

ORDINANCE 1665

AN ORDINANCE AMENDING THE HEAVY INDUSTRIAL ZONE CODE & COMPREHENSIVE PLAN AND PROVIDING AN EFFECTIVE DATE

THE CITY OF BANDON ORDAINS AS FOLLOWS:

TITLE 17, ZONING

Section 1. Chapter 17.02, Definitions is amended to add the following definition:

"AQUACULTURE" refers to the cultivation of marine, estuarine, or freshwater aquatic organisms for commercial, recreational, restoration and/or scientific purposes.

Section 2. Chapter 17.56, Heavy Industrial (HI) Zone is amended to provide as follows (bold language is an addition):

Chapter 17.56

HEAVY INDUSTRIAL (HI) ZONE

Sections:

- 17.56.010 Purpose.
- 17.56.020 Permitted uses.
- 17.56.030 Conditional uses.
- 17.56.040 Limitations on uses.
- 17.56.050 Signs.
- 17.56.060 Lot size.
- 17.56.070 Yards.
- 17.56.080 Height of building.
- 17.56.090 Lot coverage.
- 17.56.100 Outside sales area.

17.56.010 Purpose.

The purpose of the HI zone is to provide space for industry to ensure the future well-being of the city.

17.56.020 Permitted uses.

In the HI zone, the following uses are permitted outright, **along with their**

accessory uses, provided that the use promotes the purpose of the zone, and all other requirements of this title are met:

A. Public utilities, including service structures.

B. Aquaculture, Mariculture and other similar uses provided the total square footage of such use is smaller than 10 acres.

17.56.030 Conditional uses.

In the HI zone, the following uses and their accessory uses may be allowed in accordance with Chapter 16.12 and the provisions of this title:

- A. Manufacturing, repairing, compounding, fabrication, processing, packing and storage;
- B. Governmental building or use;
- C. Sales of products manufactured on site
- D. Aquaculture, Mariculture and other similar uses greater than 10 acres in size.**

17.56.040 Limitations on uses.

- 1. The dedication of additional street width may be required when an officially adopted street plan or the nature of the proposed development indicates the need for additional width.
- 2. **Residential uses may be permitted as accessory uses with Aquaculture if:**
 - a. **They are in conjunction with and incidental and subordinate to a permitted or conditional use on the same parcel or on contiguous property in the same ownership.**
 - b. **A density of no more than one dwelling per two acres is maintained. Alternatively, an applicant may request additional dwellings through a Type II process.**
 - c. **The total square footage of all residential uses must be less than 6,000 square feet.**
 - d. **Aquaculture uses involving crustacean and fin fish must be processed as a Type II request.**

Section 3. Chapter 17.76, Shoreland Overlay is amended to provide as follows (strikeout is deleted language, bold is an addition):

Shorelands Mgmt Unit No. Plan Designation Uses	1	2	3A	3E	4	5	6	7	8	9	10	11	12
	PF	CD	MC	ESWD	PF	UR	OTC	OS	CD I	PF	NR	NR	CD

Aquaculture	NP	NP	P	P	NP	P	NP	N P	NP P	N P	C U	C U	NP
Commercial Uses													
Water-dependent	NP	NP	P	P	NP	NP	NP	N P	NP P	N P	NP	NP	NP
Water-related	NP	NP	P	CU*	NP	NP	C U	N P	P	N P	NP	NP	NP
Not dependent or related	NP	C U	P	NP	NP	NP	C U	N P	P	N P	NP	NP	NP
Water oriented	NP	C U	P	NP	NP	NP	P	N P	P	N P	NP	NP	NP
Industrial Uses													
Water-dependent	NP	NP	P	P	NP	NP	NP	N P	NP P	N P	NP	NP	NP
Water-related	NP	NP	P	CU*	NP	NP	C U	N P	P	N P	NP	NP	NP
Not dependent or related	NP	NP	P	NP	NP	NP	C U	N P	P	N P	NP	NP	NP
Log Storage	NP	NP	NP	NP	NP	NP	NP	N P	NP P	N P	NP	NP	NP
Marinas (shore facilities)	NP	NP	NP	P	NP	NP	NP	N P	CU	N P	NP	NP	NP
Recreational Uses													
Water-dependent	P	C U	P	P	P	P	NP	N P	NP P	P	P1	P1	P1
Water-related	NP	C U	P	CU*	P	P	P	N P	NP CU	N P	P1	P1	P1
Not dependent or related	NP	C U	P	NP	P	P	P	P	P CU	N P	P1	P1	P1
Residential	NP	C U	P	NP	NP	P	P	N P	P	N P	NP	NP	CU 6
Utilities	P	P	P	CU*	P	C U	P	P	P	P	C U	C U	P
Parks and Sanctuary	P	C U	C U	NP	C U	C U	P	P	CU	P	P	P	CU
Harvest Wild Crops	P	P	NP	NP	NP	P	NP	P	NP P	P	P	P	P
Pub. Use Structure including Recreational	P	C U	C U	CU*	P	C U	C U	P	CU	P	C U	C U	CU
Historical Struc. including Rehab.	P	C U	C U	CU*	P	C U	C U	P	CU	P	C U	C U	CU

