



Date of Notice: March 2nd, 2022

NOTICE OF PUBLIC HEARING

Planning Commission: Thursday, March 24th, 2022, 7:00 PM

City Council: Monday, April 11th, 2022, 7:00 PM

Proposal: The City of Bandon will hold public hearings at the above dates to consider an ordinance to allow for the use of “Mobile Food Units” on properties zoned commercial or industrial. Mobile Food Units are self-propelled vehicles that prepare, process, and/or sell food.

Location: All meetings will begin at 7:00 PM at the City of Bandon Council Chambers, located at 555 HWY 101, Bandon, Oregon, 97411. These meetings are open to the public and will follow requirements of the Oregon Health Authority. You may also access the meeting online using the following information:

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

Meeting ID: 215 705 9460

How can I Participate?

The City of Bandon strongly encourages community members to provide testimony on this topic. While we are only noticing property owners in affected zones, we encourage you to notify your neighbors, renters, and others who might be interested in, or affected by, the decision.

The Planning Commission and City Council will each hold hearings where both written and oral testimony can be provided. Testimony can be mailed to the City of Bandon, Attn: Dana Nichols, PO Box 67, Bandon, OR, 97411 or emailed to planning@cityofbandon.org. The following dates should be noted for testimony deadlines:

Planning Commission Hearing

- **5:00 pm, March 16, 2022:** Deadline for inclusion of testimony in meeting packet.
- **5:00 pm, March 23, 2022:** Deadline for electronic (e-mail or FAX), hand delivered or US mail testimony.
- **After 5:00 pm on March 23, 2022:** Testimony must be presented at the hearing.

City Council Hearing

- **5:00 pm, April 5, 2022:** Deadline for inclusion of testimony in meeting packet.
- **5:00 pm, April 7, 2022:** Deadline for electronic (e-mail or FAX), hand delivered or US mail testimony.
- **After 5:00 pm on April 7, 2022:** Testimony must be presented at the hearing.

All public testimony received by the Planning Commission will also be forwarded to the City Council. The City Council’s decision will not be limited to the materials considered by the Planning Commission as new testimony and evidence may be submitted at the City Council’s public hearing. The ordinance criterion applicable to this application is available to review online at www.cityofbandon.org. Oregon

law states that failure to raise an objection concerning this application, either in person or by letter, or failure to provide sufficient specificity to afford the decision maker an opportunity to respond to the issue, precludes your right of appeal to the Land Use Board of Appeals (LUBA) on that issue. Failure to specify which ordinance criterion the objection is based on also precludes your right of appeal to LUBA on that criterion.

What is the hearing process?

The Planning Commission will hold the initial public hearing on March 24th, 2022. At the public hearing, the Commission will receive public testimony and may deliberate and make a recommendation to City Council. They may also schedule additional meetings for deliberations on this matter. The City Council is expected to hold a public hearing on April 11th, 2022, unless the Planning Commission schedules additional deliberations. At the public hearing, the City Council will receive public testimony and may deliberate and make a decision at that meeting. Based on testimony, applicable review criteria, and recommendations of City Staff and the Planning Commission, the City Council will approve, modify, or deny the proposed ordinance language, or they may schedule additional meetings to deliberate.

Any participant in the hearing may request that the hearing be continued to a second hearing or may request the written record remain open for seven days to allow for the submittal of additional written testimony. However, because this hearing is a legislative hearing, it is not mandatory for the City Council to grant such requests. Notwithstanding the requirements of ORS 197.830(2), persons who participated either orally or in writing in the local government proceedings leading to the adoption of a text amendment may appeal the decision to the Land Use Board of Appeals. Appeals to LUBA must be filed within 21 days of the notice of decision mailing.

What are the criteria?

Chapter 16.32 of the Bandon Municipal Code describes the process and criteria for making a determination on an amendment to the text of the zoning code. This section states that the Planning Commission shall make a recommendation to the City Council to approve, approve with conditions, or deny the amendment. The City Council may hold a public hearing and amendments shall be adopted by ordinance. The amendment will be evaluated for consistency with the City's Comprehensive Plan and findings made to ensure the proposed change will not adversely affect the city's land use, transportation, and utility service needs or capacities.

How can I learn more?

The proposed ordinance is available for inspection at the City of Bandon Planning Department at no cost, or hard copies can be made available for purchase at the actual cost of copying. A copy of the Staff Report will be available for inspection at the City of Bandon Planning Department at no cost at least one week prior to the public hearing.

The City will also make these materials available on the website as a courtesy, prior to the hearings: <https://www.cityofbandon.org/planning/page/pending-land-use-decisions>

Please contact City of Bandon Planning Department staff for more information at: (541) 347-7922. Office hours are Monday-Thursday, 9:00 AM – 3:00 PM.
