



Oregon

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Department of Land Conservation and Development

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NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

Date: 02/13/2015
Jurisdiction: Coos County
Local file no.: AM-14-10
DLCD file no.: 010-14

The Department of Land Conservation and Development (DLCD) received the attached notice of adopted amendment to a comprehensive plan or land use regulation on 02/05/2015. A copy of the adopted amendment is available for review at the DLCD office in Salem and the local government office.

Notice of the proposed amendment was submitted to DLCD less than 35 days prior to the first evidentiary hearing.

Appeal Procedures

Eligibility to appeal this amendment is governed by ORS 197.612, ORS 197.620, and ORS 197.830. Under ORS 197.830(9), a notice of intent to appeal a land use decision to LUBA must be filed no later than 21 days after the date the decision sought to be reviewed became final. If you have questions about the date the decision became final, please contact the jurisdiction that adopted the amendment.

A 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).

If the amendment is not appealed, it will be deemed acknowledged as set forth in ORS 197.625(1)(a). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

DLCD Contact

If you have questions about this notice, please contact DLCD's Plan Amendment Specialist at 503-934-0017 or plan.amendments@state.or.us



NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

FOR DLCD USE
File No.: 010-14 {22448}
Received: 2/5/2015

Local governments are required to send notice of an adopted change to a comprehensive plan or land use regulation **no more than 20 days after the adoption.** (See [OAR 660-018-0040](#)). The rules require that the notice include a completed copy of this form. **This notice form is not for submittal of a completed periodic review task or a plan amendment reviewed in the manner of periodic review.** Use [Form 4](#) for an adopted urban growth boundary including over 50 acres by a city with a population greater than 2,500 within the UGB or an urban growth boundary amendment over 100 acres adopted by a metropolitan service district. Use [Form 5](#) for an adopted urban reserve designation, or amendment to add over 50 acres, by a city with a population greater than 2,500 within the UGB. Use [Form 6](#) with submittal of an adopted periodic review task.

Jurisdiction: Coos County

Local file no.: **AM-14-10**

Date of adoption: 2/3/15

Date sent: 2/6/2015

Was Notice of a Proposed Change (Form 1) submitted to DLCD?

Yes: Date (use the date of last revision if a revised Form 1 was submitted): 8/28/14

No

Is the adopted change different from what was described in the Notice of Proposed Change? Yes No

If yes, describe how the adoption differs from the proposal:

Any changes were discussed in Attachment B

Local contact (name and title): Jill Rolfe, Planning Director

Phone: 541-396-7770

E-mail: jrolfe@co.coos.or.us

Street address: 225 N. Adams

City: Coquille

Zip: 97423

PLEASE COMPLETE ALL OF THE FOLLOWING SECTIONS THAT APPLY

For a change to comprehensive plan text:

Identify the sections of the plan that were added or amended and which statewide planning goals those sections implement, if any:

For a change to a comprehensive plan map:

Identify the former and new map designations and the area affected:

- Change from _____ to _____ acres. A goal exception was required for this change.
- Change from _____ to _____ acres. A goal exception was required for this change.
- Change from _____ to _____ acres. A goal exception was required for this change.
- Change from _____ to _____ acres. A goal exception was required for this change.

Location of affected property (T, R, Sec., TL and address):

The subject property is entirely within an urban growth boundary

The subject property is partially within an urban growth boundary

If the comprehensive plan map change is a UGB amendment including less than 50 acres and/or by a city with a population less than 2,500 in the urban area, indicate the number of acres of the former rural plan designation, by type, included in the boundary.

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

If the comprehensive plan map change is an urban reserve amendment including less than 50 acres, or establishment or amendment of an urban reserve by a city with a population less than 2,500 in the urban area, indicate the number of acres, by plan designation, included in the boundary.

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

For a change to the text of an ordinance or code:

Identify the sections of the ordinance or code that were added or amended by title and number:

For a change to a zoning map:

Identify the former and new base zone designations and the area affected:

Change from	to	Acres:
Change from	to	Acres:
Change from	to	Acres:
Change from	to	Acres:

Identify additions to or removal from an overlay zone designation and the area affected:

Overlay zone designation:	Acres added:	Acres removed:
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Location of affected property (T, R, Sec., TL and address):

List affected state or federal agencies, local governments and special districts: Oregon Department of Transportation, Coos County Surveyor, Coos County Road Department, Oregon Department of Aviation, Federal Aviation, Oregon Department of Fish and Wildlife, Oregon Department of State Lands, Department of Land Conservation and Development

Identify supplemental information that is included because it may be useful to inform DLCD or members of the public of the effect of the actual change that has been submitted with this Notice of Adopted Change, if any. If the submittal, including supplementary materials, exceeds 100 pages, include a summary of the amendment briefly describing its purpose and requirements.

BEFORE THE BOARD OF COMMISSIONERS
OF THE COUNTY OF COOS, OREGON

1 IN THE MATTER OF AMENDING THE COOS)
2 COUNTY ZONING & LAND DEVELOPMENT) FINAL DECISION AND
3 ORDINANCE CHANGES TO CHAPTERS I, II,) ORDINANCE 14-09-011PL
4 III, IV, VI, VII (FILE NUMBER AM-14-10))

4 WHEREAS, pursuant to Article 1.2 of the Coos County Zoning and Land Development Ordinance (hereinafter referred to as the "CCZLDO"); the Coos County Board of Commissioners initiated a text amendment to Chapters I, II, III, IV, VI and VII;

6 WHEREAS, staff drafted the proposed text amendment to address reorganization, clarification of process, readability issues and necessary updates to be in compliance with land use laws and to reorganize;

8 WHEREAS, staff presented the proposed text to the Citizen Advisory Committee, Planning Commission, and Board of Commissioners in work sessions;

10 WHEREAS, staff completed the draft and provided 35 day notice to Department of Land Conservation and Development and 20 day notice to the required land owners, interested parties and agencies;

12 WHEREAS, pursuant to the procedures as set forth in Article 1.2 of the CCZLDO, the proposed text amendments were considered by the Planning Commission at a public hearing on October 2, 2014 and a recommendation to the Board of Commissioners was made;

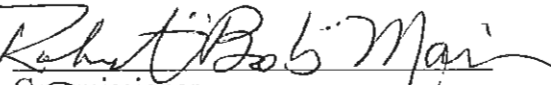
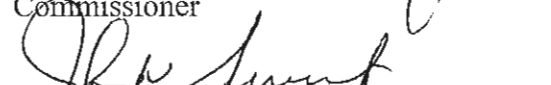
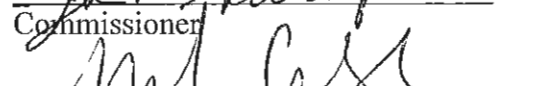
14 WHEREAS, on October 16, 2014 the Board of Commissioners held a public hearing for testimony on the matter and reviewed the Planning Commission recommendation. At said hearing the time period for written comments was extended until November 17, 2014;

16 WHEREAS, on December 19, 2014 after review of the record the Board of Commissioners deliberated on the proposed changes. The Board of Commissioners approved the proposal with modifications and instructed staff to make the changes and correct any typos; and

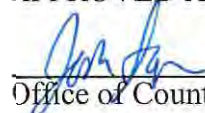
18 NOW THEREFORE, IT IS HEREBY ORDERED that the Coos County Board of Commissioners hereby adopts the proposed changes found in Attachment A, attached hereto and incorporated by reference herein. Also, attached in Attachment B are the findings that address the testimony received.

21 ADOPTED this 3rd day of February 2015.

22 BOARD OF COMMISSIONERS

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Commissioner
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Commissioner
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Commissioner
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APPROVED AS TO FORM:


Office of County Counsel

CHAPTER I GENERAL

ARTICLE 1.1 INTRODUCTION

SECTION 1.1.100 TITLE AND AUTHORITY: This Ordinance shall be known as the Coos County Zoning and Land Development Ordinance of 1985 and is enacted pursuant to the provisions of ORS 92.044, 92.046, 203.035, 203.065, 215.050 and 215.110 and the Coos County Comprehensive Plan. All provisions of this Ordinance shall remain in compliance with the Comprehensive Plan and State law.

SECTION 1.1.200 PURPOSE: It is the purpose of this Ordinance to implement the Coos County Comprehensive Plan by:

1. Promoting the orderly growth of Coos County,
2. Protecting and enhancing the environment,
3. Conserving and stabilizing the value of property,
4. Reducing excessive traffic congestion,
5. Preventing overcrowding of land by establishing standards for proper density,
6. Providing adequate open space for light and air,
7. Conserving natural resources,
8. Encouraging the most appropriate use of land,
9. Preventing water and air pollution,
10. Facilitating fire and police protection,
11. Providing for community facilities,
12. Promoting and protecting the public health, safety, convenience and general welfare.

SECTION 1.1.300 COMPLIANCE WITH COMPREHENSIVE PLAN AND ORDINANCE PROVISIONS: The Comprehensive Plan of Coos County is the basis for all land use development within Coos County. Should any conflicts arise between the Plan and this Ordinance, the provisions of the Plan will prevail.

It shall be unlawful for any person, firm, or corporation to cause, develop, permit, erect, construct, alter or use any building, structure or parcel of land contrary to the provisions of the district in which it is located. No permit for construction or alteration of any structure shall be issued unless the plans, specifications, and intended use of any structure or land conform in all respects with the provisions of this Ordinance, unless approval has been granted by the Hearings Body.

Any use permitted within a primary zone but specifically not permitted by an overlaying floating zone restriction (required by the Comprehensive Plan) shall not be permitted.

