



U.S. DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
Office for Coastal Management
Silver Spring Metro Center, Building 4
1305 East-West Highway
Silver Spring, Maryland 20910

Ms. Patricia L. Snow, Manager
Oregon Coastal Management Program
Department of Land Conservation and Development
635 Capitol Street, Suite 150
Salem, Oregon 97301-2540

DEC 15 2015

Dear Ms. Snow:

Patty

Thank you for the Department of Land Conservation and Development's (DLCD) August 14, 2015, request to incorporate into the Oregon Coastal Management Program the current versions of the Douglas County and the cities of Reedsport, Wheeler and Nehalem comprehensive plans and development codes (zoning ordinances). You requested that the changes described in the attached table be incorporated as routine program changes (RPCs), pursuant to Coastal Zone Management Act (CZMA) regulations at 15 C.F.R. part 923, subpart H, and the National Oceanic and Atmospheric Administration's (NOAA's) Office for Coastal Management's¹ *Program Change Guidance (July 1996)*. The Office for Coastal Management's decision deadline for the request was received on August 17, 2015, and extended to December 15, 2015.

Based on our review of your submission, we concur, with the exceptions described below, that the changes are RPCs and we approve the incorporation of the changes as enforceable and non-enforceable policies of the Oregon Coastal Management Program. Federal Consistency will apply to the approved changes to enforceable policies only after you publish notice of this approval pursuant to 15 C.F.R. § 923.84(b)(4) and the Office for Coastal Management's *Addendum to the July 1996 Program Change Guidance (November 2013)*. Please include in the public notice the list of changes provided in this letter, and send a copy of the notice to the Office for Coastal Management.

DISCUSSION

This program change approval request is one of a series of requests from the state to update the local coastal programs of the Oregon Coastal Management Program. As originally approved by NOAA, the local coastal programs are comprised of the local comprehensive plans and ordinances.

Since the original approval of the local coastal programs, those comprehensive plans and ordinances have undergone numerous revisions. In order to facilitate a manageable review

¹ NOAA's Office for Coastal Management was formerly the Office of Ocean and Coastal Resource Management and the Coastal Services Center; these two offices were integrated in September 2014 into the Office for Coastal Management.

process of the changes, the state and the Office for Coastal Management have agreed that the revised comprehensive plans and ordinances will be submitted in their entirety for approval. Once approved, subsequent changes to the plans and ordinances will be submitted for approval as they occur.

In the original approval of local coastal programs, the specific enforceable policies to be used for CZMA review purposes were unidentified. Since the 1996 changes to NOAA's program change regulations, states have been required to specifically identify enforceable policies that the state intends to rely upon as enforceable policies for CZMA federal consistency review purposes.

The comprehensive plans and ordinances have been drafted to meet state requirements and local concerns. They have not been tailored for their application through the CZMA. As such, there are many instances throughout the comprehensive plans and ordinances where language is used that raise CZMA approval issues. The Office for Coastal Management recognizes that the comprehensive plans and ordinances serve more purposes than their application through the CZMA review process, and with the qualification statements made below has reconciled the policies of the plans and ordinances with the limitations on the CZMA authority of the states.

APPROVED CHANGES

See enclosed table of the changes incorporated into the Oregon Coastal Management Program.

QUALIFICATIONS

The qualifications made below apply to the entirety of the comprehensive plans and policies submitted for approval. They apply to every instance where language in the plans and policies would be of concern, and are not limited to those examples cited in the qualifications.

Incorporation by Reference

Throughout the proposed policies for the county and municipalities are references to other laws and policies. For example, the Coastal Resources Plan for Douglas County, Dredged Materials Management (3)(e) at page 3.4, states that a project must be "in conformance with other elements of the Douglas County's Comprehensive Plan and Coastal Resources Plan." While this may be a requirement of local and state law, only those policies which have been approved by the Office for Coastal Management as enforceable policies may be used for CZMA review purposes. States may not incorporate other enforceable policies by reference. If an approved enforceable policy refers to another statute, regulation, policy, standard, guidance, or other such requirement or document (hereinafter "referenced policy"), the referenced policy itself must be submitted to and approved by the Office for Coastal Management as an enforceable policy in order to be applied under the federal consistency review provisions of the CZMA. Therefore, no referenced policy in these approved enforceable policies may be applied for federal consistency review purposes unless that referenced policy has been separately approved by the Office for Coastal Management. Stand-alone statements of policy based solely on policies that are incorporated by reference and which have not been approved as enforceable policies, such as the introductory paragraph for the Reedsport Comprehensive Plan for Permitted Uses and Policy

Implementation at page VIII-14, are not approved since the referenced sections were not submitted as enforceable policies.

