

## POLICIES:

### #1 Estuary Classification

The Coos Bay Estuary is recognized as a "Deep-Draft Development Estuary" by the local governments, which is consistent with the overall Oregon Estuary Classification (OAR 660-17-000, as amended). Further, the Estuary Management Plan's allowed uses and activities are, and must remain, consistent with the "Deep-Draft Development" classification and the estuarine management unit requirements of Goal #16.

This strategy recognizes the development mandates of LCDC Goal #16.

### #2 General Schedule of Permitted Uses and General Use Priorities

Local government shall restrict estuarine development and/or alteration so it is equal to, or less intensive, than uses and activities that are allowed, or may be allowed pursuant to LCDC Goal #16 and the Oregon Administrative Rule classifying Oregon Estuaries (OAR 600-17-000 as amended 6/81).

- I. Local government's determination regarding estuarine management unit designation as well as respective uses and activities permitted reflect priorities for estuarine uses and activities necessary to:
  1. Ensure compatibility with the requirement of LCDC Goal #16 and the administrative rule classifying Oregon Estuaries (OAR 600-17-00) as amended 6/81).
  2. Maintain the integrity of the estuarine ecosystem. This shall be implemented by limiting uses and activities within Natural, Conservation and Development Estuarine Management Units so that such uses and activities are not more intensive than those following.

## **MANAGEMENT UNIT: NATURAL**

- A. Uses and Activities listed below may be allowed in Natural Management Units (LCDC Goal #16) without special assessment of the resource capabilities of the area, but subject to special conditions and other policies set forth elsewhere in this Plan. Note: existing man-made features may be retained, maintained and protected if existing on October 7, 1977.
  1. Undeveloped low-intensity, water-dependent recreation
  2. Research and educational observations
  3. Navigational aids (such as beacons and buoys)
  4. Passive restoration measures

5. Protection of habitat, nutrient, fish, wildlife and aesthetic
6. Bridge crossings
7. Cultural, historical and archaeological resources
8. Research and educational observation structures
9. Dredging necessary for on-site maintenance of existing functional tidegates and associated drainage channels

B. Uses and Activities listed below MAY be allowed in Natural Management Units when it is established that such are consistent with the resource capabilities of the area and the purpose of the management units (LCDC Goal #16) (pursuant to "Linkage" and "Goal Exception" findings in this Plan) but also subject to special conditions and other policies set forth elsewhere in this Plan.

1. Aquaculture which does not involve dredge or fill or other estuarine alteration other than incidental dredging for harvest of benthic species or removable in-water structures such as stakes or racks (commercial, not archaeological stakes or racks) - is subject to Policy #4a.
2. Communication facilities
3. Active restoration of fish and wildlife habitat or water quality and estuarine enhancement
4. Riprap (see Policy #9)
5. Placement of low-water bridge (see Policy #6)
6. Boat ramps for public use where no dredging or fill for navigational access is needed
7. Installation of tidegates in existing functional dikes
8. Temporary alterations
9. Pipelines, cables and utility crossings, including incidental dredging necessary for their installation
10. Bridge crossing support structures and dredging necessary for their installation

**MANAGEMENT UNIT: CONSERVATION**

A. Uses and Activities listed below may be allowed in Conservation Management Units (LCDC Goal #16) without special assessment of the resource capabilities of the area, but subject to special conditions and other policies set forth elsewhere in this Plan.

1. All uses permitted outright in Natural Management Unit (except for "temporary alterations")
- B. Uses and Activities listed below MAY be allowed in Conservation Management Units when it is established that such are consistent with the resource capabilities of the area and the purpose of the management units (LCDC Goal #16) (pursuant to "Linkage" and "Goal Exception" findings in this Plan) but also subject to special conditions and other policies set forth elsewhere in this Plan.
1. High intensity, water-dependent recreation including boat ramps, marinas and new dredging for boat ramps and marinas
  2. Minor navigational improvements
  3. Mining and mineral extraction, including dredging necessary for mineral extraction
  4. Water-dependent uses requiring occupation of the water surface by means other than fill
  5. Waste water/storm water discharge meeting state and federal water quality standards
  6. Temporary alterations
  7. Aquaculture requiring dredge or fill or other alteration of the estuary
  8. Active restoration for purposes other than those listed in A-1 above

#### **MANAGEMENT UNIT : DEVELOPMENT**

- A. Uses and Activities listed below may be allowed in Development Management Units (LCDC Goal #16) without special assessment of the resource capabilities of the area, but subject to special conditions and other policies set forth elsewhere in this Plan.
1. Water-dependent commercial and industrial uses
  2. Navigation and water-dependent commercial enterprises and activities
  3. Water transport channels where dredging may be necessary
  4. Dredge or fill as allowed elsewhere in Goal #16 (see special "dredge" or "fill" policy)
  5. Navigational structures other than those permitted in Natural and Conservation Management Units
  6. Marinas

7. Water storage areas where needed for products in, or resulting from, industries, commerce, and recreation
  8. Flow-lane disposal of dredge material monitored to assure that estuarine sedimentation is consistent with the resource capabilities and purposes of affected Natural and Conservation Management Units
  9. Energy production where quantities of water are necessary to produce energy directly.
  10. Water-borne transportation, which requires water access for transportation, receipt/shipment of goods, or is necessary to support water-borne transportation (examples, moorage fueling servicing of watercraft, ships, boats, and terminal and transfer facilities).
- B. Uses and Activities listed below MAY be allowed in Development Management Units when it is established that such are consistent with the purposes of this management unit and adjacent shorelands designated suitable for water-dependent uses or designated for waterfront redevelopment (pursuant to "Linkage" and "Goal Exception" findings to the Plan) but also subject to special conditions and other policies set forth elsewhere in this Plan.
1. Water-related and nondependent, nonrelated uses not requiring dredge or fill
  2. Undeveloped low-intensity, water-dependent recreation
  3. Mining and mineral extraction
  4. All activities allowed in Natural and Conservation Management Units

This strategy is based on the recognition that the "Use and Activity Matrices" set forth as policy elsewhere in this Plan conform with and shall be maintained in compliance with the "Priority of Uses" and other "use" requirements of Goal #16. Unless otherwise noted in respective "Use and Activity Matrices", the "resource capability assessments" called for in Goal #16 have been conducted, and uses subject to these findings are thus allowed by this Plan, subject only to Policies and Special Conditions set forth herein.

- II. This strategy recognizes that the Plan's estuarine management unit designations, and permitted uses and activities are based upon and establish general priorities for the use of estuarine resources.

These general use priorities (from highest to lowest) are:

- a. Uses which maintain the integrity of the estuarine ecosystem;
- b. Water-dependent uses requiring estuarine location, as consistent with the overall Oregon Estuarine Classification;

- c. Water-related uses which do not degrade or reduce the natural estuarine resources and values; and
- d. Non-dependent, non-related uses which do not alter, reduce or degrade the estuarine resources and values.

#3 Use of "Coos Bay Estuary Special Considerations Map" as the Basis for Special Policies Implementation

Local governments shall use the "Coos Bay Estuary Special Considerations Map" as the basis for implementing the special protection.

- I. The "Coos Bay Estuary Special Considerations Map" which is a series of color mylar overlays, shall delineate the general boundaries (plan inventory maps contain more precise boundary locations) of the following specific areas covered by the Coos Bay Estuary Management Plan:
  - a. Coos Bay Estuary Coastal Shorelands Boundary;
  - b. Sensitive Beach and Dune Areas:
    - i. areas unsuitable for development,
    - ii. areas with limited development suitability;
  - c. Floodplain Hazard Areas;
  - d. Agricultural Lands Designated for Exclusive Farm Use, and "Wet Meadow" Wetlands;
  - e. Coastal Historical and Archaeological Sites;
  - f. Urban Growth Boundaries (UGBs);
  - g. Priority Dredged Material Disposal and Mitigation/Restoration Sites;
  - h. Significant Wildlife Habitat and Major Marshes;
  - i. Forest Lands.

The "Special Considerations Map" is NOT a substitute for the detailed spatial information presented on the Coos Bay Estuary Management Plan's inventory maps. The "Special Considerations Map" is merely an INDEX GUIDE designed as a zoning counter implementation tool that indicates when special policy considerations apply in a GENERAL area, thereby, requiring inspection of the DETAILED Plan Inventory maps. The "Special Considerations Map" must and shall at all times accurately reflect the detail presented on the inventory maps (but at a more general scale).

II. Specific Plan provisions set forth elsewhere as Policy and relating to the above-listed considerations shall be used in conjunction with the "Special Considerations Map"; such Plan provisions include requirements set forth in " Unit Management Objectives", "Allowed Uses and Activities in Management Units", and the following specific "Functional" Policies set forth below:

- #13 Over-all Use Priorities within Coastal Shorelands
- #14 General Policies on Uses within Rural Coastal Shorelands
- #15 Land Divisions within Rural Shorelands
- #16 Protection of Sites Suitable for Water-Dependent Uses (within UGBs) and Special Allowance for New Non-water-Dependent Uses in "Urban Water-Dependent (UW)"
- #16a Urban Unincorporated Communities Use Standards
- #17 Protection of "Major Marshes" and "Significant Wildlife Habitat" in Coastal Shorelands
- #18 Protection of Historical and Archaeological Sites within Coastal Shorelands
- #19 Management of "Wet-Meadow" Wetlands within Coastal Shorelands
- #20 Dredged Material Disposal Sites
- #20a Dredged material Disposal Guidelines
- #20b Priority for In-Bay Disposal Sites
- #21 Mitigation and Restoration Sites
- #22 Mitigation Sites: Protection Against Pre-emptory Uses
- #23 Riparian Vegetation and Streambank Protection
- #25 Waste Water/Storm Water Discharge
- #27 Floodplain Protection within Coastal Shorelands
- #28 Recognition of LCDC Goal #3 (Agricultural Lands) Requirements for Rural Lands within the Coastal Shorelands Boundary
- #29 Restricting Actions in Beach and Dune Areas that are "Unsuitable for Development"
- #30 Restricting Actions in Beach and Dune Areas with "Limited Development Suitability" and Special Consideration for Sensitive Beach and Dune Resources
- #31 Reserved
- #34 Recognition of LCDC Goal #4 (Forest Lands) Requirements for Rural Lands within the Coastal Shorelands Boundary

All other plan provisions - including "Management Objectives" and "Allowed Uses and Activities in Management Units" -- are SUBORDINATE to the special "functional" policies listed above, unless a goal exception has been taken for the intended use.

This strategy recognizes that the "Special Considerations Map" is an official policy component of the plan, and it provides a mechanism for site-specific application of special management Policies.

#### #4 Resource Capability Consistency and Impact Assessment

I. Local government concludes that all proposed actions (approved in this Plan) which would potentially alter the integrity of the estuarine ecosystem have been based upon a full consideration of the impacts of the proposed alteration. Except for the following uses and activities:

- a. Natural Management Units
  - ~ Aquaculture
  - ~ Log storage
  - ~ Bridge Crossings
  
- b. Conservation Management Units
  - ~ High-intensity water-dependent recreation
  - ~ Aquaculture
  - ~ New or expanded log storage
  - ~ Log storage dredging
  - ~ Dike maintenance dredging
  - ~ Minor navigational improvements requiring dredging or fill
  - ~ Bulkheading
  - ~ Water intake or withdrawal and effluent discharge
  - ~ Riprap
  
- c. Development Management Units
  - ~ Aquaculture
  - ~ New or expanded log storage
  - ~ Mining and mineral extraction
  - ~ Water-related and non-dependent, non-related uses not requiring fill
  - ~ Dredging
  - ~ Bulkheading (except for Aquatic Units #3DA, #5DA and #6DA)
  - ~ Fill
  - ~ In-water structures
  - ~ Flow-lane disposal of dredged material and other activities which could affect the estuary's physical processes or biological resources
  - ~ Application of pesticides
  
- d. Any other uses and activities which require the resource capability consistency test as a condition within a particular management unit.

