

ORDINANCE 1660

AN ORDINANCE MAKING CHANGES TO TITLE 17 OF THE BANDON MUNICIPAL CODE RELATED TO HOUSING AND PROVIDING AN EFFECTIVE DATE.

THE CITY OF BANDON ORDAINS AS FOLLOWS:

Title 17, Zoning

Section 1. 17.104, Supplementary Provisions, is amended as follows (strikeout shows removed language, bold shows additions):

17.104.020 General Provisions regarding accessory uses

- B. Accessory Dwellings: Accessory Dwellings are allowed as permitted uses in the following zones: R-1, R-2, CD-1, CD-2, CD-3, CD-R1, CD-R2, ~~or anywhere single family dwellings are outright permitted.~~ Accessory dwellings shall comply with all requirements of the primary use except where specifically modified by the title and shall comply with the following limitations:*
- 1. Accessory Dwelling Units are prohibited from use as a Vacation Rental Dwelling in all zones. Accessory Dwelling Units are also prohibited on properties designated as Vacation Rental Dwellings.*
 - 2. **Attached and** detached Accessory Dwellings shall not exceed **650 900** square feet of floor area, or ~~40~~ **60** percent of the primary dwelling's floor area, whichever is smaller. ~~An attached or interior Accessory Dwelling shall not exceed 650 square feet of floor area, or 40 percent of the primary dwelling's floor area, whichever is smaller.~~ However, Accessory Dwellings that result from the conversion of a level or floor (e.g., basement, attic, or second story) ~~of the primary dwelling~~ may occupy the entire level or floor, even if the floor area of the Accessory Dwelling would be more than **650 900** square feet.*
 - 3. Development of an Accessory Dwelling Unit shall require the payment of a system development charge **of \$5,500.** ~~in rough proportionality to the amount charged for a single family dwelling based on size. As the floor area of an ADU is limited to 40% of the floor area of the primary residence, the SDC for an ADU will be \$5,500, which is 40% of the \$13,750 charged for a single family dwelling.~~*
 - 4. Detached Accessory Dwelling Units shall have electric meters separate from the primary residence. For attached Accessory Dwelling Units, separate metering is optional.*
 - 5. **Accessory Dwellings shall not be subject to the architectural feature requirement of the underlying zone.***

Section 2. 17.16, Residential 2 (R-2) Zone, is amended as follows (strikeout shows removed language, bold shows additions):

17.16.060 Lot Size

In the R-2 zone, except as provided in Section 17.104.050, minimum lot size shall be as follows:

- A. For a single-family dwelling, lot area shall be five thousand four hundred (5,400) square feet; for a duplex dwelling, lot area shall be ~~nine thousand (9,000)~~ **seven thousand five hundred (7,500)** square feet; for a three-family dwelling, lot area shall be ~~ten thousand five hundred (10,500)~~ **nine thousand (9000)** square feet; for additional units, lot area shall increase by one thousand (1,000) square feet per unit.
- B. Lots shall have a minimum of forty (40) feet of physically accessible street frontage.
- C. Lot depth shall be at least ninety (90) feet.

Section 3. 17.52, Light Industrial (LI) Zone, is amended as follows (strikeout shows removed language, bold shows additions):

17.52.020 Permitted uses.

- B. In the LI zone, except as provided in 17.52.020.A above, the following uses are permitted outright provided all other requirements of this title are met:
 - 1. Manufacturing, processing and fabricating which is conducted solely in enclosed buildings which will not cause or result in:
 - a. Dissemination of noise, vibration, odor, dust, smoke, gas or fumes beyond the boundaries of the building,
 - b. Hazard of fire or explosion, or other physical hazard,
 - c. Radiation or interference with radio or television reception in adjacent areas,
 - d. Excessive traffic either in number or size of vehicles through any adjacent residential zone;
 - 2. Dairy product or cranberry processing or storage;
 - 3. Warehousing;
 - 4. Public utilities, including service structures.
 - 5. Self-storage units and facilities.
 - 6. **Up to four residential units on sites over 10 acres**

Section 4. The City Recorder, at the request of, or with the concurrence of the City Attorney, is authorized to administratively correct any reference error contained herein or in other provisions of the Bandon Municipal Code, to the provisions added, amended, or repealed herein.