Adoption of Tillamook County Estuary Management Plan and Policies

Nehalem Plan Ordinance 80-1, Section 2.120 adopts by reference the Tillamook County Estuary Management Plan and Policies. It was unnecessary to submit this section for approval as a CZMA enforceable policy as the Tillamook County Estuary Management Plan and Policies have already been approved for application as enforceable policies for CZMA federal consistency review purposes. A question was raised in the review of this section as to how to distinguish provisions that have been changed or added to the plan since approval by the Office for Coastal Management. Only those policies within the Tillamook County Estuary Management Plan which previously have been approved for incorporation into the Oregon Coastal Management Program may be relied upon for CZMA Federal Consistency review purposes. As the state is the entity responsible for conducting CZMA federal consistency reviews, the Office for Coastal Management expects that the state will rely on only the approved version of the plan in conducting CZMA reviews in accordance with CZMA regulations. Another potential issue with this section is the possibility that a state concurrence might be dependent upon a local approval which may be denied on the basis of policy changes to the Estuary Management Plan. State CZMA federal consistency decisions must be based on substantive standards and not third party approvals including those of local governments.

Consistency Language

The comprehensive plans and zoning ordinances refer to consistency reviews that the county and cities should undertake. *See e.g.*, the City of Wheeler Comprehensive Plan at page 26 (J. Implementation (1)); Coastal Resources Plan for Douglas County, Management Policies: General Policies (9) at page 1.52, and Dredged Materials Management (3)(d) at page 3.4. Any reference to a “consistency” review within these plans and ordinances cannot be interpreted to mean federal consistency review under the CZMA. While counties and municipalities may determine the consistency of an activity with plans and ordinances, only the state has the authority to review and determine whether an activity is consistent for CZMA federal consistency review purposes. Local decisions regarding the consistency of an activity are not binding on state CZMA reviews and cannot be used to make state CZMA federal consistency decisions.

Statements Regarding State and Federal Agencies and Laws

Throughout the proposed policies there are statements regarding the responsibilities of federal agencies. For example, in the Nehalem Zoning Ordinance 80-2 at Section 22.070 regarding dredged material disposal, it is stated that “The Corps shall be responsible for determining that these guidelines [for containment] have been met” (at page 89, (4)(a)(ix)(1)(a)). References to the responsibilities of state and federal agencies, statutes and regulations are viewed as statements noting that other authorities apply and may be controlling of activities. Federal agency decisions cannot be used as enforceable policies for state CZMA review purposes. These statements are not policies for CZMA review purposes although they are found within otherwise approvable policies. *See also*, Coastal Resources Plan for Douglas County, Dredged Materials Management (12)(e) at page 3.5; Douglas County Land Use and Development Ordinance, 3.2.050 (5) at 3-10, and 3.36.060 (2)(a)(5); Reedsport Comprehensive Plan, Permitted Uses and

Policy Implementation: General Uses (9)(e) at p. VIII-15; Reedsport Zoning Code, 10.80.070 Standards and criteria for estuaries: (B) Dredging and Filling (E) at page 172.

Requirements for the Issuance of State and Federal Permits

A potential problem was identified in several places in the county and city plans and ordinances where requirements to obtain a state or federal permit were proposed as enforceable policies. *See e.g.*, the City of Wheeler Zoning Ordinance Section 9.040 (2)(b) at page 38, which states that all development permits are required to have obtained all necessary federal, state and other local permits. For CZMA federal consistency review purposes, a state may not require the issuance of federal permits. While a state may use a state permitting process for determining whether an activity is consistent for CZMA review purposes, the basis for the state's CZMA decision must be on the substantive standards of the state's enforceable policies. These statements are contained in proposed policy sections that are otherwise approvable with the above understanding. *See also*, Douglas County Land Use and Development Ordinance, Section 3.3.050 (5) at 3-23; Reedsport Zoning Code, Title 10 Land Usage: 10.76.010 Flood hazard area (D)(3)(b) at p. 125; Reedsport Zoning Code, Title 10 Land Usage: 10.76.150 Significant natural resources overlay zone (E) at page 167.

DENIED CHANGES

Review of Regulated Activities

Within the county and city ordinances are provisions regarding the review of state and federal permit applications. The apparent intent of these sections is to establish requirements and a process for the localities to convey to state and federal permit application reviewers whether the proposed activity complies with local requirements. These provisions are proposed for approval as enforceable policies for CZMA review purposes. While these reviews may be appropriate exercises of local authority, these reviews are not valid for CZMA review purposes as only the state has the authority to make CZMA federal consistency decisions. *See* City of Wheeler Zoning Ordinance, Section 11.117 – Procedure for Reviewing Regulated Activities at page 89, which is also denied as are the Douglas County Land Use and Development Ordinance, 3.36.000-3.36.040 at pages 3-328-331; and Reedsport Zoning Code, 10.80.010 – 10.80.050 at pages 169-171; Nehalem Zoning Ordinance 80-2, Section 22.060.

PUBLIC AND FEDERAL AGENCY COMMENTS

The Office for Coastal Management received no comments on this RPC submission.

Thank you for your cooperation in this review. Please contact Kris Wall at (503) 231-2221, if you have any questions.

Sincerely,



Joelle Gore, Chief
Stewardship Division

Enclosure(s): Policies Approved and Incorporated into the Oregon Coastal Management Program

Enclosure to the Office for Coastal Management's December 15, 2015, Approval of the Incorporation of
Changes to
the Oregon Coastal Management Program

Changes marked with an asterisk (*) are incorporated into the Oregon Coastal Management Program,
but do not contain enforceable policies that can be used for Federal Consistency.

