

Routine Program Change

Seeking to Incorporate the City of Bay City Comprehensive Plan and Development Ordinance into the Oregon Coastal Management Program

June 12, 2015

I. Introduction

The Oregon Department of Land Conservation and Development (DLCD) seeks approval from the National Oceanic and Atmospheric Administration (NOAA) Office for Coastal Management (OCM) to incorporate the current version of the **City of Bay City Comprehensive Plan and Ordinance 374, Development Ordinance**, into the Oregon Coastal Management Program (OCMP). DLCD requests OCM's concurrence that the incorporation of these provisions is a Routine Program Change to the OCMP. This analysis identifies and describes the enforceable policies of these documents and explains why they constitute Routine Program Changes as described in 15 C.F.R. Part 923.

The Land Conservation and Development Commission (LCDC) acknowledged the City of Bay City Comprehensive Plan and related ordinances as being in compliance with the Statewide Planning Goals on January 30, 1980. OCM approved these documents as components of the OCMP May 14, 1980. The City adopted an updated version of the plan in 1990 and made various other updates since OCM's 1980 approval. The State of Oregon, through DLCD, has approved the updates. DLCD is now submitting to OCM the current version of the plan and ordinance, which includes all changes subsequent to OCM's 1980 approval. The city's comprehensive plan and ordinance apply to those parts of the Tillamook Bay estuary within city jurisdiction.

Section II of this analysis describes the legal and policy framework of Oregon's Coastal Management Program by summarizing the key elements of Oregon's land use planning system statewide planning goals, including the relationships between state requirements and local land use plans and regulations and between the statewide program and the OCMP. Section III lists and briefly describes the enforceable policies of the City of Bay City comprehensive plan and development ordinance that DLCD seeks to incorporate into the OCMP. Section IV analyzes the five CZMA program approvability areas potentially impacted, and determines that this request qualifies as a routine program change. Finally, Section V contains a table of all City of Bay City enforceable policies that Oregon seeks to incorporate into the OCMP.

II. Framework for Oregon's Approved Coastal Management Program

A. Oregon's land use planning program: state-local relationship

As noted in OCM's review and approval of the Oregon Coastal Management Program in 1977, the Statewide Planning Program (ORS Chapter 197, Comprehensive Land Use Planning Coordination), is the principal mechanism by which the state ensures that local governments, with state oversight, balance conservation and development of coastal and other resources via statewide planning goals for land use planning. Local governments, such as Bay City, are required to adopt comprehensive land use plans that meet the statewide requirements and to make the day-to-day land use decisions in conformance with those state-approved goal-based plans. Since the mid-1980s, the LCDC has found the plans and ordinances of all cities and counties in Oregon to be in compliance with the goals, thus providing the state with more than 25 years of a functional statewide land use program based on local implementation of state goals.

The state, through the LCDC and DLCD, also reviews changes to local plans and ordinances for compliance with state requirements.

B. Statewide Planning Goals

The nineteen statewide planning goals (<http://www.oregon.gov/LCD/goals.shtml>), which are adopted as administrative rules (Oregon Administrative Rules Chapter 660, Division 015), express the state's policies on land use and (along with additional administrative rules) provide standards for local land use planning and decision-making. Some goals set standards for how certain types of land are to be planned and zoned; for example Goal 18 sets specific standards for development on various types of dunes. NOAA/OCM has approved these statewide planning goals and related administrative rules as core components of the OMCP.

The central purpose and requirements of the statewide planning goals are:

Goal 1 CITIZEN INVOLVEMENT: requires local governments to provide "the opportunity for citizens to be involved in all phases of the planning process;" requires each city and county to have a citizen involvement program and a committee for citizen involvement (CCI) to monitor and encourage public participation in planning.

Goal 2 LAND USE PLANNING: outlines procedures for planning; specifies elements of comprehensive planning and requires local jurisdictions to adopt enforceable "implementation ordinances" to carry out the plan's policies; requires local land use decisions to conform with adopted comprehensive plan and ordinances.

Goal 3 AGRICULTURAL LANDS: defines "agricultural lands;" requires counties to inventory soil types and designate such lands as agricultural lands based on soil type and actual use and to "preserve and maintain" those lands through zoning.