Section 5. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof. Further, if this Ordinance is remanded back to the City Council for further action by the Oregon Land Use Board of Appeals, those sections, subsections, sentences, clauses, phrases or portions that do not require action on remand shall be deemed separate, distinct, and independent provisions and such remand shall not affect their validity or effect.

Section 6. This Ordinance shall take effect pursuant to Section 37 of the Bandon Charter, the thirtieth day after its enactment.


PASSED to a second reading this 11 day of September 2023 on a roll call vote, 6-0-0.

ADOPTED by the City Council this 11 day of September 2023 on a roll call vote, 6-0-0.



Mary Schamehorn, Mayor

Attest:



June Hinojosa, City Recorder

**STAFF REPORT
OF THE PLANNING DEPARTMENT
FOR THE CITY OF BANDON, OREGON**



FILE NUMBER: 23-040, Changes to Title 17 regarding housing

REQUEST: Amend regulations in Bandon Municipal Code Title 17, to reduce minimum lot size requirements for dwellings in the R-2 zone, allow up to four residential units on property over 10 acres in the Light Industrial zone, and amend the Accessory Dwelling Unit standards.

LEAD CITY STAFF: Dana Nichols, Planning Manager

PUBLIC HEARING DATE: Planning Commission, July 27th, 2023 at 7:00 PM
City Council, September 11th, 2023 at 7:00 PM

NOTICING INFORMATION: PAPA Notice Submitted to DLCD on June 22nd, 2023
Notice published on the City's website on July 5th, 2023

APPLICABLE CRITERIA: BMC (Bandon Municipal Code) Chapter 16.32, Zone Changes and Amendments

Purpose of Staff Report:

Staff reports provide the reviewing body and community members with information regarding current land use requests and the staff's analysis of the application. The staff report provides preliminary information and recommendations. The reviewing body will consider the staff report as well as public testimony and other materials submitted to the City in writing, when making decisions on the application.

I. Background

The Planning Commission was directed by the City Council, as part of their 2022-2023 annual work program, to address housing affordability through code updates. Staff presented a "low-hanging fruit" housing option since we are in the process of updating our Housing Needs Analysis and will have a larger update coming next year. Proposed changes to the code include adjustments to the Accessory Dwelling Unit ordinance increasing the overall allowed size, as well as a reduction to the minimum lot size requirements in the R-2 zone and allowance of up to four residential units on property over 10 acres in the Light Industrial Zone.

The Planning Commission reviewed the proposed code in a public hearing and recommended approval as presented.

II Proposed Ordinance Language

1. Accessory Dwelling Units

Amend 17.104.020 General Provisions regarding accessory uses

B. *Accessory Dwellings: Accessory Dwellings are allowed as permitted uses in the following zones: R-1, R-2, CD-1, CD-2, CD-3, CD-R1, CD-R2. Accessory dwellings shall comply with all requirements of the primary use except where specifically modified by the title and shall comply with the following limitations:*

1. *Accessory Dwelling Units are prohibited from use as a Vacation Rental Dwelling in all zones. Accessory Dwelling Units are also prohibited on properties designated as Vacation Rental Dwellings.*
2. *Attached and detached Accessory Dwellings shall not exceed ~~650~~ 900 square feet of floor area, or ~~40~~ 60 percent of the primary dwelling's floor area, whichever is smaller. ~~An attached or interior Accessory Dwelling shall not exceed 650 square feet of floor area, or 40 percent of the primary dwelling's floor area, whichever is smaller.~~ However, Accessory Dwellings that result from the conversion of a level or floor (e.g., basement, attic, or second story) ~~of the primary dwelling~~ may occupy the entire level or floor, even if the floor area of the Accessory Dwelling would be more than ~~650~~ 900 square feet.*
3. *Development of an Accessory Dwelling Unit shall require the payment of a system development charge of \$5,500. ~~in rough proportionality to the amount charged for a single-family dwelling based on size. As the floor area of an ADU is limited to 40% of the floor area of the primary residence, the SDC for an ADU will be \$5,500, which is 40% of the \$13,750 charged for a single family dwelling.~~*
4. *Detached Accessory Dwelling Units shall have electric meters separate from the primary residence. For attached Accessory Dwelling Units, separate metering is optional.*
5. *Accessory Dwellings shall not be subject to the architectural feature requirement of the underlying zone.*