State/Local Legal Citation	Name/Description of State or Local Law/Regulation/Policy/Program Authority	Date Adopted by State	Date Effective in State
ADDED:			
* Douglas County Plan (including Coastal Resources Plan) and Land Use and Development Ordinance	*DLCD seeks to incorporate the Douglas County Rural Comprehensive Plan (DCRCP), Coastal Resources Plan (CRP), and Land Use and Development Ordinance (LUDO) into the OCMP in their entirety. However, DLCD only seeks to incorporate the provisions listed below as enforceable policies.	5/23/1985	5/23/1985
* City of Reedsport Plan and Zoning Code (Title 10, Division III of Municipal Code)	*DLCD seeks to incorporate the City of Reedsport Comprehensive Plan (RCP) and Zoning Code (RLUC) into the OCMP in their entirety. However, DLCD only seeks to incorporate the provisions listed below as enforceable policies.	04/26/1984	04/26/1984
* City of Wheeler Comprehensive Plan and Zoning Ordinance	*DLCD seeks to incorporate the City of Wheeler Comprehensive Plan (WCP) and Zoning Ordinance (WZO) into the OCMP in their entirety. However, DLCD only seeks to incorporate the provisions listed below as enforceable policies.	12/05/1980	12/05/1980
* City of Nehalem Comprehensive Plan and Zoning Ordinance	*DLCD seeks to incorporate the City of Nehalem Comprehensive Plan (NCP) and Zoning Ordinance (NZO) into the OCMP in their entirety. However, DLCD only seeks to incorporate the provisions listed below as enforceable policies.	3/16/1984	3/16/1984

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DOUGLAS COUNTY COMPREHENSIVE PLAN			
Forest Resource Policies			
Policy 2 Land Use Policy Implementation	Requires certain Farm/Forest zones	02/18/2015	02/18/2015
Policy 3 Timberlands Policy Implementation	Standards for dwellings in Timberland areas	02/18/2015	02/18/2015
Natural Features Policies			
Habitats of Special Concern/Special Bird Habitats			
Policy 9	Specifies impact areas around certain habitats	02/18/2015	02/18/2015
Policy 10	Specifies impact area around Osprey nests	02/18/2015	02/18/2015
Mineral and Energy Resources			
Policy 1	Mineral and aggregate extraction in certain zones	02/18/2015	02/18/2015
Policy 2	Mineral and aggregate extraction in forest zones	02/18/2015	02/18/2015
Significant Wetlands			
Policy 2	Prohibits development in certain wetlands	02/18/2015	02/18/2015
Policy 3	Allows development in certain wetlands; prescribes conditions	02/18/2015	02/18/2015
Rural Land Use Policies			
Rural Resource Designations	Criteria for designating rural resource lands as Timberlands, Farm/Forest Transitional, Agriculture	02/18/2015	02/18/2015
Rural Non-resource Designations	Criteria for inventorying and designating rural non-resource lands in nine land use categories	02/18/2015	02/18/2015
Overlay Zones	Table specifies overlay zone designations and relationship to plan policies for twenty overlay zones	02/18/2015	02/18/2015
COASTAL RESOURCES PLAN			

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Element 1: Estuarine Resources			
Estuarine Classification System	Specifies three (3) estuarine management classes and criteria for designations	02/18/2015	02/18/2015
Estuarine Management Unit Designations	Identifies and specifies twenty (20) individual estuarine management units	02/18/2015	02/18/2015
Element 2: Coastal Shorelands			
Shorelands Planning Area Boundary	Specifies even (7) criteria for determining boundary of Coastal Shorelands Planning Area	02/18/2015	02/18/2015
Shorelands Classification System	Specifies eleven (11) shoreland classification use categories	02/18/2015	02/18/2015
Shoreland Management Unit Designations	Identifies and specifies thirty-three (33) shoreland management units.	02/18/2015	02/18/2015
Shoreland Management Policies	Management policies for Coastal Shorelands: General Policies 5, 6, 8, 9, 12, 13, 15, 19, 20, 22, 23; Resource Conservation Shorelands Policy 1; Urban Shoreland Policies 1, 2, 3; Rural Shorelands Policies 1, 2, 3	02/18/2015	02/18/2015
Significant Coastal Wetlands	Table identifies sixteen (16) significant coastal wetlands with maps	02/18/2015	02/18/2015
Element 3: Channel Development and Dredged Material Disposal for the Umpqua River Estuary			
Policies and Procedures			
Dredging Policies 1 - 5	Policies affecting dredging activities	02/18/2015	02/18/2015
Dredged Materials Management Policies 1 - 12	Policies affecting disposal and management of dredged materials	02/18/2015	02/18/2015
Dredged Material Disposal Sites			
Sites 1 - 11	Identification, site description, capacity,	02/18/2015	02/18/2015