Goal 4 FOREST LANDS: defines "forest lands;" requires counties to inventory forest capability, identify forest land, and adopt policies and ordinances to "conserve forest lands for forest uses."

Goal 5 OPEN SPACES, SCENIC AND HISTORIC AREAS AND NATURAL RESOURCES: requires local plans to address more than a dozen natural and cultural resources (e.g. wildlife habitats, wetlands, historic sites); establishes a process for each resource is to be inventoried and evaluated by local governments; creates options for local governments to protect identified significant resources.

Goal 6 AIR, WATER AND LAND RESOURCES QUALITY: requires local comprehensive plans and ordinances to be consistent with state and federal regulations on solid waste, groundwater pollution, municipal sewerage discharge, air emissions, etc.

Goal 7 AREAS SUBJECT TO NATURAL DISASTERS AND HAZARDS: seeks to protect development from natural hazards (e.g. floods, landslides, and erosion); requires jurisdictions to use hazard inventories supplied by state agencies and apply "appropriate safeguards" (i.e. floodplain zoning) to those areas.

Goal 8 RECREATION NEEDS: requires jurisdictions to plan for recreational opportunities based on an inventory of recreational resources, evaluation of areas and facilities for recreation, and projected demand for recreation.

Goal 9 ECONOMY OF THE STATE: calls for diversification and improvement of the economy; requires local jurisdictions to inventory existing and potential commercial and industrial lands, determine future needs for such lands, and plan and zone lands sufficient to meet those needs.

Goal 10 HOUSING: specifies that each city must plan for and accommodate needed housing types, such as multifamily and manufactured housing.

Goal 11 PUBLIC FACILITIES AND SERVICES: calls for efficient planning of public services such as sewers, water, law enforcement, and fire protection; links provision of new services to urbanization policies in Goal 14.

Goal 12 TRANSPORTATION: aims to provide "a safe, convenient and economic transportation system;" requires consideration of multiple transportation modes; links funding for transportation facilities to transportation plans.

Goal 13 ENERGY: seeks to use land use plans to control development to "maximize the conservation of all forms of energy, based upon sound economic principles."

Goal 14 URBANIZATION: requires cities to work with counties to estimate future population growth and related needs for land in unincorporated areas and to jointly designate sufficient land to meet those needs; requires each city jointly with its county, to establish an "urban growth boundary" (UGB) to "identify and separate urbanizable land from rural land."

Goal 15 WILLAMETTE GREENWAY: pertains only to those jurisdictions that touch on or include the Willamette River Greenway; not applicable in the Coastal Zone.

Goal 16 ESTUARINE RESOURCES: establishes state-level estuary classification system and designates each of 22 estuaries into one of four categories: Natural, Conservation, Shallow-draft Development, and Deep-draft Development; establishes planning and management requirements for each category; specifies land uses and activities permissible in those areas; emphasizes habitat protection; links closely to Goal 18.

Goal 17 COASTAL SHORELANDS: defines a shoreland planning area along the ocean shore, estuaries, and other water bodies and requires local governments to map the shoreland boundary; specifies how certain types of land and resources within the shoreland area are to be managed; emphasizes unique coastal land uses (e.g. port facilities) and requires protection of sites for "water-dependent" or "water related" uses.

Goal 18 BEACHES AND DUNES: specifies planning standards for protecting or developing various types of dunes; prohibits most development on beaches and active foredunes; prohibits ocean shorefront protective structures for most development built after 1977; establishes standards for dune grading, groundwater drawdown in dunal aquifers, and the breaching of foredunes.

Goal 19 OCEAN RESOURCES: seeks to "conserve the long-term values, benefits, and natural resources of the nearshore ocean and the continental shelf;" creates basis for planning and management of state ocean waters through the state Territorial Sea Plan; establishes requirements for state agencies rather than cities and counties.

C. The Oregon Coastal Management Program

NOAA's 1977 approval of the Oregon Coastal Management Program pre-dated development and state approval of coastal local government plans and ordinances (most of which occurred between 1978 and 1985), but was predicated on the understanding that "the central authority by which Oregon will implement the program is SB 100" (subsequently codified as ORS Chapter 197). NOAA approval also included the statewide planning goals, including the coastal goals, and the statutory authorities of several state agencies (e.g. Department of Environmental Quality). In the years following this 1977 approval all coastal local governments created and adopted comprehensive plans and ordinances, which LCDC

reviewed and approved, and which OCM approved for incorporation into the OCMP via routine program changes.