2. Residential 2 (R-2) Lot Size Requirements

Amend 17.16, Residential 2 Zone

17.16.060 Lot Size

In the R-2 zone, except as provided in Section 17.104.050, minimum lot size shall be as follows:

- A. *For a single-family dwelling, lot area shall be five thousand four hundred (5,400) square feet; for a duplex dwelling, lot area shall be ~~nine thousand (9,000)~~ seven thousand five hundred (7,500) square feet; for a three-family dwelling, lot area shall be ~~ten thousand five hundred~~*

~~(10,500)~~ nine thousand (9000) square feet; for additional units, lot area shall increase by one thousand (1,000) square feet per unit.

B. Lots shall have a minimum of forty (40) feet of physically accessible street frontage.

C. Lot depth shall be at least ninety (90) feet.

Amend 17.52 Light Industrial Zone (LI)

17.52.020 Permitted uses.

B. In the LI zone, except as provided in 17.52.020.A above, the following uses are permitted outright provided all other requirements of this title are met:

1. Manufacturing, processing and fabricating which is conducted solely in enclosed buildings which will not cause or result in:
 - a. Dissemination of noise, vibration, odor, dust, smoke, gas or fumes beyond the boundaries of the building,
 - b. Hazard of fire or explosion, or other physical hazard,
 - c. Radiation or interference with radio or television reception in adjacent areas,
 - d. Excessive traffic either in number or size of vehicles through any adjacent residential zone;
2. Dairy product or cranberry processing or storage;
3. Warehousing;
4. Public utilities, including service structures.
5. Self-storage units and facilities.
6. Up to four residential units on sites over 10 acres

III. Procedural – Required Burden of Proof

The proposed ordinance will amend existing chapters within Title 17, Zoning. A legislative amendment is subject to Chapter 16.32.020 of the Bandon Municipal Code, which is as follows:

The Planning Commission (and ultimately the City Council) shall, “review the proposed amendments to the text of the zoning ordinance to determine consistency with the comprehensive plan and that the amendment will not adversely affect the city’s or the developer’s ability to satisfy land use, transportation and utility service needs or capacities. The proposed amendment shall also be reviewed to determine the suitability of the uses proposed in terms of slope, geologic stability, flood hazard, wetlands, and other relevant hazard or resource considerations.”

Staff finds that the proposed amendment is consistent with the City Comprehensive Plan and that the amendment will not adversely affect city development. Staff reviewed the City’s Comprehensive Plan for conformance and found the following in the Housing portion addressing Goal 10 of the Oregon Land Use Program. It is the policy of the City to:

1. *Encourage development of adequate housing for residents of Bandon in order to meet their needs and in order to provide security and enjoyment.*
2. *Make available adequate, integrated, reasonably priced, quality housing, subject to regulations, which would ensure aesthetics and protection of the natural environment.*

Allowing for additional opportunities for housing, such as ADUs and duplexes, may increase the number of available units in Bandon. Further, it certainly opens the door, even just a little bit wider, providing greater opportunity for the development community to build more, but smaller homes. These tend to be more affordable.

The Comprehensive Plan indicates that the Light Industrial Zone is intended to provide a buffer area between heavy industrial and residential or commercial uses. Staff finds that allowing low density dwelling units in this zone is not inconsistent with the City's Comprehensive Plan. Because we have proposed only to allow additional dwelling units on large parcels, there is still sufficient land available to meet the City's industrial needs. The Comprehensive Plan states: *The Light Industrial Classification is intended to be applied to particular areas with a considerable degree of flexibility, so that if an area is designated in the Plan for light industrial development but such a development does not occur, other types of uses may be allowed in the area.* Staff finds that the City needs housing right now, however the inclusion of this housing does not preclude future development of the zone for industrial uses.