For uses and activities requiring the resource capabilities test, a special condition is noted in the applicable management unit uses/activities matrix. A determination of consistency with resource capability and the purposes of the management unit shall be based on the following:

- i. A description of resources identified in the plan inventory;
- ii. An evaluation of impacts on those resources by the proposed use (see Impact Assessment procedure, below);
- iii. A determination of whether the proposed use or activity is consistent with the resource capabilities of the area, or that the resources of the area are able to assimilate the use and activity and their effects and continue to function in a manner to protect significant wildlife habitats, natural biological productivity, and values for scientific research and education.

Where the impact assessment requirement (of Goal #16 Implementation Requirements #1) has not been satisfied in this Plan for certain uses or activities (i.e., those identified above), then such uses or activities shall not be permitted until findings demonstrate the public's need and gain which would warrant any modification or loss to the estuarine ecosystem, based upon a clear presentation of the impacts of the proposed alteration, as implemented in Policy #4a.

- III. An impact assessment need not be lengthy or complex, but it should give reviewers an overview of the impacts to be expected. It may include information on:
  - a. the type and extent of alterations expected;
  - b. the type of resource(s) affected;
  - c. the expected extent of impacts of the proposed alteration on water quality and other physical characteristics of the estuary, living resources, recreation and aesthetic use, navigation and other existing and potential uses of the estuary; and
  - d. the methods which could be employed to avoid or minimize adverse impacts.

This policy is based on the recognition that the need for and cumulative effects of estuarine developments were fully addressed during the preparation of this Plan and may be mitigated by the imposition, as necessary, of conditions through the administrative conditional use process.

#4a Deferral of (I) Resource Capability Consistency Findings, and (II) Resource Impact Assessments

Local government shall defer, until the time of permit application, findings regarding consistency of the uses/activities listed in Policy #4 with the resource capabilities of the particular management unit.

Additionally, the impact assessment requirement for those uses/activities as specified in Policy #4 shall be performed concurrently with resource capability findings above at the time of permit application.

- I. This strategy shall be implemented through an Administrative Conditional Use process that includes local cooperation with the appropriate state agencies:
  - a. Where aquaculture is proposed as a use, local government shall notify the Oregon Department of Fish & Wildlife (ODFW) and Department of Agriculture in writing of the request, with a map of the proposed site;
  - b. Where log storage dredging is proposed as an activity local government shall notify the Oregon Department of Environmental Quality (DEQ) in writing of the request, together with a map of the proposed site.
- II. Within twenty (20) days of receipt of the notification, the state agency shall submit in writing to the local government a statement as to whether the proposed use/activity will:
  - a. Be consistent with the resource capabilities of the management unit or,

- b. If determined not to be consistent, whether the proposal can be made consistent through imposition of conditions on the permit.
- III. The appropriate state agency shall also perform the impact assessment required in Policy #4. If no statement is received from the state agency by the expiration of the twenty (20) day period, local government shall:
- a. Presume consistency of the proposal with the resource capabilities of the management unit; and
  - b. Make findings appropriate to that presumption; and
  - c. Perform the assessment of impacts required by Policy #4.
- IV. For all other uses/activities specified above, local government shall:
- a. Determine through appropriate findings whether the proposed use/activity is consistent with the resource capabilities of the management unit, and
  - b. Perform the assessment of impacts required by Policy #4.
- V. This strategy recognizes:
- a. That resource capability consistency findings and impact assessments as required by LCDC Goal #16 can only be made for the uses specified above at the time of permit application, and
  - b. That the specified state agencies have expertise appropriate to assist local government in making the required finding and assessments.

This strategy is based upon the recognition that the need for and cumulative effects of estuarine developments were fully addressed during development of this Plan and that no additional findings are required to meet Implementation Requirement #1 of Goal #16.

#### #5 Estuarine Fill and Removal

- I. Local government shall support dredge and/or fill only if such activities are allowed in the respective management unit, and:
  - a. The activity is required for navigation or other water-dependent use that require an estuarine location or in the case of fills for non-water-dependent uses, is needed for a public use and would satisfy a public need that outweighs harm to navigation, fishing and recreation, as per ORS 541.625(4) and an exception has been taken in this Plan to allow such fill;
  - b. A need (ie., a substantial public benefit) is demonstrated and the use or alteration does not unreasonably interfere with public trust rights;

- c. No feasible alternative upland locations exist; and
- d. Adverse impacts are minimized.
- e. Effects may be mitigated by creation, restoration or enhancement of another area to ensure that the integrity of the estuarine ecosystem is maintained;
- f. The activity is consistent with the objectives of the Estuarine Resources Goal and with other requirements of state and federal law, specifically the conditions in ORS 541.615 and Section 404 of the Federal Water Pollution Control Act (P.L.92-500).

II. Other uses and activities which could alter the estuary shall only be allowed if the requirements in (b), (c), and (d) are met.

Identification and minimization of adverse impacts as required in "d" above shall follow the procedure set forth in Policy #4.

As required by Goal #16, only dredging necessary for on-site maintenance of existing functional tidesgates, associated drainage channels and bridge crossing support structures is permitted in Natural and Conservation Management Units (applies to 11-NA, 18A-CA, 20-CA, 30-CA, 31-NA and 38-CA). Dredging necessary for the installation of new bridge crossing support structures is permitted in Conservation Management Units and may be allowed in Natural Management Units where consistent with the resource capabilities of the area and the purposes of the management unit.

In the Conservation Management Unit, new dredging for boat ramps and marinas, aquaculture requiring dredge or fill or other alteration of the estuary, and dredging necessary for mineral extraction may be allowed where consistent with the resource capabilities of the area and the purposes of the management unit.

This strategy shall be implemented by the preparation of findings by local government documenting that such proposed actions are consistent with the Comprehensive Plan, and with the above criteria "a", "b", "c", "d", "e" and "f"; however, where goal exceptions are included within this Plan, the findings in the exception shall be sufficient to satisfy above criteria "a" through "d". Identification and minimization of adverse impacts as required in "e" above shall follow the procedure set forth in Policy #4a. The findings shall be developed in response to a "request for comment" by the Division of State Lands (DSL), which shall seek local government's determination regarding the appropriateness of a permit to allow the proposed action.

"Significant" as used in "other significant reduction or degradation of natural estuarine values", shall be determined by: a) the U.S. Army Corps of Engineers through its Section 10.404 permit processes; or b) the Department of Environmental Quality (DEQ) for approvals of new aquatic log storage areas only; or c) the Department of Fish and Wildlife (ODFW) for new aquaculture proposals only.

This strategy recognizes that Goal #16 limits dredging, fill and other estuarine degradation in order to protect the integrity of the estuary.

#5a Temporary Alterations

- I. Local governments shall support as consistent with the Plan: (a) temporary alterations to the estuary, in Natural and Conservation Management Units provided it is consistent with the resource capabilities of the management units. Management unit in Development Management Units temporary alterations which are defined in the definition section of the plan are allowed provided they are consistent with purpose of the Development Management Unit. b) alterations necessary for federally authorized Corps of Engineers projects, such as access to dredge material disposal sites by barge or pipeline or staging areas, or dredging for jetty maintenance.
- II. Further, the actions specified above shall only be allowed provided that:
  - a. The temporary alteration is consistent with the resource capabilities of the area (see Policy #4);
  - b. Findings satisfying the impact minimization criterion of Policy #5 are made for actions involving dredge, fill or other significant temporary reduction or degradation of estuarine values;
  - c. The affected area is restored to its previous condition by removal of the fill or other structures, or by filling of dredged areas (passive restoration may be used for dredged areas, if this is shown to be effective); and
  - d. The maximum duration of the temporary alteration is three years, subject to annual permit renewal, and restoration measures are undertaken at the completion of the project within the life of the permit.

Mitigation shall not be required by this Plan for such temporary alterations.

This Policy shall be implemented through the administrative conditional use process and through local review and comment on state and federal permit applications.

This Policy is based on the recognition that temporary estuarine fill and habitat alterations are frequently legitimate actions when in conjunction with jetty repair and other important economic activities. It is not uncommon for projects to need staging areas and access that require temporary alteration to habitat that is otherwise protected by this Plan.

#5b Dredging to Repair Existing Functional Dikes & Tidegates

Dredging to repair and maintain existing functional tidegates shall be permitted in Units 11-NA, 18A-CA, 20-CA, 30-CA, 31-NA and 38-CA. Dredging (limited to subtidal areas only) shall also be permitted in these units for repair of dikes where breaching has occurred or is in imminent danger of occurring.

Dredging for routine repair and maintenance of existing functional dikes shall only be permitted in Units

21-CA (Catching Slough), 30-CA (Central Isthmus Slough), and 38-CA (Coalbank Slough) limited to subtidal areas, and only in cases where the alternative of using upland fill material is not reasonably available. The upland fill alternative shall be used if a source of suitable material is available on the landowner's property and access to the dike is feasible for heavy equipment, taking into account soil conditions and road access.

In disposal of material from channel maintenance dredging on Coos River and log storage area maintenance dredging on Isthmus Slough and at Unit 18A-CA (Cooston Channel), first consideration shall be given to side-casting materials onto adjacent agricultural lands for dike repair/maintenance.

This policy shall not override the protection of "high priority" mitigation sites U-30(b) and U-32(b) on Catching Slough from pre-emptive uses by Policy #22.

This policy shall be implemented through the state/federal waterway permit review and comment process, and through a local administrative review process that includes an evaluation of the availability and suitability of alternative sources of material. Local government shall recommend imposition of a condition on state and federal waterway permits to require that any dredging authorized to repair and maintain tidegates or dikes shall be limited to the minimum necessary to restore the functional operation of the tidegate or dike.

- I. This policy is based on the recognition:
  - a. There is no alternative to dredging for tidegate maintenance or for emergency repair of dikes breached by erosion;
  - b. Dredging for routine dike repair maintenance may be necessary if suitable material such as upland fill is not reasonably available, or if access to the dike is not possible for heavy equipment due to wet ground conditions;
  - c. Maintenance and repair of dikes and tidegates is necessary to maintain productive farm land in Coos County and has been a historical farm management practice in the area for over half a century; and
  - d. Any required dredging must be restricted to subtidal areas to minimize adverse impacts to aquatic habitat that might otherwise result.

#### #5c New and Expanded Log Storage

Where otherwise listed as an allowable use within the respective management unit, new or expanded log storage shall be reviewed and approved by the Department of Environmental Quality in accordance with DEQ's Log Handling Implementation Program which shall include a determination of whether the use is consistent with the resource capabilities of the area and purposes of the estuarine management unit and consistent with Policy #5 regarding other significant reductions or degradation of estuarine natural values.

This strategy recognizes the technical expertise of Department of Environmental Quality regarding resource capabilities.

#### #5d Research and Educational Observation Structures

- I. Local government shall support research and educational observation structures, if:
  - a. such activities are allowed in the respective management unit, and
  - b. the activity is required for research and educational purposes.

This policy shall be implemented through the Administrative Conditional Use review criteria, which is through local review.

- II. Further, where listed as allowable, a "temporary" Research and Educational Observation Structure shall be treated as "temporary" in nature and shall comply with Policy 5a(II).

This strategy recognizes that Goal #16 provides for research and educational observation structures, strictly for the purposes of scientific research or education .

