



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us

NOTICE OF ADOPTED AMENDMENT

February 14, 2007

TO: Subscribers to Notice of Adopted Plan
or Land Use Regulation Amendments

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: City of Coos Bay Plan Amendment
DLCD File Number 004-06



The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: March 2, 2007

This amendment was submitted to DLCD for review 45 days prior to adoption. Pursuant to ORS 197.830 (2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

***NOTE: THE APPEAL DEADLINE IS BASED UPON THE DATE THE DECISION WAS MAILED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAN IT WAS MAILED TO DLCD. AS A RESULT YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE DATE SPECIFIED.**

Cc: Gloria Gardiner, DLCD Urban Planning Specialist
Dave Perry, DLCD Regional Representative
Laura Barron, City of Coos Bay

<paa> ya/

FORM 2

DLCD NOTICE OF ADOPTION

This form must be mailed to DLCD within 5 working days after the final decision
per ORS 197.610, OAR Chapter 660 - Division 18

(See reverse side for submittal requirements)

DEPT OF

FEB 12 2007

LAND CONSERVATION
AND DEVELOPMENT

Jurisdiction: City of Coos Bay Local File No.: ZON 2006-00101
(If no number, use none)

Date of Adoption: February 6, 2007 Date Mailed: February 9, 2007
(Must be filled in) (Date mailed or sent to DLCD)

Date the Notice of Proposed Amendment was mailed to DLCD: November 20, 2006

- Comprehensive Plan Text Amendment
- Land Use Regulation Amendment
- New Land Use Regulation
- Comprehensive Plan Map Amendment
- Zoning Map Amendment
- Other: _____
(Please Specify Type of Action)

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached."

1) Amend CBEMP 52-NA to allow fill for relocation of taxiway C₂ + a seawall with further review addressing policy 4, and 2) an exception (#28) to Goal 16 for the fill in the natural aquatic management unit.

Describe how the adopted amendment differs from the proposed amendment. If it is the same, write "Same." If you did not give notice for the proposed amendment, write "N/A."

Same

Plan Map Changed from : _____ to _____

Zone Map Changed from: _____ to _____

Location: Southwest OR Regional Airport Acres Involved: area 65' x 880' 180' length in city of CB

Specify Density: Previous: _____ New: _____

Applicable Statewide Planning Goals: 16

Was an Exception Adopted? Yes: X No: _____

DLCD File No.: 004-06(15696)

Did the Department of Land Conservation and Development receive a notice of Proposed Amendment **FORTY FIVE (45) days prior to the first evidentiary hearing.** Yes: No:

If no, do the Statewide Planning Goals apply. Yes: No:

If no, did The Emergency Circumstances Require immediate adoption. Yes: No:

Affected State or Federal Agencies, Local Governments or Special Districts: DSL, ODF+W,
COE

Local Contact: LAURA BARRON Area Code + Phone Number: (541) 269-8929

Address: 500 Central

City: Coos Bay Zip Code+4: 97420

ADOPTION SUBMITTAL REQUIREMENTS

This form **must be mailed** to DLCD **within 5 working days after the final decision**
per ORS 197.610, OAR Chapter 660 - Division 18.

1. Send this Form and TWO (2) Copies of the Adopted Amendment to:

**ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540**

2. Submit **TWO (2) copies** the adopted material, if copies are bounded please submit **TWO (2) complete copies** of documents and maps.

3. Please Note: Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.

4. Submittal of of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.

5. The deadline to appeal will be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the "Notice of Adoption" is sent to DLCD.

6. In addition to sending the "Notice of Adoption" to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.

7. **Need More Copies?** You can copy this form on to 8-1/2x11 green paper only ; or call the DLCD Office at (503) 373-0050; or Fax your request to:(503) 378-5518; or Email your request to Larry.French@state.or.us - ATTENTION: PLAN AMENDMENT SPECIALIST.

- Part 3 is amended to include Exception #28 to allow fill to occur specifically for the relocation of Taxiway C to meet FAA separation safety requirements; and
- Part 1, Chapter 5, unit 52-Natural Aquatic (NA) is amended to add the use which would allow fill of a specific area for the purpose of shifting "Taxiway C" 75 feet to the south of its current location.

The decision to approve will become final at **5:00 PM on March 2, 2007** unless an appeal is filed.

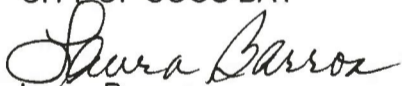
APPEAL PROVISION

Any person with standing has the right to request review of this land use decision by filing a Notice of Intent to Appeal with:

Oregon Land Use Board of Appeals
Public Utility Commission Bldg.
550 Capitol St.
Salem, OR 97310

Notice of Intent to Appeal must be filed no later than 21 days from the date of mailing of this decision. Therefore, **appeals must be filed no later than March 2, 2007**. Notice of Intent to Appeal must be filed and served in accordance with the Oregon Land Use Board of Appeals Rules of Procedure.

Sincerely,
CITY OF COOS BAY


Laura Barron
Planning Administrator

Attachment: Exhibit A, Ordinance Nos. 393 and 394

c: Gary LeTellier, Coos County Airport District
Phil Quarterman, W&H Pacific
Laura Jackson, Corvid Consulting
OR Department of State Lands
US Army Corps of Engineers
City of North Bend
Coos County Planning
Dave Perry, DLCD
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EXHIBIT A

DECISION CRITERIA, FINDINGS AND CONCLUSIONS

The following is a list of the decision criteria applicable to the request as set forth in Coos Bay Estuary Management Plan Policy 35, or, Land Development Ordinance Chapter 5.19(2). Criteria for the exception to Statewide Planning Goal 16, a "reasons" exception, is set forth in OAR 660-04-020 and 022.

Findings and conclusions accompanying each of the criterion may apply to more than one criterion and may be used to support the Commission's recommendation to the City Council. The Commission may recommend approval, approval with conditions, or denial to the City Council.

I. Amend Coos Bay Comprehensive Plan, Volume III, Coos Bay Estuary Management Plan, Part 3, "Exceptions" to add Exception #28: In order to meet current FAA safety requirements, increase the separation between Runway 4-22 and parallel Taxiway C by shifting the taxiway 75 feet to the south.

Exception #28 in its entirety, including the findings and conclusions, is to be added to Coos Bay Comprehensive Plan, Volume III, Part 3.

Exception #28: Aquatic Unit 52-NA (Southwest Oregon Regional Airport [formerly the North Bend Municipal Airport]): Runway 4-22/Taxiway C Separation and Safety Area

(A) The Proposal: To permit filling in this unit, specific to the requirement of runway/taxiway separation and taxiway safety area at the west end of Runway 4-22 and Taxiway C, per the FAA requirements in place as of January 1, 2004 requiring a separation of 400 feet (centerline to centerline) and a safety area of 34 feet on each side of the taxiway. This necessitates the filling of a rectangular area of about 65 feet in width and 880 feet in length at the southern end of the slough. Approximately 180 feet are within city of Coos Bay jurisdiction and the remaining 700 feet are within city of North Bend jurisdiction.

(B) The Exception: At the time the Coos Bay Estuary Management Plan was prepared, Runway 4-22 was 4,600 feet in length and was being proposed for extension. The area west of the runway included two dredged material disposal islands that were targeted to be the base for extending the runway and providing the necessary runway safety area. The runway is currently 5,330 feet in length and is not being considered for extension. At the time of initial proposal and construction, requirements for separation were less than they currently are. At the time of the CBEMP analysis, the critical aircraft was a DC-9. While this aircraft is not in common use today, it is a C-III aircraft, in the same category as aircraft commonly using the airport today (including Boeing Business Jet, Boeing 737-200 or Gulfstream V). Since that time, the FAA has established more stringent safety requirements, based on incident reports and other data, including a revision to the separation requirement for

airports serving Design Group III aircraft. The FAA has the authority to de-certify the runway for commercial use, which would force aircraft to use Runway 13-31. This would direct more noise over the developed parts of North Bend. It would also place limitations on flights using the airport in inclement weather and overall restrictions on larger aircraft that currently use the airport.