IV. Recommendations

Staff recommends approval and adoption of the Ordinance as presented.

Attachments

- A. **Ordinance 1660**
- B. **Notice of Public Hearing**
- C. **Minutes from the July Planning Commission Meeting**



Date of Notice: July 5th, 2023

NOTICE OF PUBLIC HEARING

Planning Commission: July 27th, 2023, 7:00 PM
City Council: Monday, September 11th, 2023, 7:00 PM

Proposal: The City of Bandon will hold public hearings on the above dates to consider an ordinance to amend Title 17 of the Bandon Municipal Code to amend certain criteria related to housing. The Ordinance will amend the Accessory Dwelling Unit standards, reduce minimum lot size requirements in R-2, and allow up to four residential units on property over 10 acres in the Light Industrial Zone.

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

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

Meeting ID: 215 705 9460

How can I Participate?

The City of Bandon strongly encourages community members to provide testimony on this topic. While we are only noticing property owners considered affected by ORS 227.186, 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, July 20, 2023:** Deadline for inclusion of testimony in meeting packet.
- **5:00 pm, July 27, 2023:** Deadline for electronic (e-mail or FAX), hand delivered or US mail testimony.
- **After 5:00 pm on July 27, 2023:** Testimony must be presented at the hearing.

City Council Hearing

- **5:00 pm, September 5th, 2023:** Deadline for inclusion of testimony in meeting packet.
- **5:00 pm, September 11, 2023:** Deadline for electronic (e-mail or FAX), hand delivered or US mail testimony.
- **After 5:00 pm on September 11, 2023:** 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 July 27th, 2023. 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 September 11th, 2023, 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.

**Regular Meeting of the Planning Commission
at Bandon City Hall, on Facebook, and via Zoom Meetings
July 27, 2023**

COMMISSION:

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

STAFF:

- Dan Chandler, City Manager
- Shala Kudlac, City Attorney
- June Hinojosa, City Recorder
- Dana Nichols, Planning Manager
- Kristan Liechti, Planner

1.0 CALL TO ORDER

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

2.0 ROLL CALL

Roll Call was taken as indicated above. Slothower announced that Commissioner Ed Landucci had passed away. Out of respect, Landucci's chair was left open for the meeting and a bouquet was placed in front of his seat at the dais. Slothower observed that the Commissioners respected Landucci and enjoyed working with him. "I'm sorry he's gone," Slothower said.

3.0 CONSENT AGENDA

3.1 Regular Meeting Minutes – May 25, 2023

Hearing no objections or corrections, Slothower approved the May 25, 2023, minutes as written.

3.2 Regular Meeting Minutes – June 22, 2023

Hearing no objections or corrections, Slothower approved the June 22, 2023, minutes as written.

3.3 Amendment to Regular Meeting Minutes – April 27, 2023

Nichols requested a footnote in the April 27, 2023, Regular Meeting Minutes to clarify that she had misinterpreted a question from Norman regarding the push for more accessory dwellings in Oregon. Her reply responded to the larger discussion about housing and was factually correct but did not address Norman's question. No Commissioners objected to editing the minutes to include the footnote.

4.0 PUBLIC COMMENT

Robert McClernon, part-time resident of the Bandon area

McClernon told the Commissioners that he had been coming to Bandon for many years, and he thought the latest rendering he had seen of a proposed new hotel did not "look like Bandon should look like." He encouraged the Commissioners to take that into consideration, along with the parking situation in Old Town and at the hotel itself. McClernon contended that the proposed 45 parking spaces would not cover the necessary parking for the new hotel's employees and its 85 units.

McClernon also pointed out the existing shortage of labor in Bandon and commented that the City needed to do a better job of attracting workers. He cited an example of a woman who was having a garage sale because she was moving to Roseburg. She told him the pay was good in Bandon, but she was unable to find affordable childcare for her two children.

5.0 HEARINGS

5.1 23-040 – An amendment to Title 17 of the Bandon Municipal Code (BMC) to reduce minimum lot size requirements for dwellings in the Residential 2 (R-2) Zone, allow up to four residential units on property over 10 acres in the Light Industrial (LI) Zone, and amend the Accessory Dwelling Unit (ADU) standards

Slothower opened the Public Hearing at 7:09 p.m. and he read aloud the standard guidelines for participation in a Public Hearing.