#### #6 Fill in Conservation and Natural Estuarine Management Units

- I. Local government may allow fill activities in Conservation management units only if listed as an "allowable" use within a respective unit and then only as part of the following use or activity:
  - a. Maintenance and protection of man-made structures existing as of October 7, 1977;
  - b. Active restoration if a public need is demonstrated;
  - c. Low water bridges if:
    1. An estuarine location is required;
    2. Within the estuary, there are no alternative locations such as in a development management unit; and
    3. Adverse impacts are minimized as much as feasible.
  - d. Support structures if:
    1. The findings of "c" above are made; and
    2. Consistent with the resource capabilities of the area and purposes of the management unit.
  - e. Aquaculture, high-intensity water-dependent recreation and minor navigational improvements if:
    1. The findings of "d" above are made; and
    2. No alternative upland locations exist for the portion of the use requiring fill.

- f. Flood and erosion control structures if:
1. Required to protect a water-dependent use as otherwise allowed in "d" above; and
  2. Land use management practices and non-structural solutions are inadequate to protect the use.

Further, local government may allow riprap activities in Natural Management Units to a very limited extent where necessary for erosion control to protect (a) uses existing as of 10-7-77; (b) unique natural resource and historical and archaeological values, or; (c) public facilities.

This strategy shall be implemented through estuarine "Use and Activity" matrices set forth in this Plan, and through local review and comment on state and federal permit applications for such projects.

This strategy recognizes the general objectives of LCDC Goal #16 and #17. (June, 1981)

#### #7 Maintenance Dredging of Authorized Channel

Local government shall support maintenance dredging of all authorized navigation channels.

This strategy recognizes that there are persistent problems with buildup of sediment which interferes with navigation.

#### #8 Estuarine Mitigation Requirements

Local government recognizes that mitigation shall be required when estuarine dredge or fill activities are permitted in inter-tidal or tidal marsh areas. The effects shall be mitigated by creation, restoration or enhancement of another area to ensure that the integrity of the estuarine ecosystem is maintained as required by ORS 196.830 (renumbered in 1989). However, mitigation shall not be required for projects which the Division of State Lands determined met the criteria of ORS 196.830(3).

This strategy shall be implemented through procedures established by the Division of State Lands, and as consistent with ORS 196.830 and other mitigation/restoration policies set forth in this Plan.

This strategy recognizes the authority of the Director of the Division of State Lands in administering the statutes regarding mitigation.

#### #9 Solutions to Erosion and Flooding Problems

Local government shall prefer nonstructural solutions to problems of erosion and flooding to structural solutions. Where shown to be necessary, water and erosion control structures such as jetties, bulkheads, seawalls and similar protective structures and fill whether located in the waterways or on shorelands above ordinary high water mark shall be designed to minimize adverse impacts on water currents, erosion and accretion patterns.

- I. Further, where listed as an "allowable" activity within the respective management units, riprap may be allowed in Development Management Units upon findings that:
  - a. Land use management practices and nonstructural solutions are inadequate; and
  - b. Adverse impacts on water currents, erosion and accretion patterns are minimized; and
  - c. It is consistent with the Development management unit requirements of the Estuarine Resources Goal.
  
- II. Further, where listed as an "allowable" activity within respective management units, riprap shall only be allowed in Conservation Aquatic (CA) units upon findings that:
  - a. Land use management practices and nonstructural solutions are inadequate; and
  - b. Adverse impacts on water currents, erosion and accretion patterns are minimized; and
  - c. Riprap is consistent with the resource capabilities of the area and the purposes of maintaining Conservation management units.
  
- III. Further, where listed as an "allowable" activity within respective management units, riprap shall only be allowed in Natural Aquatic (NA) units upon findings that:
  - a. There is a need to protect from erosion: uses existing as of October 7, 1977, unique natural resources and historic archaeological values, or public facilities;
  - b. Land use management practices and nonstructural solutions are inadequate;
  - c. It is consistent with the natural management unit as set forth in this Plan and required by Goal #16; and
  - d. Adverse impacts on water currents, erosion and accretion patterns and estuarine organisms and their habitat are minimized.

Implementation of this strategy shall occur through local review of and comment on state and federal permit applications for such projects.

This strategy is based on the recognition that nonstructural solutions are often more cost-effective as corrective measures, but that carefully designed structural solutions are occasionally necessary. The strategy also recognizes LCDC Goal #16 and #17 requirements and the Oregon Administrative Rule classifying Oregon estuaries (OAR 660-17-000 as amended June, 1981).

#### #10 Proliferation of Single-Purpose Docks and Piers

Local government shall act to restrict the proliferation of individual single-purpose docks and piers, when such are allowed within respective management units.

- I. This strategy shall be implemented:
  - a. By preparation of findings by local government in response to a "request for comment" by the Division of State Lands (which shall seek local government's determination regarding the appropriateness of a permit to allow the proposed dock or pier) which documents that:
    1. The size and shape of the proposed dock or pier shall be limited to that required for the intended use; and
    2. Alternatives to docks and piers (such as mooring buoys, dryland storage, and launching ramps) have been investigated and considered; and
  - b. By encouraging community facilities common to several uses and interests by:
    1. Satisfying community needs for docks and moorage facilities in this Plan; and
    2. Encouraging easements to facilitate multi-ownership.

This strategy recognizes the requirements of Goal #16 and the environmental benefits of multi-purpose and multi-ownership docks and moorage facilities.

#### #11 Authority of Other Agencies

Local government shall recognize the authority of the following agencies and their programs for managing land and water resources:

- ~ The Oregon Forest Practices Act and Administrative Rules for forest lands as defined in ORS 527.620(1991) to 527.730 and Forest Lands Goal;
- ~ The nonpoint source discharge water quality program administered by the Department of Environmental Quality (DEQ) under Section 208 of the Federal Water Quality Act as amended in 1972 (PL 92-500);
- ~ The Fill and Removal Permit Program administered by the Division of State Lands (DSL) under ORS 196.800-196.880 (renumbered 1989); and
- ~ The programs of the State Soil and Water Conservation Commission and local districts and the Soil Conservation Service and the Agricultural Lands Goal.

This strategy recognizes there are several agencies with authority over coastal waters, and that their management programs should be used rather than developing new or duplicate management techniques or controls, especially as related to existing programs functioning to maintain water quality and minimize man-induced sedimentation.

This strategy shall be implemented through the permit coordination with ODFW and the Army Corps of engineers prior to County sign-off on permits.

#### #12 Removal of Old Pilings and Snags

Local governments shall support removal of pilings, sunken logs, snags and other obstructions, and accumulations of debris from the Coos Bay Estuary, where "minor navigational improvement" is listed as an allowable use or activity within all management units, except where identified as needed for habitat.

This strategy recognizes that the Coos Bay Estuary contains a number of disused pilings, snags, other obstructions and accumulations which may interfere with navigation and which can adversely affect habitat and increase erosion hazard.

This strategy shall be implemented through the permit coordination with ODFW and the Army Corps of Engineers prior to County sign-off on permits.

#### #13 Overall Use Priorities within Coastal Shorelands

- I. Local government shall maintain the following priorities for the overall use of coastal shorelands (from highest to lowest):
  - a. Promote uses which maintain the integrity of estuaries and coastal waters;
  - b. Provide for water-dependent uses;
  - c. Provide for water-related uses;
  - d. Provide for nondependent, nonrelated uses which retain flexibility of future use and do not prematurely or inalterably commit shorelands to more intensive uses;
  - e. Provide for development, including nondependent, nonrelated uses, in urban areas compatible with existing or committed uses;
  - f. Permit nondependent, nonrelated uses which cause a permanent or long-term change in the features of coastal shorelands only upon a demonstration of public need.

In addition, priority uses for flood hazard and floodplain areas outside of incorporated cities shall include agriculture, forestry, recreation and open space.

This strategy recognizes that the Coos Bay Estuary Management Plan's shoreland designations, and permitted uses and activities are based upon and establish general priorities for the use of coastal shoreland resources.

#### #14 General Policy on Uses within Rural Coastal Shorelands

- I. Coos County shall manage its rural areas within the "Coos Bay Coastal Shorelands Boundary" by allowing only the following uses in rural shoreland areas, as prescribed in

the management units of this Plan, except for areas where mandatory protection is prescribed by LCDC Goal #17 and CBEMP Policies #17 and #18:

- a. Farm uses as provided in ORS 215.203;
- b. Propagation and harvesting of forest products;
- c. Private and public water-dependent recreation developments;
- d. Aquaculture;
- e. Water-dependent commercial and industrial uses, water-related uses, and other uses only upon a finding by the Board of Commissioners or its designee that such uses satisfy a need which cannot be accommodated on uplands or shorelands in urban and urbanizable areas or in rural areas built upon or irrevocably committed to non-resource use.
- f. Single-family residences on lots, parcels, or units of land existing on January 1, 1977, when it is established that:
  1. The dwelling is in conjunction with a permitted farm or forest use, or
  2. The dwelling is in a documented "committed" area, or
  3. The dwelling has been justified through a goal exception; and
  4. Such uses do not conflict with the resource preservation and protection policies established elsewhere in this Plan;
- g. Any other uses, including non-farm uses and non-forest uses, provided that the Board of Commissioners or its designee determines that such uses satisfy a need which cannot be accommodated at other upland locations or in urban or urbanizable areas. In addition, the above uses shall only be permitted upon a finding that such uses do not otherwise conflict with the resource preservation and protection policies established elsewhere in this Plan.

This strategy recognizes (1) that Coos County's rural shorelands are a valuable resource and accordingly merit special consideration, and (2) that LCDC Goal #17 places strict limitations on land divisions within coastal shorelands. This strategy further recognizes that rural uses "a through "g" above, are allowed because of need and consistency findings documented in the "factual base" that supports this Plan.

#### #15 Land Divisions within Rural Shorelands

Coos County shall permit subdivisions, major and minor partitions within the Coos Bay Coastal Shorelands Boundary in rural areas only upon a finding by the County: 1. that the new land divisions have been justified through a goal exception; 2. that the new land divisions fulfill a need that cannot otherwise be accommodated in uplands in urban and urbanizable areas, or other upland locations; and 3. that such land divisions would not otherwise conflict with the resource preservation and protection policies

established elsewhere in this Plan.

This strategy shall be implemented through provisions in ordinance measures that require the above findings to be made: (1) prior to the approval of the preliminary plat of a subdivision or major partition; or (2) prior to the approval of minor partition.

This strategy recognizes: (1) Coos County's rural shorelands area is a valuable resource and accordingly merits special consideration; and (2) that LCDC Goal #17 places strict limitations on land divisions within coastal shorelands.

#16 Protection of Sites Suitable for Water-Dependent Uses and Special Allowance for new Non-Water-Dependent Uses in "Urban Water-Dependent (UW) Units"

Local government shall protect shorelands in the following areas that are suitable for water-dependent uses, for water-dependent commercial, recreational and industrial uses.

- a. Urban or urbanizable areas;
- b. Rural areas built upon or irrevocably committed to non-resource use; and
- c. Any unincorporated community subject to OAR Chapter 660, Division 022 (Unincorporated Communities).

This strategy is implemented through the Estuary Plan, which provides for water-dependent uses within areas that are designated as Urban Water-Dependent (UW) management units.