Section 4. The Comprehensive Plan is amended to provide as follows (strikeout is deleted language, bold is an addition):

1. Amend the Uses/Activities Matrix found on page 49 to match the proposed changes to table in Chapter 17.76.
2. Amend language on Page 70 in section regarding "Land Use Classifications" under industrial land to read as follows:
Bandon has six locations where industrial land uses are occurring,
 1. *Two locations along the waterfront, including Bandon Fisheries and the Moore Mill log yard*
 2. *The Woolen Mill Addition area, associated with the Bandon Cheese Factory*
 3. *The Douglas Pacific Veneer Mill at 11th and Fillmore (Portland Addition area)*
 4. *The Bandon Airport area*
 5. *The Ocean Spray Cranberry Facility*
 6. *The Airport area is viewed as the best site for future Industrial development, provided the majority land owner provides feasible development options. This area is adjacent to Highway 101 and the extension of the City water and sewer services is expected to occur in this planning cycle.*

~~*There is no demand for waterfront industrial land in Bandon. The Port of Coos Bay serves as the Industrial Port for this region (Ordinance 1326, 3-94).*~~

3. Amend language on page 77 in a section regarding "Land Use Classifications" under Public and Environmental Areas to read as follows:

The purpose of these five classifications is to identify areas necessary to meet the future needs for public services, to protect amenities, to protect and develop resources, and to protect agriculture outside of the urban growth boundary. These classifications recognize the environmental goals of the city.

CONTROLLED DEVELOPMENT AREA (CDA).

Purpose: This special classification is intended to recognize the scenic and unique quality of Bandon's ocean front and view areas and to maintain the quality of Bandon's ocean front by carefully controlling the nature and scale of future development in the area. It is intended that a mix of uses would be permitted, including residential, tourist commercial, and recreational. Future development is to be controlled in order to enhance the area's unique qualities.

APPROPRIATE AREAS. The CDA includes the south bank of the Coquille River west of the Robertson concrete plant (First and Edison) and ~~from~~ north of

Moore Mill north, the jetty area, and all the ocean beaches within the city limits. The inland boundaries of the CDA are the bluff from Edison Avenue west to Newport Avenue, Newport Avenue from the bluff south to Tupper Creek, (including the portion of the city east of Tupper Creek) and the city limits extending from Tupper Creek to the Pacific Ocean. Some land adjacent to the water might not be usable for water related or water dependent uses. To maintain environmental quality amid a mix of uses, certain unique natural features will be conserved, for example, the south jetty's freshwater lagoon and the associated riparian vegetation.

- e. Amend language on page 80 in a section regarding "Land Use Classifications" under Industrial Development to read as follows:

At present there is no industrial development in Bandon Heights, although the old Moore Mill property, which is zoned ~~CD-1~~, is located across Riverside Drive from the area.

- f. Amend language on page 156 in a section regarding "Natural Resources" under Ecologically and Scientifically Significant Natural Areas to read as follows:

*In the past, the U.S. Army Corps of Engineers have been responsible for the dredging of the navigation channel, disposing of the spoils in a designated area of sea. Areas outside of the navigation channel have been dredged at the expense of private interests and the spoils have been deposited at upland sites. Currently an estuarine area just north of the old Moore Mill's upland log storage deck is zoned ~~CD-1~~ **Heavy Industrial**, but continuing north past the line of pilings, the zoning is Natural Resource. Development of the old Moore Mill area will not be allowed to impact negatively the Natural Resource zoned marsh area to the north.*

6. Amend language on page 175 in a section regarding "Scenic Resources" under Zoning and Ownership to read as follows:

*The area encompassed by the viewshed includes a number of different zoning designations. South Jetty Park is zoned Public Facilities and Parks (PF), the area along Jetty Road is zoned CD-2 and CD-3, the area north of 1st Street is zoned Marine Commercial (C-3) with shoreland overlays, the Coast Guard Hill area is zoned CD-R2, the Moore Mill log yard is zoned ~~CD-1~~ **HI**, and the Bandon Cemetery is zoned R1. There are a number of private and public owners of property in the viewshed, with South Jetty Park, the Redmon Pond area, and the Waterfront and Boat Basin being examples of publicly owned properties.*

7. Amend language on page 175 in a section regarding "Estuary Management Section 2" under Especially Sensitive for Water Dependent Use Sites in Shoreland Management Units within the City and Urban Growth Areas to read as follows:

MANAGEMENT UNIT # 8: MOORE MILL: A 50-foot strip adjacent to the channel is designated as ESWD. This area, earlier a mill designated as Heavy Industrial, has been rezoned to a Controlled Development zone.


Section 5. 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 6. 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 7. This Ordinance shall take effect pursuant to section 37 of the Bandon Charter, the thirtieth day after its enactment.

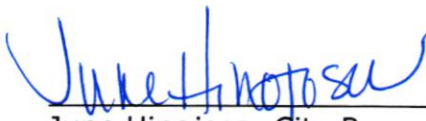
PASSED to a second reading this 1st day of APRIL 2024 on a roll call vote, 600.

ADOPTED by the City Council this 1st day of APRIL 2024 on a roll call vote, 600.



Mary Schamehorn, Mayor

Attest:


June Hinojosa, City Recorder