Nichols explained the purpose of the hearing. Changes to the City's housing code had been discussed at previous meetings. It had been determined that some of the desired changes could be distilled into one code amendment that could be approved quickly.

The proposed ordinance language included modifying BMC 17.104.020 to allow attached and detached ADUs of up to 900 square feet of floor area or 60 percent of the primary dwelling's floor space, whichever was smaller. ADUs would no longer be subject to the architectural feature requirements of the underlying zone at their location.

To make it easier for multi-family housing to be built in the R-2 Zone, the required lot size for a duplex would be reduced from 9,000 square feet to 7,500 square feet; for a three-family dwelling, minimum lot area would drop from 10,500 square feet to 9,000 square feet; and for each additional unit, another 1,000 square feet of lot area would be required.

In the LI Zone, an allowance of up to four residential units on sites over 10 acres would be added. This change was specifically addressing a parcel where four units had been constructed but were not permitted under the existing code.

Norman asked if these proposals could all be viewed on the City's website, and Nichols verified that they had been posted on the website for 20 days, which she believed was the requirement.

Slothower solicited public comment on the proposed code amendments.

Bill Beck, Bandon resident

Beck felt restricting ADUs to 60 percent of the primary dwelling's floor space, although an increase over the existing ADU size limit, would punish people with small houses. "For example," he said, "if you have an 846 square foot house, you can only build a 507 square foot ADU; or a 1,334 square foot primary dwelling can only build an 800 square foot ADU." Beck favored increasing the square foot limit to 80 percent of the primary dwelling or getting rid of the percentage entirely and allowing up to 800 square feet for every ADU.

Beck also opposed allowing more than one ADU per property. He contended that when the state mandated cities to allow ADUs, it doubled the potential available housing. But Beck thought Bandon had a long way to go to fill out the possible ADUs, so it was unnecessary to allow more than one on a lot. He suggested allowing multiple ADUs and ADUs with duplexes would "open the door for developers to buy our older homes, tear them down, build a duplex along with an ADU or two," and they would build as cheaply as possible. "This could ultimately backfire," Beck predicted, "and push the cost of single-family detached homes further away from first-time buyers," instead of increasing the availability of affordable workforce housing. He also supported removing the requirement for a separate water meter requirement for ADUs.

Nichols responded that the Commission had opted not to include allowance of a second ADU or an ADU with a duplex in the proposed ordinance. She also noted that the City Council had removed the requirement for separate water meters at its most recent meeting. It was determined to be a utility-related decision and not part of the land use code; therefore, it did not need approval by the Planning Commission.

Slothower pointed out that the proposed ordinance put a 900 square foot limit on ADUs, not 800.

Norman stated that everyone living in Bandon was aware that there was a housing problem—particularly, insufficient workforce housing. “It is true,” he commented, “developers could come in here and buy a property and level a house and build all kinds of stuff. But it’s like a risk that I think the City of Bandon has to take, and I think that the City is trying to do that incrementally.” Norman thought the proposed ordinance was “a pretty big jump, actually, from where we are.”

Jurkowski asked Beck if he was thinking a smaller home should be able to have an ADU equal in size to the primary dwelling.

Beck replied that his concern was that smaller homes were being punished by only being allowed extremely small ADUs.

Jurkowski figured out that Beck was “wanting it to be comparable to the size that anyone else would be allowed to build.”

Beck stated that was his premise—that anyone could build a 900 square foot ADU, whether the primary dwelling was 800 square feet or 3,000 square feet. “Making you build a 500 square foot ADU just because you have an 800 square foot primary residence doesn’t make a bunch of sense,” he remarked. He added that he did appreciate the idea of setting a scale to make the ADUs proportionate to the primary dwellings.

“The goal is to house people and families,” Jurkowski observed.

“Building a 500 square foot ADU isn’t going to do that,” Beck responded.