- I. Minimum acreage. The minimum amount of shorelands to be protected shall be equivalent to the following combination of factors:
  - a. Acreage of estuarine shorelands that are currently being used for water-dependent uses; and
  - b. Acreage of estuarine shorelands that at any time were used for water-dependent uses and still possess structures or facilities that provide or provided water-dependent uses with access to the adjacent coastal water body. Examples of such structures or facilities include wharves, piers, docks, mooring piling, boat ramps, water intake or discharge structures and navigational aids.
- II. Suitability. The shoreland area within the estuary designated to provide the minimum amount of protected shorelands shall be suitable for water-dependent uses. At a minimum such water-dependent shoreland areas shall possess, or be capable of possessing, structures or facilities that provide water-dependent uses with physical access to the adjacent coastal water body. The designation of such areas shall comply with applicable Statewide Planning Goals.
- III. Permissible Non-Water-Dependent Uses. Unless otherwise allowed through an Exception, new non-water-dependent uses which may be permitted in "Urban Water-dependent (UW)" management units are a temporary use which involves minimal capital investment

and no permanent structures, or a use in conjunction with and incidental and subordinate to a water-dependent use. Such new non-water-dependent uses may be allowed only if the following findings are made, prior to permitting such uses:

1. Temporary use involving minimal capital investment and no permanent structures:
  - a. The proposed use or activity is temporary in nature (such as storage, etc.); and
  - b. The proposed use would not pre-empt the ultimate use of the property for water-dependent uses; and
  - c. The site is committed to long-term water-dependent use or development by the landowner.
2. Use in conjunction with and incidental and subordinate to a water-dependent use:
  - a. Such non-water-dependent uses shall be constructed at the same time as or after the water-dependent use of the site is established, and must be carried out together with the water-dependent use.
  - b. The ratio of the square footage of ground-level indoor floor space plus outdoor acreage distributed between the non-water-dependent uses and the water-dependent uses at the site shall not exceed one to three (non-water-dependent to water-dependent).
  - c. Such non-water-dependent uses shall not interfere with the conduct of the water-dependent use.

This policy shall be implemented through provisions in ordinance measures that require an administrative conditional use application be filed and approved, and the above findings be made prior to the establishing of the proposed uses or activities.

#### #16a Minimum Protected Acreage Required for County Estuarine Shorelands

Coos County designates as water-dependent shorelands any shorelands with the Coos Bay Estuary whose total acreage is equal to or greater than the minimum acreage of water-dependent shorelands calculated for the Coos Bay Estuary by combining the inventories of Coos County and the City of North Bend.

The following chart shows acreages that were available and zoned for water-dependent use and acreages that were required to be protected by DLCD for each jurisdiction on the Coos Bay Estuary.

<i>Acreage Available and Zoned for Water-Dependent Use and Acreage to be Protected for Water-Dependent Use on the Coos Bay Estuary</i>			
<i>Jurisdiction</i>	<i>Acreage Available and Zoned for Water-Dependent Use</i>	<i>Acreage to be Protected for Water-Dependent Use</i>	<i>Date of Data</i>
Unincorporated Coos County	1406.46 acres	496.52 acres	August 8, 2013
City of North Bend	5.42 acres	96.33 acres	2006 data as amended
<b>Combined Inventory for the Coos Bay Estuary on an Estuary-wide Basis for Unincorporated Coos County and the City of North Bend</b>	1411.88 acres	592.85 acres	August 8, 2013
*City of Coos Bay	106.89 acres	76.18 acres	January 1, 2000

\*City of Coos Bay chose not to participate in combining the City’s water-dependent acreage

Use of the acreage in the Combined Inventory for the Coos Bay Estuary on and Estuary-Wide Basis shown in the chart entitled, *Acreage Available and Zoned for Water-Dependent Use and Acreage to be Protected for Water-Dependent Use on the Coos Bay Estuary* will be coordinated by Coos County.

Any proposal to utilize unincorporated acreage to supply inventory for the City of North Bend from the unincorporated Coos County Acreage Available and Zoned for Water-Dependent Use in the chart entitled *Acreage Available and Zoned for Water-Dependent Use and Acreage to be Protected for Water-Dependent Use on the Coos Bay Estuary* will be subject to amendments of the Coos County Plan Inventory Document, Volume II, Part, 1 Plan Policy 16a.

#16b Rural, Urban, and Unincorporated Communities Use Standards

- I. Commercial and Industrial uses in Unincorporated Communities and on Rural Lands shall be consistent with OAR 660-022-0030. Commercial and industrial uses shall comply with building square footage requirements set forth in OAR 660-022-0030(10) and (11). New commercial structures authorized outside of a UCB or UGB shall not exceed 3,500 square feet of floor area. New industrial structures located outside of a UCB or UGB shall not exceed 35,000 square feet of floor area, unless:
  - a. The industrial use involves the primary processing of raw material(s) produced in the area or from ocean resources; or
  - b. The industrial use is located on an abandoned or diminished mill site as defined by statute; or
  - c. The industrial use is located in an area where an exception to Goal 14 has been taken; or
  - d. As authorized by Goals 3 and/or 4.

This policy shall be implemented through ordinance measures. Implementation shall occur as identified under specific zoning district standards. (04-04-005PL 9/1/04)

- II. It must be demonstrated through findings that the proposed use will not:
  - a. adversely affect agricultural and forest operations, and
  - b. interfere with the efficient functioning of urban growth boundaries.
- III. The following are development standards for proposed commercial or industrial structures to be located on parcels which are abutting exclusive farm use or forest zoned properties:
  - a. All structures, except fences, shall be setback a minimum of thirty-five (35) feet from any road right-of-way centerline, or five (5) feet from any right-of-way centerline, whichever is greater; and
  - b. All structures being sited on parcels abutting exclusive farm use (EFU) or forest (F) zoned parcels, property owner(s)/applicant(s) shall acknowledge and file in the deed records of Coos County, a "Farm or Forest" Practices Management Covenant. The covenant shall be recorded in the deed records of the county prior to the County issuing a zoning compliance letter.

#### #17 Protection of "Major Marshes" and "Significant Wildlife Habitat" in Coastal Shorelands

Local governments shall protect from development, major marshes and significant wildlife habitat, coastal headlands, and exceptional aesthetic resources located within the Coos Bay Coastal Shorelands Boundary, except where exceptions allow otherwise.

- I. Local government shall protect:
  - a. "Major marshes" to include areas identified in the Goal #17, "Linkage Matrix", and the Shoreland Values Inventory map; and
  - b. "Significant wildlife habitats" to include those areas identified on the "Shoreland Values Inventory" map; and
  - c. "Coastal headlands"; and
  - d. "Exceptional aesthetic resources" where the quality is primarily derived from or related to the association with coastal water areas.
- II. This strategy shall be implemented through:
  - a. Plan designations, and use and activity matrices set forth elsewhere in this Plan that limit uses in these special areas to those that are consistent with protection of natural values; and
  - b. Through use of the Special Considerations Map, which identified such special areas

and restricts uses and activities therein to uses that are consistent with the protection of natural values. Such uses may include propagation and selective harvesting of forest products consistent with the Oregon Forest Practices Act, grazing, harvesting wild crops, and low-intensity water-dependent recreation.

- c. Contacting Oregon Department of Fish and Wildlife for review and comment on the proposed development within the area of the 5b or 5c bird sites.

This strategy recognizes that special protective consideration must be given to key resources in coastal shorelands over and above the protection afforded such resources elsewhere in this Plan.

#### #18 Protection of Historical, Cultural and Archaeological Sites

Local government shall provide protection to historical, cultural and archaeological sites and shall continue to refrain from widespread dissemination of site-specific information about identified archaeological sites.

- I. This strategy shall be implemented by requiring review of all development proposals involving a cultural, archaeological or historical site, to determine whether the project as proposed would protect the cultural, archaeological and historical values of the site.
- II. The development proposal, when submitted shall include a Plot Plan, showing, at a minimum, all areas proposed for excavation, clearing and construction. Within three (3) working days of receipt of the development proposal, the local government shall notify the Coquille Indian Tribe and Coos, Siuslaw, Lower Umpqua Tribe(s) in writing, together with a copy of the Plot Plan. The Tribe(s) shall have the right to submit a written statement to the local government within thirty (30) days of receipt of such notification, stating whether the project as proposed would protect the cultural, historical and archaeological values of the site, or if not, whether the project could be modified by appropriate measures to protect those values.

"Appropriate measures" may include, but shall not be limited to the following:

- a. Retaining the prehistoric and/or historic structure in situ or moving it intact to another site; or
- b. Paving over the site without disturbance of any human remains or cultural objects upon the written consent of the Tribe(s); or
- c. Clustering development so as to avoid disturbing the site; or
- d. Setting the site aside for non-impacting activities, such as storage; or
- e. If permitted pursuant to the substantive and procedural requirements of ORS 97.750, contracting with a qualified archaeologist to excavate the site and remove any cultural objects and human remains, reintering the human remains at the developer's expense; or

- f. Using civil means to ensure adequate protection of the resources, such as acquisition of easements, public dedications, or transfer of title.

If a previously unknown or unrecorded archaeological site is encountered in the development process, the above measures shall still apply. Land development activities, which violate the intent of this strategy shall be subject to penalties prescribed in ORS 97.990.

- III. Upon receipt of the statement by the Tribe(s), or upon expiration of the Tribe(s) thirty day response period, the local government shall review the Plot Plan and shall:
  - a. Approve the development proposal if no adverse impacts have been identified, as long as consistent with other portions of this plan, or
  - b. Approve the development proposal subject to appropriate measures agreed upon by the landowner and the Tribe(s), as well as any additional measures deemed necessary by the local government to protect the cultural, historical and archaeological values of the site. If the property owner and the Tribe(s) can not agree on the appropriate measures, then the governing body shall hold a quasi-judicial hearing to resolve the dispute. The hearing shall be a public hearing at which the governing body shall determine by preponderance of evidence whether the development project may be allowed to proceed, subject to any modifications deemed necessary by the governing body to protect the cultural, historical and archaeological values of the site.
- IV. Through the "overlay concept" of this policy and the Special Considerations Map, unless an exception has been taken, no uses other than propagation and selective harvesting of forest products consistent with the Oregon Forest Practices Act, grazing, harvesting wild crops, and low intensity water-dependent recreation shall be allowed unless such uses are consistent with the protection of the cultural, historical and archaeological values, or unless appropriate measures have been taken to protect the historic and archaeological values of the site.

This strategy recognizes that protection of cultural, historical and archaeological sites is not only a community's social responsibility, it is also legally required by ORS 97.745. It also recognizes that cultural, historical and archaeological sites are non-renewable cultural resources.

#### #19 Management of "Wet-Meadow" Wetlands within Coastal Shorelands

- I. Coos County shall protect for agricultural purposes those rural areas defined as "wet-meadow" wetlands by the U.S. Fish and Wildlife Service but currently in agricultural use or with agricultural soils and not otherwise designated as "significant wildlife habitats" or major marshes", unless an Exception allows otherwise. Permitted uses and activities in these areas shall include farm use and any drainage activities which are necessary to improve agricultural production. Filling of these areas, however, shall not be permitted so as to retain these areas as wildlife habitats during periods of seasonal flooding and high water tables, with the following exceptions:

- a. For transportation corridors where an exception has been taken to Goal #3 (Agricultural Lands); or
- b. For agricultural buildings, where no alternative sites exist on the applicant's property; or
- c. Minor improvements for which there is no practical alternative; or
- d. Where no fill permit is required under Section 404 of the Water Pollution Control Act; or
- e. For priority dredged material disposal sites designated by this Plan for protection from pre-emptory uses.

Any activity or use requires notification of Division of State Lands, with their comments received prior to the issuance of any permits.