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	engineering considerations, environmental considerations, and map for each of eleven sites.		
Element 4: Restoration and Mitigation			
Mitigation Site Inventory	Description of mitigation site at: - Providence Creek - W. Mouth of Scholfield Cr - Purdy Island - Scotts Swamp - Winchester Creek	02/18/2015	02/18/2015
Restoration Site Inventory Degraded Estuarine Habitat	Descriptions of restoration sites at: - Winchester Bay/Salmon Harbor - North and West of Bolon Island - Scott's Swamp - Winchester Creek	02/18/2015	02/18/2015
Restoration Site Inventory Fill Sites and Diked Marshes	Description of restoration sites at: - Middleground Flat - Providence Creek - Smith River	02/18/2015	02/18/2015
Policies 1, 2	Policies to guide restoration and mitigation	02/18/2015	02/18/2015
Element 5: Beaches and Dunes			
Findings/Inventory	Description/definition of beach and dune landforms used in beaches and dunes policies	02/18/2015	02/18/2015
Beach and Dune Classification System Conversion Table	Normalizes beach and dune terminology for use in beaches and dunes policies and regulations	02/18/2015	02/18/2015
Beaches and Dunes Management Policies			
General Policies	Policies 1-5	02/18/2015	02/18/2015
Policies for Beaches	Policies 1-3	02/18/2015	02/18/2015
Policies for Foredunes	Policies 1, 2	02/18/2015	02/18/2015
Policies for Active Dune Forms	Policy 1	02/18/2015	02/18/2015

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Policies of Recently Stabilized Dune Forms	Policies 1-3	02/18/2015	02/18/2015
Policies for Older Stabilized Dune Forms	Policies 5, 6	02/18/2015	02/18/2015
Policies for Interdune Forms	Policies 1-3	02/18/2015	02/18/2015
Appendix C: Definitions			
Definitions	Definitions of technical and planning terms used in enforceable policies for coastal resources	02/18/2015	02/18/2015
DOUGLAS COUNTY LAND USE AND DEVELOPMENT ORDINANCE			
Chapter 1 Introduction and General Provisions			
Sections 1.010 - 1.090	Purpose, scope, compliance, definitions	12/29/2014	12/29/2014
Chapter 3 Zoning			
Article 3.1	Introductory Provisions	12/29/2014	12/29/2014
Article 3.2	Timberland Resources (TR)	12/29/2014	12/29/2014
Article 3.3	Exclusive Farm Use-Grazing (FG)	12/29/2014	12/29/2014
Article 3.4	Exclusive Farm Use-Cropland (FC)	12/29/2014	12/29/2014
Article 3.5	Farm Forest (FF)	12/29/2014	12/29/2014
Article 3.6 (Except 3.36.000-3.36.040)	Agriculture and Woodlot (AW)	12/29/2014	12/29/2014
Article 3.7	Public Reserve (PR)	12/29/2014	12/29/2014
Article 3.8	Rural Residential-5 (5R)	12/29/2014	12/29/2014
Article 3.9	Rural residential-2 (RR)	12/29/2014	12/29/2014
Article 3.10	Rural Residential-1 (1R)	12/29/2014	12/29/2014
Article 3.11	Suburban Residential (RS)	12/29/2014	12/29/2014
Article 3.12	Single-Family Residential (R-1)	12/29/2014	12/29/2014
Article 3.13	Multiple-Family Residential (R-2)	12/29/2014	12/29/2014
Article 3.14	Residential-High Density and	12/29/2014	12/29/2014

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	Professional Office (R-3)		
Article 3.15	Limited Commercial (C-1)	12/29/2014	12/29/2014
Article 3.16	Tourist Commercial (CT)	12/29/2014	12/29/2014
Article 3.17	Community Commercial (C-3)	12/29/2014	12/29/2014
Article 3.18	General Commercial (C-3)	12/29/2014	12/29/2014
Article 3.19A	Rural Service Center Commercial (CRS)	12/29/2014	12/29/2014
Article 3.19B	Rural Community Commercial (CRC)	12/29/2014	12/29/2014
Article 3.19C	Rural Commercial (CRE)	12/29/2014	12/29/2014
Article 3.19D	Water-Oriented Tourist Commercial (WOTC)	12/29/2014	12/29/2014
Article 3.19E	Water-Oriented Commercial Recreation (WORC)	12/29/2014	12/29/2014
Article 3.19F	Marine Commercial (MC)	12/29/2014	12/29/2014
Article 3.20	Light Industrial (M-1)	12/29/2014	12/29/2014
Article 3.21	Medium Commercial (M-2)	12/29/2014	12/29/2014
Article 3.22	Heavy Industrial (M-3)	12/29/2014	12/29/2014
Article 3.23A	Rural Community Industrial (MRC)	12/29/2014	12/29/2014
Article 3.23B	Rural Industrial (ME)	12/29/2014	12/29/2014
Article 3.23C	Marine Industrial (MRI)	12/29/2014	12/29/2014
Article 3.24	Estuarine Natural (EN)	12/29/2014	12/29/2014
Article 3.25	Estuarine Conservation (EC)	12/29/2014	12/29/2014
Article 3.26	Estuarine Development (ED)	12/29/2014	12/29/2014
Article 3.27	Conservation Shorelands	12/29/2014	12/29/2014
Article 3.28	Marine Rural (MR)	12/29/2014	12/29/2014
Article 3.29	Water Impoundment (WI)	12/29/2014	12/29/2014
Article 3.30	Floodplain Overlay (FP)	12/29/2014	12/29/2014
Article 3.32	Supplementary Provisions for Natural Resource Areas	12/29/2014	12/29/2014
Article 3.33	Beaches and Dunes Overlay (BD)	12/29/2014	12/29/2014
Article 3.34	Shorelands Overlay (SO)	12/29/2014	12/29/2014