Correcting the deficiency on the non-filled portion and shortening the taxiway, would effectively limit the length of usable runway, as larger aircraft typically cannot back-taxi on the runway.

The only viable option to meeting the FAA design standard is to fill a rectangular portion of the estuary, adjacent to the existing filled area of Taxiway C. The action of filling this area is to create a paved taxiway and a compact, level surface for the taxiway safety area in accordance with FAA regulations is not consistent with the language in Goal #16 requiring areas such as this to be designated as "Natural," including prohibition of fill.

(C) The Findings:

- (i) Reasons justify why the state policy embodied in Goal 16 should not apply.

The proposed exception is to allow the airport to fill a rectangular area adjacent to existing fill for the purpose of shifting the existing Taxiway C to the south, in order to meet FAA separation requirements. This fill area will also include the area designated as taxiway safety area. Under FAA requirements, no development can occur in the area known as the taxiway safety area, runway safety area, or area separating the runway and taxiway (other than drainage features and specifically allowed signage and lighting). The land may be maintained in grass or other ground cover to prevent erosion, under FAA rules, but no other uses are allowed. The language in the Coos Bay Estuary Management Plan for Segment 52-NA, as amended, will include language that prohibits any use of the expanded area except as a taxiway and associated safety area.

- (ii) Areas that do not require a new exception cannot reasonably accommodate the use (Alternative Locations).

As discussed under B, above, there are no alternative sites that reasonably meet the purpose and need of the action. The proposed site was the subject of Exception #21 in the original CBEMP. The development requirements for the Airport, based on FAA design standards at that time were considered in determining the size of the exception area. Since that time, the FAA has revised the designs standards for separation of the runway and taxiway to improve airport safety. To some extent, this is not a new exception, but a revision to the previously approved Exception #21 for the reason of a change in FAA standards.

Approximately 80% of the proposed use will be within the city limits of North Bend and 20% will be within the city limits of Coos Bay.

The preparation of Exception #21 in the CBEMP reviewed alternative sites for relocation of the airport, as well as alternatives for implementing runway extension that was ultimately completed in 1988. The main objective of the airport is to maintain operation of the runway and taxiway, in its full length, in order to allow continued use by commercial passenger aircraft. This objective is supported by OAR 660, Division 13. Within this objective, the preferred alternative is to create the required separation and taxiway safety area by shifting the taxiway to the south.

(iii) Consequences

- (a) Environmental – The proposed action will allow the airport to continue operating as it does today. It will not result in an increase in impervious surface and it will not allow any developed uses. There will be no extension of the runway surface. The exception allows filling of approximately 53,580 square feet of Coos Bay, in an area already significantly disturbed by prior permitted filling. This filled area will be used to create a new base for the taxiway and a compact level surface for aircraft to use in the event of an emergency during taxiing. The action would not change on-or-off airport noise, nor would it have any impacts to land use or surface transportation.

A biological and essential fish habitat assessment for the proposed parallel taxiway C relocation has been prepared for the project and submitted. The assessment has been reviewed by the US Army Corps of Engineers and the Oregon Department of State Lands. The taxiway will be designed to minimize impacts to wetlands areas and to accommodate the FAA requirements related to a taxiway object free area. A range of impacts will result from the construction of improvements to the Airport. The impacts will predominantly be temporary, resulting from activities that are necessary to meet current standards, but a section of estuarine tidal flat will probably be impacted, resulting in the loss of rearing habit for salmonids and coastal pelagic species in the area, although impacts will be minimized and avoided at each step in the design and construction process. A long-term beneficial effect will occur with the treatment of the stormwater at the airport.

- (b) Social and Economic - The action of filling the subject area will have little or no social or economic effect beyond providing short-term employment of the selected construction company. The energy commitment would include use of equipment to complete the construction activity.

Greater negative consequences are anticipated from the alternative of no action. The airport could be required to limit the size and type of aircraft using Runway 4-22, the airport runway with an instrument landing system. The airport could lose federal funds that are provided for operations and maintenance of the runway if it is not in compliance with FAA design standards.

Negative long-term economic impacts to the community would likely result from not allowing the specific use. Ultimately, restrictions on aircraft using the airport could result in the area being a less desirable tourism destination, or could result in the need for additional highway capacity to meet tourism demands. Businesses that rely on the airport for supplies or for business travel may re-locate. Smaller businesses that operate remotely (e.g. e-businesses) may also relocate to be nearer to transportation hubs.

Alternatives to shift the runway or build a new taxiway on the north side of Runway 4-22 have greater impacts to the estuary in terms of quantity of fill and impacts to navigation, fish and wildlife.

- (c) Energy - Negative long-term economic impacts to the community would likely result from not allowing the specific use. Ultimately, restrictions on aircraft using the airport could result in the area being a less desirable tourism destination, or could result in the need for additional highway capacity to meet tourism demands. Businesses that rely on the airport for supplies or for business travel may re-locate.

iv) Compatibility with Adjacent Uses

The proposed use is compatible with the surrounding airport use. Visually, it will resemble the current taxiway and associated safety area. The fill may (pending approval of an Estuary Use Application addressing Policy #4a) be held in place by a vertical wall made of large concrete blocks method as suggested by the resource agencies as a preferred alternative to using rock or rip-rap. The use will not involve any buildings or above surface structures. Any native oyster populations currently on the rocks will be relocated to a site recommended by Oregon Department of Fish and Wildlife. Other measures will be taken during construction to minimize impacts to water quality, including the use of a "Port-a-dam," or similar structure, to create a de-watered area for construction.

- v) OAR 660-04-0022(7) – Goal 16: Other Alterations or Uses: An exception to the requirement limiting dredge and fill or other reductions or degradations of natural values to water dependent uses or to the natural and conservation management unit requirements limiting alterations and uses is justified, where consistent with ORS Chapter 541, in any of the following circumstances:...
- (d) Dredge or fill or other alteration for expansion of an existing public nonwater-dependent use or a nonsubstantial fill for a private nonwater-dependent use where:

The proposal is for an exception to Goal 16 to allow filling approximately 53,580 square feet of Coos Bay, adjacent to a previously granted Exception area, to allow the Airport to relocate Taxiway C and associated safety area (a public nonwater-dependent use) to comply with Federal Aviation Administration safety regulations.

- (a) A Countywide Economic Analysis based on the factors in Goal 9 demonstrates that additional land is required to accommodate the proposed use; and

A countywide economic analysis is not relevant for the purposes of the subject exception. In 1998, the Bay Area Comprehensive Economic Analysis was prepared. This study, combined with the 1996 "Economic Impact of Airports in Oregon Study" conducted by Oregon Department of Transportation, Aeronautics Section, provide a basis for identifying the value to the community of the airport in it's current configuration.

The ODOT study concluded that in 1995, the airport was directly responsible for 324 jobs and \$16.2 million to the local economy. Indirect impacts added another 324 jobs and \$19.1 million.

The Bay Area Comprehensive Analysis did not place dollar values directly on the airports contribution, but identified implementation strategies that included the airport's role in economic development. Page 3-64, cites "Because air travel and freight are important for tourism, shipping and other business, improvements to the North Bend Municipal Airport, as identified in the Airport Master Plan, will be important for the Bay Area's economic future." If airport facilities are not improved, it is unlikely that the airport will be able to accommodate forecast demand and the Bay Area may not remain economically competitive.