Local land use plans and ordinances were expected to be reviewed and amended in response to individual situations or pursuant to ORS Chapter 197 which requires local plans to be periodically reviewed and amended to reflect changes in laws, requirements for meeting the statewide planning goals, community needs, development, and other factors. Many local plan changes are minor in nature and do not involve substantive policy changes. Although the underlying policies have not substantively changed, DLCD would like to incorporate the most recent versions of the plan and ordinance into the OCMP. The analysis below discusses the current plan policies that DLCD seeks to incorporate as enforceable.

III. Comprehensive Plan and Development Ordinance Chapters Incorporated as Enforceable Policies

While DLCD seeks to incorporate the entire City of Bay City Comprehensive Plan and Development Ordinance into the OCMP, DLCD has identified specific sections of each to be used as “enforceable policies” for federal consistency purposes. As required by 16 U.S.C. 1453(6a) and OCM guidance, the enforceable policies are legally binding and contain standards of sufficient specificity to guide private and public uses. These policies, contained in discrete sections of the plan and ordinance, are listed in subsections A and B, below, and in table form in Section V.

DLCD is submitting enforceable policies contained in the following documents:

- City of Bay City Comprehensive Plan
- City of Bay City Ordinance 374, Development Ordinance

A. BAY CITY COMPREHENSIVE PLAN

The city’s comprehensive plan establishes the basis for land use regulation throughout the city. Many of the policy statements in the city’s plan are directed at the city itself and frame future actions that the city will take to implement the plan and various ordinances. As most of the plan goals and policies are aspirational or advisory, most do not contain enforceable policies within the meaning of 16 USC 1453(6a). A few, however, contain the following specific requirements that DLCD seeks to incorporate as enforceable policies:

Bay City Goal IV: Compatible Industry

Port Policies 2 and 3 – restriction on Port development within Bay City limits.

Bay City Goal V: Natural Resource Protection

Policy 2 – requires protection of commercial and other forest lands

Bay City Goal VII: Natural Hazards, etc

Policies 4, 6 – 11 requirements for regulating development in areas of flood, erosion, and other geologic hazards.

Water System Policies

Policies 1, 4, 6, 8, 9 – requirements for extending water systems

Sewer System Policies

Policies 1-3, 7-8 – requirements for extending city sewer systems

Storm Drainage Policies

Policies 1-4, 6 – requirements for storm drainage

Land Use Categories

This section of the plan establishes requirements for five broad categories of land use: High Intensity, Moderate Intensity, Low Intensity, Coastal Shorelands, Estuarine Areas.

Estuarine Areas

The plan provisions for estuarine areas follow requirements of Statewide Planning Goals 16 and 17 and the provisions of the overall Tillamook Bay Estuary Management Plan. The Bay City plan includes enforceable policies contained throughout the estuary section, particularly within sections governing twenty-five uses of the estuary, tidal wetlands, and adjacent shorelands. The use headings are listed here; enforceable policies are highlighted in yellow in the attached document and listed in the table in Section V of this report.

- A. Aquaculture Facilities
- B. Diking
- C. Boat Ramps, Docks and Moorages
- D. Dredged Material Disposal
- E. Dredging in Estuarine Water, Intertidal Areas and Tidal Wetlands
- F. Energy Facilities and Utilities
- G. Fill in Estuarine Water, Intertidal Areas and Tidal Wetlands
- H. Fisheries
- I. Forestry and Forest Products Industry
- J. Implementation
- K. Industrial and Commercial Uses in Estuarine Water, Intertidal Areas and Tidal Wetlands
- L. Transportation Facilities
- M. Mining and Mineral Extraction
- N. Mitigation
- O. Natural Habitat and Resource Areas
- P. Navigational Structures and Navigation Aids
- Q. Piling/Dolphin Installation
- R. Public Access to the Estuary and its Shorelands
- S. Recreation and Recreational Facilities
- T. Restoration and Enhancement
- U. Scientific Research, etc contain no “enforceable policies.”
- V. Shallow Draft Port Facilities and Marinas
- W. Shoreline Stabilization
- X. Water Quality
- Y. Solid Waste Disposal and Sanitary Landfills