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Article 3.35	Supplementary Provisions	12/29/2014	12/29/2014
Section 3.35.400	Cultural, Historic and Archaeological Resources Overlay (CHA)	12/29/2014	12/29/2014
Section 3.35.500	Geologic Hazards Overlay (GH)	12/29/2014	12/29/2014
Section 3.35.600	Potential Water Impoundment Overlay (WO)	12/29/2014	12/29/2014
Section 3.35.700	Dredged Material Disposal and Mitigation Site Overlay (D/MO)	12/29/2014	12/29/2014
Section 3.35.950	Exceptions Process Limited Use Overlay (EP)	12/29/2014	12/29/2014
Section 3.35.960	Tsunami Inundation Overlay (TIO)	12/29/2014	12/29/2014
Article 3.36	Supplementary Provisions - Estuarine and Shoreland Areas	12/29/2014	12/29/2014
Section 3.36.020	Application	12/29/2014	12/29/2014
Section 3.36.030	Resource capabilities test for estuarine natural and conservation management units	12/29/2014	12/29/2014
Section 3.36.040	Other alterations	12/29/2014	12/29/2014
Section 3.36.050	Standards and criteria applicable to use and activities in estuarine and shoreland areas	12/29/2014	12/29/2014
Section 3.36.060	Standards and criteria for estuarine zones	12/29/2014	12/29/2014
Section 3.36.070	Standards and criteria for shoreland zones	12/29/2014	12/29/2014
Article 3.37	Non-conforming Use	12/29/2014	12/29/2014
Article 3.38	Zone Change	12/29/2014	12/29/2014
Article 3.39	Conditional Use Review	12/29/2014	12/29/2014
Article 3.40	Variances	12/29/2014	12/29/2014
		12/29/2014	12/29/2014

CITY OF REEDSPORT COMPREHENSIVE PLAN

VII. Land Use and Urbanization Element

Enclosure to the Office for Coastal Management's December 15, 2015, Approval of the Incorporation of Changes to the Oregon Coastal Management Program			
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State/Local Legal Citation	Name/Description of State or Local Law/Regulation/Policy/Program Authority	Date Adopted by State	Date Effective in State
Comprehensive Plan Map pp 53-54			
pp 53-54 Designations	Specifies ten land use categories	04/01/2013	04/01/2013
Land Use Goals and Policies pp 56-57			
Industrial Policy 2	Relates to water-dependent uses	04/01/2013	04/01/2013
General Policy 1	Prohibits extensions of municipal services outside city	04/01/2013	04/01/2013
General Policy 2	Requires development to conform to city standards	04/01/2013	04/01/2013
General Policy 6	Requires notification of Department of State Lands for land uses in wetlands	04/01/2013	04/01/2013
Coastal Resource Element			
Estuarine Resources			
pp 62-67 Estuarine Subareas	Ia Tidelands at Providence Creek: Estuarine Natural Ib. Leeds Island: Estuarine Development II: Mouth of Schofield River - Estuarine Natural III: McIntosh Slough - Estuarine Conservation IV: Lower Scholfield River - Development V: Scholfield River - Estuarine Conservation VI: Upper Scholfield River - Estuarine Natural VII: Reedsport Waterfront - Development VIII: Northeastern City Limits and Urban Growth Boundary - Estuarine Conservation	04/01/2013	04/01/2013
pp 67-68	Policies for Natural	04/01/2013	04/01/2013

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Policies 1-10	Management Units		
pp 68-69 Policies 1-9	Policies for Conservation Management Units	04/01/2013	04/01/2013
pp 69-70 Policies 1-11	Policies for Development Management Units	04/01/2013	04/01/2013
pp 72-74 Policies 9, 13, 15, 16, 19, 23, 25, 26, 27, 32	Permitted Uses and Policy Implementation General Policies	04/01/2013	04/01/2013
Coastal Shoreland Resources			
pp 76-77 Shoreland Management Categories	Urban Conservation Shorelands Urban Water-Dependent Shorelands Urban Water-Related Shorelands Urban-Other Shorelands		
pp 77-88 Coastal Shoreland Subareas	<ol style="list-style-type: none"> 1. West Bank and West Fork of Providence Creek - Urban Conservation Shorelands 2. East Bank and East Fork of Providence Creek - Urban Conservation Shorelands 3. Providence Creek - Urban Conservation Shorelands 4. Leeds Island - Water-Dependent Industrial Shorelands 5. Holliday Point - Urban Conservation Shorelands 6. Scotts Swamp Downriver - Urban Conservation Shorelands 7. Decker Point-Scotts Swamp - Urban Conservation Shorelands 8. Scholfield River - Urban Conservation Shorelands 9. Coho Marina - Water-Related Commercial 	04/01/2013	04/01/2013