- II. This policy shall be implemented by designating these lands as "Agricultural Lands" on the Special Considerations Map and by making findings in response to a request for comment by the Division of State Lands (DSL), which show whether the proposed action is consistent with the Comprehensive Plan:
  - a. That protection of these areas for agricultural use is necessary to ensure the continuation of the local agricultural economy;
  - b. That improved drainage is necessary to maintain or enhance productivity by establishing preferred forage types;
  - c. That the present system of agricultural use in the Coos Bay area is compatible with wildlife habitat values, because the land is used for agriculture during the season when the land is dry and therefore not suitable as wetland habitat, and provides habitat areas for wildfowl during the flooding season when the land is unsuitable for most agricultural uses; and
  - d. That these habitat values will be maintained provided filling is not permitted.

## #20 Dredged Material Disposal Sites

Local government shall support the stockpiling and disposal of dredged materials on sites specifically designated in Plan Provisions, Volume II, Part 1, Section 6, Table 6.1, and also shown on the "Special Considerations Map". Ocean disposal is currently the primary disposal method chosen by those who need disposal sites. The dredge material disposal designated sites on the list provided on Table 6.1, has decreased because the ocean has become the primary disposal method, the in-land DMD sites have diminished and those which have remained on the DMD list are sites which may be utilized in the future and not be cost-prohibitive. Consistent with the "Use/Activity" matrices, designated disposal sites shall be managed so as to prevent new uses and activities which could prevent the sites' ultimate use for dredge material disposal. A designated site may otherwise only be released for some other use upon a finding that a suitable substitute upland site or ocean dumping is available to provide for that need. Sites may

only be released through a Plan Amendment. Upland dredged material disposal shall be permitted elsewhere (consistent with the "Use/Activity" matrices) as needed for new dredging (when permitted), maintenance dredging of existing functional facilities, minor navigational improvements or drainage improvements, provided riparian vegetation and fresh-water wetlands are not affected. For any in-water (including intertidal or subtidal estuarine areas) disposal permit requests, this strategy shall be implemented by the preparation of findings by local government consistent with Policy #5 (Estuarine Fill and Removal) and Policy #20c (Intertidal Dredged Material Disposal). Where a site is not designated for dredged material disposal, but is used for the disposal of dredged material, the amount of material disposed shall be considered as a capacity credit toward the total identified dredged material disposal capacity requirement.

- I. This policy shall be implemented by:
  - a. Designating "Selected Dredge Material Disposal Sites" on the "Special Considerations Map"; and
  - b. Implementing an administrative review process (to preclude pre-emptory uses) that allows uses otherwise permitted by this Plan but proposed within an area designated as a "Selected DMD" site only upon satisfying all of the following criteria:
    1. The proposed use will not entail substantial structural or capital improvements (such as roads, permanent buildings and nontemporary water and sewer connections); and
    2. The proposed use must not require any major alteration of the site that would affect drainage or reduce the usable volume of the site (such as extensive site grading/excavation or elevation from fill); and
    3. The proposed use must not require site changes that would prevent the expeditions conversion of the site to estuarine habitat.
  - c. Local government's review of and comment on applicable state and federal waterway permit applications for dike/tidegate and drainage ditch actions.
- II. This strategy recognizes that sites designated in the Comprehensive Plan reflect the following key environmental considerations required by LCDC Goal #16:
  - a. Disposal of dredged material in upland or ocean waters was given general preference in the overall site selection process;
  - b. Disposal of dredged material in estuary waters is permitted in this Plan only when such disposal is consistent with state and federal law;
  - c. Selected DMD sites must be protected from pre-emptory uses.

#### #20a Dredged Material Disposal Guidelines

Future dredged material disposal should be carried out in accordance with the guidelines outlined in Volume II, Part I, Section 6.2 of the Plan, which relate to: drainage diversion, sediment quality and turbidity, timing of disposal, land surface use, revegetation, toxic materials, land use outfalls and influent discharge points, water quality and removal of material from approved upland sites. Future land use shall be governed by the uses/activities permitted and the Management Objective in that management unit. Additional guidelines contained in the "Special Considerations" section of the individual site fieldsheets (see Inventory and Factual Base, Volume II, Part 2, Section 7, Appendix 'A') provide site-specific information on the procedures that should be followed.

These guidelines are intended to indicate the type of conditions that federal and state agencies are likely to impose on dredged material disposal permits, which shall be the primary means of implementation. Local government shall implement this policy by review and comment on permit applications.

This policy recognizes that disposal permit conditions are imposed at the discretion of the permitting agency, and should not be set down as mandatory requirements in the Plan, but simply as guidelines.

#### #20b Priority for In-Bay Subtidal Disposal Sites

- I. In-bay disposal site "G" (Coos Head) also known as Aquatic Unit 67A-DA, is the first priority in-bay subtidal disposal site, but shall be used only:
  - a. During rough bar conditions when ocean disposal is not feasible; or
  - b. In conjunction with maintenance dredging of the Charleston marina complex.
- II. In-bay site "8.4" shall be used only when site "F" is inaccessible because of severe weather conditions and/or dredging above R.M. 6.

This policy shall be implemented by state and federal issuance of dredged material disposal permits.

This policy recognizes that there are limitations on the acceptable use of in-bay placement of dredged materials.

#### #20c Intertidal Dredged Material Disposal

Local government shall prohibit dredged material disposal in intertidal or tidal marsh areas except where such disposal is part of an approved fill project.

This strategy shall be implemented through operation of the waterway permit process as a response to a "request for comment" from the Division of State Lands and U. S. Army Corps of Engineers.

This strategy recognizes that upland disposal and ocean disposal are alternatives to intertidal disposal.

#### #20d DMD Planning Period

Local government recognizes that the Comprehensive Plan does not provide adequate information of dredged material disposal (DMD) sites. Updating information and strategies will occur during the

County's period review.

This strategy shall be implemented through review of DMD needs during periodic review, and through statistical monitoring of DMD fills by the Army Corps of Engineers and Oregon International Port of Coos Bay.

#21 Mitigation and Restoration Sites

Local government shall support mitigation and restoration actions on the sites specifically designated in this Plan (See Plan Inventory, Section 8, Special Mitigation/Restoration Element). However, mitigation and restoration actions shall not necessarily be limited to the identified sites, but may occur in other areas with suitable potential as permitted in the "Uses/Activities" matrices and subject to Policy #8, Mitigation Requirements. Local government shall also cooperate with the Oregon Department of Fish and Wildlife (ODFW) and the Division of State Lands (DSL) to form a "mitigation bank" pursuant to ORS 196.600-655 and 196.830 (renumbered 1989).

This strategy is based upon the recognition of the need for identification of areas to be used to fulfill the mitigation requirements of Goal #17 and this Plan.

#22 Mitigation Sites: Protection Against Pre-emptory Uses

Consistent with permitted uses and activities:

- ~ "High Priority" designated mitigation sites shall be protected from any new uses or activities which could pre-empt their ultimate use for this purpose.
- ~ "Medium Priority" designated mitigation sites shall also be protected from uses which would pre-empt their ultimate use for this purpose.

However, repair of existing dikes or tidegates and improvement of existing drainage ditches is permitted, with the understanding that the permitting authority (Division of State Lands) overrides the provisions of Policy #38. Wetland restoration actions designed to answer specific research questions about wetland mitigation and/or restoration processes and techniques, may be permitted upon approval by Division of States Lands, and as prescribed by the uses and activities table in this Plan.

- ~ "Low Priority" designated mitigation sites are not permanently protected by the Plan. They are intended to be a supplementary inventory of potential sites that could be used at the initiative of the landowner. Pre-emptory uses shall be allowed on these sites, otherwise consistent with uses and activities permitted by the Plan. Any change in priority rating shall require a Plan Amendment.

Except as provided above for research of wetland restoration and mitigation processes and techniques, repair of existing dikes, tidegates and improvement of existing drainage ditches, "high" and "medium" priority mitigation sites shall be protected from uses and activities which would pre-empt their ultimate use for mitigation.

- I. This policy shall be implemented by:

- a. Designating "high" and "medium" priority mitigation sites on the Special Considerations Map; and
- b. Implementing an administrative review process that allows uses otherwise permitted by this Plan but proposed within an area designated as a "high" or "medium" priority mitigation site only upon satisfying the following criteria:
  1. The proposed use must not entail substantial structural or capital improvements (such as roads, permanent buildings or nontemporary water and sewer connections); and
  2. The proposed use must not require any major alteration of the site that would affect drainage or reduce the usable volume of the site (such as extensive site grading/excavation or elevation from fill); and
  3. The proposed use must not require site changes that would prevent the expeditious conversion of the site to estuarine habitat; or
  4. For proposed wetland restoration research projects in "medium" priority mitigation sites the following must be submitted:
    - i. A written approval of the project, from Division of States Lands, and
    - ii. A description of the proposed research, resource enhancement and benefits expected to result from the restoration research project.
- c. Local government's review and comment on state and federal waterway permit applications for dike/tidegate and drainage ditch actions.

This policy recognizes that potential mitigation sites must be protected from pre-emptory uses. However, "low priority" sites are not necessarily appropriate for mitigation use and are furthermore in plentiful supply. It further recognizes, that future availability of "medium priority" sites will not be pre-empted by repair of existing dikes, tidegates and drainage ditches or otherwise allowed by this policy. This insures the continuation of agricultural production until such time as sites may be required for mitigation. This policy also recognizes that research activities designed to gain further understanding of wetland, restoration and mitigation processes and techniques are needed. The consideration of "medium priority" mitigation sites for this purpose will facilitate future identification and successful use of mitigation sites (OR 95-11-010PL 1/24/96).

#### #22a Acquisition or Protection of Mitigation/Restoration and Dredged Material Disposal Sites

Local government shall actively promote the acquisition or protection of mitigation/restoration or dredged material disposal sites through purchase of fee title easements or development rights, property exchange or other similar methods, in addition to mitigation banking, as necessary to meet development needs on the estuary. They shall also investigate such methods of site protection as "limited term freeze" and "open space taxation" or other means of tax reduction.

This policy recognizes that purchase of an interest in a site is often necessary to afford a higher degree of

protection than zoning can provide.

#22b Limiting Dredge and Fill as Estuarine Restoration

- I. Local government shall support estuarine dredge or fill actions as estuarine restoration (pursuant to LCDC Goal #16) only when such restoration will meet the requirements of administrative rules adopted by the Division of State Lands and only upon findings which demonstrate the following:
  - a. Factual assessment of the nature and extent of the estuarine resource believed to have existed at the proposed restoration site at some time in the past; and
  - b. Factual assessment of how the estuarine resource at the site was lost; and
  - c. Comparison of the resource enhancement expected to result from the proposed restoration project, together with a determination that the proposed project will, in fact, probably restore all or some of the resource values lost at the site; and
  - d. The fill/removal findings at ORS 196.

This policy shall be implemented by an administrative conditional use review process and response to requests for comments by the Division of State Lands and Corps of Engineers regarding state or federal waterway permits.

This policy recognizes that not all estuarine dredge or fill actions may be considered estuarine restoration pursuant to LCDC Goal #16.

#23 Riparian Vegetation and Streambank Protection

- I. Local government shall strive to maintain riparian vegetation within the shorelands of the estuary, and when appropriate, restore or enhance it, as consistent with water-dependent uses. Local government shall also encourage use of tax incentives to encourage maintenance of riparian vegetation, pursuant to ORS 308.792 - 308.803.

Appropriate provisions for riparian vegetation are set forth in the CCZLDO Section 4.5.180 (OR 92-05-009PL).

- II. Local government shall encourage streambank stabilization for the purpose of controlling streambank erosion along the estuary, subject to other policies concerning structural and non-structural stabilization measures.

This strategy shall be implemented by Oregon Department of Transportation (ODOT) and local government where erosion threatens roads. Otherwise, individual landowners in cooperation with the Oregon International Port of Coos Bay, and Coos Soil and Water Conservation District, Watershed Councils, Division of State Lands and Oregon Department of Fish & Wildlife shall be responsible for bank protection.