B. BAY CITY ORDINANCE 374, DEVELOPMENT ORDINANCE

Ordinance 374 contains zoning regulations as well as administrative procedures and standards for lot divisions, partitions, and construction of new subdivision development. In the accompanying ordinance, DLCD has highlighted relevant enforceable policies in yellow. DLCD seeks to incorporate the policies discussed briefly below and listed in Section V as enforceable policies for federal consistency review purposes:

Article 1 Introductory Provisions and Intensity Zones

This article contains the heart of the zoning ordinance, including Criteria for the Establishment and Alteration of Plan/Zone Designations, Intensity Zones and Overlay Zones (Section 1.2); Location of Zones and Zone Boundaries (Section 1.28); Allowable Uses (Section 1.3); and allowances and prohibitions for the various city zones (Sections 1.4 through 1.920).

Article 2 Conditional Uses

This Article contains enforceable policies for a wide range of uses and activities that the city may conditionally allow.

Article 3 Supplementary Provisions

This article contains enforceable policies that supplement the primary policies of Articles 1 and 2, such as special requirements for riparian areas and grading/erosion control permits.

Article 6 Variances

This article provides criteria for granting variances from otherwise applicable land use requirements.

Article 7 Nonconforming Uses

This article considers uses that lawfully existed at the time the city adopted or amended the zoning ordinance, and would not conform to certain requirements for the zone after adoption. The article outlines the conditions under which these uses are allowed to continue.

Article 13 Definitions

While not enforceable in and of themselves, these definitions are necessary to apply specific terms used in enforceable policies in the ordinance.

IV. This Action is a Routine Program Change

The incorporation of the enforceable policies listed above of the current City of Bay City Comprehensive Plan and Development Ordinance into the OCMP does not substantially alter any of the five program areas detailed in 15 CFR 923:

1. Uses subject to management (Subpart B)

This action does not substantially change the uses subject to management specified in the OCMP (navigation and transportation; residential/urban/industrial, including energy production; agriculture and forestry; recreation; fish and wildlife production and utilization; public facilities; mining and minerals; and restoration) or those originally included in the City of Bay City Comprehensive Plan and Development Ordinance approved by OCM in 1980. The State of Oregon requires the plan and ordinance to implement Oregon’s statewide planning goals, which require local jurisdictions to set standards for various uses, including those set forth in the OCMP. Because the uses permitted by the plan and ordinance must be consistent with the statewide planning goals and because the city has not added any new uses, incorporation of the updated plan and ordinance into the OCMP merely refines and does not substantially change the uses subject to management.

2. Special management areas (Subpart C)

This action does not change the criteria for designating areas of particular concern, or areas for preservation or restoration. Statewide planning goals 16 through 18 set the criteria and procedures for establishing and managing estuarine areas (Goal 16), coastal shorelands (Goal 17), and beaches and dunes (Goal 18). The City of Bay City Comprehensive Plan and Development Ordinance merely set policies and standards for designating and managing these areas within city jurisdiction.

3. Boundaries (Subpart D)

This action applies only to lands under the jurisdiction of the City of Bay City. It does not change Oregon’s inland or seaward coastal zone boundary, nor does it change the status of excluded lands.

4. Authorities and organization (Subpart E)

This action does not change Oregon’s authority or organization, nor does it alter Oregon’s administration of the OCMP. Oregon’s land use system and statewide planning goals establish criteria and standards for local planning; the city plan and ordinance simply implement those standards.

5. Coordination, public involvement and national interest (Subpart F)

This action does not change any coordination, public involvement, or national interest provisions of the OCMP.