- (b) An analysis of the operational characteristics of the existing use and proposed expansion demonstrates that the entire operation or the proposed expansion cannot be reasonably relocated; and

The proposed exception is for an addition of approximately 53,580 square feet of fill to an area that was allowed to be filled under Exception #21. The Federal Aviation Administration has specific guidelines and requirements regarding runway spacing, location and safety areas. The relocation of Runway 4-22 or construction of a new taxiway to the north of the runway to avoid the need to expand the fill area would require a significantly larger fill area in another aquatic management unit. The relocation of the airport to a different location in the county is also not feasible, given site availability and environmental constraints.

- (c) That the size and design of the proposed use and the extent of the proposed activity are the minimum amount necessary to provide for the use.

The proposed area, is the minimum needed to meet the FAA requirements. During the design process, it may be necessary to temporarily enlarge the footprint of the area slightly to meet the needs of wall construction and erosion control.

- vi) The exception must demonstrate that proposed use and alteration will be carried out in a manner which minimizes adverse impacts upon the affected aquatic and shoreland areas and habitats.

The proposal for the taxiway relocation includes a mitigation proposal to restore a diked pasture and other activities to provide compensatory mitigation. Construction standards and directions will be developed during final design, and likely as conditions on the state and federal permits, to use best management practices, follow in-water work period rules, and to use specific low-impacting equipment as part of the construction process.

(D) Conclusions: The proposed action is consistent with the intent of the Comprehensive Plan and Goal 16. Elsewhere in the Plan, there are specific management objectives that allow fill in areas designated as Natural to allow for marine navigation structures and maintenance of uses existing at the time of the plan. The airport has been in place since the 1940s, however the safety requirements have evolved as aircraft have become faster and air travel volumes have increased. At the time of Plan development, it is likely that the need for an increased safety area was overlooked as a future concern. These changes are now needed because of enforcement of FAA regulations and the limitations placed on airport funding until these deficiencies are corrected.

The negative environmental, social and energy consequences of the proposal are likely greater if the exception is not taken and the airport is forced to shorten its primary use runway. The economic consequences are also more negative in the event of a runway shortening.

The proposal is not for a runway extension and it will not increase impervious surfaces. A review of the wetland and fisheries habitat associated with the site has concluded that there will be no significant impact to the estuary system or on-site if the activity is allowed. Compensatory off-site mitigation is also planned as part of the action.

The proposed activity meets the criteria within the Oregon Administrative Rules for an exception.

II. Amend Coos Bay Comprehensive Plan, Volume III, Coos Bay Estuary Management Plan, Part 1, aquatic unit 52-NA, to add the use which would allow fill of a specific area for the purpose of shifting Taxiway C 75 feet to the south of its current location.

Part 1, Chapter 5, Designation of Site - Specific Management Units, Uses and Activities, is amended to read as follows:

LOWER BAY

MANAGEMENT
CLASSIFICATION -NA

AQUATIC UNIT 52

BOUNDARIES:

This unit extends north to the deep-draft navigation channel beginning at a line extending northwest from the configuration change in the shoreline that parallels Runway 4-22. The unit ends at a line extending west from a point at the approximate center of Section 17 and surrounds the disposal islands southwest of Runway 4-22.

MANAGEMENT OBJECTIVE:

The supporting documentation for the CBEMP acknowledges the importance of the Southwest Oregon Regional Airport (formerly North Bend Municipal Airport) and allows for its continued operation through adoption of Exception 21 in the Plan. This aquatic unit contains extensive eelgrass beds with associated fish and waterfowl habitat, and shall be managed to maintain these resources in their natural condition to protect their productivity, while allowing alteration, including fill for airport use, in accordance with FAA requirements for safety.

Dredging of a small channel on the north side of the proposed airport fill shall be necessary as a form of mitigation to maintain tidal currents.

Maintenance only of the existing sewage treatment plant outfall shall be permitted.

USES:

- | | | |
|-----|---|---|
| 1. | Airport Lighting | * |
| 2. | Aquaculture | * |
| 3. | Bridge Crossing Support Structures and dredging
necessary for their installation | * |
| 4. | Bridge Crossings | A |
| 5. | Commercial | N |
| 6. | Docks | N |
| 7. | Industrial and Port Facilities | N |
| 8. | Log Dump/Sort/Storage (in water) | N |
| 9. | Marinas | N |
| 10. | Mining/Mineral Extraction | N |
| 11. | Recreation Facilities | N |
| | a. Low-intensity | N |

- b. High-intensity N
- 12. Research and Educational Observation Structure A
- 13. Utilities
 - a. Low-intensity A
 - b. High-intensity N
- 14. Water storage areas where needed for products used in, or resulting from industry, commerce, and recreation N

ACTIVITIES:

- 1. Dikes
 - a. New Construction N
 - b. Maintenance/Repair N/A
- 2. Dredging
 - a. New *
 - b. Maintenance Dredging of Existing Facilities N
 - c. To Repair Dikes and Tidegates N/A
- 3. Fill N
- 4. Flow Lane Dredged Material Disposal N
- 5. Mitigation A
- 6. Navigational
 - a. Aids (e.g., beacons, buoys) A
 - b. Minor Improvements N
 - c. Structures N
- 7. Piling/Dolphin Installation N
- 8. Restoration
 - a. Active N
 - b. Passive A
- 9. Shoreline Stabilization
 - a. Vegetative A
 - b. Rip-rap *
 - c. Bulkheads N
- 10. Temporary Alterations *
- 11. Waste Water/Storm Water Discharge *
- 12. Fill for taxiway relocation with bulkhead/seawall *

GENERAL CONDITIONS:

None

SPECIAL CONDITIONS:

Uses

- 1. This use is only permitted for the 1,425 foot "Medium-Intensity Approach Lighting System with Runway Alignment Indicator Lights (MALSR)" at the southern end of Runway 04 of the North Bend Municipal Airport. The maintenance walkway, which will support the MALSR, is permitted as set forth by Exception # 26.

- 2, 3 This use is only allowed subject to the making of resource capability consistency findings and impact assessments (see Policy #4a).

Activities:

- 2a New dredging shall be allowed only to dredge a small channel on the north side of the proposed airport fill as necessary to maintain tidal currents. In addition, this activity is only allowed subject to a finding that adverse impacts have been minimized (see Policy #5).
- 9b This activity is only permitted subject to the general findings required by Policy #9, "Solutions to Erosion and Flooding Problems," preferring non-structural to structural solutions, and to the specific findings for rip-rap.
- 10, 11 This use is only allowed subject to the making of resource capability consistency findings and impact assessments (see Policy #4a).
- 12 This use is only permitted for the fill of approximately 53,580 square feet (total) of estuary immediately south of Runway 4-22 in order to allow the existing portion of parallel Taxiway C that is built on fill, to be shifted an additional 75 feet from the runway to bring the airport into compliance with FAA safety requirements. See Exception #28.

A bulkhead or seawall is subject to making resource capability consistency findings and impact assessments (see Policy #4a).

REVIEW CRITERIA, FINDINGS AND CONCLUSIONS

DECISION CRITERIA #1. Identification of new planning problems and issues.

STATEMENTS OF FINDINGS AND FACT:

- 1a. The applicant, The Coos County Airport District (CCAD), is seeking an amendment to the Coos Bay Estuary Management Plan (CBEMP) and an Exception to Goal 16, Estuarine Resources, to allow the airport district to continue to operate the Southwest Oregon Regional Airport in accordance with federal standards.
- 1b. The Airport is subject to FAA requirements for airport layout and design standards. The FAA is charged with developing and implementing safety and design standards for airports in the United States. In order to provide adequate safety and allow margins for error and equipment failure, a system of runway separation requirements, safety areas, and other restrictions has been developed. As general aviation has grown the

demands placed on aviation facilities have also grown. Larger and faster aircraft are using smaller airports. As a result, as part of the master planning process for individual airports, the FAA is paying more attention to deficiencies in the layout of airports, including runway/taxiway separation, runway safety areas, and other correctable aspects of runway safety. Not meeting these standards can result in reductions in federal funding for operation and maintenance of the deficient runway, or in limitations on the types of aircraft using the runway.