SECTION 1.1.400 SEVERABILITY: If any section, paragraph, subdivision, clause, sentence or provision of this Ordinance shall be adjudged by any court of competent jurisdiction to be unconstitutional or invalid, such judgment shall not affect, impair, invalidate, or nullify the

remainder of this Ordinance; the invalidation shall be confined to the section, paragraph, subdivision, clause, sentence, or provision immediately involved in the controversy in which such judgment or decree shall be rendered. The intent of the governing body shall be to enact the remainder of this Ordinance notwithstanding the parts so declared unconstitutional or invalid. Should any section, paragraph, subdivision, clause, sentence or provision of this Ordinance be declared unreasonable or inapplicable to a particular premises or to a particular use at any particular location, as outlined above, such declaration or judgment shall not affect, impair, invalidate or nullify such section, paragraph, subdivision, clause, sentence or provision as to any other premises or use.

SECTION 1.1.500 BUILDING PERMIT ISSUANCE: *Coos County recognizes the State of Oregon Building Codes Agency as the official building permit issuing and enforcing authority, responsible for receiving applications and examining the plans and specifications for proposed construction. A building permit shall not be issued unless such plans and specifications comply with the Coos County Zoning and Land Development Ordinance. (Moved from (3.1.150))*

SECTION 1.1.600 EFFECT OF AGREEMENTS BETWEEN PARTIES: It is not the intent of this Ordinance to interfere with, abrogate or annul any easement, covenant or other agreement between parties, provided that where this Ordinance imposes a greater restriction than that imposed by that agreement, the provisions of this Ordinance shall control.

SECTION 1.1.700 INTERPRETATION:

1. When in the administration of this Ordinance there is doubt regarding the intent of the Ordinance, the Planning Director, ~~in conjunction with~~ **in consultation with** County Counsel shall issue an interpretation to resolve the doubt. Any interpretation shall conform with the Oregon Revised Statutes and appropriate court cases. Such interpretation shall not have the effect of amending the provisions of this Ordinance.
2. The interpretation may be forwarded to the Board of Commissioners and the Hearings Body. The Board of Commissioners may request a recommendation of the Hearings Body whenever such an interpretation is of general public interest.
3. The Board of Commissioners shall initiate an ordinance amendment.

SECTION 1.1.800 CONSTRUCTION: The following rules of construction shall apply unless the context of a particular provision clearly indicates otherwise:

Tense: Words used in the present tense include the future and past tenses.

Number: Words used in the singular include the plural, and words used in the plural include the singular.

Shall and

May: The word “shall” is mandatory; the word “may” is permissive.

Gender: The masculine shall include the feminine and neuter.

Hearings

Body: The Hearings Body shall be synonymous with Hearings Officer or Planning Commission.

Planning

Director: The word Planning Director shall include the Planning Director's designee.

Headings: In the event there is any conflict or inconsistency between the heading of an article, section or paragraph of this Ordinance and the context thereof, the heading shall not be deemed to effect the scope, meaning or intent of such context.

Zoning

District: The terms "zoning district", "district" or "zone" are synonymous with "management unit", "management segment" or "segment".

Lot: The word "lot" is often used in conjunction with a substantive requirement, i.e., "minimum lot size", "lot line", etc. When used in such context, "lot" shall be interpreted to include "parcel" and "tract".

~~SECTION 1.1.900 STATEMENT ABOUT REQUIRED DOWNZONING:~~

- ~~1. The Board of Commissioners declares that some of the downzoning produced by the establishment of zoning districts set forth in this Ordinance is the sole result of confiscatory conservation mandates imposed on Coos County by the Oregon Land Conservation and Development Commission (LCDC).~~
- ~~2. Required downzoning will, in some cases, result in undesirable adverse consequences on the Coos County tax base; the Board of Commissioners is philosophically opposed to these adverse consequences.~~
- ~~3. Recognizing the severe restrictions imposed on the use of some private property by this Ordinance because of LCDC mandates, the Board of Commissioners declares that the State of Oregon should bear the financial burden of defending any taking suits stemming from this Ordinance; further, the State should pay any judgements resulting from such suits.~~

~~SECTION 1.1.975 VESTED RIGHTS: A parcel shall be considered vested for completion of the construction of a nonconforming use when an administrative conditional use is granted, based on findings establishing:~~

- ~~1. The good faith of the property owner in making expenditures to lawfully develop his property in a given manner;~~
- ~~2. The amount of reliance on any prior zoning classification in purchasing the property and making expenditures to develop the property;~~
- ~~3. The extent to which the expenditures relate principally to the use of an applicant claims is vested, rather than to ancillary improvements, such as but not limited to roads, driveways, which could support other uses allowed as of right;~~
- ~~4. The extent of the purported vested use as compared to the uses allowed in the subsequent zoning ordinances;~~
- ~~5. Whether the expenditures made prior to existing zoning regulations show that the property owner has gone beyond mere contemplated use and has committed the property to the purported vested use which would in fact have been made on the subject property but for the passage of the existing zoning regulation; and~~
- ~~6. The ratio of the prior expenditures to the total cost of the proposed use.~~

ARTICLE 1.2. — LEGISLATIVE AMENDMENTS (Moved to 5.1)

ARTICLE 1.2 PLANNING COMMISSIONS:

The Planning Commission is a nine member board appointed by the Board of Commissioners to actively participate in the County's planning program. The Planning Commission serves as a hearings body on land use matters, as well as reviewing and making recommendations to the Board of Commissioners on new or amended provisions of the Comprehensive Plan or Land Use and Development Ordinance.

Members represent various geographic areas of the County. The membership also represents a variety of occupations and interests. The term of appointment is four years. The Planning Commission meets regularly. Meetings are held on the first Thursday of the month, unless otherwise scheduled.

The Planning Commission is referred to as a Hearings Body in the Ordinance. Hearings held by the Planning Commission provide for an open public process which allows all parties to observe the land use decision making process. Decisions of the Planning Commission are appealable to the Coos County Board of Commissioners. Legal and procedural requirements for land use applications are set forth in the state statutes and local ordinances.

SECTION 1.2.120 TERM OF APPOINTMENT:

- 1. The term of appointment to the Planning Commission shall be four (4) years from the date of appointment, except as otherwise provided for in this Article.*
- 2. A commission member may be re-appointed by the Board of Commissioners for additional terms.*
- 3. The chairperson shall be the presiding officer at all Planning Commission meetings.*
- 4. The vice-chairperson shall be the presiding officer in the absence of the chairperson.*
- 5. The Planning Staff shall prepare minutes and record the meeting.*

SECTION 1.2.130 TENURE AND REMOVAL:

- 1. Members shall serve for terms of four (4) years. The initial membership of the commission shall be staggered terms.*
- 2. A member of the commission may be re-appointed by the Board of Commissioners to serve additional terms. The Planning Director or designee shall provide the Board of Commissioners with comments/recommendations of the re-appointment prior to the Board of Commissioners' decision.*
- 3. Members of the commission may be removed by the Board of Commissioners, with or without cause.*
- 4. A member may resign at any time by submitting such resignation in writing to the Board of Commissioners.*
- 5. If a member of the commission fails to attend three (3) consecutive meetings and the absences are unexcused, that member will be automatically removed. The Board of Commissioners will advertise to replace that position.*

SECTION ~~1.3.985~~ 1.2.400 FAILURE TO PRODUCE A PLANNING COMMISSION QUORUM: (This was moved from 1.3.985)

If in the event the Planning Commission or Hearings Body fails to produce a quorum for a zoning and land development hearing, the Planning Director shall have the authority to appoint the Planning Commissioners present as special Hearings Officers to hear the zoning and land development requests. All procedural requirements of this Ordinance shall be applicable to the hearings.

If in the event there are no Planning Commissioners present, the Planning Director shall have the authority to continue any scheduled hearing to a future specific time, place and date without additional written or published notice.

ARTICLE 1.3 ENFORCEMENT

SECTION 1.3.100 ADMINISTRATION:

It shall be the duty of the Planning Director or his/her authorized representative to enforce the provisions of this Ordinance pertaining to zoning, land use, the construction, erection, location or enlargement of any structure and land divisions within Coos County under the jurisdiction of this Ordinance.

SECTION 1.3.200 BUILDING SITE PERMITS:

1. No permit or verification letter shall be issued by the building official or the County Planning Department for the construction, erection, location, enlargement, or the change of the use of a building, structure, or lot that does not conform to the requirements of this Ordinance, unless otherwise permitted by this Ordinance.
2. A permit or verification letter may be issued (subject to #1 above) even though the permit or verification letter is based on a decision of the Planning Director, Hearings Body or Board of Commissioners. If the decision upon which the verification letter is based on is reversed on appeal, the verification letter shall be revoked without further action. The applicant therefore shall recognize and consent to the fact that any improvements made on the property to which the verification letter applies are made at the applicant's own risk, and shall agree that no attempt will be made to hold Coos County responsible in the event that removal of such improvements become necessary due to the revocation of the verification letter or permits.

