Frey asked how long it takes to do the saturation study. Nichols responded about half an hour. Frey asked who set the rate of \$25 for a saturation study, as it seems very low. Nichols responded it was set by staff a while ago and agreed it should be increased.

Norman asked when the work session would be scheduled to discuss VRDs. Nichols responded hopefully in September.

7. Staff Update

7.1 Planning Department Report

Director Nichols provided an oral summary of the Staff Report.

8. OPEN DISCUSSION

Commissioner Comments

Norman wanted to point out that there was a missed opportunity in not inviting the public to stay after the public hearing.

Jurkowski was pleased to see crosswalk signs at 11th St between the elementary school and youth center.

Frey asked who the new addition to the staff was, referencing Caden Contreras.

Starbuck spoke to the Remembrance Celebration being put on by the Coquille Tribe at the Fish Market this weekend.

9. ADJOURN TO COMMITTEE FOR CITIZEN INVOLVEMENT: Slothower adjourned the Planning Commission meeting at 8:56 p.m.

9.1 Review Goal 1

Nichols sent Commissioners a video presentation on what Goal 1 is, the Committee for Citizen Involvement (CCI), and reminded the Commission that they are now the acting CCI. She also provided hard copy materials in the Commissioner's packets.

Slothower asked about community engagement and whether *ex parte* communication was a factor. Nichols clarified the difference.

Norman indicated that we need to take advantage of a room full of people.

Frey asked about the return of the Park and Recreation Commission.

Nichols responded that the Commission is still on hiatus.

Jurkowski asked about the process for removing a tree and who approves that.

Nichols clarified that the City Council could delegate that to the Planning Commission.

9.2 Movie Night, July 24th, 2024, at 6:00 p.m.: An Oregon Story

Planning Department is hosting the film, An Oregon Story, at the Sprague Theatre on Wednesday July 24th. Doors open at 6:00 p.m. and showing is 6:30 p.m. There will be an activity in the lobby for public feedback on what citizens want to see in Bandon.

Meeting Minutes submitted by Nicolette Cline, Planning Assistant