



City of Bandon

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Bandon by the Sea

AGENDA REPORT

TO: Honorable Mayor and Members of the City Council

FROM: Torrey Contreras, City Manager 

INITIATED BY: Dana Nichols, Planning Director 

DATE: August 5th, 2024

SUBJECT: 4.2 INITIATION OF AN AMENDMENT TO THE BANDON MUNICIPAL CODE TO CONSIDER A MASTER PLANNED DEVELOPMENT ORDINANCE

BACKGROUND:

The Planning Department's 23-24 annual work program included an item to consider a Master Planned Development ordinance. The Planning Commission held a work session in November of 2023 to begin discussing the proposed ordinance. Planning Staff drafted the proposed code amendment and presented it to the Planning Commission at their July meeting. The Planning Commission voted 6:1 in favor of recommending to the City Council that the City initiate a code amendment to consider a Master Planned Development Ordinance.

ANALYSIS OF THE ISSUES:

The City's current zoning designations allow for limited mixed-use development and the only current path for modifying zone standards is a Planned Unit Development (PUD). This rigidity is commonly brought up by prospective developers looking to build affordable and/or workforce housing and by parties interested in developing second story housing in commercial buildings. Additionally, Bandon has many wetlands that can make it challenging to efficiently use land area without sprawl. For this reason, many cities look to master planning or area planning to allow special zoning and land use patterns in unique or exceptional circumstances.

Staff propose a code amendment that allows properties over ten (10) acres to adopt their own zoning and land use through a Type IV legislative process. The applicant would present an area plan to the Planning Commission for recommendation and then City Council for adoption, providing a zone map, zone code text for standards, and preliminary subdivision plat. The process would require a legislative amendment to adopt the zoning, an administrative review (Type II) process to ensure the development plan matches the concept plan approved the City Council, and then Type I approval for the actual development (zoning compliance).

The benefit of allowing this type of development process is two-fold: allow for creative design that helps the city achieve specific goals and to create a public benefit. Staff have identified the following potential public benefits:

1. Preserving open space, wetlands, areas subject to flooding or hazards, and wildlife corridors or existing landscape features that otherwise wouldn't be protected through conventional development.
2. Allowing for innovative planning that encourages creative building design and function by allowing for flexibility in development standards, permitted uses, and site layout.
3. Encourage housing options that meet the wide range of needs of our community.
4. Promote transportation efficiency.
5. Providing environmentally sustainable development, which might include features such as on-site water retention using bioswales, LEED certified buildings, passive or low energy construction and design, or another design that identifies a potential significant environmental impact and ensures appropriate mitigation.
6. Promote economic development, diversification of local economy, and/or job creation, retention or expansion.
7. Provide greater certainty about the character, design, density, or functionality of residential or commercial development.
8. Create vibrant, mixed-use neighborhoods with a balance of housing, employment, civic, and recreational opportunities.
9. Provide a needed service or facility in an orderly and fiscally responsible manner.

FISCAL IMPACT:

Staff time is required to pursue a Type IV legislative amendment. This item was listed as a priority in the 23-24 Planning Department Work Program.

RECOMMENDATION:

The following is recommended to the City Council:

1. Review and discuss the information provided; and
2. Make a motion authorizing city staff to initiate an amendment to the Bandon Municipal Code to consider a Master Planned Development Ordinance.

Attachments: 1. Draft Master Planned Development ordinance

Title 16

APPLICATION REVIEW PROCEDURES AND APPROVAL CRITERIA

Chapters:

- 16.04 Administration & Enforcement
- 16.08 Land Divisions and Property Line Adjustments
- 16.12 Conditional Uses
- 16.16 Modifications to Approved Plans (placeholder)
- 16.20 Master Planned Development
- 16.32 Zone Changes and Amendments
- 16.36 Adjustments & Variances
- 16.40 Improvements
- 16.50 Planned Unit Development

Ordinance History: #934, 1135, 1171, 1205, 1208, 1230, 1365, 1367, 1471, 1487, 1504, 1546, 1565, 1567, 1604, 1616, 1623, 1625, 1626, 1629, 1636, 1639

Chapter 16.20

MASTER PLANNED DEVELOPMENT

Sections:

16.20.010	Purpose.
16.20.020	Applicability
16.04.030	Development Standards
16.04.040	Review Process
16.04.050	Application Requirements
16.04.060	Approval Criteria
16.04.070	Detailed Development Plan
16.04.080	Subsequent Development Reviews

Ordinance History: 1645

16.20.010 Purpose.

The purpose of the Master Planned Development chapter is to provide a process through which a special area plan may be created that allows for greater flexibility in zoning and land use in a way that provides a public benefit. These benefits include:

1. Preserving open space, wetlands, areas subject to flooding or hazards, and wildlife corridors or existing landscape features that otherwise wouldn't be protected through conventional development.
2. Allowing for innovative planning that encourages creative building design and function by allowing for flexibility in development standards, permitted uses, and site layout.
3. Encourage housing options that meet the wide range of needs of our community.
4. Promote transportation efficiency.
5. Providing environmentally sustainable development, which might include features such as on-site water retention using bioswales, LEED certified buildings, passive or low energy construction and design, or another design that identifies a potential significant environmental impact and ensures appropriate mitigation.
6. Promote economic development, diversification of local economy, and/or job creation, retention or expansion.
7. Provide greater certainty about the character, design, density, or functionality of residential or commercial development.
8. Create vibrant, mixed-use neighborhoods with a balance of housing, employment, civic, and recreational opportunities.
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16.20.020 Applicability

- A. A Master Planned Development (MPD) may be adopted for any land area inside City limits over ten (10) acres in size in single ownership, or if in multiple ownerships, with specific agreement signed by each property owner satisfactory to the City.
- B. All properties included in an MPD must be contiguous.