Nichols stated that the Commissioners had held a Work Session where there was a lot of discussion about how big an ADU could or should be, and they came to an agreement at that time about the proposed limitations. Noting that the City Council could amend their recommendations at a later time, and recalling that a maximum of 1,000 square feet or 75 percent of the primary dwelling for ADUs had been discussed, she asked the Commissioners if they would consider Beck’s recommendation.

Jurkowski had no argument with the larger size limit.

Slothower preferred 900 square feet but would not object to increasing the percentage to 75, to allow an ADU to be a home a family could live in.

Jurkowski remembered seeing two equal-sized homes on a lot where she used to live and she did not see any problem with them.

Norman said he was comfortable with 900 square feet, which was larger than he had initially wanted, and he was also comfortable with 60 percent of the primary dwelling, “so that the housing doesn’t overwhelm the lot.”

“These numbers are probably pretty good right now,” Starbuck commented. “I think we’re still in a trial-and-error scenario,” he said, “and we need to see how it’s going to work out.” He thought the limits could be changed later if they did not work out.

With help from one of the citizens in attendance, Slothower established that 900 square feet would be 60 percent of a 1,500 square foot home.

Norman and Slothower thought that would cover most of the housing in Bandon.

“I’m just concerned that if they’re too small,” Jurkowski commented, “that you’re not going to be satisfying the need in the first place. The need is for workforce housing for families...because it’s not easy to have a commute from Coos Bay or Coquille or Langlois if you have children also.”

Slothower believe 900 square feet was “plenty for a small family.”

Orsi observed that if there turned out to be a problem with the percentage, an adjustment could be made at a later time.

Scobby agreed with increasing the percentage and did not believe there was an issue because so few ADUs were being built. She wanted to see “family workforce housing” which could mean bigger ADUs.

Robert McClernon, part-time resident of the Bandon area

McClernon returned to the lectern. He said he had lived in a number of places in California where there were ADUs and he pointed out the importance of the lot size, “because if the whole lot becomes house and ADU, it turns into a piece of property where if you do have that family you want to bring here with the kids, they don’t have a place to play.”

Nichols responded that this issue had come up at a Planning Commission Work Session. Staff had prepared sample illustrations showing a house and an ADU on a plot of a lot, as part of an examination of whether to adjust lot size requirements and the percentage of a lot that could be taken up by structures. Given the setback requirements of 20 feet in the front and 10 feet in the rear, with a total of 13 feet in the two side setbacks, the Commission had opted to maintain the existing 50 percent lot coverage limit. Nichols indicated that the required setbacks and maximum allowable lot coverage would automatically provide space for children to play.

Norman asked Nichols to read the proposal.

Nichols stated that the proposal was to limit attached and detached accessory dwellings to 900 square feet of floor area or 60 percent of the primary dwelling, whichever was smaller. The existing code limited ADUs to 650 square feet or 40 percent of the primary dwelling.

Norman offered a motion to recommend City Council approval of the amendments to Title 17 of the Bandon Municipal Code as proposed, without amendment. Starbuck seconded the motion and it passed by roll call vote (5:1:0):

- AYES: Norman, Orsi, Scobby, Slothower, Starbuck
- NAYS: Jurkowski
- ABSENT: None

Nichols said the City Council would take up the proposal at its September 11, 2023, meeting.

6.0 DISCUSSION

6.1 Heavy Industrial Legislative Amendment

Nichols supplied a summary of what led up to the proposed changes to BMC Title 17 that were going to be discussed by the Commission. In a prior Work Session, there had been a presentation by representatives of a property on the Coquille River who were interested in developing an aquaculture operation on the site. It was learned that the property was erroneously designated on the City’s zoning map as CD-1 (Controlled Development 1). In reality, it was zoned HI (Heavy Industrial).

Proposals were put forward by the applicant’s consultant, Sheri McGrath, to define aquaculture and mariculture and permit them outright in the HI Zone along with accessory uses, and to make changes to language in the Shoreland Overlay (SO) code that specifically referred to the property as controlled development. Nichols noted that proposed updates to the City’s Comprehensive Plan to show the property in question as Heavy Industrial and accommodating aquaculture would be taken up at a later Work Session.