The FAA has requested that CCAD improve the separation or limitations may be placed on the types of aircraft using the runway, or funding may be reduced for the runway until standards are met. The types of aircraft being used to service Southwest Oregon Regional Airport (formerly North Bend Municipal Airport) are larger and faster than those available or anticipated during the development of the CBEMP. FAA design standards have evolved along with the aircraft.

1c. The Master Plan for the Airport shows the demand for use of Runway 4-22 by commercial and charter aircraft to increase. Runway 4-22 is the longest runway and the one equipped with an instrument landing system. In order for the airport to maintain certification of the runway for commercial use, the separation standards for the aircraft must be met. This means the centerlines of the runway and taxiway must be 400 feet apart, and a 34-foot area on each side of the taxiway must be maintained in a firm, level surface capable of supporting an aircraft, as the taxiway safety area.

1d. Construction of a seawall or bulkhead to protect the relocated taxiway fill requires further review, that is, approval of an estuarine use permit. Findings and conclusions are required satisfying CBEMP Policy 4a showing resource capability consistency and impact assessments.

As seen in Unit 52 NA, rip-rap currently requires findings and conclusions satisfying CBEMP Policy 9.

1e. The shoreland unit where the runway and taxiway are located is defined as shoreland unit 51A. Once the fill is placed the area converts to shoreland unit 51A.

CONCLUSION: In order to bring the Airport into compliance with FAA safety requirements the existing portion of Taxiway C that is built on fill must be shifted an additional 75 feet south from Runway 4-22. The decision criteria has been adequately addressed and approval of the proposal can be supported subject to the following condition:

CONDITION: City Council adoption of an exception to Goal 16 is required to allow fill in unit 52-NA to enable Taxiway C to be shifted 75 feet to the south of its current location.

DECISION CRITERIA #2. Collection and analysis of inventories and other pertinent factual information.

- 2a.** The CCAD will seek authorization from the US Army Corps of Engineers and the Oregon Department of State Lands to fill a total of 53,580 square feet of estuary, immediately south of Runway 4-22 (46,620 square feet of surface would be in North Bend and 10,960 square feet in the city of Coos Bay.) This action is needed to allow the existing portion of Taxiway C that is built on fill, to be shifted an additional 75 feet from the runway to bring the airport into compliance with FAA safety requirements.
- 2b.** The project site is an 880-foot long segment by 65 feet wide, at the western end of Runway 4-22 and associated Taxiway C. About 25,236 cubic yards of fill impacting approximately 2.62 acres of wetlands will be required. The site is approximately 80% in the City of North Bend and 20% in the City of Coos Bay.
- Approximately 1,400 feet of Runway 4-22 and its associated safety area is in the City of Coos Bay. Runway 4-22 is the longest runway at the airport and runs northeast-southwest and is equipped with an instrument landing system.
- 2c.** The Airport, with its existing runways and taxiways designated Coos Bay Estuary Management Plan shoreland unit 51A, support the continued operation of the airport as a permitted use. For this area, fill is an allowed activity. Exception #21 allowed the runway extension of 4-22, which was initially designated 52-NA, and shows the airport as a necessary key feature in the community.
- 2d.** The Airport has three intersecting paved runways, and provides a mix of aviation services including scheduled passenger service, freight and parcel service, general recreational and business aviation, and military (Coast Guard) operations.
- 2e.** The applicant states in their submitted information there are no historic structures within the subject area. The FAA has conducted consultation with the Coquille Tribe, the Confederated Tribes of the Coos, Lower Umpqua and Siuslaw, and the State Historic Preservation Office, and has concluded that the subject area has been substantially disturbed and that there are likely no artifacts or sites of interest within the subject area. (CBEMP Policy #18)
- 2f.** The applicant states in their submitted information the subject area has minimal vegetation. FAA requirements are specific regarding creation of potential waterfowl habitat within 10,000 feet of an airport used by jet aircraft. Existing vegetation will be removed in the areas where fill will be placed. Prior to construction the limits of construction and protection areas will be delineated on-site to protect vegetation that is not subject to

the fill area. Compensatory vegetation enhancement will occur at the subject mitigation site. (CBMEP Policy #23)

CONCLUSION: The decision criteria has been adequately addressed and approval of the proposal can be supported.

DECISION CRITERIA #3: Evaluation of alternative courses of action and ultimate policy choices.

- 3a. The required safety separation between the runway and the taxiway could be achieved by shifting the runway northward into Coos Bay. This alternative was rejected because of the impact on a large area of the estuary, including impacts to habitat, navigation, currents and siltation, as well as the cost of relocating the runway.
- 3b. Another alternative is to create a new, full-length parallel taxiway on the north side of Runway 4-22. This alternative was rejected as it would have even greater impacts on the estuary than simply relocating the runway.
- 3c. Other alternatives include various combinations of shortening the taxiway, and thereby reducing the amount of fill. However, based on the size of aircraft currently using the taxiway, along with the increased demand on the runway/taxiway system in the future, it was determined that the existing taxiway length must be preserved, as reducing the length of the taxiway would require aircraft to taxi on the runway.
- 3d. Doing nothing could result in the runway being de-certified for commercial use, and is not considered a viable option.
- 3e. The preferred alternative to meet the separation requirement is to shift the existing taxiway 75 feet to the south. This includes approximately 880 feet of taxiway that is currently built on previously approved fill. This would maintain the full-length runway/taxiway system at the west end of the runway. Separation of the runway and taxiway would meet the FAA standard of 400 feet, and the required taxiway safety area would be provided on the south edge of the taxiway. This action would require filling a rectangular area of approximately 880 feet by 65 feet, adjacent to the existing rectangular area created by the extension of the runway in 1987. Approximately 700 feet of this segment is in North Bend, and approximately 180 feet is in the city of Coos Bay.

The preferred alternative includes mitigation for wetland impacts which would occur off-site at a property along Haynes Inlet.

CONCLUSION: The decision criteria has been adequately addressed and approval of the proposal can be supported.

DECISION CRITERIA #4: Recommendation of policy directives, based upon consideration of the City's social, economic, energy and environmental needs.

4a. The goal for recreation (social) as discussed in Chapter 7.4 of Volume 1 of the Comprehensive Plan states that the city shall endeavor to satisfy the recreation needs of its citizens and visitors. The airport provides a mix of aviation services including scheduled passenger service, freight and parcel service, general recreational and business aviation, and military (Coast Guard) operations.

4b. The goal for economic development as discussed in Chapter 7.5 of the Comprehensive Plan states that Coos Bay shall promote and encourage greater commercial and industrial development within its city limits while supporting efforts to diversify and expand the regional economic base.

The airport plays a significant role in the local and regional economy. Not meeting FAA standards for runway/taxiway separation, runway safety areas, and other correctable aspects of runway safety can result in reductions in federal funding for operation and maintenance of the deficient runway, or in limitations on the types of aircraft using the runway.

4c. The goal of energy conservation as discussed in Chapter 7.2, Volume I of the Coos Bay Comprehensive Plan states that the "energy-crisis" looms largely as a state and national dilemma forcing local jurisdictions and individuals to cope primarily with the acute problem of curbing energy consumption. Coos Bay will encourage its residents to adopt energy conservation practices and will manage and control its land use policies to maximize the conservation of all forms of energy based on sound economic principles.

