

CITY OF BAY CITY
ORDINANCE NO. 704

AN ORDINANCE ADOPTING AND MAKING AMENDMENTS
TO THE BAY CITY COMPREHENSIVE PLAN, AND THE
BAY CITY DEVELOPMENT ORDINANCE NO. 374, AND
REPEALING ORD 647 AND 693.

WHEREAS, the City of Bay City (City) desires to amend The Bay City Comprehensive Plan and the Bay City Development Ordinance No. 374 (“Development Ordinance”) to adopt an updated Comprehensive Plan and Development Codes; and

WHEREAS, the amendments to the Comprehensive Plan and Development Ordinance #374 are based on a Transportation and Growth Management Grant from the Department of Land and Conservation Development (DLCD) and the Bay City Transportation and Growth Management (TGM) Code Assistance Project; and

WHEREAS, the goal of the Bay City Transportation and Growth Management (TGM) Code Assistance Project is to make recommendations for updating the Bay City Comprehensive Plan and the Bay City Development Ordinance #374, in order to remove barriers to creating a vibrant, multimodal community, consistent with the mission, goals, and objectives of the TGM program and “smart growth” principles.

WHEREAS, an amendment to the text of the ordinance is considered legislative under Section 8.060 of the Development Ordinance;

WHEREAS, Section 8.060(a) of the Development Ordinance requires the City to provide notice of public hearings for legislative amendments in accordance with Sections 10.010 to 10.030 of the Development Ordinance and to hold public hearings for legislative amendments in accordance with the procedures established in Article 10 of the Development Ordinance; and

WHEREAS, the City provided notice of the proposed amendments to the Department of Land Conservation and Development on October 5, 2023, to affected property owners citywide on October 26, 2023, published online on October 26, 2023, and in the Headlight Herald on November 1, 2023.

WHEREAS, Section 8.020 of the Development Ordinance provides the Bay City Planning Commission with authority to initiate amendments to the Development Ordinance; and

WHEREAS, Section 8.040 of the Development Ordinance requires the City Recorder to initiate an investigation into the consistency of proposed amendments with the City’s Comprehensive Plan and to provide a recommendation on whether to adopt the proposed amendments in a report to the Planning Commission; and

WHEREAS, the City completed its investigation and found consistency with Section 8.050 and Section 8.070 of the Development Ordinance, and provided a report to the Planning Commission recommending adoption of the proposed amendments on November 15, 2023;

WHEREAS, the Planning Commission held a public hearing on November 15, 2023 that satisfied the notice and procedural requirements of Article 10 of the Development Ordinance, then forwarded its recommendation to adopt the proposed amendments to the City Council, and the City Council held a public hearing on December 12, 2023 that satisfied the notice and procedural requirements of Article 10 of the Development Ordinance; and

WHEREAS, Section 8.070(a) of the Development Ordinance establishes approval criteria for legislative amendments that require such amendments to be consistent with the City's adopted Comprehensive Plan; and

WHEREAS, the City finds that the proposed amendments are consistent with Goal IX of the Comprehensive Plan because the City Planning Commission and the City Council held properly noticed public hearings on November 15, 2023 and December 12, 2023 to consider the proposed amendments and to gather and incorporate citizen input; and

WHEREAS, the City finds that the proposed amendments are consistent with the Comprehensive Plan because amended Goal II, Policy 4 will direct commercial, mixed use and higher density residential land uses toward the town center and the high intensity districts; Goal III, Policy 1 will allow a variety of housing types in the City, including single-family homes, duplexes, triplexes, apartments, cottage cluster development, middle housing, accessory dwellings, and mobile homes, to accommodate a wide range of incomes, tastes, and other desires; the Agricultural Lands Policies, Policy 1 will allow the integration of urban farming; Goal V, Policy 2 will clarify that Great Blue Heron Rookeries and wetlands are regulated by the State; Goal VI, Policy 6 and Policy 7, will provide recognition of City Recreational Areas, and potential recognition of other City-owned properties in natural areas; and Goal VIII will provide clarification of lot sizes; and recognition of all land use categories in the City, and permit the proposed amendments of the Development Ordinance; and

WHEREAS, the City finds that no other goals, policies, or provisions of the Comprehensive Plan are applicable to the proposed amendments and thus, the proposed amendments satisfy the approval criteria contained in Section 8.070(a) of the Development Ordinance; and

WHEREAS, the proposed amendments would adopt or amend the Development Ordinance in a manner that limits or prohibits land uses previously allowed in the affected zones within the meaning of ORS 227.186(9) and thus, the City provided notice to affected property owners on October 26, 2023 in the manner required by ORS 227.186(4) and 227.186(5); and

WHEREAS, at its regularly scheduled meeting on December 12, 2023, the City Council considered and voted to adopt the proposed amendments, as set forth in this ordinance.

NOW, THEREFORE, THE CITY OF BAY CITY ORDAINS AS FOLLOWS:

Section 1. Amendments to the Bay City Comprehensive Plan, is hereby amended to read as follows in Attachment A.

Section 2. Amendment to the Bay City Development Ordinance No. 374, is hereby amended to read as follows in Attachment B.

Section 3. Severability. The sections and subsections of this ordinance are severable. The invalidity of one section or subsection shall not affect the validity of the remaining sections of subsections.

Section 4. Unamended Provisions. All unamended provisions of The Development Ordinance shall remain in full force and effect.

Section 5. Effective Date. This ordinance shall become effective thirty days after final passage and its signature by the Mayor.

PASSED and ADOPTED by the City Council this 13th day of February, 2024, and APPROVED by the Mayor this 13th day of February, 2024.

By: _____
Liane Welch, Mayor

ATTEST: _____
Lindsey Gann, City Recorder

First Reading: _____

Second Reading: _____

Adoption: _____

Ayes: _____

Nays: _____