SECTION 1.3.225 VIOLATION PROCESS:

1. **Violations may be reported by completing a violation form. The violation form must include the following information:**
 - a. **Provisions of the CCZLDO allegedly being violated;**
 - b. **Evidence of the alleged violation, such as written documentation or visual aids;**
 - c. **Address or legal description of the property containing the alleged violation; and**
 - d. **Contact information for the person(s) submitting the alleged violation form.**

2. **All violation forms are to be submitted to the Planning Department. Once the violation form has been received, the Planning Staff will review form and send a letter to the property owner where the alleged violation is occurring, informing them that a complaint has been filed. The property owner will have 45 days to respond from the date of the letter.**
3. **After the 45 days has expired, or a response letter from the property owner has been received, Planning Staff will issue a written determination of the alleged violation to all parties within 30 days.**
4. **The determination is appealable within 30 days of the date of the determination. Any appeal must be filed on the county appeal form with the appropriate fee as set forth in the fee schedule. A public hearing will be scheduled before the Planning Commission or Board of Commissioners within 45 days of receiving the appeal.**
5. **If the hearings body determines that a violation does in fact exist, the property owner will have 15 days to submit a plan for compliance. Compliance must be achieved within 60 days of the date of the final decision. If an application is required to correct the violation, it must be submitted to the Planning Department within 60 days of the final decision. Failure to comply with the deadlines will result in County enforcement pursuant to § 1.3.800.**

SECTION 1.3.250 APPLICATIONS TO CORRECT VIOLATIONS:

1. When a violation of this Ordinance is found by the Planning Director to exist for a given ownership of land, and when a discretionary application may be submitted by the owner of the subject property in order to correct the violation, said owner may submit an application to correct the violation but may submit no other application to allow development or use of the subject property until the violation is corrected. Applications submitted to correct violations shall submit the “late filing fees” set forth at Section 1.3.825 of this Ordinance.
2. Submission of an application to correct a violation does not relieve a landowner from complying with the requirements of this Ordinance, and does not preclude enforcement actions otherwise authorized by this Ordinance. [OR-92-07-012PL]
3. Where application is made for approval of the creation of lots or parcels which were improperly formed without approval required by this Ordinance, said application may be considered to allow the lawful creation of said lots or parcels notwithstanding that less than all the owners of the subject property have applied or otherwise granted consent to submit the application. [OR-93-12-017PL 2/23/94]

SECTION 1.3.300 REVOCATION:

1. Any permit or verification letter (also referred to as zoning compliance letter or zoning clearance letter) may be subject to revocation by the Planning Director if it is determined the application included false information, or if the standards or conditions governing the approval have not been met or maintained.
2. The revocation of any permit or verification letter by the Planning Director shall be subject to the following:

- a. The Planning Director shall mail the property owner a written statement of the proposed revocation at least 30 days prior to the date of revocation. The notice shall contain a detailed statement identifying the specific reason(s) for revocation. The notice shall advise the property owner of the opportunity to respond to the Planning Director's statement in writing within 15 days from the date the notice is mailed by explaining or refuting the reason(s).
 - b. In the event the property owner submits a written explanation to the notice, the Planning Director shall thereupon give careful consideration to the response in conjunction with other relevant evidence, including other written comments received in response to landowner or agency notice, to determine whether revocation should occur.
 - c. At the conclusion of the Director's review, the Director shall enter findings of the decision and mail notice of the decision regarding revocation to the property owner and other parties to the action. The notice shall explain basic appeal rights.
 - d. No revocation shall be final until the appeal period for the decision to revoke has expired without appeal.
3. The Director's decision regarding the revocation of a permit or verification letter may be appealed pursuant to the procedures contained in Article 5.8 governing the appeal of administrative decisions. In the event of an appeal, any revocation shall be automatically stayed pending review.

SECTION 1.3.800 VIOLATION OF ORDINANCE: A violation of this Ordinance may, at the discretion of the County, be rectified in either of the following ways:

1. The construction, erection, location, enlargement, or use, or change in use or uses of any structure or property in violation of this ordinance or those conditions and limitations approved pursuant to the provisions of this Ordinance shall be deemed a nuisance and may be enjoined, abated or removed as provided by ORS 215.185; or
2. Upon conviction as provided by ORS 203.065:
 - a. A fine of not more than \$100 for each day of violation where the offense is a continuing offense but such fine may not exceed ~~\$1,000~~ **\$2000**.
 - b. A fine of not more than \$500 where the offense is not a continuing offense.

SECTION 1.3.825 LATE APPLICATION FEE: In lieu of, or in addition to the penalty set forth in Section 1.3.800, when a violation of this Ordinance exists and a permit or verification letter is required in order to correct the violation or continuing violation the following late application fees shall apply:

1. If within 30 days of the County's written notice to the owner of the property on which a violation exists, the property owner or his/her agent voluntarily attempts to correct the violation by application for any and all necessary permits or approvals the following late application fee shall apply:
 - a. Zoning clearance letter.....double fee
 - b. All other County applications.....double fee

Late application fees, or portions thereof, may be waived by the Board of Commissioners. The payment of such double fee shall not relieve any person from complying with the requirements of this Ordinance, nor from any penalties prescribed. (Eff. 7/1/91)

SECTION 1.3.900 FEES:

1. For the purpose of ~~partially defraying~~ **covering the** expenses involved in processing permits, land divisions and other applications and zoning authorizations, the Planning Department shall collect fees as established by the Board of Commissioners.
2. All fees are non-refundable except in cases when the processing was terminated prior to the incurring of any substantial administrative expenses. Refunds shall be made at the direction of the Board of Commissioners.
3. At the time of filing a partition or subdivision plat with the County Clerk, the applicant shall pay the plat checking fee of the County Surveyor (if applicable) as provided in ORS 92.100 or by the Board of Commissioners and the plat filing fee as provided in ORS 205.350.
- ~~—4. No fees shall be required for applications submitted by local municipalities and local taxing bodies supported by local property taxes when the application relates to an action on property owned by the municipality or local taxing body. [OR 92-07-012PL]~~
4. Fees, or portions thereof, may be waived by the Board of Commissioners. (Eff. 7/1/91)

SECTION 1.3.950. STORAGE AND TREATMENT OF OIL CONTAMINATED SOIL:
Coos County recognizes that the Oregon Department of Environmental Quality (DEQ) is responsible for ensuring compliance with state and federal clean air and water quality statutes, including those pertaining to the storage and treatment of oil contaminated soil. Coos County does not regulate storage and treatment of oil contaminated soil except where such contaminated earth is processed as "contaminated soil land farming" and classified as a use that may be permitted in certain zoning districts.

Any decision by Coos County to allow "contaminated soil land farming" at a given location does not relieve DEQ of its duty to ensure that the proposed activity is environmentally safe. The County specifically defers to DEQ for the determination that use of any site for storage and treatment of oil contaminated soils is environmentally safe and that placement of oil contaminated soils on the site will result in no adverse environmental or health consequences to groundwater and nearby properties. (Moved from Section 3.2.600)

SECTION 1.3.985. Failure to produce a Planning Commission Quorum. ~~If in the event the Planning Commission or Hearings Body fails to produce a quorum for a zoning and land development hearing, the Planning Director shall have the authority to appoint the Planning Commissioners present as special Hearings Officers to hear the zoning and land development requests. All procedural requirements of this Ordinance shall be applicable to the hearings.~~

~~If in the event there are no Planning Commissioners present, the Planning Director shall have the authority to continue any scheduled hearing to a future specific time, place and date without additional written or published notice. (Moved to Planning Commission Chapter)~~

ARTICLE 1.4 CITIZEN INVOLVEMENT PROGRAM (Citizen Advisory Committee)

SECTION 1.4.100 PURPOSE:

The purpose of this Article is to provide direction to the “Citizen Advisory Committee” which is one of the components of the County’s Citizen Involvement Program. The intent of this Article is to clearly define the role and the procedures by which the public will be involved in the land use process.

1. To advise the Planning Department staff on revisions to the Plan and Zoning and Land Development Ordinance, which have been initiated by the Department *at the direction of the Board of Commissioners*; and
2. Will not advise or replace the role of the Planning Commission or Board of Commissioners.

SECTION 1.4.200 MEMBERSHIP:

1. To be recognized by Coos County as a component of the Citizen Involvement Program. This committee shall serve as advisory only and shall consist of seven (7) members who represent the broad geographical area of Coos County; and
2. Members shall be representative of the diverse professional backgrounds and public interest of this County, which could include, but are not limited to the following:
 - a. Land Surveyors;
 - b. Business Owners;
 - c. Realtors;
 - d. Science Community;
 - e. Indian Tribes;
 - f. Educational Community;
 - g. Forestry;
 - h. Legal;
 - i. Land Use Consultants;
 - j. Agricultural;
 - k. Industry;
 - l. Public in general;
 - m. Civil Engineer;
 - n. Title Company; and
3. A member of the Citizen Advisory Committee shall be at least eighteen (18) years of age and a resident of Coos County, and
4. Shall serve without compensation.

SECTION 1.4.300 TERM OF APPOINTMENT:

1. The term of appointment to the Citizen Advisory Committee shall be three (3) years from the date of appointment, except as otherwise provided for in this Article.

2. A committee member may be re-appointed by the Board of Commissioners for additional terms.
3. The chairperson shall be the presiding officer at all Citizen Advisory Committee meetings.
4. The vice-chairperson shall be the presiding officer in the absence of the chairperson.
5. The secretary shall be responsible for the preparation of the committee minutes. ***If agreed upon by the Citizen Advisory Committee, the Planning Staff may present summary minutes. Summary minutes are not transcripts. Staff does not have the resources to transcribe minutes. The meetings will be recorded.***

SECTION 1.4.400 ORGANIZATION:

1. The Citizen Advisory Committee shall hold meetings as determined by the Planning Department staff and follow the provisions of the Oregon Open Meetings Law (ORS 192.610-.685).
2. Members of the Citizen Advisory Committee shall hold elections at the formation meeting and again thereafter, at the first scheduled meeting of the calendar year. The committee shall designate a chairperson, vice-chairperson, and secretary whose terms shall be for one (1) year.

SECTION 1.4.500 TENURE AND REMOVAL:

1. Members shall serve for terms of three (3) years; provided, however, that the initial membership of the committee shall be staggered terms.
2. A member of the committee may be re-appointed by the Board of Commissioners to serve additional terms. The Planning Director or designee shall provide the Board of Commissioners with comments/recommendations of the re-appointment prior to the Board of Commissioners' decision.
3. Members of the committee may be removed by the Board of Commissioners, with or without cause.
4. A member may resign at any time by submitting such resignation in writing to the Board of Commissioners.
5. ***If a member of the committee fails to attend three (3) consecutive meetings, and those absences are unexcused, that member will be automatically removed. The Board of Commissioners shall advertise to replace that position.***

SECTION 1.4.600 DUTIES AND RESPONSIBILITIES:

1. Shall co-operate with the Planning Department staff.
2. All committee meetings will be open to the public and all persons shall be permitted to attend any such meetings. Executive sessions shall not be conducted by the committee pursuant to ORS 192.660.
3. Notice of each committee meeting shall be ~~published in a newspaper and~~ posted at the Coos County Courthouse Seven ~~fourteen~~-(14 7) days prior to the meeting, detailing the date, time, place of meeting and subject matter. ***The Board of Commissioners shall include the meeting on the weekly agendas that are posted on the Coos County website.***
4. Decision and/or recommendations of the Citizen Advisory Committee shall be advisory only and shall be non-binding on the part of the Planning Department, Planning Commission, or other decision making board.