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	Shorelands 10. Scholfield River - Urban Conservation Shorelands 11. Reedsport Waterfront - Urban Other Shorelands 12. Reedsport Waterfront - Water-Dependent Industrial Shorelands 13. Reedsport Waterfront - Water-Dependent Shorelands 14. Reedsport Waterfront - Water-Dependent Industrial Shorelands 15. Reedsport Waterfront - Light Industrial and Public/Semi-Public Lands 16. Reedsport Waterfront - Water-Dependent Industrial Shorelands 17. East Urban Growth Boundary Upriver - Urban Conservation Shorelands		
p. 89 Policy 1	Policy for Specific Shoreland Areas: Leeds Island	04/01/2013	04/01/2013
pp 89-91 Policies 5, 6, 8, 12, 13, 17, 18, 20	General Policies for Shorelands	04/01/2013	04/01/2013
p. 91 Policy 1	Policies for Urban Conservation Shorelands	04/01/2013	04/01/2013
pp 91-92 1, 2, 3, 4	Policies for Water-Dependent/Water-Related Shorelands	04/01/2013	04/01/2013
Dredged Material Management Program			
pp 93-94 Approved Dredged Material Disposal Site	Leeds Island, Shoreland Subarea 4	04/01/2013	04/01/2013

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State/Local Legal Citation	Name/Description of State or Local Law/Regulation/Policy/Program Authority	Date Adopted by State	Date Effective in State
Mitigation/Restoration Program			
pp 96-97 Site 1 Providence Creek Site 2 W. Mouth Scholfield River Site 3 Scotts Swamp	Approved mitigation sites	04/01/2013	04/01/2013
REEDSPORT MUNICIPAL CODE, TITLE 10, DIVISION III, ZONING			
Chapter 10.64 Sections 10.64.010-10.64.030	Introductory Provisions	01/05/2015	01/05/2015
Chapter 10.68 Sections 10.68.010-10.68.060	Establishment o Zones	01/05/2015	01/05/2015
Chapter 10.72 Sections 10.72.010 - 10.72.180	Use Zones	01/05/2015	01/05/2015
Chapter 10.76 Sections 10.76.010-10.76.150	Special Provisions and Regulations	01/05/2015	01/05/2015
Chapter 10.80 Sections 10.80.060-10.80.080	Supplementary Provisions for Estuarine and Shoreland Areas	01/05/2015	01/05/2015
Chapter 10.84 Section 10.84.010	Nonconforming Uses	01/05/2015	01/05/2015
Chapter 10.92 Sections 10.92.010-10.92.050	Variances	01/05/2015	01/05/2015
Chapter 10.96 Sections 10.96.010-10.96.020	Conditional Uses	01/05/2015	01/05/2015
		01/05/2015	01/05/2015
CITY OF WHEELER COMPREHENSIVE PLAN			
Recreation and Open Space p. 11			
Policy 4	Requires riparian setback from waterways.	01/2010	01/2010
Estuarine Resources pp 17-47			
Introductory paragraph	Declares adoption by	01/2010	01/2010

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State/Local Legal Citation	Name/Description of State or Local Law/Regulation/Policy/Program Authority	Date Adopted by State	Date Effective in State
	reference of certain provisions of Tillamook County Comprehensive Plan		
A. Aquaculture Facilities Policies 1,4,5	Limits kind and extent of aquaculture in estuary.	01/2010	01/2010
B. Diking Policies 1 - 4	Permits maintenance of existing structures; limits and regulates construction of new dikes	01/2010	01/2010
C. Boat Ramps, Docks and Moorages Policies 1, 6	Permits maintenance of existing docks, moorages; prohibits new docks in certain zones, provides standards.	01/2010	01/2010
D. Dredged Material Disposal Policies 3, 4, 6, 10, 11	Allows disposal of dredged material in certain sites, limits uses of dredged material, limits flow-lane disposal, specifies state and federal standards	01/2010	01/2010
E. Dredging in Estuarine Water, Intertidal Areas, and Tidal Wetlands Policies 1-7	Regulations for approval of dredging, criteria for approval, requires resource capability determination for certain dredging	01/2010	01/2010
F. Energy Facilities and Utilities Policies 1, 3, 4	Permits maintenance and repair, criteria for approval and other requirements for energy facilities	01/2010	01/2010
G. Fill in Estuarine Waters, Intertidal Areas, and Tidal Wetlands Policies 1, 2, 4-7.	Permits fill for maintenance of certain structures, criteria for approval of fill in estuarine areas and certain zones, requires mitigation for certain fill.	01/2010	01/2010
H. Fisheries Policy 1	Requires protection of fish habitat	01/2010	01/2010
I. Forestry and Forest Products Industry Policy 1	Relating to log handling facilities	01/2010	01/2010
J. Implementation Policy 6	Criteria for approval of dredge and fill	01/2010	01/2010