16.20.030 Development Standards

Standards listed in the Bandon Municipal Code may be modified through the Master Planned Development Process without the need for a variance. The reviewing bodies should consider whether the proposed standards provide a greater community benefit than would otherwise occur using the existing standards. In evaluating the "community benefit" the reviewing bodies shall apply the following criteria:

- A. The modification does not conflict with the Comprehensive Plan.
- B. The proposed modification meets the purpose and intent of the Comprehensive Plan designation and/or the development code standard to be modified.
- C. The project provides a public benefit that would not otherwise be provided using existing development standards.
- D. If the development includes provisions for affordable housing, additional density may be allowed.

16.20.040 Review Process

Approval of a Master Planned Development will occur in three steps:

- A. The Master Planned Development shall require a Type IV process, subject to 16.04.080. This will result in an area plan that is adopted as a chapter of the Bandon Municipal Code.
- B. Once approved, the applicant will prepare a detailed development plan and preliminary subdivision plat requiring a Type II review, subject to 16.04.060.
- C. The final plat shall be approved through a Type I review, subject to 16.04.050.

16.20.050 Application Requirements

An application for an MPD shall include the following:

- A. Existing conditions map.
- B. Conceptual site plan (land use, building envelopes, circulation, open space, utility connections, or other information necessary to convey a concept plan).
- C. Preliminary grading and drainage plans.
- D. Landscape design concept plan.
- E. Signage/wayfinding concept plan.
- F. Utility connection concept plan.
- G. Architectural design concept plan (building materials, architectural theme, massing and height of structures).
- H. Any existing or proposed covenants and restrictions.
- I. Narrative report detailing the following:
 - a. Statement of planning objectives to be achieved by the master planned development through the particular approach proposed by the applicant. This statement should include a description of the character of the proposed development and the rationale behind the assumptions and choices made by the applicant;
 - b. Compliance with the purpose of the MPD and the approval criteria.

- c. Description of the maintenance plans for any common areas or open space.
- d. Any additional reports or studies to determine potential project impacts and mitigation as required by the Planning Director. May include, but is not limited to, geotechnical reports, traffic impact assessments, public facilities sufficiency plans, and plans that address concerns such as noise, lighting, glare, air quality, etc.

16.20.060 Approval Criteria

The City, in approving a Master Planned Development, shall make findings that all of the following criteria are met:

- A. The proposed use conforms with the Comprehensive Plan.
- B. If a land division is required, the proposal is consistent with Chapter 16.08.
- C. The proposal clearly meets at least one of the public benefits listed in 16.20.010.
- D. The City has sufficient facilities to serve the proposed uses.
- E. The overall density allowed by the Comprehensive Plan is maintained through the provisions of dedicated open space. Any open space proposed for dedication to the City must be acceptable to the Planning Commission and approved by the City Council based on budgetary, maintenance, and liability considerations. Open space that is conveyed to a homeowners' association or other legal entity must provide a maintenance plan acceptable to the city and provisions for property tax payment. The City, through conditions of approval, may also require public access be provided through easements or the dedication of land.

16.20.060 Plan Adoption and Expiration

- A. The approved Master Planned Development shall be binding upon future uses and development of the property, except when an approval expires.
- B. A Master Planned Development shall become void three years after the date of approval of the applicant has not filed with the City a Type II application for a detailed development plan and final plat approval.
- C. The City Council may grant up to a one-year extension, provided the extension is requested prior to expiration and that the required fees are paid. The City Council may deny the request for extension if the Comprehensive Plan policies and/or ordinance provisions have been modified since the approval.

16.04.070 Detailed Development Plan

- A. Detailed development plan submittal requirements are determined based on the conditions of approval for the concept plan. At a minimum, the detailed development plan submittal shall contain information demonstrating compliance with the concept plan. The detailed development plan and preliminary subdivision plan shall be reviewed using the Type II procedure to ensure substantial conformance to the approved concept plan.
- B. Approval of the detailed development plan shall be based upon a finding that the final plan substantially conforms to the concept plan, including any concept plan conditions of approval. Minor changes to the approved concept plan may be approved with the detailed plan where the Planning Director finds that the modification is necessary to correct an error or to address changes in circumstances beyond the applicant's control that have occurred since the date of project approval. Other changes must be reviewed as major modifications through a Type III process.

16.04.080 Subsequent Development Reviews

Where the City has previously approved a development project in concept as part of a master planned development approval, as determined by the Planning Director, subsequent land use applications for the same project may be processed through a Type I review.

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