5. Members will treat each other with respect, will not monopolize meeting time, and will listen to and try to understand one another's view.
6. When a member cannot agree to an issue, the member shall indicate why they cannot agree and must propose alternatives that would result in obtaining their agreement or abstention.
7. The committee may meet to discuss land use in general, or to review or comment on plan amendments and/or zone changes initiated by the Planning Department staff; also, the committee may initiate the study and review of a plan amendment and/or zone change.
8. The committee as a whole shall not appeal any land use decisions at any level of government (i.e., Administrative, Planning Commission and Board of Commissioners). Individual members' rights as citizens are in no way affected by this clause.
9. Minutes of the committee comments and/or concerns will be forwarded to the Planning Department, who will forward copies to the Planning Commission and the Board of Commissioners.
10. In reviewing revisions to the plan and/or ordinance, the Committee must adequately reflect consideration of the following criteria:
 - a. The Oregon Revised Statutes (ORS) and Oregon Administrative Rules (OAR) as they relate to land use planning; and
 - b. The Statewide Planning Goals and Guidelines for land use planning; and
 - c. The Coos County Comprehensive Plan, including its goals, policies and maps; and
 - d. Policy directives or interpretations as provided by the Board of Commissioners.
 - e. ***If a committee member disagrees with a proposed change, that member is responsible for providing adequate reasons and identifying specific language allowing staff to research the matter.***
 - f. Members are responsible for reviewing the materials prior to the meeting to be able to review the material in a timely manner.
11. The minutes of the Committee meetings shall be the Committee's official report and/or comment. Minutes shall be kept on file in the Coos County Planning Department.

SECTION 1.4.700 MEETINGS:

1. Citizen Advisory Committee shall be open to the public and shall be properly noticed and agendized. Notification may include, but is not limited to, notification in newspapers, radio, TV, e-mail or other methods deemed suitable to provide adequate public knowledge of the meetings.
2. Decisions and/or recommendations shall be made using a consensus decision-making process.
3. If consensus cannot be obtained, the chairperson may call for a vote. The minutes shall clearly state that consensus on the subject was not reached, but that a vote was ultimately used to determine the recommendation or decision. If a vote is used, the minutes shall accurately reflect in detail why the members could not agree and the alternatives that were proposed.
4. A quorum shall:
 - a. Consist of four (4) members; and
 - b. Be present to conduct a meeting.
5. Planning Director or designee shall be present at all meetings.
6. Meetings shall follow this order:

- a. Roll call and introductions;
 - b. ~~declaration of any ex parte contacts or conflicts of interest;~~
 - c. Approval of previous meeting's minutes;
 - d. Communications to the committee;
 - e. Consideration of land use issues forwarded from the Planning Department, Planning Commission or Board of Commissioners;
 - f. May alter the order of business because of:
 - i. Lengthy agendas,
 - ii. The need to consider special or expert testimony, and/or
 - iii. Conflicts with other public meetings;
 - g. Meetings shall not exceed duration of two (2) hours.
7. Minutes of the Citizen Advisory Committee should include:
- a. Type of meeting being held;
 - b. Date, time, and place of the meeting;
 - c. Committee members in attendance;
 - d. Member making the motion and who second the motion;
 - e. Summary of discussion and presentation;
 - f. Outcome of vote and the method of vote;
 - g. Signature of the chairperson and secretary upon approval of minutes; and
 - h. Any other information deemed appropriate for the discussions between the members.
8. Minutes of the committee meetings shall:
- a. Be signed by the chairperson and secretary *or staff person that prepared the minutes*,
 - b. Be given (upon adoption) to the Planning Department for:
 - i. Distribution to the Planning Commission and Board of Commissioners, and
 - ii. Storage.

SECTION 1.4.800 PLANNING DIRECTOR OR DESIGNEE RESPONSIBILITIES FOR CITIZEN PARTICIPATION AND COORDINATION:

- 1. The Planning Director or designee shall be responsible for assuring that the citizen involvement provisions are implemented.
- 2. The Planning Director or designee shall provide such information to the Citizen Advisory Committee as necessary, in order to identify and comprehend planning and plan implementation issues. All planning or plan implementation information supplied by the Planning Department shall be in a simplified and understandable form.
- 3. The Planning Director or designee shall:
 - a. Act as liaison between the Citizen Advisory Committee, Citizens of Coos County, Planning Commission and the Board of Commissioners; and
 - b. Respond to citizen comments on planning or plan implementation issues directly, or by referring the same to the appropriate agency for response.
- 4. The Planning Director or designee shall make available to the Citizen Advisory Committee, copy(ies) of all proposed amendments to Coos County's Comprehensive Plan or Implementing Ordinance, or any studies, reports or background information necessary to understand the proposal(s), at least ten (10) days prior to the scheduled meeting date. (OR-01-01-001PL 8/1/01)

§ 2.1.200 Definitions to be added to current definitions.

AGRICULTURAL BUILDING, as provided in ORS 455.315, means a structure customarily provided in conjunction with farm use or forest use for:

- a. Storage, maintenance or repair of farm or forestry machinery and equipment;
- b. The raising, harvesting and selling of crops or forest products;
- c. The feeding, breeding, management and sale of, or the produce of, livestock, poultry, fur-bearing animals or honeybees;
- d. Dairying and the sale of dairy products; or
- e. Any other agricultural, forestry or horticultural use or animal husbandry, or any combination thereof, including the preparation and storage of the produce raised on the farm for human use and animal use, the preparation and storage of forest products and the disposal, by means of marketing or otherwise, of farm produce or forest products.

AGRICULTURAL BUILDING does not include:

- a. A dwelling or use accessory to a residential use;
- b. A structure where 10 or more persons are present at any one time except for the purpose of growing plants;
- c. A structure regulated by the State Fire Marshal per ORS chapter 476;
- d. A structure for public use; or
- e. A structure located within the floodplain and subject to Floodplain restrictions.

Note: Mechanical, plumbing and electrical permits may still be required for a Building-permit exempt Agricultural Building.

DWELLING: Any building that contains one or more dwelling units used, intended, or designed to be built, used, rented, leased, let or hired out to be occupied, or that are occupied for living purposes.

DWELLING UNIT: A single unit providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation.

GRADE (GROUND LEVEL): The lowest point of elevation of the finished surface of the ground between the exterior wall of a building or the lowest structural component of a free standing tower, and a point 5 feet distant from said wall or free standing tower, or the lower point of elevation of the finished surface of the ground between the exterior wall of a building or a free standing tower and the property line, whichever is nearest to said wall or free standing tower. In case walls or free standing towers are parallel to and within 5 feet of a public sidewalk, alley, or other public way, the grade shall be the elevation of the sidewalk, alley, or public way.

FLOATING HOME: "Floating home" is a floating structure used primarily as a domicile and not a boat, which is usually moored or secured to a pier or pilings.

HEIGHT OF WIND ENERGY SYSTEM: Shall be the vertical distance from the grade to the tip of a wind generator blade when the tip is at its highest point.

KITCHEN: An area used or designated to be used for the storage, preparation, and cooking of food. The following factors shall be considered when determining whether or not an area is a kitchen.

1. The size, location, and arrangement of cabinets and counters.
2. The number and location of electrical outlets.
3. The layout and plumbing will accommodate a full sized sink.
4. The surrounding area is set off so as to create an independent living space.

5. *The space is set up for 220 electrical service or for service by natural gas that could support a stove.*

6. *The area does or does not function as a bathroom.*

The Planning Director or designee must consider all 6 factors in determining if there is a kitchen in the structure; however all factors do not have to be present. The more factors that are present, the stronger the case for determining whether or not a kitchen is present.

METEOROLOGICAL TOWERS: *Includes the tower, base plate, anchors, guy cables and hardware, anemometers, temperature and pressure sensors, other weather measuring devices attached to the tower, wind direction vanes, booms to hold equipment anemometers and vanes, data logger, instrument wiring, and any telemetry devices that are used to monitor or transmit weather information at a given location.*

PHOTOVOLTAIC SYSTEM: *Consists of equipment that converts sunlight into electricity and then stores or transfers that electricity. This equipment includes photovoltaic modules and panes, mounting and sun tracking hardware, foundation, inverter, wiring, batteries, or other components used in the system. A photovoltaic system may be a grid-connected or stand alone system. A photovoltaic system does not include a system that utilizes a photovoltaic module or panel that contains a total surface of nine square feet or less.*

SETBACK: *The required distance between structures and all lot, parcel or tract lines. Structures for the purpose of setbacks do not include uncovered patios, decks, driveways, fences, signs, vegetative screenings, or similar amenities. All setbacks are measured using right angles.*

TEMPORARY RESIDENCE: *Mobile home, travel trailer or recreational vehicle used as a dwelling temporarily during construction of a permitted structure. Use not to exceed one (1) year, subject to renewal by authorization of the Planning Director or designee.*

TEMPORARY USE: *A use that is not lasting or permanent, but is in effect for a certain amount of time only. Temporary uses include but are not limited to medical hardship dwellings or dwellings that are allowed while building a new home. Once these temporary uses are no longer needed, they must be removed from the property.*

VACATION RENTALS: *are defined as the renting out of a furnished apartment or house on a temporary basis to tourists or guests as an alternative to a hotel/motel. Vacation rentals do not include long term tenants. Vacation rentals also do not refer to a personal dwelling purchased specifically for a vacation dwelling.*