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K. Industrial and Commercial Uses in Estuarine Waters, Intertidal Areas and Tidal Wetlands Policies 1, 4, 7-9, 11	Relating to maintenance and repair, requirements for approval of industrial and commercial uses; defines water-related industrial, other requirements.	01/2010	01/2010
L. Land Transportation Facilities Policies 1, 3-5, 8	Relating to approval and maintenance of roads, bridge structures and other transportation facilities in estuarine areas.	01/2010	01/2010
M. Mining and Mineral Extraction Policies 1-4	Prohibitions and regulations for approving mineral and mining activities.	01/2010	01/2010
N. Mitigation Policies 1, 2	Requirements for mitigation for dredge or fill activities	01/2010	01/2010
O. Natural Habitat and Resource Areas Policy 1	Requirements for designating and managing estuarine habitat	01/2010	01/2010
P. Navigational Structures and Navigational Aids Policies 1, 2	Regarding navigational structures in estuarine waters	01/2010	01/2010
Q. Piling/Dolphin Installation Policies 1-4	Regulations and criteria for repair of existing and approval of new pilings and dolphins	01/2010	01/2010
R. Public Access to the Estuary and its Shorelands Policy 3	Relating to private use of shoreland areas	01/2010	01/2010
S. Recreation and Recreational Facilities Policies 1-4	Regarding recreational uses, repair and maintenance, prohibitions of certain recreational use	01/2010	01/2010
T. Restoration Policies 1-4, 6	Defines passive restoration, estuarine restoration and enhancement, other requirements for restoration	01/2010	01/2010
V. Shallow Draft Port Facilities and Marinas Policies 1-3	Regarding existing, new or expanded port facilities, limits channel depth to 22 feet	01/2010	01/2010

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State/Local Legal Citation	Name/Description of State or Local Law/Regulation/Policy/Program Authority	Date Adopted by State	Date Effective in State
W. Shoreline Stabilization Policies 1, 2, 4-6	Regarding maintenance and repair, approval of new and existing shoreline stabilization structures	01/2010	01/2010
X. Water Quality Policy 1	Requires compliance with state and federal water quality laws	01/2010	01/2010
Urban Growth Boundary			
Policy 3	Regarding provision of city services to new development	01/2010	01/2010
Public Facilities			
Policy 3	Regarding provision of city services to new development	01/2010	01/2010
Shorelands			
Policies 1-10	Priorities for shoreland areas	01/2010	01/2010
Land Use Category Definitions			
Definitions 1-9	Define specific land use categories for planning	01/2010	01/2010
WHEELER ZONING ORDINANCE			
Article 1 Sections 1.010-1.070	Introductory Provisions	09/2012	09/2012
Article 2 Sections 2.010-2.050	Water-Related Commercial	09/2012	09/2012
Article 3 Sections 3.010 - 3.040	Water-Related Industrial	09/2012	09/2012
Article 4 Sections 4.010-4.040	General Commercial	09/2012	09/2012
Article 5 Sections 5.010-5.040	Residential Type 1	09/2012	09/2012
Article 6 Sections 6.010=6.040	Residential Type 2	09/2012	09/2012

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Article 7 Sections 7.010-070	Public Lands Zone	09/2012	09/2012
Article 8 Sections 8.010-8.130	Estuary Zone	09/2012	09/2012
Article 9 Sections 9.010-9.060	FHO Zone – Flood Hazard Overlay	09/2012	09/2012
Article 9.2 Sections 9.210-9.250	Historic Resource Overlay Zone	09/2012	09/2012
Article 10 Sections 10.010-10.090	Planned Development	09/2012	09/2012
Article 11 Sections 11.010-11.030, 11.053, 11.110, 11.115- 11.1194, 11.120 - 11.130 (Except 11.117)	Supplementary Provisions, including Shoreland and Estuarine Development Standards	09/2012	09/2012
Article 14 Sections 14.010-14.040	Variances	09/2012	09/2012
Article 15 Sections 15.010-15.090	Conditional Use/Activities	09/2012	09/2012
CITY OF NEHALEM COMPREHENSIVE PLAN			
Section 2.030 Natural Features			
Policy 5	Riparian vegetation.	11/05/2007	11/05/2007
Policy 7	Erosion control	11/05/2007	11/05/2007
Section 2.040 Recreation and Open Space			
Policy 5	Retain public streets at shoreline	11/05/2007	11/05/2007
Policy 6	Limits kind and extent of aquaculture in estuary.	11/05/2007	11/05/2007
Section 2.100 Urban Growth Boundary			
Policy 4	Urbanization of undeveloped land	11/05/2007	11/05/2007
Section 2.120 Estuarine Resources			