V. Enforceable Policies Table

Changes to the OREGON COASTAL MANAGEMENT PROGRAM				
The OREGON COASTAL MANAGEMENT PROGRAM (OCMP) seeks to incorporate the City of Bay City Comprehensive Plan and Development Ordinance into its federally-approved coastal management program. The following table identifies specific provisions that DLCD seeks to incorporate as enforceable policies and that DLCD anticipates using for Federal Consistency review purposes.				
State/Local Legal Citation	Name/Description of State or Local Law/Regulation/Policy/ Program Authority or Change	Enforcement Mechanism(s)	Date Adopted by State	Date Effective in State
ADDED:			mm/dd/year	mm/dd/year
Bay City Comprehensive Plan and Development Ordinance	*DLCD seeks to incorporate the Bay City Comprehensive Plan (BCCP) and Development Ordinance (BCDO) into the OCMP in their entirety. However, DLCD only seeks to incorporate the provisions listed below as enforceable policies.	ORS Chapter 197, BCDO Section 1.27 ¹ (via City planning and permit process, hereinafter planning/permit process)	1980-2015	1980-2015
BAY CITY COMPREHENSIVE PLAN				
Bay City Goal IV – Protect Natural Resources – Compatible Industries				
Policy 2	Prohibits large-scale disruptive activities in specified area	ORS 197; planning/permit process	1/30/1980	1980 - 2015
Policy 3	Maintains area for recreational use	ORS 197; planning/permit process	1/30/1980	1980 - 2015
Bay City Goal V – Protect Natural Resources				
Policy 2	Protection of forest lands	ORS 197; planning/permit process	1/30/1980	1980 - 2015
Bay City Goal VII – Encourage Development Protective of the Natural Environment, etc				
Policy 4	Requires setbacks and buffers from Tillamook Bay, streams and other waterways	ORS 197; planning/permit process	1/30/1980	1980 - 2015
Policies 6 - 11	Requires for site-specific geologic, geotechnical, and engineering	ORS 197; planning/permit process	1/30/1980	1980 - 2015
Water System Policies				
Policy 1	Requires extension of water system to be paid for by	ORS 197; planning/permit process	1/30/1980	1980 - 2015

¹ “A lot may be used and a structure or part of a structure constructed, reconstructed, remodeled, occupied, or used only as this Ordinance permits.”

	developer of property receiving service, including certain facilities	process		
Policy 4	Size requirements for new water lines	ORS 197; planning/permit process	1/30/1980	1980 - 2015
Policy 6	Requires property owners or developers to submit plans to state health division	ORS 197; planning/permit process	1/30/1980	1980 - 2015
Policy 8	Requires property owners or developers to pay costs of water system extensions and upgrades	ORS 197; planning/permit process	1/30/1980	1980 - 2015
Policy 9	Requires payment for all service upgrades prior to approval of permits for development	ORS 197; planning/permit process	1/30/1980	1980 - 2015
Sewer System Policies				
Policy 1	Limits extension of sewer lines to areas within city limits	ORS 197; planning/permit process	1/30/1980	1980 - 2015
Policy 2	Requires developer or property owner to pay costs of sewer system extensions and upgrades	ORS 197; planning/permit process	1/30/1980	1980 - 2015
Policy 3	Size requirements for future extensions	ORS 197; planning/permit process	1/30/1980	1980 - 2015
Policy 7	Requires all development within city limits to be connected to city sewer service.	ORS 197; planning/permit process	1/30/1980	1980 - 2015
Policy 8	Requires property owners or developers to submit plans to state DEQ	ORS 197; planning/permit process	1/30/1980	1980 - 2015
Storm Drainage Policies				
Policy 1	Requires adequate storm drainage facilities	ORS 197; planning/permit process	1/30/1980	1980 - 2015
Policy 2	Requires adequate storm drainage facilities	ORS 197; planning/permit process	1/30/1980	1980 - 2015
Policy 3	Requires natural drainage ways to be maintained and protected	ORS 197; planning/permit process	1/30/1980	1980 - 2015
Policy 4	Requires culverts, natural drainages and retention ponds where appropriate	ORS 197; planning/permit process	1/30/1980	1980 - 2015
Policy 6	Requires catch basins or other treatment facilities for storm runoff from commercial development	ORS 197; planning/permit process	1/30/1980	1980 - 2015
Land Use Categories				
Purpose	Establishes five land use categories, specifies that Plan goals and policies apply to all categories throughout city, specifies that standards in Development Ordinance to apply to zones	ORS 197; planning/permit process	1/30/1980	1980 - 2015
Land Use Categories				
1. High Intensity	Defines purpose and suggests uses within this	ORS 197; planning/permit process	1/30/1980	1980 - 2015