4d. The proposed action will allow the airport to continue operating as it does today. It will not result in an increase in impervious surface and it will not allow any developed uses. There will be no extension of the runway surface. The proposal will allow filling of approximately 53,580 square feet of Coos Bay (total), in an area already significantly disturbed by prior permitted filling. This filled area will be used to create a new base for the taxiway and a compact level surface for aircraft to use in the event of an emergency during taxiing. Biological consequences of the action are discussed in the appendices of the applicant's submitted information. The proposed action would not change on-or-off airport noise, nor would it have any impacts to land or surface transportation.

CONCLUSION: The decision criterion has been adequately addressed and approval of the proposal can be supported.

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ORDINANCE NO. 393

AN ORDINANCE AMENDING COOS BAY COMPREHENSIVE PLAN 2000, VOLUME III, PART 3, TO ADD EXCEPTION #28 - AQUATIC UNIT 52-NA - SOUTHWEST OREGON REGIONAL AIRPORT RUNWAY 4-22 AND TAXIWAY C SEPARATION AND SAFETY AREA.

Section 1. Chapter 3.2, Site-Specific Exceptions, is hereby amended by adding Exception #28 as follows:

Exception #28: Aquatic Unit 52-NA (Southwest Oregon Regional Airport [formerly the North Bend Municipal Airport]): Runway 4-22/Taxiway C Separation and Safety Area.

- (A) The Proposal: To permit filling in this unit, specific to the requirement of unway/taxiway separation and taxiway safety area at the west end of Runway 4-22 and Taxiway C, per the FAA requirements in place as of January 1, 2004 requiring a separation of 400 feet (centerline to centerline) and a safety area of 34 feet on each side of the taxiway. This necessitates the filling of a rectangular area of about 65 feet in width and 880 feet in length at the southern end of the slough. Approximately 180 feet are within city of Coos Bay jurisdiction and the remaining 700 feet are within city of North Bend jurisdiction.
- (B) The Exception: At the time the Coos Bay Estuary Management Plan was prepared, Runway 4-22 was 4,600 feet in length and was being proposed for extension. The area west of the runway included two dredged material disposal islands that were targeted to be the base for extending the runway and providing the necessary runway safety area. The runway is currently 5,330 feet in length and is not being considered for extension. At the time of initial proposal and construction, requirements for separation were less than they currently are. At the time of the CBEMP analysis, the critical aircraft was a DC-9. While this aircraft is not in common use today, it is a C-III aircraft, in the same category as aircraft commonly using the airport today (including Boeing Business Jet, Boeing 737-200 or Gulfstream V). Since that time, the FAA has established more stringent safety requirements, based on incident reports and other data, including a revision to the separation requirement for airports serving Design Group III aircraft. The FAA has the authority to de-certify the runway for commercial use, which would force aircraft to use Runway 13-31. This would direct more noise over the developed parts of North Bend. It would also place limitations on flights using the airport in inclement weather and overall restrictions on larger aircraft that currently use the airport.

Correcting the deficiency on the non-filled portion and shortening the taxiway, would effectively limit the length of usable runway, as larger aircraft typically cannot back-taxi on the runway.

The only viable option to meeting the FAA design standard is to fill a rectangular portion of the estuary, adjacent to the existing filled area of Taxiway C. The action of filling this area is to create a paved taxiway and a compact, level surface for the taxiway safety

area in accordance with FAA regulations is not consistent with the language in Goal #16 requiring areas such as this to be designated as "Natural," including prohibition of fill.

(C) The Findings:

- (i) Reasons justify why the state policy embodied in Goal 16 should not apply.

The proposed exception is to allow the airport to fill a rectangular area adjacent to existing fill for the purpose of shifting the existing Taxiway C to the south, in order to meet FAA separation requirements. This fill area will also include the area designated as taxiway safety area. Under FAA requirements, no development can occur in the area known as the taxiway safety area, runway safety area, or area separating the runway and taxiway (other than drainage features and specifically allowed signage and lighting). The land may be maintained in grass or other ground cover to prevent erosion, under FAA rules, but no other uses are allowed. The language in the Coos Bay Estuary Management Plan for Segment 52-NA, as amended, will include language that prohibits any use of the expanded area except as a taxiway and associated safety area.

- (ii) Areas that do not require a new exception cannot reasonably accommodate the use (Alternative Locations).

As discussed under B, above, there are no alternative sites that reasonably meet the purpose and need of the action. The proposed site was the subject of Exception #21 in the original CBEMP. The development requirements for the Airport, based on FAA design standards at that time were considered in determining the size of the exception area. Since that time, the FAA has revised the design standards for separation of the runway and taxiway to improve airport safety. To some extent, this is not a new exception, but a revision to the previously approved Exception #21 for the reason of a change in FAA standards.

Approximately 80% of the proposed use will be within the city limits of North Bend and 20% will be within the city limits of Coos Bay.

The preparation of Exception #21 in the CBEMP reviewed alternative sites for relocation of the airport, as well as alternatives for implementing runway extension that was ultimately completed in 1988. The main objective of the airport is to maintain operation of the runway and taxiway, in its full length, in order to allow continued use by commercial passenger aircraft. This objective is supported by OAR 660, Division 13. Within this objective, the preferred alternative is to create the required separation and taxiway safety area by shifting the taxiway to the south.

- (iii) Consequences

- (a) Environmental – The proposed action will allow the airport to continue operating as it does today. It will not result in an increase in impervious surface and it will

not allow any developed uses. There will be no extension of the runway surface. The exception allows filling of approximately 53,580 square feet of Coos Bay, in an area already significantly disturbed by prior permitted filling. This filled area will be used to create a new base for the taxiway and a compact level surface for aircraft to use in the event of an emergency during taxiing. The action would not change on-or-off airport noise, nor would it have any impacts to land use or surface transportation.

A biological and essential fish habitat assessment for the proposed parallel taxiway C relocation has been prepared for the project and submitted. The assessment has been reviewed by the US Army Corps of Engineers and the Oregon Department of State Lands. The taxiway will be designed to minimize impacts to wetlands areas and to accommodate the FAA requirements related to a taxiway object free area. A range of impacts will result from the construction of improvements to the Airport. The impacts will predominantly be temporary, resulting from activities that are necessary to meet current standards, but a section of estuarine tidal flat will probably be impacted, resulting in the loss of rearing habitat for salmonids and coastal pelagic species in the area, although impacts will be minimized and avoided at each step in the design and construction process. A long-term beneficial effect will occur with the treatment of the stormwater at the airport.

- (b) Social and Economic - The action of filling the subject area will have little or no social or economic effect beyond providing short-term employment of the selected construction company. The energy commitment would include use of equipment to complete the construction activity.

Greater negative consequences are anticipated from the alternative of no action. The airport could be required to limit the size and type of aircraft using Runway 4-22, the airport runway with an instrument landing system. The airport could lose federal funds that are provided for operations and maintenance of the runway if it is not in compliance with FAA design standards.

Negative long-term economic impacts to the community would likely result from not allowing the specific use. Ultimately, restrictions on aircraft using the airport could result in the area being a less desirable tourism destination, or could result in the need for additional highway capacity to meet tourism demands. Businesses that rely on the airport for supplies or for business travel may relocate. Smaller businesses that operate remotely (e.g. e-businesses) may also relocate to be nearer to transportation hubs.

Alternatives to shift the runway or build a new taxiway on the north side of Runway 4-22 have greater impacts to the estuary in terms of quantity of fill and impacts to navigation, fish and wildlife.

- (c) Energy - Negative long-term economic impacts to the community would likely result from not allowing the specific use. Ultimately, restrictions on

aircraft using the airport could result in the area being a less desirable tourism destination, or could result in the need for additional highway capacity to meet tourism demands. Businesses that rely on the airport for supplies or for business travel may re-locate.

iv) Compatibility with Adjacent Uses

The proposed use is compatible with the surrounding airport use. Visually, it will resemble the current taxiway and associated safety area. The fill may (pending approval of an Estuary Use Application addressing Policy #4a) be held in place by a vertical wall made of large concrete blocks method as suggested by the resource agencies as a preferred alternative to using rock or rip-rap. The use will not involve any buildings or above surface structures. Any native oyster populations currently on the rocks will be relocated to a site recommended by Oregon Department of Fish and Wildlife. Other measures will be taken during construction to minimize impacts to water quality, including the use of a "Port-a-dam," or similar structure, to create a de-watered area for construction.