WIND ENERGY SYSTEM: *consists of equipment that converts energy from the wind into usable forms of energy (such as electricity) and then stores or transfers the energy. This equipment includes any base, blade, foundation, wind generator, nacelle, rotor, wind tower, transformer, vane, wire, inverter, batteries, or other component used in the system. A wind energy system may be grid-connected or a stand alone system.*

WIND TOWER: *is the monopole, freestanding, or guyed structure that supports a wind generator.*

YURT: *is a round, domed shelter of cloth or canvas on a collapsible frame with no plumbing, sewage disposal hookup or internal cooking appliance. Yurts may only be used in approved campgrounds.*

CHAPTER III
ESTUARY ZONES

Coos Bay Estuary Management Plan & Coquille River Estuary Management Plan

ZONING TABLE			
Category		Article/Section	Page
Estuary Zoning			
General Information concerning mapping and uses			
Coos Bay Estuary Management Plan (CBEMP)			
	CBEMP Policies		
Coquille River Estuary Management Plan (CREMP)			
	CREMP Policies		

ARTICLE 3.1 GENERAL INFORMATION

SECTION 3.1.100 ZONING DISTRICT MAPS: The location and boundaries of the zoning districts are shown on the Coos County Zoning Map, Coquille River Estuary Zoning Map and the Coos Bay Estuary Zoning Map. These zoning maps and their explanatory information are hereby adopted as part of this Ordinance. The zoning map may consist of several sheets or pages, which shall be listed on a cover page together with the date and name of each page. The zoning map shall be certified by the Board of Commissioners ~~and County Clerk~~ as being the official zoning map through adopted **order or ordinance**. ~~The certification of the official zoning map shall appear on the cover page of the collection of zoning maps. There shall be only one official zoning map which shall be located in the office of the County Clerk as long as this Ordinance remains in effect.~~ **All official records shall be kept by the Coos County Planning Department. Any changes to the zone maps by interpretation or rezone shall be filed with the County Clerk’s office through an ordinance or order. A copy of the segment of the map that was interpreted or rezoned will be attached to the order or ordinance. Digitized maps are hereby adopted as part of the Coos County Comprehensive Plan and Coos County Zoning and Land Development Ordinance as the official maps. If there are any questions about a mapping error staff shall provide a copy of the original Mylar map for comparison. If the digital copy is found to be in error Planning Staff shall correct the error immediately.**

SECTION 3.1.150 AMENDMENT OF ZONING DISTRICT MAP:

Whenever it is necessary to amend the zoning map to conform with an approved rezoning or with an amendment to the text of this Ordinance or as final land use actions of incorporated cities as may be required, the Planning *Staff shall make the change and note it in the meta data. When changes are made to the digitized maps they shall be exported into a shape file with the date and title and stored in an archived file. If changes are needed to align with the Assessor’s tax lot data that may be done without notice.* ~~Director shall so change the map, making such changes in red ink and annotating the map and the cover sheet to show the Ordinance or other number and the date of the change. (ORD 85-08-011L)~~

SECTION 3.1.200 INTERPRETATION OF ZONING DISTRICT BOUNDARIES: Due to the transposition of boundary lines from the Comprehensive Plan Maps (scale: 2" = 1 mile) to the Official Zoning Maps (scale: 1"=800'), zoning district boundaries were drawn to the nearest 10 acres. Whenever an uncertainty exists as to the boundary of a zone as shown on the official zoning map, the following rules of interpretation shall apply:

1. Boundaries indicated as approximately following the centerlines of streets, highways, or alleys shall be construed to follow such centerlines;
2. Boundaries indicated as approximately following platted or surveyed lines shall be construed to follow such plat or survey lines;
3. Boundaries indicated as approximately following city limits shall be construed to follow such city limits;
4. Boundaries indicated as following railroad lines or public utility easements shall be construed to follow such lines;
5. Boundaries indicated as following the centerlines of streams, rivers, canals, or other bodies of water shall be construed to follow those centerlines;
6. Boundaries indicated as approximately following the shorelines of water bodies shall be construed to follow the mean high water line (MHWL) or the line of non-aquatic vegetation, whichever is higher;
7. Boundaries indicated as approximately following ridge tops and other topographical features shall be construed to follow those features;
8. Boundaries indicated as approximately parallel to, or as extensions of features indicated in subsections 1 through 7, shall be so construed;
9. Where a public street or alley is officially vacated, the zone requirements applicable to the property in which the vacated area becomes a part shall apply;
10. Boundaries not intended to follow the above-listed features shall indicate where possible distances to reference points and other lines so they can be located on the ground;
11. Where physical features existing on the ground are at variance with those shown on the official zoning map, or in other circumstances not covered by subsections 1 through 10 above, the Planning Director shall interpret the zone boundaries, and if need be, may refer the matter to the Hearings Body for its interpretation pursuant to Section 1.1.700 of this Ordinance.

SECTION 3.1.250 COASTAL SHORELANDS BOUNDARY: *The Coastal Shoreland Boundary as it applies to the Coos Bay Estuary Management Plan and the Coquille River Estuary Management Plan is identified as that outer extent of the estuary zoning boundary.*

SECTION 3.1.350 ERRORS IN ZONING DISTRICT MAPS:

1. The Planning Director shall periodically compare zone maps on file with the official zoning map and the action taken by the Board of Commissioners or Hearings Body to assure the maps conform therewith.
2. When errors in transcription, interpretation, or clerical mistakes are found, the Planning Director shall have the authority to correct those errors on the official map using the same process as Section 3.1.150.

SECTION 3.1.400 PROHIBITED USES: Unless an exception is specifically listed in the Ordinance, any use not listed or specifically identified as not permitted are prohibited. However, it is recognized that in the development of a Comprehensive Zoning and Land Development Ordinance, not all uses of land and water can be listed, nor can all future uses be anticipated. A "use" may have been inadvertently omitted from the list of those specified as permitted or

conditional in each of the various districts designated. Ambiguity may arise concerning the appropriate classification of a particular use within the meaning and intent of this Ordinance.

1. The classification of a new permitted or conditional use may be approved by the Planning Director, or may be referred to the Board of Commissioners for consideration;
2. To classify and add a new permitted or conditional use to the uses already listed within a zoning district without formal amendment to the text of this Ordinance, the Planning Director must find that the proposed use to be added is similar and not more obnoxious or detrimental to the public health, safety, and welfare as other uses listed in the respective zoning district.
3. Notice of any decision to classify a new use shall be published in a newspaper of general circulation at least ten (10) days prior to the effective date of the decision, and shall be subject to appeal pursuant to Article 5.8. Decisions to classify a new use may be appealed following the procedures of Article 5.8.
 - a. Any decision to classify a use pursuant to this section shall be entered in a registry available to the public setting forth:
 - i. The street address or other easily understood geographic reference to the subject property;
 - ii. The date of the decision; and
 - iii. A description of the decision made.
4. New classified uses shall be subject to all other requirements of this Ordinance.
5. Any new use classified for an Exclusive Farm Use or Forest zone must comply with ORS 215 and requirements of applicable case law and administrative rules. [OR-92-07-012PL

SECTION 3.1.450 SUPPLEMENTAL PROVISIONS THAT APPLY TO ALL ZONING LISTED IN ARTICLE 3.

1. Special Allowance for Accessory Housing within the Coquille River and Coos Bay Estuary Shoreland Boundaries. The dwelling is necessary for a watchman or caretaker that is needed to reside on-premise. That the primary purpose of the dwelling is not solely to provide rental housing. Dwellings may be allowed as an accessory use to any of the following legally established uses:
 - a. Agriculture, as otherwise consistent with CREMP Policy #42 (Appendix 2) and CBEMP Policy #28 (Appendix 3);
 - b. Airports;
 - c. Aquaculture;
 - d. Commercial;
 - e. Docks and moorage/marinas;
 - f. Industrial and port facilities;
 - g. Log storage and sorting yard;
 - h. Mining and mineral extraction;
 - i. Recreational uses;
 - j. Solid waste disposal;
 - k. Timber farming/harvesting, as otherwise consistent with CREMP Policy #42 and CBEMP Policy #28;
 - l. Utilities.
2. Accessory Structures are customarily accessory to a lawfully established principle use shall be allowed as set forth below:
 - a. An accessory structure may be located on the same lot, parcel or tract under the same ownership as the lot, parcel or tract that contains the principle use.
 - b. Any attached or detached accessory structure shall maintain the same setbacks established by the zoning district for the principle use.[OR 91-05-006PL 7/10/91]

3. Residential Care Home/Facility. Residential Care Home/Facility shall be allowed in any dwelling authorized by this Ordinance.
4. Special Temporary Uses. The special temporary uses and their accessory structures and uses may be temporarily permitted by the Planning Director as set forth in the Zoning Districts. The Planning Director's decision may be reviewed by the Hearing's Body.
5. Accessory Uses. Uses customarily accessory to the lawfully established principal use shall be allowed in all cases unless specifically prohibited or restricted:
 - a. An accessory use may be located on the same lot, parcel or tract or on a contiguous lot, parcel or tract under the same ownership as the lot, parcel or tract that contains the principal use;
 - b. The use complies with the definition of "Accessory Structure or Use" pursuant to this Ordinance;
 - c. The noncontiguous lot, parcel or tract is in the "same ownership" as the lot, parcel or tract on which the principal use is located;
 - d. The accessory use shall only be allowed subject to an administrative conditional use and findings that establish that the use is compatible with surrounding uses or may be made compatible through the imposition of conditions.[OR 91-05-006PL 7/10/91]

ARTICLE 3.2 COOS BAY ESTUARY MANAGEMENT PLAN (CBEMP) ZONING DISTRICTS/USES AND ACTIVITIES/LAND DEVELOPMENT STANDARDS.

SECTION 3.2.100. Purpose. The purpose of this Article is to provide requirements pertaining to individual zoning districts in accordance with the Coos Bay Estuary Management Plan.