This strategy recognizes that the banks of the estuary, particularly the Coos and Millicoma Rivers are

susceptible to erosion and have threatened valuable farm land, roads and other structures.

#24 Special Forest Protective Regulations in Coastal Shorelands

Local government shall urge the Oregon Department of Forestry to recognize the unique and special values provided by coastal shorelands when developing standards and policies to regulate uses of forest lands within coastal shorelands.

This strategy recognizes LCDC Goal #17 "Implementation Requirement #1" and the need for protection and maintenance of special shoreland values and forest uses especially for natural shorelands and riparian vegetation.

#25 Waste/Storm Water Discharge

Local government recognizes that Waste /storm water discharge must meet state and federal water quality standards prior to issuance of any permits by the county.

- I. Local government shall support Waste/Storm Water discharge, if such activity is allowed in the respective management unit and:
  - a. The activity is required for waste/storm water discharge; and,
  - b. The activity is consistent with the resource capabilities of the area (see Policy #4); and,
  - c. Findings must be made satisfying the impact minimization criterion of Policy #5.

This policy shall be implemented through the conditional use process and through local review and comment on state and federal permit applications.

This strategy recognizes that Goal #16 provides for Waste/Storm Water discharge; and, recognizes the technical expertise of Department of Environmental Quality regarding resource capabilities.

#26 Agricultural Drainage Facilities

Local government shall cooperate with Coos Soil and Water Conservation District, local drainage districts and individual landowners in their efforts to obtain permits and funding for drainage projects. These projects shall include both improvement and maintenance of existing functional dikes, tidegates and drainage ditches and construction of new drainage facilities. Areas to be drained may include "wet meadow" areas (see Policy #19) currently in agricultural use or with agricultural soils, not otherwise designated as "significant wildlife habitat" or "major marshes", subject to Policy #17. Local government shall also encourage the formation and expansion of local drainage districts.

The purpose of this strategy is to reduce damage to economically valuable forage crops, by controlling flooding of saltwater, and by alleviating ponding of flood water and high water tables that cause serious drainage problems for farmers.

This strategy recognizes that flooding is a particular problem of the Coos Bay area lowlands and that forage crop quality can be improved, and grazing seasons lengthened by effective drainage facilities. It further recognizes that drainage districts are effective for local control and financing of agricultural drainage.

#27 Floodplain Protection within Coastal Shorelands

The respective flood regulations of local government set forth requirements for uses and activities in identified flood areas; these shall be recognized as implementing ordinances of this Plan.

This strategy recognizes the potential for property damage that could result from flooding of the estuary.

#28 Recognition of LCDC Goal #3 (Agricultural Lands) Requirements for Rural Lands within the Coastal Shorelands Boundary

Unless otherwise allowed through an Exception, Coos County shall manage all rural lands designated within the Coastal Shorelands Boundary as being suitable for "Exclusive Farm Use" (EFU) designation consistent with the "Agricultural Use Requirements" of ORS 215. Allowed uses are listed in Appendix 1, of the Zoning and Land Development Ordinance.

This policy shall be implemented by using the Special Considerations Map (Policy #3) to identify EFU-suitable areas, and to abide by the prescriptive use and activity requirements of ORS 215 in lieu of other management alternatives otherwise allowed for properties within the "EFU-overlay" set forth on the Special Considerations Map, and except where otherwise allowed by exceptions for needed housing and industrial sites.

The "EFU" zoned land within the Coastal Shorelands Boundary shall be designated as "Other Aggregate Sites" inventories by this Plan pursuant to ORS 215.298(2). These sites shall be inventoried as "1B" resources in accordance with OAR 660-16-000(5)(b). Coos County will re-evaluate these inventoried sites pursuant to the requirements of said rule at, or before, County's periodic review of the Comprehensive Plan (OR 92-08-013PL 10/28/92).

#28a RESERVED

#29 Restricting Actions in Beach and Dune Areas that are "Unsuitable for Development"

Unless otherwise allowed through an exception, Coos County shall prohibit residential development, and commercial and industrial buildings within areas designated as "Beach and Dune Areas Unsuitable for Development" on the Coos Bay Estuary Special Considerations Map.

- I. Further, Coos County shall permit other developments in these areas only:
  - a. When specific findings have been made which consider:
    1. Type of use proposed and the adverse effects it might have on the site and

adjacent areas; and

2. Temporary and permanent stabilization programs and planned maintenance of new and existing vegetation; and
  3. Methods for protecting the surrounding area from any adverse effects of the development; and
  4. Hazards to life, public and private property, and the natural environment which may be caused by the proposed use; and
  5. Whether drawdown of groundwater would lead to loss of stabilizing vegetation, loss of water quality, or intrusion of saltwater into water supplies; and
- b. When it is demonstrated that the proposed development:
1. Is adequately protected from any geologic hazards, wind erosion, undercutting, ocean flooding and storm waves; or is of minimal value; and
  2. Is designed to minimize adverse environmental effects; and
- c. When specific findings have been made where breaching of foredunes is contemplated, that:
1. The breaching and restoration after breaching is consistent with sound principles of conservation, and either;
  2. The breaching is necessary to replenish sand supply in interdune areas, or;
  3. The beaching is done on a temporary basis in an emergency (e.g., fire control, cleaning up oil spills, draining farm lands, and alleviating flood hazards).

II. This policy shall be implemented through:

- a. Review of the Coos Bay Estuary Special Considerations Map when development is proposed in these areas; and
- b. An administrative conditional use process where findings are developed based upon a site investigation report submitted by the developer which addresses the considerations set forth above.

III. This policy recognizes that:

- a. The "Special Considerations Map" category of "Beach and Dune Areas Unsuitable for Development" includes the following dune forms:

1. beaches
  2. active foredunes
  3. other foredunes which are conditionally stable and that are subject to ocean undercutting or wave overtopping, and
  4. interdune areas (deflation plains) that are subject to ocean flooding;
- b. The measures prescribed in this policy are specifically required by LCDC Goal #18 for the above-referenced dune forms; and that
  - c. It is important to ensure that development in sensitive beach and dune areas is compatible with or can be made compatible with, the fragile and hazardous conditions common to such areas.

#30 Restricting Actions in Beach and Dune Areas with "Limited Development Suitability" and Special Consideration for Sensitive Beach and Dune Resources (moved from Policy #31)

- I. Coos County shall permit development within areas designated as "Beach and Dune Areas with Limited Development Suitability" on the Coos Bay Estuary Special Considerations Map only upon the establishment of findings that shall include at least:
  - a. The type of use proposed and the adverse effects it might have on the site and adjacent areas;
  - b. Temporary and permanent stabilization programs and the planned maintenance of new and existing vegetation;
  - c. Methods for protecting the surrounding area from any adverse effects of the development; and
  - d. Hazards to life, public and private property, and the natural environment which may be caused by the proposed use; and
  - e. Whether drawdown of groundwater would lead to loss of stabilizing vegetation, loss of water quality, or intrusion of saltwater into water supplies.

Implementation shall occur through an administrative conditional use process which shall include submission of a site investigation report by the developer that addresses the five considerations above.

- II. This policy recognizes that:
  - a. The Special Considerations Map category of "Beach and Dune Areas with Limited Development Suitability" includes all dune forms except older stabilized dunes, active foredunes, conditionally stabilized foredunes that are subject to ocean undercutting or wave overtopping, and interdune areas (deflation plains) subject to ocean flooding;

- b. The measures prescribed in this policy are specifically required by LCDC Goal #18 for the above-referenced dune forms, and that
  - c. It is important to ensure that development in sensitive beach and dune areas is compatible with, or can be made compatible with, the fragile and hazardous conditions common to beach and dune areas.
- III. Permits for beachfront protective structures shall be issued only where development existed on January 1, 1977 (see Section 3. Definitions for "development"). Criteria for review of all shore and beachfront protective structures shall provide that:
- a. Visual impacts are minimized;
  - b. Necessary access to the beach is maintained;
  - c. Negative impacts on adjacent property are minimized; and
  - d. Long-term or recurring costs to the public are avoided.
- IV. Local government shall cooperate with state and federal agencies in regulating the following actions in beach and dune areas by sending notification of Administrative Conditional Use decision:
- a. Destruction of desirable vegetation (including inadvertent destruction by moisture loss or root damage),
  - b. The exposure of stable and conditionally stable areas to erosion,
  - c. Construction of shore structures which modify current or wave patterns leading to beach erosion, and
  - d. Any other development actions with potential adverse impacts.

#30a Future Update of Site Plan Review Procedure

During the first plan review and update, The County shall amend the Coos Bay Estuary Ordinance to include more detailed procedures for site investigations and standards for development in limited suitability areas, consistent with those provisions adopted for the balance of the County (Volume I).

#31 RESERVED

#32 Boat Ramps

Local government shall encourage the provision of new boat ramps, and the repair and improvement of existing boat ramps, and facilities in areas designated to allow that use.

This strategy recognizes the need for facilities to accommodate recreational boating access.

#33 Water-Based Recreation

Local governments support increased use of the Coos Bay estuary for water-based recreation.

#34 Recognition of LCDC Goal #4 (Forest Lands) Requirements for Forest Lands within the Coastal Shorelands Boundary

Unless otherwise allowed through an Exception, Coos County shall manage all rural lands designated on the Special Considerations Map as "Forest Lands" within the Coastal Shorelands Boundary consistent with the "Forest Uses" requirements of LCDC Goal #4. Allowed uses are listed in Appendix 3 of the Zoning and Land Development Ordinance.

Where the County's Comprehensive Plan identified major marshes, significant wildlife habitat and riparian vegetation on coastal shorelands subject to forest operations governed by the Forest Practices Act, the Forest Practice program and rules of the Department of Forestry shall be carried out in such a manner as to protect and maintain the special shoreland values of the major marshes, significant wildlife habitat areas, and forest uses especially for natural shorelands and riparian vegetation.

This policy shall be implemented by using the Special Considerations Map (Policy #3) to identify "Forest Lands", and to abide by the prescriptive use and activity requirements of LCDC Goal #4 in lieu of other management alternatives otherwise allowed for properties within the "Forest Lands-Overlay" set forth on the Special Considerations Map, and except where otherwise allowed by Exception for needed housing and industrial sites.

This policy recognizes that the requirements of LCDC Goal #4 are equal and not subordinate to other management requirements of this Plan for "Forest Lands" located within the Coastal Shorelands Boundary.

#34a Forest Practices Act

Where the County's Comprehensive Plan identified major marshes, significant wildlife habitat and riparian vegetation on coastal shorelands subject to forest operations governed by the Forest Practices Act, the Forest Practice program and rules of the Department of Forestry shall be carried out in such a manner as to protect the natural values of the major marshes, and significant wildlife habitat areas, and to maintain riparian vegetation.

This policy recognizes the special requirements of Goal #17 that must be implemented through the Oregon Department of forestry and the Forest Practices Act.

#34b Future Update of Policy #34

During the plan review and update, Policy #34 and its implementing provisions shall be reviewed and amended if necessary, to insure consistency with Volume I, Part 1 of the Coos County Comprehensive Plan, and its implementing ordinance.

### #35 Plan Implementation

- I. Coos County's on-going land use and community development planning process shall utilize the Planning Commission as its citizen involvement for public consideration of the following:
  - a. Identification of new planning problems and issues;
  - b. Collection and analysis of inventories and other pertinent factual information;
  - c. Evaluation of alternative courses of action and ultimate policy choices; and
  - d. Recommendation of policy directives, based upon consideration of the County's social, economic, energy and environmental needs.