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Policy 1a	Adopts by reference applicable estuarine policies in Tillamook County Comprehensive Plans	11/05/2007	11/05/2007
Section 2.150 (Coastal Shoreland) Policies			
Policy 1	Areas for dredged material disposal	11/05/2007	11/05/2007
Policy 2	Areas for mitigation	11/05/2007	11/05/2007
Section 6.020(1) Low Density Residential (RL)			
Policy 1	Dwelling units per acre	11/05/2007	11/05/2007
Policy 6.a.i.	Lands above 10 foot elevation at Deans Point	11/05/2007	11/05/2007
Policy 6.b.	Lands below 10 foot elevation at Deans Point	11/05/2007	11/05/2007
Section 6.020 (2) Medium Density Residential			
Policy 1	Dwelling units per acre	11/05/2007	11/05/2007
Section 6.020 (3) Marine Residential			
Policies 1 - 5	Dwelling units per acre and uses permitted	11/05/2007	11/05/2007
NEHALEM ZONING ORDINANCE			
Article I Sections 1.010 - 1.070	Introductory Provisions	06/14/2010	06/14/2010
Article II Sections 2.010 - 2.050	Marine Residential - MR Zone	06/14/2010	06/14/2010
Article III Sections 3.010 - 3.040	Low Density Residential - RL Zone	06/14/2010	06/14/2010
Article IV Sections 4.010 - 4.040	Medium Density Residential - RM Zone	06/14/2010	06/14/2010
Article V Sections 5.010 - 5.040	Medium Density Residential - R1 Zone	06/14/2010	06/14/2010
Article VI Sections 6.010 - 6.040	Medium Density Residential - R2 Zone	06/14/2010	06/14/2010

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Article VII Sections 7.010 – 7.040	Medium Density Residential – R3 Zone	06/14/2010	06/14/2010
Article VIII Sections 8.010 – 8.040	Residential Trailer – RT Zone	06/14/2010	06/14/2010
Article IX Sections 9.010 – 9.040	Commercial – C Zone	06/14/2010	06/14/2010
Article X Sections 10.010 – 10.040	Public Lands – P Zone	06/14/2010	06/14/2010
Article XI Sections 11.010 – 11.050	Flood Hazard Overlay – FHO Zone	06/14/2010	06/14/2010
Article XII Sections 12.010 – 12.150	Planned Development	06/14/2010	06/14/2010
Article XIII Sections 13.010 – 13.040	Low Density Residential, Agricultural, Forestry, and Recreation – A1 Zone	06/14/2010	06/14/2010
Article XIV Section 14.020 Section 14.120 Section 14.140	Supplementary Provisions Geologic investigation Shore Land and Development Standards Riparian Vegetation, Small Steams	06/14/2010	06/14/2010
Article XVII Sections 17.010 – 17.040	Variances	06/14/2010	06/14/2010
Article XVIII Sections 18.010 – 18.100	Conditional Uses and Activities	06/14/2010	06/14/2010
Article XX Sections 20.010 – 20.050	Nonconforming Uses	06/14/2010	06/14/2010
Article XXII	Estuary Zones	06/14/2010	06/14/2010
Section 22.010	Use priorities, uses permitted outright	06/14/2010	06/14/2010
Section 22.020	Definitions	06/14/2010	06/14/2010
Section 22.030	Estuary Conservation 1 Zone (EC1)	06/14/2010	06/14/2010
Section 22.040	Estuary Conservation 2 Zone (EC2)	06/14/2010	06/14/2010
Section 22.050	Estuary Development Zone (ED)	06/14/2010	06/14/2010
Section 22.070	Estuary Development	06/14/2010	06/14/2010

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Subsections 1 - 17	Standards		
1.	Aquaculture Facilities	06/14/2010	06/14/2010
2.	Diking	06/14/2010	06/14/2010
3.	Docks and Moorages	06/14/2010	06/14/2010
4.	Dredged Material Disposal	06/14/2010	06/14/2010
5.	Dredging in Estuarine Waters, Intertidal Areas, Tidal Wetlands	06/14/2010	06/14/2010
6.	Energy Facilities and Utilities	06/14/2010	06/14/2010
7.	Fill in Estuarine Waters, Intertidal Areas, Tidal Wetlands	06/14/2010	06/14/2010
8.	Forestry and Forest Products Industry	06/14/2010	06/14/2010
9.	Industrial and Commercial Uses in Estuarine Waters, Intertidal Areas, Tidal Wetlands	06/14/2010	06/14/2010
10.	Land Transportation Facilities	06/14/2010	06/14/2010
11.	Mining and Mineral Extraction	06/14/2010	06/14/2010
12.	Mitigation	06/14/2010	06/14/2010
13.	Navigational Structures and Navigational Aids	06/14/2010	06/14/2010
14.	Piling/Dolphin Installation	06/14/2010	06/14/2010
15.	Restoration and Enhancement	06/14/2010	06/14/2010
16.	Shallow-Draft Port Facilities and Marinas	06/14/2010	06/14/2010
17.	Shoreline Stabilization	06/14/2010	06/14/2010
Article XXIII Sections 23.010 - 23.030	Utilities Facilities Overlay Zone (UFO)	06/14/2010	06/14/2010
Article XXIV Sections 24.010 - 24.040	Light Industrial - LM Zone	06/14/2010	06/14/2010

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REMOVED			
Douglas County Comprehensive Plan		1985	1985
Douglas County Land Use and Development Code		1985	1985
City of Reedsport Comprehensive Plan		1984	1984
City of Reedsport Development Code		1984	1984
City of Nehalem Comprehensive Plan		1980	1980
City of Nehalem Zoning Ordinance		1980	1980
City of Wheeler Comprehensive Plan		1984	1984
City of Wheeler Zoning Ordinance		1984	1984