- v) OAR 660-04-0022(7) – Goal 16: Other Alterations or Uses: An exception to the requirement limiting dredge and fill or other reductions or degradations of natural values to water dependent uses or to the natural and conservation management unit requirements limiting alterations and uses is justified, where consistent with ORS Chapter 541, in any of the following circumstances:...
- (d) Dredge or fill or other alteration for expansion of an existing public nonwater-dependent use or a nonsubstantial fill for a private nonwater-dependent use where:

The proposal is for an exception to Goal 16 to allow filling approximately 53,580 square feet of Coos Bay, adjacent to a previously granted Exception area, to allow the Airport to relocate Taxiway C and associated safety area (a public nonwater-dependent use) to comply with Federal Aviation Administration safety regulations.

- (a) A Countywide Economic Analysis based on the factors in Goal 9 demonstrates that additional land is required to accommodate the proposed use; and

A countywide economic analysis is not relevant for the purposes of the subject exception. In 1998, the Bay Area Comprehensive Economic Analysis was prepared. This study, combined with the 1996 "Economic Impact of Airports in Oregon Study" conducted by Oregon Department of Transportation, Aeronautics Section, provide a basis for identifying the value to the community of the airport in it's current configuration.

The ODOT study concluded that in 1995, the airport was directly responsible for 324 jobs and \$16.2 million to the local economy. Indirect impacts added another 324 jobs and \$19.1 million.

The Bay Area Comprehensive Analysis did not place dollar values directly on the airports contribution, but identified implementation strategies that included the airport's role in economic development. Page 3-64, cites "Because air travel and freight are important for tourism, shipping and other business, improvements to the North Bend Municipal Airport, as identified in the Airport Master Plan, will be important for the Bay Area's economic future." If airport facilities are not improved, it is unlikely that the airport will be able to accommodate forecast demand and the Bay Area may not remain economically competitive.

- (b) An analysis of the operational characteristics of the existing use and proposed expansion demonstrates that the entire operation or the proposed expansion cannot be reasonably relocated; and

The proposed exception is for an addition of approximately 53,580 square feet of fill to an area that was allowed to be filled under Exception #21. The Federal Aviation Administration has specific guidelines and requirements regarding runway spacing, location and safety areas. The relocation of Runway 4-22 or construction of a new taxiway to the north of the runway to avoid the need to expand the fill area would require a significantly larger fill area in another aquatic management unit. The relocation of the airport to a different location in the county is also not feasible, given site availability and environmental constraints.

- (c) That the size and design of the proposed use and the extent of the proposed activity are the minimum amount necessary to provide for the use.

The proposed area, is the minimum needed to meet the FAA requirements. During the design process, it may be necessary to temporarily enlarge the footprint of the area slightly to meet the needs of wall construction and erosion control.

- vi) The exception must demonstrate that proposed use and alteration will be carried out in a manner which minimizes adverse impacts upon the affected aquatic and shoreland areas and habitats.

The proposal for the taxiway relocation includes a mitigation proposal to restore a diked pasture and other activities to provide compensatory mitigation. Construction standards and directions will be developed during final design, and likely as conditions on the state and federal permits, to use best management practices, follow in-water work period rules, and to use specific low-impacting equipment as part of the construction process.

- (D) Conclusions. The proposed action is consistent with the intent of the Comprehensive Plan and Goal 16. Elsewhere in the Plan, there are specific management objectives that allow fill in areas designated as Natural to allow for marine navigation structures and maintenance of uses existing at the time of the plan. The airport has been in place since

the 1940's, however, the safety requirements have evolved as aircraft have become faster and air travel volumes have increased. At the time of Plan development, it is likely that the need for an increased safety area was overlooked as a future concern. These changes are now needed because of enforcement of FAA regulations and the limitations placed on airport funding until these deficiencies are corrected.

The negative environmental, social and energy consequences of the proposal are likely greater if the exception is not taken and the airport is forced to shorten its primary use runway. The economic consequences are also more negative in the event of a runway shortening.

The proposal is not for a runway extension and it will not increase impervious surfaces. A review of the wetland and fisheries habitat associated with the site has concluded that there will be no significant impact to the estuary system or on-site if the activity is allowed. Compensatory off-site mitigation is also planned as part of the action.


The proposed activity meets the criteria within the Oregon Administrative Rules for an exception.

The foregoing ordinance was enacted by the City Council of the City of Coos Bay the 6th of February, 2007, by the following vote:


Yes: Mayor McKeown and Councilors Stephanie Kramer, Mark Daily, Jon Eck, Michele Burnette, John Muenchrath, and Roger Gould