Such requirements are intended to achieve the following objectives:

1. To encourage the most appropriate use of land and natural resources.
2. To facilitate the adequate and efficient provision of transportation, water, sewerage, schools, parks, and other public requirements.
3. To secure safety from flood or other natural hazard.

The land development standards of Table 3.2 shall govern all development within the Coos Bay Estuary Shoreland Districts.

TABLE 3.2
Brackets around numbers see "Footnotes"
LAND DEVELOPMENT STANDARDS

DISTRICT DESIGNATION	MINIMUM LOT SIZE (10)							
	EFU (1)	FOREST LAND (2)	RURAL			UGB'S		
			RES	COM/IND	OTHER	RES	COM/IND	OTHER
NS	(3)	(3)	(3)	N/A	(3)	N/A	N/A	N/A
CS	(3)	(3)	(3)	N/A	(3)	(3)	N/A	(3)
RS	(3)	(3)	(3)	(3)	(3)	N/A	N/A	(3)
D	(3)	(3)	(4)	--	--	N/A	N/A	N/A
WD	(3)	(3)	(4)	--	--	N/A	N/A	N/A
UD	(3)	(3)	N/A	N/A	N/A	(3)	(3)	(3)
UW	(3)	(3)	N/A	N/A	N/A	(4)	--	--
NWD	(3)	(3)	N/A	N/A	N/A	N/A	N/A	N/A
UDS	(3)	(3)	N/A	N/A	N/A	(4)	--	--

TABLE 3.2

Brackets around numbers see “Footnotes”

LAND DEVELOPMENT STANDARDS						
DISTRICT DESIGNATION	MINIMUM LOT WIDTH & DEPTH				MIN. ST. FRONTAGE	
	RURAL		UGB'S		RURAL	UGB'S
	WIDTH	DEPTH	WIDTH	DEPTH		
NS	20'	--	N/A	N/A	20'	N/A
CS	20'	--	50'	50'	20'	50'
RS	20'	--	50'	50'	20'	50'
D	20'	--	50'	N/A	20'	N/A
WD	20'	--	N/A	N/A	20'	N/A
UD	N/A	N/A	N/A	50'	N/A	50'
UW	N/A	N/A	50'	50'	N/A	50'
NWD	20'	--	N/A	N/A	N/A	50'
UDS	N/A	N/A	50'	50'	N/A	50'

Table 3.2
 Brackets around numbers see "Footnotes"
 LAND DEVELOPMENT STANDARDS

DISTRICT DESIGNATION	MINIMUM SETBACKS (9)					
	RURAL			UGB'S		
	FRONT	REAR	SIDE	FRONT	REAR	SIDE
NS	(5)	(5)	(5)	N/A	N/A	N/A
CS	(5)	(5)	(5)	20'	5'	(7)
RS	(5)	(5)	(5)	20'	20'	(7)
D	(5)	(5)	(5)	N/A	N/A	N/A
WD	(5)	(5)	(5)	N/A	N/A	N/A
UD	N/A	N/A	N/A	20'	5'	(7)
UW	N/A	N/A	N/A	5'	5'	5'
NWD	N/A	N/A	N/A	N/A	5'	5'
UDS	N/A	N/A	N/A	5'	5'	(5)

TABLE 3.2
 Brackets around numbers see "Footnotes"

LAND DEVELOPMENT STANDARDS						
DISTRICT DESIGNATION	MAXIMUM BUILDING HEIGHT		OFFSTREET PARKING		<i>Road Standards</i>	
	RURAL	UGB'S	RURAL	UGB'S	<i>RURAL</i>	<i>UGB'S</i>
NS	--	N/A	(6)	N/A	<i>(11)</i>	<i>(11)</i>
CS	--	35'	(6)	(8)	<i>(11)</i>	<i>(11)</i>
RS	--	35'	(6)	(8)	<i>(11)</i>	<i>(11)</i>
D	--	N/A	(6)	N/A	<i>(11)</i>	<i>(11)</i>
WD	--	N/A	(6)	N/A	<i>(11)</i>	<i>(11)</i>
UD	N/A	--	N/A	(8)	<i>(11)</i>	<i>(11)</i>
UW	N/A	--	N/A	(8)	<i>(11)</i>	<i>(11)</i>
NWD	--	N/A	N/A	(8)	<i>(11)</i>	<i>(11)</i>
UDS	N/A	--	N/A	(8)	<i>(11)</i>	<i>(11)</i>

TABLE 3.2 FOOTNOTES

FOOTNOTES:

- (1) Exclusive Farm Use, per Special Consideration Map
- (2) Forest Lands, per Special Consideration Map
- (3) See Special Considerations Map: Lot Size Overlay to determine minimum lot size
- (4) Dwellings are allowed as accessory uses only; no minimum lot size required
- (5) 35 feet from the centerline of an adjacent right-of-way; or 5 feet from an adjacent right of-way boundary (whichever is greater) if no adjacent right-of-way.
- (6) See Chapter-VII for rural off-street parking requirements
- (7) 5 feet; but 10 feet for corner lots
- (8) See Chapter VII for off-street parking requirements within UGB's
- (9) Setback requirements are also subject to the vision clearance requirements set forth in Chapter VII.
- (10) None required for dredged material disposal, mitigation or utilities
- (11) See Chapter VII for road standards and improvements.**

NOTE: N/A = means “not applicable”; the standard is not applicable because the respective zoning designation does not apply within either the respective rural or UGB area.

SECTION 3.2.150. How to Use This Article. This Article contains specific language that implements the Coos Bay Estuary Plan. The main purpose is to clearly stipulate where, and under what circumstances, development may occur.

Follow the steps below to determine whether or not a proposed use or activity is, or may be, allowed at any specific site within the Coos Bay Estuary Shoreland Boundary.

1. Locate the subject site on the General Index Map.
2. Note the General Location Index Map (i.e. Lower Bay, Upper Bay, etc.) which is referenced on the General Index Map and advance to the General Location Index Map.
3. Locate the subject site on the General Location Index Map. Note the numbers and abbreviated district designations (i.e. “UD”, “UW”, “CS”, etc.) for applicable zoning districts. (Note: management segments in the Plan are the same as zoning districts.)
4. Turn to the pages in the Ordinance which contain specific zoning district provisions which correspond to the map designations for the subject site.
5. For each applicable Shoreland or Aquatic District:
 - a) Review the districts Management Objective. This narrative provides general policy guidance regarding uses and activities that are, or may be, allowed in the district.
 - b) Review the district’s Uses, Activities, and Special Conditions Table to determine whether or not a proposed use or activity is allowable outright, allowable with conditions, or conditionally allowable subject to an Administrative or Hearings Body Conditional Use.

Symbols denote whether or not the specific use or activity listed in the tables is permitted outright, may be allowed subject to an Administrative Conditional Use, may be allowed subject to a Hearings Body conditional use, or prohibited in the specific district. The following symbols are pertinent:

P – means the use or activity is permitted outright subject only to the management objective.

S - indicates that the use or activity may be allowed subject to “Special Conditions” presented following the use and activity table. A few of the special conditions are non-discretionary, but most require local judgment and discretion and the development of findings to support any final decision about whether or not to allow the use or activity.

Some uses and activities may be identified as being subject

to a special condition that is not discretionary or may not apply to a site-specific request. If such is the situation, the Planning Director shall make such determination and if “General Conditions” are not applicable regard the use or activity as permitted outright. Such determination shall consist of a statement of facts supporting the decision.

G - indicates the use or activity may be allowed subject to “General Conditions” presented following the use and activities table. “General Conditions” provide a convenient cross-reference to applicable Baywide Policies which may further limit or condition the uses and activities.

A few “General Conditions” may not apply to a site specific request. If such is the situation, the Planning Director shall make such determination and if “Special Conditions” are not applicable, regard the use or activity as permitted outright. Such determination shall consist of a statement of facts supporting the decision.

ACU - means the use or activity may be permitted as provided above or subject to “Special” or “General” conditions pursuant to an Administrative Conditional Use.

HB - means the use or activity may be permitted except as provided above or subject to “Special” or General” conditions pursuant to a Hearings Body Conditional Use.

N - means the use or activity is prohibited.

N/A - means Not Applicable; the use or activity is not realistic considering the physical character of the district and therefore does not apply.

c) Review the designations which accompany each use and activity listed in the Table to determine what is allowed, what is not allowed and what conditions may apply. (The Table may list a use as conditionally allowable but a condition may negate the Table’s designation).

SECTION 3.2.175. Site-Specific Zoning Districts. This Ordinance shall divide the lands affected by the Coos Bay Estuary Management Plan into specific zoning districts as identified in Sections 3.2.200. The following zoning districts delineate the appropriate requirements which shall apply to all lands within the individual districts.

A detailed “Uses and Activities” table follows the “Management Objectives” statement presented for each respective aquatic and shoreland district. The tables describe specific uses and activities deemed appropriate and inappropriate for each district. The Use and

Activity tables for each district are subordinate to the “Management Objective” for the respective districts in that allowed uses and activities must be consistent with the respective districts’ “Management Objective” statements.

SECTION 3.2.180. Riparian Protection Standards in the Coos Bay Estuary Management Plan.