This strategy is based upon the recognition that Coos County's public planning process is essential to producing rational land use and community development policies which are the basis of this Comprehensive Plan, and which must be the basis for future Plan revisions and modifications.

This Plan includes coordination between the cities of Coos Bay and North Bend through a cooperative agreement which ensures the exchange of information and the maintenance of an adequate supply of specifically zoned and developable lands in the Bay Area.

This strategy is based on the recognition that the zoning map, zoning and land development ordinances are simply implementation tools which carry out the expressed policies and intent of the Plan.

### #36 Plan Update

Coos County shall: a) conduct a formal review of this the Plan, including inventory and factual base and implementing measures to determine if any revision is needed; b) shall base its review upon re-examination of data, problems and issues; c) shall issue a public statement as to whether any revision is needed; d) shall coordinate with other jurisdictions which are included within the Coos Bay Estuary and its shorelands; and e) shall incorporate public input into its decision.

Coos County may rely on the formal "Periodic Review " process of this Plan to satisfy the requirements of this policy.

This strategy is based on the recognition that a formal periodic review is necessary to keep this Plan current with local situations and events which may change from time-to-time and reduce the Plan's ability to effectively and appropriately guide growth of the Coos Bay Estuary and its shorelands.

Coos County shall approve minor revisions/amendments to its Comprehensive Plan when justified. Minor revisions/amendments are smaller in scope than major revisions/amendments, and generally include, but are not limited to changes in uses and activities allowed and changes in standards and conditions.

The County shall undertake special studies and projects deemed beneficial and/or necessary to the community, to keep key inventories current which are the factual basis of this Plan.

This policy shall be implemented through Planning efforts to keep a statistical data base on Coos County's changing socio-economic characteristics (including, but not limited to, population and housing data, employment statistics, traffic counts, agricultural production, etc). The County encourages agency cooperation in providing relevant new data as it is published.

This policy recognizes the necessity of keeping key planning information current, and further, that County efforts to do so would be largely limited to collecting and analyzing data compiled initially by other agencies. Further, the policy recognizes that special projects (ie., neighborhood traffic studies) may be necessary to help resolve unanticipated small- scale community problems.

The policy recognizes: a. the Planning Department may conduct the necessary research or contract with a consultant (if dollars are available); b. the County may continue with a skeletal long-range planning staff necessary to provide technical support in efforts to maintain and update the Plan; and c. state funds might be available to help defray the local costs of such activities.

#37 County Plan Revisions and Amendments (do not apply to provisions affecting City Management Units): Public Hearing Procedure

Coos County shall exercise due process in considering amendments to this Plan. Public hearing procedures set forth in the Coos County Zoning and Land Development Ordinance (CCZLDO) Section 5.7 (OR 92-05-009PL).

#38 Grandfathering of Existing Nonconforming Uses and Structures

Coos County shall permit the continuation of legally established existing uses and structures (located outside incorporated city limits) that do not conform to the provisions of this Plan and its implementing ordinances.

- I. This policy shall be implemented by:
  - a. following the provision about non-conforming uses legally required by ORS 215.130, and ORS 215.215 and which regulate and allow the continued existence of nonconforming uses, and the alteration and expansion of such uses; and
  - b. more specific implementing ordinance measures.

#39 Citizen Involvement

The Citizen Involvement Program presented in Volume I, Part 1, Section 5.1 of the Coos County Comprehensive Plan shall be regarded as the Citizen Involvement Program for the Coos Bay Estuary Management Plan.

#40 RESERVED

#41 Maintenance of Inventories and Factual Base

The Board of Commissioners shall instruct the County Planning Commission to undertake special studies and projects deemed beneficial to the community, and/or necessary to keep current certain key inventories that are the factual basis of this Plan as funding is provided for such purposes by the Board of Commissioners.

This policy shall be implemented through on-going Planning Commission efforts to keep a statistical data base on Coos County's changing socio-economic characteristics including, but not limited to, population and housing data, employment statistics, traffic counts, agricultural production, etc. The County shall welcome agency cooperation in providing relevant new data as it is published.

This policy recognizes the necessity of keeping key planning information current, and further, that County efforts to do so would be largely limited to collecting and analyzing data compiled initially by other agencies. Further, the policy recognizes that special projects like neighborhood traffic studies may be necessary to help resolve unanticipated small-scale community problems.

Further, The policy recognizes: (1) that the Planning Director may assist the Planning Commission in conducting necessary research as ordered; (2) that the County may wish to continue a skeletal long-range planning staff as necessary to provide technical support in efforts to maintain and update the Plan; and (3) that state funds will likely be available to help defray the local costs of such activities.

#### #42 Special Allowance for Accessory Housing

- I. Local government may allow dwellings as an "Accessory Use" to any of the following legally established uses:
  - a. Agriculture, as otherwise consistent with Policy #28
  - b. Airports
  - c. Aquaculture
  - d. Commercial
  - e. Dryland moorage/Marinas
  - f. Industrial and Port Facilities
  - g. Log Storage and Sorting yard
  - h. Mining and Mineral Extraction
  - i. High-Intensity Recreation
  - j. Solid Waste Disposal
  - k. Timber Farming/Harvesting, as otherwise consistent with Policy #34
  - l. High-Intensity Utilities

- II. Accessory dwellings shall only be allowed when findings document that:
  - a. The dwelling is for a watchman or caretaker that needs to reside on-premise; and
  - b. That the primary purpose of the dwelling is not to provide rental housing.

This policy shall be implemented through ordinance measures.

This policy recognizes the need for flexibility in allowing watchman and caretaker dwellings in conjunction with certain commercial, industrial and other uses.

#43 Interpretation of Coastal Shorelands Boundary

When a proposed development is in the immediate vicinity of the Coastal Shorelands Boundary (CSB) and when such proposed development relies on a precise interpretation of the CSB, local government shall establish the precise location of the CSB using the seven criteria specified in Goal #17 (Coastal Shorelands). Establishment of the exact location may require an on-site inspection. If the location of the CSB, as shown on the Plan maps or Coastal Shorelands Inventory map is subsequently found to be inaccurate or misleading, the Planning Director shall make the appropriate determination and minor adjustments to the maps.

- I. This policy recognizes:
  - a. The precise location of the Coastal Shorelands Boundary may be critical for certain types of actions (e.g., land divisions), and
  - b. Certain features such as riparian vegetation can not be mapped with complete accuracy at the scale of 1"=800'.

#44 Planned Unit Development or Density Transfer Development on Parcels which are partially within the Coastal Shorelands Boundary

This policy shall apply only to Coastal Shorelands within the unincorporated areas. Where a parcel lies partially within the Coastal Shorelands Boundary (CSB), Coos County shall consider the portion within the CSB to be part of the total acreage for the purposes of Planned Unit Developments, Recreational Planned Unit Developments and Density Transfer Developments provided that no new parcels are thereby created within the CSB in rural areas.

This policy recognizes that while land divisions are restricted within rural shorelands, this does not preclude the transfer of certain development rights to the portions of a parcel upland from the CSB.

#45 RESERVED

#46 Exemption for Subtidal Disposal of Dredged Materials In Conjunction with Deep-Draft Channel Maintenance Dredging

Local government shall exempt certain deep-draft channel maintenance dredging actions of the U.S. Army Corps of Engineers from the requirements of dredge/fill policies and use/activity matrices of this Plan, to the effect that the Corps shall be allowed, subject to a finding that adverse impacts have been minimized as much as feasible to dispose of dredged materials resulting from main channel maintenance dredging by placing the material within subtidal areas adjacent to the main channel which have historically been used for this purpose (see Deep-Draft Navigational Unit).

This policy shall be implemented through review and comment on state waterway project permit reviews and federal public notices of application for permit and through ordinance provisions implementing this Plan.

- I. This strategy recognizes that:
  - a. Placement of dredged materials at selected locations alongside the main channel of Coos Bay increases the velocity and enhances the natural scouring effect of the flow, and thus reduces future maintenance dredging costs;
  - b. Goal #16 requires identified Development management units to include subtidal areas for in-water disposal of dredged material;
  - c. Areas historically used for this purpose do not qualify as a "Natural or Conservation" management unit because they have been "partially altered" and are needed for development purposes;
  - d. The purpose and thrust of this policy shall be reviewed at the next Plan update, since the policy is an expedient suggested by resource agency representatives at a 1/25/84 agency coordination meeting sponsored by the Department of Land Conservation and Development. Further review is expected to suggest lateral expansion of the boundaries of management segment "DDNC-DA" into adjacent subtidal areas.

#46a Flow-Lane Disposal of Dredged Material Allowed in Development Aquatic Management Units

- I. Flow-lane disposal of dredged materials shall be permitted in the deep-draft navigation channel adjacent to In-bay Site "G" provided that administrative conditional use findings establish that:
  - a. Such disposal is consistent with the purposes of the affected development aquatic management unit; and
  - b. Any approval shall be conditioned upon the requirement that the flow-lane "project applicant", shall monitor the flow-lane project to assure that estuarine sedimentation resulting from the project is consistent with the resource capabilities and purposes of any natural or conservation management units affected by the flow-lane disposal.

A report regarding (b) above, shall be provided to the Coos County Planning Department upon completion of the project, or during the project, if the project applicant or County have reason to believe

unacceptable impacts may be occurring as a result of the project. The Planning Department shall review the report to assure compliance with this policy. If impacts are deemed unacceptable, the project may be ordered ceased, or redesigned, or a decision made to not reauthorize the project at future dredging cycles.

This policy is based on provisions for uses in Development Management Units pursuant to LCDC Goal #16.

#### #47 Environmental Quality

The Coos Bay Estuary Management Plan and Implementing Ordinance shall comply with the Department of Environmental Quality (DEQ) regulations regarding air, water quality and noise source standards that are established as law.

#### #48 Weak Foundation Soils

The State Department of Commerce, Building Codes Division (pursuant to the authority vested in it by Section 2905 of the State Structural Specialty Code) shall require an engineered foundation or other appropriate safeguard deemed necessary to protect life and property in areas of weak foundation soils.

This strategy recognizes it is the responsibility of the State of Oregon Department of Commerce, Building Codes Division to determine, based on field investigations, whether safeguards are necessary to minimize potential risks. The general level of detail used in mapping areas known as weak foundation soils is not of sufficient scale to mandate specific safeguards prior to a field investigation by the Building Codes Division.

#### #49 Rural Residential Public Services

Coos County shall provide opportunities to its citizens for a rural residential living experience, where the minimum rural public services necessary to support such development are defined as police (sheriff) protection, public education (but not necessarily a rural facility), and fire protection (either through membership in a rural fire protection district or through appropriate on-site fire precaution measures for each dwelling).

Implementation shall be based on the procedures outlined in the County's Rural Housing State Goal Exception.

- I. This strategy is based on the recognition:
  - a. that physical and financial problems associated with public services in Coos Bay and North Bend present severe constraints to the systems' ability to provide urban level services, and
  - b. that rural housing is an appropriate and needed means for meeting housing needs of Coos County's citizens.

#### #50 Rural Public Services

Coos County shall consider on-site wells and springs as the appropriate level of water service for farm

and forest parcels in unincorporated areas and on-site DEQ-approved sewage disposal facilities as the appropriate sanitation method for such parcels, except as specifically provided otherwise by Public Facilities and Services Plan Policies #49, and #51. Further, Coos County shall consider the following facilities and services appropriate for all rural parcels: fire districts, school districts, road districts, telephone lines, electrical and gas lines, and similar, low-intensity facilities and services traditionally enjoyed by rural property owners.

This strategy recognizes that LCDC Goal #11 requires the County to limit rural facilities and services.