No: None

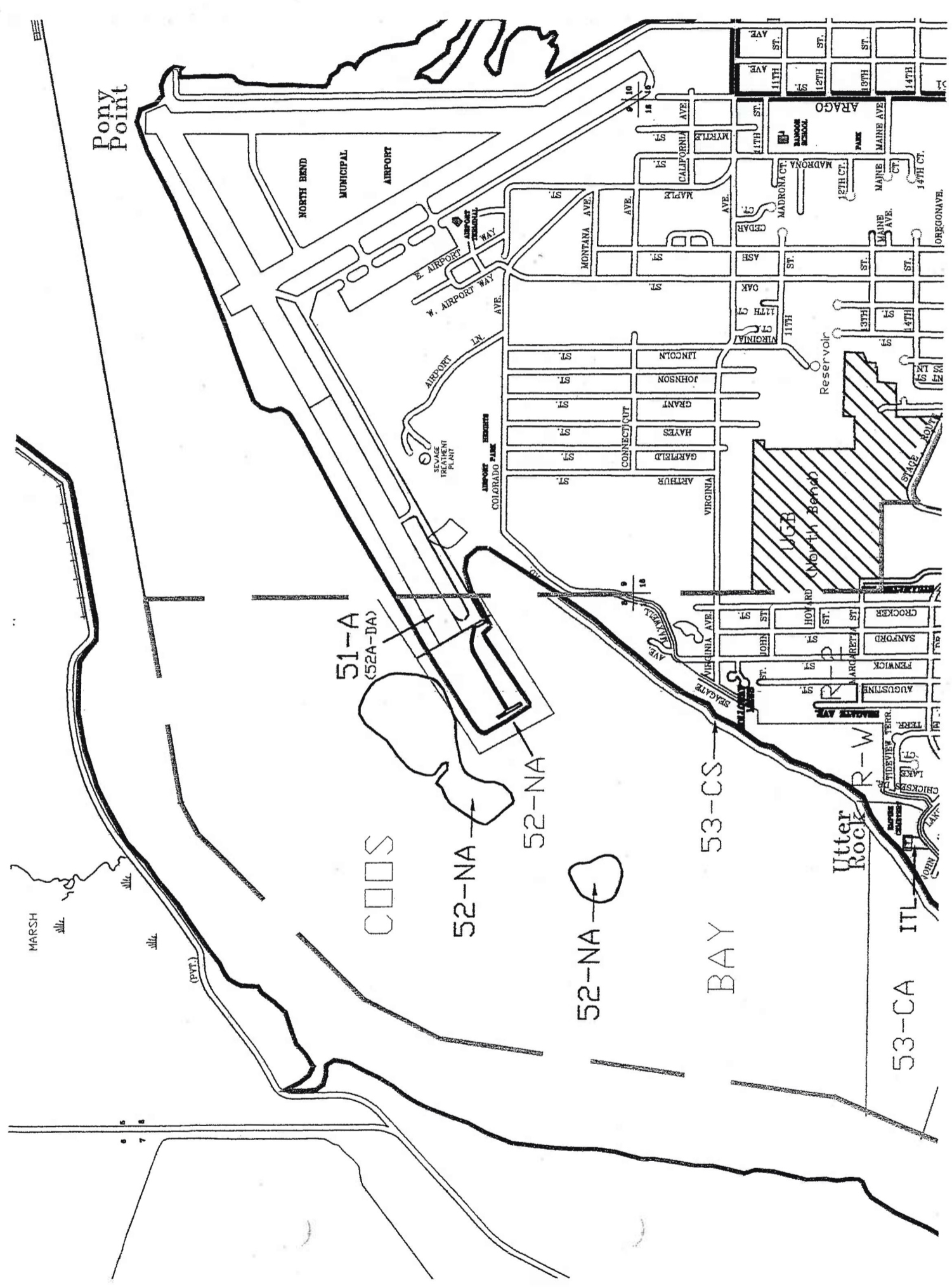
Absent: None



Jeff McKeown
Mayor of the City of Coos Bay
Coos County, Oregon

ATTEST: 

Jackie Mickelson
Acting Deputy Recorder of the City of Coos Bay
Coos County, Oregon



Pony Point

NORTH BEND MUNICIPAL AIRPORT

51-A
(52A-DA)

COOS

52-NA

52-NA

52-NA-1

BAY

53-CS

Utter Rock R-W

53-CA

ITL

Reservoir

Utter Rock North Bend

MARSH

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State of OREGON)
County of COOS)
City of Coos Bay)

On this 7th day of February 2007 before me personally appeared the within named Jeff McKeown, Mayor of the City of Coos Bay, and Jackie Mickelson, Acting Deputy Recorder of the City of Coos Bay, and the seal affixed hereto is the official seal of the City of Coos Bay.



Ann Mc Cadden
Notary Public for Oregon
My Commission Expires: May 31, 2008

ORDINANCE No. 394

AN ORDINANCE AMENDING COOS BAY COMPREHENSIVE PLAN 2000, VOLUME III, PART 1, TO ADD THE USE "FILL FOR TAXIWAY RELOCATION" IN AQUATIC UNIT 52-NATURAL AQUATIC

The City of Coos Bay ordains as follows:

Section 1. Chapter 5, Designation of Site - Specific Management Segments, Uses and Activities, is here amended to read as follows:

LOWER BAY

MANAGEMENT
CLASSIFICATION - NA

AQUATIC UNIT - 52

BOUNDARIES:

This unit extends north to the deep-draft navigation channel beginning at a line extending northwest from the configuration change in the shoreline that parallels Runway 4-22. The segment ends at a line extending west from a point at the approximate center of Section 17 and surrounds the disposal islands southwest of Runway 4-22.

MANAGEMENT OBJECTIVE:

The supporting documentation for the CBEMP acknowledges the importance of the Southwest Oregon Regional Airport (formerly North Bend Municipal Airport) and allows for its continued operation through adoption of Exception 21 in the Plan. This aquatic unit contains extensive eelgrass beds with associated fish and waterfowl habitat, and shall be managed to maintain these resources in their natural condition in order to protect their productivity, while allowing alteration, including fill for airport use, in accordance with FAA requirements for safety.

Dredging of a small channel on the north side of the proposed airport fill shall be necessary as a form of mitigation to maintain tidal currents.

Maintenance only of the existing sewage treatment plant outfall shall be permitted.

USES:

- | | | |
|----|--|---|
| 1. | Airport Lighting | * |
| 2. | Aquaculture | * |
| 3. | Bridge Crossing Support Structures and dredging necessary for their installation | * |
| 4. | Bridge Crossings | A |

5.	Commercial	N
6.	Docks	N
7.	Industrial and Port Facilities	N
8.	Log Dump/Sort/Storage (in water)	N
9.	Marinas	N
10.	Mining/Mineral Extraction	N
11.	Recreation Facilities	
	a. Low-intensity	N
	b. High-intensity	N
12.	Research and Educational Observation Structure	A
13.	Utilities	
	a. Low-intensity	A
	b. High-intensity	N
14.	Water storage areas where needed for products used in, or resulting from industry, commerce, and recreation	N

ACTIVITIES:

1.	Dikes	
	a. New Construction	N
	b. Maintenance/Repair	N/A
2.	Dredging	
	a. New	*
	b. Maintenance Dredging of Existing Facilities	N
	c. To Repair Dikes and Tidegates	N/A
3.	Fill	N
4.	Flow Lane Dredged Material Disposal	N
5.	Mitigation	A
6.	Navigational	
	a. Aids (e.g., beacons, buoys)	A
	b. Minor Improvements	N
	c. Structures	N
7.	Piling/Dolphin Installation	N
8.	Restoration	
	a. Active	N
	b. Passive	A
9.	Shoreline Stabilization	
	a. Vegetative	A
	b. Rip-rap	*
	c. Bulkheads	N
10.	Temporary Alterations	*
11.	Waste Water/Storm Water Discharge	*
12.	Fill for taxiway relocation with bulkhead/seawall	*

GENERAL CONDITIONS:

None

SPECIAL CONDITIONS:

Uses

- 1 This use is only permitted for the 1,425 foot "Medium-Intensity Approach Lighting System with Runway Alignment Indicator Lights (MALSR)" at the southern end of Runway 04 of the North Bend Municipal Airport. The maintenance walkway, which will support the MALSR, is permitted as set forth by Exception # 26.
- 2, 3 This use is only allowed subject to the making of resource capability consistency findings and impact assessments (see Policy #4a).

Activities:

- 2a New dredging shall be allowed only to dredge a small channel on the north side of the proposed airport fill as necessary to maintain tidal currents. In addition, this activity is only allowed subject to a finding that adverse impacts have been minimized (see Policy #5).
- 9b This activity is only permitted subject to the general findings required by Policy #9, "Solutions to Erosion and Flooding Problems," preferring non-structural to structural solutions, and to the specific findings for rip-rap.
- 10, 11 This use is only allowed subject to the making of resource capability consistency findings and impact assessments (see Policy #4a).
- 12 This use is only permitted for the fill of approximately 53,580 square feet (total) of estuary immediately south of Runway 4-22 in order to allow the existing portion of parallel Taxiway C that is built on fill, to be shifted an additional 75 feet from the runway to bring the airport into compliance with FAA safety requirements. See Exception #27.

A bulkhead or seawall is subject to making resource capability consistency findings and impact assessments (see Policy 4a).