The following standards shall govern riparian corridors within the Coos Bay Estuary Management Plan:

1. Riparian vegetation within 50 feet of an estuarine wetland, stream, lake or river, as identified on the Coastal Shoreland and Fish and Wildlife habitat inventory maps, shall be maintained except that:
 - a) Trees certified *as posing an erosion or safety hazard. property owner is responsible for ensuring compliance with all local, state and federal agencies for the removal of the tree.* ~~by one of the following Coos Soil and Water Conservation District, US Soil Conservation Service posing an erosion or safety hazard may be removed to minimize said hazard;~~
 - b) riparian vegetation may be removed to provide direct access for a water-dependent use; or
 - c) Riparian vegetation may be removed in order to allow establishment of authorized structural shoreline stabilization measures; or
 - d) Riparian vegetation may be removed to facilitate stream or streambank clearance projects under a port district, ODFW, BLM, Soil & Water Conservation District, USFS stream enhancement plan; or
 - e) Riparian vegetation may be removed in order to site or properly maintain public utilities and road right-of-ways, provided that the vegetation to be removed is the minimum necessary to accomplish the purpose; or
 - f) Riparian vegetation may be removed in conjunction with existing agricultural operations (e.g., to site or maintain irrigation pumps, to limit encroaching brush, to allow harvesting farm crops customarily grown within riparian corridors, etc.) provided that such vegetation removal does not encroach further into the vegetation buffer except as needed to provide an access to the water for the minimum amount necessary to site or maintain irrigation pumps.
1. The 50 ‘ riparian vegetation setback shall not apply in any instance where an existing structure was lawfully established and an addition or alteration to said structure is to be sited not closer to the estuarine wetland, stream, lake, or river than the existing structure and said addition or alteration represents not more than 100% of the size of the existing structure’s “footprint”.(ORD 92-05-009PL)
2. *The 50’ measurement shall be taken from the ordinary high water mark using a right angle from the ordinary high water mark.*

GENERAL LOCATION: LOWER BAY/UPPER BAY

ZONING DESIGNATION: DDNC-DA

ZONING DISTRICT: Deep-Draft Navigation Channel (37' authorized draft)

SPECIFIC BOUNDARIES: THE AUTHORIZED 37' DEEP-DRAFT NAVIGATION CHANNEL PLUS SUBTIDAL AREAS HISTORICALLY USED FOR IN-WATER DMD.

SECTION 3.2.201. Management Objective: This district shall be regularly maintained to authorized depths as the deep-draft navigation channel. Conflicting uses and activities are not permitted.

SECTION 3.2.202. Uses, Activities and Special conditions. Table DDNC-DA sets forth the uses and activities which are permitted, which may be permitted as conditional uses, or which are prohibited in this zoning district. Table DDNC-DA also sets forth special conditions which may restrict certain uses or activities, or modify the manner in which certain uses or activities may occur. Reference to "policy numbers" refers to Policies set forth in the Coos Bay Estuary Management Plan.

A. Uses

- | | | |
|-----|--|-----|
| 1. | Aquaculture | N |
| 2. | Commercial | N |
| 3. | Docks | N |
| 4. | Industrial & Port Facilities | N |
| 5. | Log Dump/Sort/Storage (in-water) | N |
| 6. | Marinas | N |
| 7. | Mining/Mineral Extraction | N |
| 8. | Recreation facilities | |
| | a. Low-intensity | N |
| | b. High-intensity | N |
| 9. | Utilities | |
| | a. Low-intensity | N |
| | b. High-intensity | N |
| 10. | Bridge Crossing Support Structures and dredging necessary for installation | P-G |
| 11. | Bridge crossings | P-G |

B. Activities:

- | | | |
|----|---|-----|
| 1. | Dikes | |
| | a. New construction | N/A |
| | b. Repair/Maintenance | N/A |
| | c. Installation of tidegates in existing functional dikes | N/A |
| 2. | Dredging | |

	a.	New	ACU-S,G
	b.	Maintenance dredging of existing facilities	ACU-S,G
	c.	To repair dikes and tidegates	N/A
3.		Dredge Material Disposal	ACU-S,G
4.		Fill	N
5.		Navigation	
	a.	Aides	P-G
	b.	Structures	N
	c.	Minor navigational improvement	P-G
	d.	Water-dependent commercial enterprises and activities	ACU-S,G
6.		Piling/Dolphin installation	P-G
7.		Shoreline Stabilization	
	a.	Vegetative	N/A
	b.	Riprap	N/A
	c.	Bulkheads	N/A
8.		Mitigation	N
9.		Restoration	
	a.	Active	N
	b.	Passive	N
10.		Research and educational observations	P
11.		Protection of habitat, nutrient, fish, wildlife, and aesthetic	P
12.		Temporary alterations	P-G
13.		Waste water/storm water discharge	ACU-S,G
14.		Research and educational Observation structures	ACU-S,G

GENERAL CONDITIONS (the following conditions applies to ALL uses and activities):

1. Inventoried resources requiring mandatory protection in this unit shall be protected, and is subject to Policies #17 and #18.

SPECIAL CONDITIONS:

Activities:

- 2a., 2b. These activities are only allowed subject to finding that adverse impacts have been minimized (see Policy #5)
3. Flow-lane disposal may be permitted, pursuant to Policies #46 and #46a.
- 5c. This activity is subject to Policy #12.
- 5d. These activities are allowed subject to findings that adverse impacts have been minimized (see Policy #5); and Policy #8 requiring mitigation.
13. Waste water and storm water discharge, see Policy #25 and definition of "facility".
14. This activity is allowed subject to Policy #5d.

GENERAL LOCATION: SOUTH SLOUGH

ZONING DESIGNATION: CSDNC-DA

ZONING DISTRICT: CHARLESTON SHALLOW-DRAFT NAVIGATION CHANNEL (35' DRAFT)

SPECIFIC BOUNDARIES: Charleston Shallow-Draft Navigation Channel (17-foot authorized draft)

SECTION 3.2.205. Management Objective: This district shall be regularly maintained as a shallow-draft navigation channel serving the Charleston Small Boat Basin and associated moorage. Conflicting uses and activities are not permitted.

SECTION 3.2.206. Uses, Activities and Special Conditions. Table CSDNC-DA sets forth the uses and activities which are permitted, which may be permitted as conditional uses, or which are prohibited in this zoning district. Table CSDNC-DA also sets forth special conditions which may restrict certain uses or activities, or modify the manner in which certain uses or activities may occur. Reference to "policy numbers" refers to Plan Policies set forth in the Coos Bay Estuary Management Plan.

A. Uses

- | | | |
|-----|--|---------|
| 1. | Aquaculture | N |
| 2. | Commercial | N |
| 3. | Docks | N |
| 4. | Industrial & Port Facilities | N |
| 5. | Log Dump/Sort/Storage (in-water) | N |
| 6. | Marinas | N |
| 7. | Mining/Mineral Extraction | N |
| 8. | Recreation facilities | |
| | a. Low-intensity | N |
| | b. High-intensity | N |
| 9. | Utilities | |
| | a. Low-intensity | ACU-S,G |
| | b. High-intensity | N |
| 10. | Bridge Crossing Support Structures and dredging necessary for installation | N |
| 11. | Bridge crossings | N |

B. Activities:

- | | | |
|----|---|-----|
| 1. | Dikes | |
| | a. New construction | N/A |
| | b. Repair/Maintenance | N/A |
| | c. Installation of tidegates in existing functional dikes | N/A |

2.	Dredging	
	a. New	ACU-S, G
	b. Maintenance dredging of existing facilities	ACU-S, G
	c. To repair dikes and tidegates	N/A
3.	Dredge Material Disposal	N
4.	Fill	N
5.	Navigation	
	a. Aides	P
	b. Structures	N
	c. Minor navigational improvement	P-G
	d. Water-dependent commercial enterprises and activities	ACU-S, G
6.	Piling/Dolphin installation	P-G
7.	Shoreline Stabilization	
	a. Vegetative	N/A
	b. Riprap	N/A
	c. Bulkheads	N/A
8.	Mitigation	N
9.	Restoration	
	a. Active	N
	b. Passive	N
10.	Research and educational observations	P
11.	Protection of habitat, nutrient, fish, wildlife, and aesthetic	P
12.	Temporary alterations	P-G
13.	Waste water/storm water discharge	ACU-S, G
14.	Research and educational observation structures	N

GENERAL CONDITIONS (the following condition applies to all uses and activities):

1. Inventoried resources requiring mandatory protection in this unit are subject to Policies #17 and #18.

SPECIAL CONDITIONS:

Uses:

- 9a. Low-intensity utilities only permitted if designed so as not to interfere with navigation.

Activities:

- 2a, 2b. These activities are only allowed subject to findings that adverse impacts have been minimized (see Policy #5).
- 5c. This activity is subject to Policy #12.
- 5d. These activities are allowed subject to findings that adverse impacts have been minimized (see Policy #5); and Policy #8 requiring mitigation.
13. Waste water and storm water discharge, see Policy #25 and definition of "facility".

GENERAL LOCATION: ISTHMUS SLOUGH

ZONING DESIGNATION: ISSDNC-DA

ZONING DISTRICT: Isthmus Slough Shallow-Draft Navigation Channel (22-foot authorized draft)

SPECIFIC BOUNDARY: The 22' Draft Authorized Channel at Isthmus Slough

SECTION 3.2.210. Management Objective: This channel may be dredged to the authorized depth (22-feet). Private dredging shall continue as in the past.

SECTION 3.2.211. Uses, Activities and Special Conditions. Table ISSDNC-DA sets forth the uses and activities which are permitted, which may be permitted as conditional uses, or which are prohibited in this zoning district. Table ISSDNC-DA also sets forth special conditions which may restrict certain uses or activities, or modify the manner in which certain uses or activities may occur. Reference to "policy numbers" refers to Plan Policies set forth in the Coos Bay Estuary Management Plan.