2. Medium Intensity 3. Low Intensity	category, refers to standards in Development Ordinance	process		
4. Coastal Shorelands	Specifies criteria for identifying coastal shorelands, defines the Coastal Shoreland area within the city	ORS 197; planning/permit process	1/30/1980	1980 - 2015
General Shoreland Policies				
General Shoreland 1.	Requires city Flood Hazard Overlay Ordinance to be applied to development in flood hazard areas	ORS 197; planning/permit process	1/30/1980	1980 - 2015
General Shoreland 2.	Requires structural shoreline stabilization to be designed to minimize impacts on water currents, etc.	ORS 197; planning/permit process	1/30/1980	1980 - 2015
General Shoreland 3.	Requires public access to publically owned shoreland and estuarine areas to be maintained	ORS 197; planning/permit process	1/30/1980	1980 - 2015
Larson Cove to Main Street Extension (Shoreland Area 1)	Describes boundaries of Shoreland Area 1, designates area as Natural, specifies policies and use requirements to apply to Shoreland Area 1	ORS 197; planning/permit process	1/30/1980	1980 - 2015
Jetty Area (Shoreland Area 2)	Describes boundaries of Shoreland Area 2, designates area as Water-Dependent Development, specifies policies and use requirements to apply to Shoreland Area 2	ORS 197; planning/permit process	1/30/1980	1980 - 2015
Estuarine Areas				
Matrix table: <u>Permissibility of Uses and Activities in Aquatic Areas</u>	Specifies level of permissibility of uses and activities in each of five estuary management categories: Estuary Development, Estuary Conservation 1, Estuary Conservation 2, Estuary Conservation Aquaculture, Estuary Natural	ORS 197; planning/permit process	1/30/1980	1980 - 2015
Definitions	Defines six terms used in enforceable policies pertaining to estuary management	ORS 197; planning/permit process	1/30/1980	1980 - 2015
A. Aquaculture Facilities Policies 1, 2, 5 - 9	Requirements for siting aquaculture facilities in the estuary	ORS 197; planning/permit process	1/30/1980	1980 - 2015
B. Diking Policies 1 - 4	Requirements for maintenance, repair, construction and removal of dikes in various estuary zones	ORS 197; planning/permit process	1/30/1980	1980 - 2015
C. Boat Ramps, Docks and Moorages Policies 1, 3- 7	Requirements for maintenance and repair of existing boat ramps, docks, and moorage facilities and for approval of new facilities in estuary zones.	ORS 197; planning/permit process	1/30/1980	1980 - 2015
D. Dredged Material Disposal Policies 2 - 4, 6, 10, 11	Requirements for placement of dredged material within the estuary and shorelands	ORS 197; planning/permit process	1/30/1980	1980 - 2015
E. Dredging in Estuarine Water, Intertidal Areas and Tidal	Requirements for dredging in estuarine water and intertidal areas and within estuary management zones	ORS 197; planning/permit process	1/30/1980	1980 - 2015

Wetlands Policies 1 - 10				
F. Energy Facilities and Uses Policies 1 - 6	Requirements for maintenance and repair of existing facilities; approval of new facilities in estuary zones	ORS 197; planning/permit process	1/30/1980	1980 - 2015
G. Fill in Estuarine Water, Intertidal Areas and Tidal Wetlands Policies 1 – 9	Requirements for placement of fill in estuaries and within specific estuary management zones	ORS 197; planning/permit process	1/30/1980	1980 - 2015
H. Fisheries Policy 1	Requires protection of estuarine habitat areas and maintaining minimum stream flows	ORS 197; planning/permit process	1/30/1980	1980 - 2015
I. Forestry and Forest Products Industry Policy 1	Requirements for approval of log handling or log storage facilities within estuarine areas	ORS 197; planning/permit process	1/30/1980	1980 - 2015
J. Implementation Policies 3 - 5	Requirements for approval of dredging, filling, dredged material disposal and other activities within estuarine and shoreland areas	ORS 197; planning/permit process	1/30/1980	1980 - 2015
K. Industrial and Commercial Uses in Estuarine Water, Intertidal Areas and Tidal Wetlands Policies 1, 2, 4 - 12	Requirements for maintenance and repair of existing commercial or industrial uses; approval of new such uses in various estuary zones, including Water Dependent industrial and commercial development	ORS 197; planning/permit process	1/30/1980	1980 - 2015
L. Transportation Facilities Policies 1 – 6, 9 – 11	Requirements for maintenance and repair of existing transportation facilities; approval of new facilities, such as bridges, in various estuary use zones	ORS 197; planning/permit process	1/30/1980	1980 - 2015
M. Mining and Mineral Extraction Policies 1 – 6	Prohibits petroleum extraction or drilling in estuarine areas; requirements for mining and mineral extraction in various estuary and shoreland use zones	ORS 197; planning/permit process	1/30/1980	1980 - 2015
N. Mitigation Policies 1 - 2	Requires mitigating effects of dredge, fill, or removal or loss of existing dikes in estuarine areas	ORS 197; planning/permit process	1/30/1980	1980 - 2015
O. Natural Habitat and Resource Areas Policy 2	Designates criteria for management categories Estuary Natural, Estuary Conservation Aquaculture, Estuary Conservation 1, Estuary Conservation 2, Estuary Development	ORS 197; planning/permit process	1/30/1980	1980 - 2015
P. Navigational Structures and Navigation Aids	Requirements for repair and maintenance of existing and approval of new navigational structures and aids	ORS 197; planning/permit process	1/30/1980	1980 - 2015