The foregoing ordinance was enacted by the City Council of the city of Coos Bay the 6th of February, 2007, by the following vote:

Yes: Mayor McKeown and Councilors Stephanie Kramer, Mark Daily, Jon Eck, Michele Burnette, John Muenchrath, and Roger Gould

No: None

Absent: None

J. A. McKeown
Jeff McKeown
Mayor of the City of Coos Bay
Coos County, Oregon

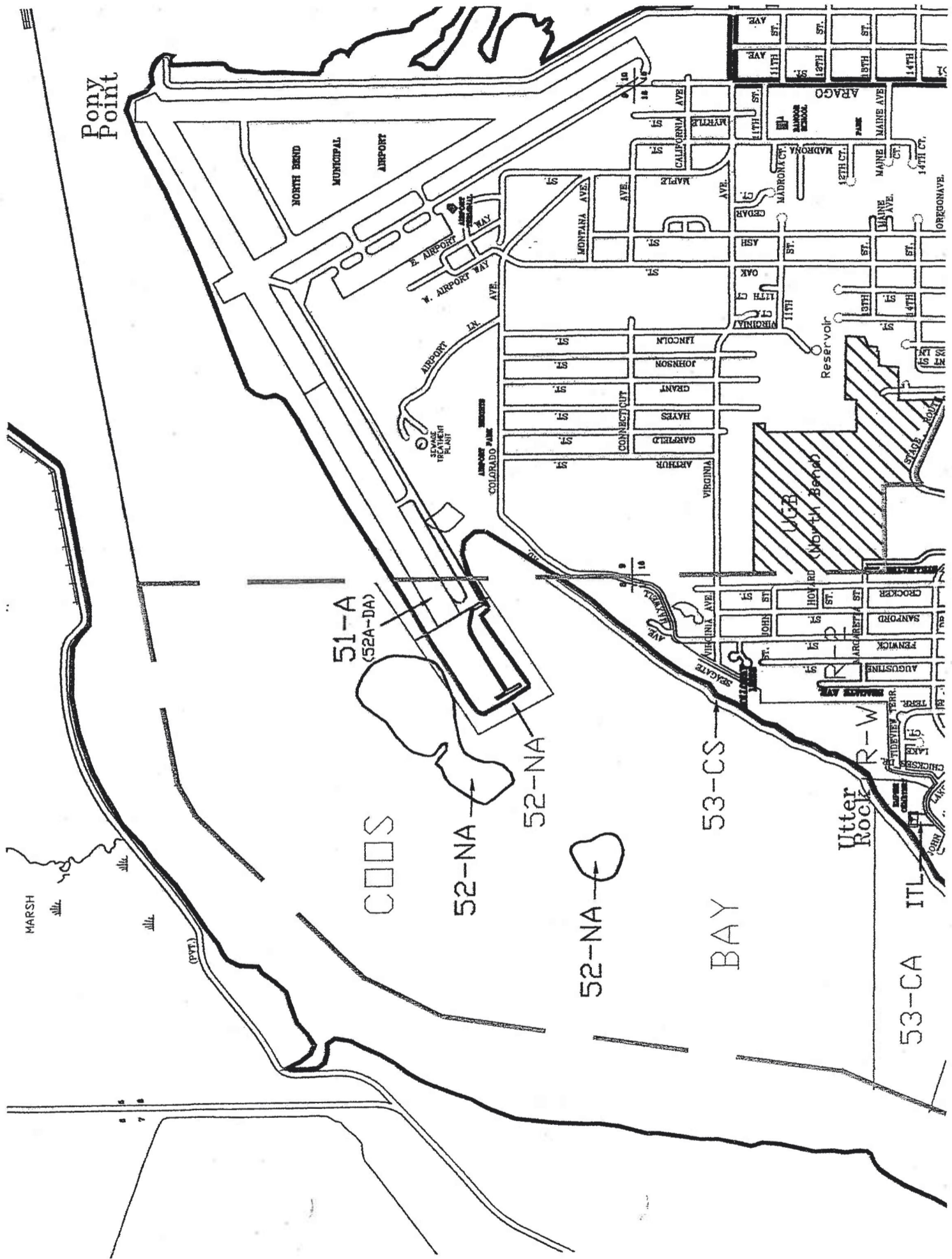
ATTEST: Jackie Mickelson
Jackie Mickelson
Acting Deputy Recorder of the City of Coos Bay
Coos County, Oregon

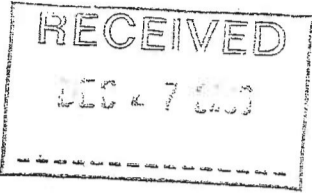
State of OREGON)
County of COOS)
City of Coos Bay)

On this 7th day of February 2007 before me personally appeared the within named Jeff McKeown, Mayor of the City of Coos Bay, and Jackie Mickelson, Acting Deputy Recorder of the City of Coos Bay, and the seal affixed hereto is the official seal of the City of Coos Bay.



Ann Mc Cadden
Notary Public for Oregon
My Commission Expires: May 31, 2008





AFFIDAVIT OF INSERTION
STATE OF OREGON
COUNTY OF COOS

THE WORLD NEWSPAPER

City of Coos Bay
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Coos Bay, OR. 97420

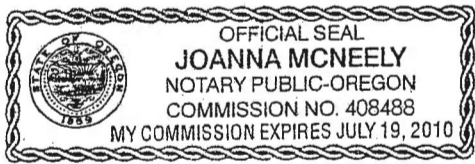
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20040040 Public Notice

I, Wendy Steele, first duly sworn, deposed and say that I am the Legal Advertising Clerk for THE WORLD newspaper, of general circulation, published at Coos Bay, Oregon, in the aforesaid county and state; that I know from my personal knowledge that the printed copy of which hereto annexed, was inserted in the entire issue of said newspaper in the following issues:

Wendy Steele
Legal Clerk

Subscribed and sworn to before this 22 day of December 2006.

Joanna McNeely
Notary Public of Oregon



PUBLISHED ON: 12/22/06

TOTAL COST: \$140.45
FILED ON: 12/22/06

PUBLIC NOTICE

NOTICE IS HEREBY GIVEN that the city of Coos Bay Planning Commission and the Coos Bay City Council will conduct public hearings at the times and locations noted below for the purpose of taking testimony on the matter of amendments to the Coos Bay Estuary Management Plan (ZON2006-00101). The applicant, Coos County Airport District, 2348 Colorado Avenue, North Bend, OR 97459, is requesting approval to add the use, "fill and bulkhead for taxiway relocation," as a conditionally permitted use in Coos Bay Estuary Management Plan aquatic unit 52-NA. The purpose of the amendments is to bring the airport into compliance with FAA safety requirements by relocating taxiway C 75 feet south of its current location at the Southwest Oregon Regional Airport.

NOTICE IS ESPECIALLY GIVEN that an "execution" to Statewide Planning Goal 16 is proposed to allow the use in natural aquatic management unit 52-NA.

The Planning Commission will make a recommendation to the City Council based on findings that address the decision criteria listed in Comprehensive Plan Volume III, Part 1, Bay-wide Policy #35 and Oregon Administrative Rule 660-04, particularly OAR 660-04-020. The recommendation will be made following a public hearing on this matter which will occur at 6 p.m. in the Coos Bay City Council Chambers, 500 Central, Coos Bay, Oregon on **January 9, 2007**.

The City Council will consider the matter and the Planning Commission's recommendation at a public hearing which will occur at 7 p.m. at the same location on **February 6, 2007**.

Failure to raise an issue during the hearing, in person or by letter, or failure to provide sufficient specificity to afford the decision maker an opportunity to respond to the issue, may preclude further appeal on that issue. If prior to the conclusion of the initial evidentiary hearing, any participant requests the opportunity to present additional evidence, arguments, or testimony regarding the application, the hearing will either be continued or the record will be left open for at least seven days after the hearing.

A copy of the application, all material submitted in support of the application and the applicable criteria are available for inspection at the Coos Bay Public Works and Development Department, City Hall, Coos Bay, Oregon. Upon request, copies of these materials will be provided at a reasonable fee. A copy of the city staff report concerning this application will be available at City Hall, Public Works and Development Department, for inspection at least seven (7) days prior to the Planning Commission hearing. Upon request copies of the staff report will be provided for a reasonable fee.

The hearings will be conducted in accordance with Land Development Ordinance Chapter 5.3 and all testimony must address the applicable decision criteria referred above. Detailed information pertaining to the conduct of the public hearings and submission of evidence is available upon request by contacting the Coos Bay Public Works and Development Department. Written objections should be filed at least five (5) working days prior to the date of the hearing. Additional information pertaining to the application or its review by Coos Bay may be obtained by contacting Laura Barron, Planning Administrator, at City Hall (541-269-8918) prior to the meetings.

Laura Barron, Planning Administrator

PUBLISHED: The World: December 22, 2006