#51 Public Services Extension

- I. Coos County shall permit the extension of existing public sewer and water systems to areas outside urban growth boundaries (UGBs) and unincorporated community boundaries (UCB's) or the establishment of new water systems outside UGB's and UCB's where such service is solely for:
  - a. development of designated industrial sites;
  - b. development of "recreational" planned unit developments (PUDs);
  - c. curing documented health hazards;
  - d. providing domestic water to an approved exception for a rural residential area;
  - e. development of "abandoned or diminished mill sites" as defined in ORS 197.719(1) and designated industrial land that is contiguous to the mill site.
  
- II. This strategy shall be implemented by requiring:
  - a. that those requesting service extensions pay for the costs of such extension; and
  - b. that the services and facilities be extended solely for the purposes expressed above, and not for the purpose (expressed or implied) of justifying further expansion into other rural areas; and
  - c. that the service provider is capable of extending services; and
  - d. prohibiting hook-ups to sewer and water lines that pass through resource lands as allowed by "I, a through d" above; except, that hook-ups shall be allowed for uses covered under "II, a through d" above.
  - e. That the service allowed by "e" above is authorized in accordance with ORS 197.719.

#52 RESERVED

#53 Shoreland Dwellings on Forest Lands

Coos County may conditionally permit, within forest lands inside the Coos Bay Shorelands Boundary, a single family dwelling, provided the proposed dwelling meets one of the requirements found in the Zoning and Land Development Ordinance Section 4.8.500.

This policy shall be implemented through the administrative conditional use process and Appendix 3 of the Zoning and Land Development Ordinance.

#### #54 Forest Dwelling Conflict Minimization

Coos County shall require all owners of forest land within the shorelands boundary requesting a single family dwelling to site the dwelling so as to minimize the conflicts with forest practices on adjacent and nearby lands.

This policy shall be implemented by the imposition, as necessary, of conditions through the administrative conditional use process to achieve this requirement. See the Review Standards and Special Development Conditions in Appendix 3 of the Zoning and Land Development Ordinance.

#### #55 Recreation Planning

Coos County shall strive to increase recreational opportunities and facilities in proportion to population growth consistent with the guidelines established by the Statewide Comprehensive Outdoor Recreation Plan (see the Recreation Inventory and Assessment).

- I. This strategy shall be implemented by:
  - a. striving to implement where economically feasible, the capital priorities established by the County Parks Advisory Board, as approved by the Board of Commissioners; and
  - b. encouraging applications for "recreational" PUD's;
  - c. requiring open space standards in new PUDs/subdivisions;
  - d. cooperating with state/federal agencies involved in developing recreation facilities; and
  - e. structuring implementing ordinance measures to permit a variety of small-scale recreational developments.
  
- II. This strategy is based on the recognition:
  - a. that future generations have the right to at least an equal level of the recreational opportunities currently available to County residents, but also, that financial constraints limit opportunities, and
  - b. that compliance with the Statewide Comprehensive Outdoor Recreation Plan Action Program will become one of the primary requirements for project eligibility under the new open project selection system for the distribution of land and water

conservation fund grants.

#56 Recreational Boating Facility Planning

Coos County shall actively cooperate with state and federal agencies in identifying and establishing recreational boating facilities, including boat ramps.

Implementation shall occur by cooperating with such agencies as the State Marine Board, the State Department of Fish and Wildlife, the U.S. Heritage, Conservation and Recreation Service, etc.

This strategy is based on the recognition that fulfillment of the need for public boating facilities requires sharing and coordinating of responsibility between state and local agencies.

#57 Recreational Planned Unit Developments

Coos County shall conditionally permit the establishment of "Recreational Planned Unit Development" (Recreational PUD) within specific land areas of the County.

- I. Implementing ordinance measures shall prescribe at a minimum, the following criteria to identify qualifying sites:
  - a. the area proposed as a Recreational PUD shall contain a minimum of 80 contiguous acres in private ownership;
  - b. the area proposed as a Recreational PUD contains or is adjacent to, a significant natural resource that has value for recreational purposes (such as an estuary, waterfall, lake, or dune formation).
- II. Implementing ordinance measures shall also prescribe at a minimum, the following criteria to review qualifying sites:
  - a. a portion of the total land area within the Recreational PUD shall be conserved as open space to provide sufficient area for active and passive outdoor recreational activities. Such open space shall not be developed except for active and passive recreational activities, nonmotorized vehicle or pedestrian trails, hazard control structures, and vegetative alteration such as golf courses and landscaped grounds; and
  - b. clustering of intensive or built-up uses shall be encouraged to provide maximum retention of open space and to provide sufficient access to the recreational resource; and
  - c. residential densities for "owner's-primary-dwelling-unit" housing shall not exceed the densities prescribed by the underlying zones(s); and
  - d. "Recreational" dwelling units within a Recreational PUD may be individually owned, and occupied year-round, such as, through time-sharing or other concepts; but shall be designed and generally used as "vacation homes" and "second homes"

rather than as the owner's primary dwelling;

- e. implementing ordinance measures shall be designed to create flexibility in approving residential density for recreational dwellings. The following general standards shall be employed as the basis for decisions on the residential density of recreational dwellings, that is appropriate for each specific Recreational PUD:
  - 1. the minimum number of recreational dwelling units proposed shall not be less than the number of owner-occupied dwelling units permitted within the area of the Recreational PUD; to ensure that the development is designed to encourage tourist visitation; and
  - 2. substantial increases in the ratio of recreational dwelling units to owner-occupied dwelling units shall be strongly encouraged, and are to be used as an incentive for the developer:
    - i. to conserve additional open space above the minimum required by the implementing ordinance and
    - ii. to provide recreational amenities of significant public beach access; and
    - iii. to provide cultural amenities, a value to the local economy that promote the concept of a "destination-resort" such as a convention center and commercial uses.

III. This strategy is based on the recognition:

- a. that Recreational Planned Unit Developments will help meet an identified need for local recreational opportunities; and
- b. that Recreational PUDs can provide significant diversification of the local economy by increasing the attraction of tourists to the County; and
- c. that the flexible density provision for recreational dwellings, offers necessary incentives to stimulate the development of destination resort complexes; and
- d. that this strategy and the applicable "Shorelands and Dunes" strategies provide complementary protection of significant open space and natural resource areas.

#### #58 Goal #5 Coordination for Coastal Recreation Trails

Coos County shall continue to cooperate with the Parks and Recreation Division of the Oregon Department of Transportation (ODOT) to assure coordination in addressing Goal #5 requirements of OAR 660-16-000, should site-specific routes for coastal recreation trails be proposed in the County.

#59 Commercial and Industrial Land Supply

Coos County shall continuously plan for and maintain an adequate supply of commercial and industrial land, recognizing that a readily available supply of such land is the basis for a sound economic development program.

#60 Coos, Curry, Douglas Business Development Corporation (CCD-BDC)

Coos County as an active participating member of the CCD-Business Development Corporation (CCD-BDC), shall sanction and support the economic development efforts of that regional organization, recognizing that regional problems are best resolved by a cooperative regional economic development program.

#61 Economic Program Development Committee

Coos County shall support the regional economic goals and objectives periodically adopted by the Coos County Overall Economic Development Program Committee, recognizing that these regional strategies constitute a coordinated program targeted at resolving impediments to the area's economic development potential as identified by the CCD-BDC.

#62 Adequacy of Urban Commercial Land Supply

Coos County shall ensure that adequate urban commercial land is designated within cities and urban growth areas as necessary to meet future needs for urban commercial uses.

- I. This strategy shall be implemented in two ways:
  - a. Through coordinated urban growth boundary negotiations with cities; and
  - b. Through use of the "Controlled Development" designation as a complementary device to the "Commercial" designation.
- II. This strategy is based on the recognition:
  - a. That Coos County has coordination responsibilities; and
  - b. That the Controlled Development designation is necessary and appropriate to guide land use decisions in certain urban growth areas that are experiencing a conversion of land in residential areas to commercial use.

#63 Adequate and Available Housing

Coos County shall provide zoning for adequate buildable lands and shall encourage the availability of adequate numbers of housing units for future housing needs, at price ranges and rent levels which are commensurate with the financial capabilities of Coos County households.

- I. This strategy shall be implemented:

- a. through appropriate Comprehensive Plan map and zoning designations, as appropriately determined to meet housing and estimates established in this Plan's inventory and assessment; and
  - b. through cooperation by Coos County, Coos-Curry Housing Authority (CCHA) and Southwestern Oregon Community Action in their efforts to develop housing assistance programs for people with low and moderate incomes.
- II. This strategy recognizes:
- a. the lead role of CCHA in housing assistance planning; and
  - b. each city's responsibility for assessing housing needs within its urban growth boundary (UGB); and
  - c. the county's responsibility for assessing housing needs within all other unincorporated areas and for coordinating the UGB housing assessments of each city.

#64 Variety in Housing Locations

Coos County shall encourage the availability of a wide variety of housing locations in urban and rural areas.

For urban and urbanizable areas, this strategy shall be implemented through urban growth management agreements and appropriate coordinated land use designations. For rural areas, this strategy shall be implemented through appropriate land use designations for acreage homesites as selected and justified in the County's rural housing exception.

This strategy recognizes that the selected urban and rural locations are necessary to provide flexibility in housing location.

#65 Manufactured Dwelling/Mobile Homes

- I. Coos County shall structure its implementing zoning ordinance such that it:
- a. permits mobile homes,
  - b. permits mobile homes and clustering of dwellings under a Planned Unit Development concept in most residential zones;
  - c. permits multiple family dwellings in selected locations within urban growth boundaries (UGBs); and
  - d. permits multiple family dwellings outside UGBs when part of a Recreational Planned Unit Development.

This strategy recognizes that such flexibility of housing type provides greater choice and enhanced ability to meet the housing needs of the citizens of Coos County.

#66 Housing Density

Coos County shall structure its implementing ordinance so that it allows increasing density for (from lowest to highest) acreage homesites, rural centers, and UGAs.

#67 Rights Leasing for Energy Exploration

Coos County shall encourage coal, oil and gas exploration and recovery by entertaining proposals for leasing the oil, coal, and gas mineral rights held by Coos County.

This strategy recognizes that Coos County is in a position to promote development of its energy resources by encouraging exploration and recovery operations on lands believed to have non-renewable energy resources and on which Coos County maintains an ownership interest.

#68 Small-Scale Hydroelectric Power Generation

- I. Coos County shall ensure that its implementing ordinances promote the conservation of energy, based upon sound economic principles, by considering utilization of the following techniques as incentives:
  - a. lot size, dimension and siting controls;
  - b. building height, bulk and surface area;
  - c. density of uses, particularly housing;
  - d. availability of light, wind, water, and air.

In addition, alternate energy devices (such as wind energy towers) shall be conditionally permitted to exceed the maximum height limitation of its particular zone if found to be visually compatible with the immediate neighborhood.

This strategy recognizes that implementing ordinances can provide incentives in development to promote energy conservation.

#69 RESERVED

#70 Miscellaneous Provisions of Goals #8, #9, #10 and #13

Coos County hereby adopts by reference all language in Coos County Comprehensive Plan, Volume I, Part 1 (Plan Provisions) and Part 2 (Inventories & Factual Base) pertaining to LCDC Goals #8, #9, #10 and #13.

This policy recognizes that certain provisions and inventory information prepared for the "Balance of

County" Comprehensive Plan is applicable to the Coos Bay Estuary and Shorelands and that the information and provisions are necessary and sufficient to comply with the requirements of LCDC Goals #8, #9, #10 and #13.

#71 RESERVED

#72 RESERVED

#73 RESERVED