Policies 1 - 3				
Q. Piling/Dolphin Installation Policies 1 – 5	Requirements for replacement of existing piling/dolphins; installation of new piling/dolphins in various estuary management zones	ORS 197; planning/permit process	1/30/1980	1980 - 2015
R. Public Access to the Estuary and its Shorelands Policy 2a	Requires public access to be retained, enhanced in the estuary.	ORS 197; planning/permit process	1/30/1980	1980 - 2015
S. Recreation and Recreational Facilities Policies 1 – 5, 7	Requirements pertaining to recreational uses and activities in the estuary and its shoreland.	ORS 197; planning/permit process	1/30/1980	1980 - 2015
T. Restoration and Enhancement Policies 1 – 5, 7	Requirements for restoration and enhancement of estuarine areas	ORS 197; planning/permit process	1/30/1980	1980 - 2015
V. Shallow Draft Port Facilities and Marinas Policies 1-4, 6	Requirements for maintenance and repair of existing port facilities and marinas; approval of new or expanded port facilities and marinas	ORS 197; planning/permit process	1/30/1980	1980 - 2015
W. Shoreline Stabilization Policies 1 – 7	Requirements for maintenance and repair of shoreline stabilization structures and activities to stabilize the estuary shoreline	ORS 197; planning/permit process	1/30/1980	1980 - 2015
X. Water Quality Policies 4-5	Specifies state and federal authorities for meeting water quality standards in estuarine areas	ORS 197; planning/permit process	1/30/1980	1980 - 2015
Y. Solid Waste Disposal and Sanitary Landfills Policy 1	Prohibits solid waste disposal sites in estuarine areas	ORS 197; planning/permit process	1/30/1980	1980 - 2015
BAY CITY ZONING/DEVELOPMENT ORDINANCE (CITY OF BAY CITY ORDINANCE 374)				
Article 1 Introductory Provisions and Intensity Zones				
Section 1.2 (including 1.21 – 1.25)	Criteria for the establishment and alteration of plan/zone designations, intensity zones and overlay zones	ORS 197; planning/permit process	1/30/1980	1980 - 2015
Section 1.26	Zoning of annexed areas	ORS 197; planning/permit process	1/30/1980	1980 - 2015
Section 1.27	Compliance with the ordinance provisions and comprehensive plan	ORS 197; planning/permit process	1/30/1980	1980 - 2015
Section 1.28	Locations of zones and zone boundaries	ORS 197; planning/permit process	1/30/1980	1980 - 2015
Section 1.3	Allowable uses	ORS 197; planning/permit process	1/30/1980	1980 - 2015

		process		
Section 1.4 (including 1.401 – 1.418)	High Intensity Zone (HI) requirements	ORS 197; planning/permit process	1/30/1980	1980 - 2015
Section 1.5 (including 1.501 – 1.520)	Moderate Intensity Zone (MI) requirements	ORS 197; planning/permit process	1/30/1980	1980 - 2015
Section 1.6 (including 1.601 – 1.620)	Low Intensity Zone (LI) requirements	ORS 197; planning/permit process	1/30/1980	1980 - 2015
Section 1.7 (including 1.701 – 1.705)	Hazards Overlay Zone (HZ) requirements	ORS 197; planning/permit process	1/30/1980	1980 - 2015
Section 1.750 (including 1.751 – 1.755)	Freshwater Wetland Overlay Zone (FW) requirements	ORS 197; planning/permit process	1/30/1980	1980 - 2015
Section 1.8 (including 1.801 – 1.802)	Shoreland Zones (S1, S2)	ORS 197; planning/permit process	1/30/1980	1980 - 2015
Section 1.810 (including 1.811 – 1.822)	Shoreland Zone 1 Standards	ORS 197; planning/permit process	1/30/1980	1980 - 2015
Section 1.830 (including 1.831 – 1.844)	Shoreland Zone 2 Standards	ORS 197; planning/permit process	1/30/1980	1980 - 2015
Section 1.860 (including 1.861)	Estuary Zones, Areas Included and Uses Permitted Outright	ORS 197; planning/permit process	1/30/1980	1980 - 2015
Sections 1.870 (including 1.871 – 1.874)	Estuary Natural (EN) Zone	ORS 197; planning/permit process	1/30/1980	1980 - 2015
Sections 1.880 (including 1.881 – 1.884)	Estuary Conservation 1 (EC1) Zone	ORS 197; planning/permit process	1/30/1980	1980 - 2015
Sections 1.890 (including 1.891 – 1.894)	Estuary Conservation 2 (EC2) Zone	ORS 197; planning/permit process	1/30/1980	1980 - 2015
Sections 1.900 (including 1.901 – 1.904)	Estuary Conservation Aquaculture (ECA) Zone	ORS 197; planning/permit process	1/30/1980	1980 - 2015
Sections 1.910 (including 1.911 – 1.914)	Estuary Development Zone (ED)	ORS 197; planning/permit process	1/30/1980	1980 - 2015
Sections 1.920 (including 1.921 – 1.926)	Dredged Material Disposal Site Protection Zone (DMD)	ORS 197; planning/permit process	1/30/1980	1980 - 2015
Article 2 Conditional Uses				
Section 2.2 (including 2.201 – 2.215, 2.145)	Conditional Use Standards	ORS 197; planning/permit process	1/30/1980	1980 - 2015
Section 2.220 (including 2.221 – 2.237)	Estuarine and Shoreline Standards	ORS 197; planning/permit process	1/30/1980	1980 - 2015
Section 2.3	Permissibility of Uses and Activities in Aquatic Areas (matrix)	ORS 197; planning/permit process	1/30/1980	1980 - 2015

Sections 2.310 (including 2.311 – 2.317)	Regulated Activities and Impact Assessments	ORS 197; planning/permit process	1/30/1980	1980 - 2015
Article 3 Supplementary Provisions				
Section 3.1 subsection 3.102.e subsection 3.102.f subsection 3.102.g	Buffers and Screens Riparian Areas setback Streamside setback Density considerations	ORS 197; planning/permit process	1/30/1980	1980 - 2015
Section 3.25 (including 3.251 - 3.255)	Grading and Erosion Control Permit	ORS 197; planning/permit process	01/10/2006	1980 - 2015
Section 3.7015	Maintenance of Public Access	ORS 197; planning/permit process	1/30/1980	1980 - 2015
Article 6 Variances				
Section 6.030	Criteria for granting variances	ORS 197; planning/permit process	1/30/1980	1980 - 2015
Section 6.035	Variance standards for setback requirements	ORS 197; planning/permit process	1/30/1980	1980 - 2015
Article 7 Nonconforming Uses				
Sections 7.020 – 7.070	Requirements for non-conforming uses	ORS 197; planning/permit process	1/30/1980	1980 - 2015
Article 13 Definitions				
Section 13.010	Definitions	ORS 197; planning/permit process	1/30/1980	1980 - 2015
Section 13.020	Adopts by reference definitions in Tillamook County Land Use Code that apply to estuary, shorelands, and water-dependent development codes.	ORS 197; planning/permit process	1/30/1980	1980 - 2015
REMOVED:				
Bay City Comprehensive Plan and Development Ordinance			1980	1980