A. Uses

- | | | |
|-----|--|----------|
| 1. | Aquaculture | N |
| 2. | Commercial | N |
| 3. | Docks | N |
| 4. | Industrial & Port Facilities | N |
| 5. | Log Dump/Sort/Storage (in-water) | N |
| 6. | Marinas | N |
| 7. | Mining/Mineral Extraction | N |
| 8. | Recreation facilities | |
| | a. Low-intensity | N |
| | b. High-intensity | N |
| 9. | Utilities | |
| | a. Low-intensity | ACU-S, G |
| | b. High-intensity | N |
| 10. | Bridge Crossing Support Structures and dredging necessary for installation | ACU-G |
| 11. | Bridge crossings | ACU-G |

B. Activities:

- | | | |
|----|---|----------|
| 1. | Dikes | |
| | a. New construction | N/A |
| | b. Repair/Maintenance | N/A |
| | c. Installation of tidegates in existing functional dikes | N/A |
| 2. | Dredging | |
| | a. New | ACU-S, G |
| | b. Maintenance dredging of existing facilities | ACU-S, G |

	c.	To repair dikes and tidegates	N/A
3.		Dredge Material Disposal	ACU-S, G
4.		Fill	N
5.		Navigation	
	a.	Aides	P
	b.	Structures	N
	c.	Minor navigational improvement	P
	d.	Water-dependent commercial enterprises and activities	ACU-S, G
6.		Piling/Dolphin installation	P
7.		Shoreline Stabilization	
	a.	Vegetative	N/A
	b.	Riprap	N/A
	c.	Bulkheads	N/A
8.		Mitigation	N
9.		Restoration	
	a.	Active	N
	b.	Passive	N
10.		Research and educational observations	P
11.		Protection of habitat, nutrient, fish, wildlife and aesthetic	P
12.		Temporary alterations	P-G
13.		Waste water/storm water discharge	ACU-S, G
14.		Research and educational observation structures	N

GENERAL CONDITIONS: (the following condition applies to all uses and activities):

1. Inventoried resources requiring mandatory protection in this unit are subject to Policies #17 and #18.

SPECIAL CONDITIONS:

Uses:

- 9a. Low-intensity utilities are only permitted if designed so as not to interfere with navigation.

Activities:

- 2a., 2b. These activities are allowed subject to findings that adverse impacts have been minimized (see Policy #5).
- 5c. This activity is subject to Policy #12.
- 5d. These activities are allowed subject to findings that adverse impacts have been minimized (see Policy #5); Policy #8 requiring mitigation.
13. Waste water and storm water discharge, see Policy #25 and definition of "facility".

GENERAL LOCATION: COOS RIVER/MILLICOMA RIVER

ZONING DESIGNATION: CMRSDNC-DA

ZONING DISTRICT: Coos-Millicoma Rivers Shallow-Draft Navigation Channel
(authorized depth 5-feet;3-feet above Dellwood)

SPECIFIC BOUNDARIES: The authorized navigation channels at Coos and Millicoma Rivers;
authorized depth is 5 feet; 3 feet above Dellwood

SECTION 3.2.215. Management Objective: This channel shall be maintained to permit continued use for log transport and other shallow-draft navigation within the current authorization. Disposal of dredged materials on the adjacent banks for dike maintenance purposes shall be encouraged.

SECTION 3.2.216. Uses, Activities and Special Conditions. Table CMRSDNC-DA sets forth the uses and activities which are permitted, which may be permitted as conditional uses, or which are prohibited in this zoning district. Table CMRSDNC-DA also sets forth special conditions which may restrict certain uses or activities, or modify the manner in which certain uses or activities may occur. Reference to "policy numbers" refers to Plan Policies set forth in the Coos Bay Estuary Management Plan.

A. Uses

- | | | |
|-----|--|----------|
| 1. | Aquaculture | N |
| 2. | Commercial | N |
| 3. | Docks | N |
| 4. | Industrial & Port Facilities | N |
| 5. | Log Dump/Sort/Storage (in-water) | N |
| 6. | Marinas | N |
| 7. | Mining/Mineral Extraction | N |
| 8. | Recreation facilities | |
| | a. Low-intensity | N |
| | b. High-intensity | N |
| 9. | Utilities | |
| | a. Low-intensity | ACU-S, G |
| | b. High-intensity | N |
| 10. | Bridge Crossing Support Structures and dredging necessary for installation | N |
| 11. | Bridge crossings | N |

B. Activities:

- | | | |
|----|---|-----|
| 1. | Dikes | |
| | a. New construction | N/A |
| | b. Repair/Maintenance | N/A |
| | c. Installation of tidegates in existing functional dikes | N/A |

2.	Dredging	
	a. New	ACU-S, G
	b. Maintenance dredging of existing facilities	ACU-S, G
	c. To repair dikes and tidegates	N/A
3	Dredge Material Disposal	ACU-S, G
4	Fill	N
5.	Navigation	
	a. Aides	P-G
	b. Structures	N
	c. Minor navigational improvement	P-G
	d. Water-dependent commercial enterprises and activities	ACU-S, G
6.	Piling/Dolphin installation	P
7.	Shoreline Stabilization	
	a. Vegetative	N/A
	b. Riprap	N/A
	c. Bulkheads	N/A
9.	Mitigation	N
10.	Restoration	
	a. Active	N
	b. Passive	N
11.	Research and educational observations	P
12.	Protection of habitat, nutrient, fish, wildlife and aesthetic	P
13.	Temporary alterations	P-G
14.	Waste water/storm water discharge	ACU-S, G
15.	Research & educational observation structure	N

GENERAL CONDITIONS (the following condition applies to all uses and activities):

1. Inventoried resources requiring mandatory protection in this unit are subject to Policies #17 and #18.

SPECIAL CONDITIONS:

Uses:

- 9a. Low-intensity utilities are only permitted if designed so as not to interfere with navigation.

Activities:

- 2a., 2b. These activities are only allowed subject to finding that adverse impacts have been minimized (see Policy #5). First consideration for obtaining material shall be given to dredged material disposal on the adjacent banks for dike maintenance purposes.
3. Dredge material disposal shall be allowed when consistent with Policy #20. See Management Objective of this Unit for DMD purpose.
- 5c. This activity is subject to Policy #12.

- 5d. These activities are allowed subject to findings that adverse impacts have been minimized (see Policy 5); Policy #8 requiring mitigation.
- 14. Waste water and storm water discharge, see Policy #25 and definition of "facility".

LOWER BAY - MOUTH TO RAILROAD BRIDGE
[R.M.0 - R.M. 9.0] AND ADJACENT SHORELANDS INCLUDING:
NORTH SPIT, PONY SLOUGH

SHORELAND DISTRICTS: 1-7, 49-58 AND 67-68B
AQUATIC DISTRICTS: 1-7, 50-59 AND 67

-Districts are listed in numerical order,
Shoreland Districts first

GENERAL LOCATION: LOWER BAY - NORTH SPIT

ZONING DESIGNATION: 1-CS

ZONING DISTRICT: 1 - CONSERVATION SHORELANDS

Specific Boundaries: Northern Boundary - a line approximately 400-feet south of the line between S.26 and S.35, T.25, R.14 Southwestern Boundary - The North Jetty.

SECTION 3.2.220. Management Objective: This district shall be managed so as to provide for uses and activities necessary for future jetty construction and maintenance, including road access and construction of unloading and storage facilities. In addition, dredged material shall be placed in Dredged Material Disposal Site 4a, and shall serve as "replacement habitat" for Snowy Plover habitat lost in conjunction with development of the North Bay Marine Industrial Park in Shoreland District 3-WD. (See District #3-WD for the specific requirements of a Snowy Plover mitigation plan.) If spoils are placed at Disposal Site #4a prior to development of industrial uses and disturbance of Snowy Plover habitat in District #3-WD, such spoils placement shall be considered as a "credit" against any plover habitat subsequently disturbed in District #3-WD. Another satisfactory method for mitigating loss of Snowy Plover habitat is "blading" for removal of ground cover. This District shall otherwise be managed as consistent with a Conservation Shorelands designation for protection of important wildlife habitat.

SECTION 3.2.221. Uses, Activities and Special Conditions. Table 1-CS sets forth the uses and activities which are permitted, which may be permitted as conditional uses, or which are prohibited in this zoning district. Table 1-CS also sets forth special conditions which may restrict certain uses or activities, or modify the manner in which certain uses or activities may occur. Reference to "policy numbers" refers to Plan Policies set forth in the Coos Bay Estuary Management Plan.

A.	Uses	
	1. Agriculture	N
	2. Airports	N
	3. Aquaculture	N
	4. Commercial	N
	5. Dryland Moorage	N
	6. Industrial & Port Facilities	N
	7. Log Sort/Storage Yard (land)	N
	8. Marinas	N
	9. Mining/Mineral Extraction	N
	10. Recreation facilities	
	a. Low-intensity	N
	b. High-intensity	N
	11. Utilities	
	a. Low-intensity	ACU-S, G
	b. High-intensity	N

- | | | |
|-----|--|-------|
| 12. | Bridge Crossing Support Structures and dredging necessary for installation | P-G |
| 13. | Bridge crossings | P-G |
| 14. | Land transportation facilities | ACU-G |
| 15. | Residential | N |
| 16. | Solid Waste Disposal | N |
| 17. | Timber farming/harvesting | N |

B. Activities:

- | | | |
|-----|---|----------|
| 1. | Stream Alteration | N/A |
| 2. | Dikes | |
| | a. New construction | N |
| | b. Repair/Maintenance | N |
| | c. Installation of tidegates in existing functional dikes | N |
| 3. | Dredge Material Disposal | ACU-S, G |
| 4. | Excavation to create new water surface | N |
| 5. | Fill | N |
| 6. | Shoreline Stabilization | |
| | a. Vegetative | ACU-S, G |
| | b. Riprap | ACU-S, G |
| | c. Retaining Wall | ACU-S, G |
| 7. | Navigation Aids | P |
| 8. | Mitigation | P-G |
| 9. | Restoration | |
| | a. Active | ACU-S, G |
| | b. Passive | P-G |
| 10. | Land Divisions | |
| | a. Partitions | ACU-S, G |
| | b. Subdivision | ACU-S, G |
| | c. Planned Unit Development | ACU-S, G |
| | d. Recreation PUD | N |

GENERAL CONDITIONS (the following conditions applies to ALL uses and activities):

1. Inventoried resources requiring mandatory protection in this district shall be protected, as required by Policies #17 and #18.
2. No permitted use or activity shall pre-empt the use of the designated dredged material disposal site in this district, as required by Policy #20.
3. All permitted uses and activities shall be consistent with Policy #23, requiring protection of riparian vegetation.
4. Uses in this district are only permitted as stated in Policy #14 "General Policy on Uses within Rural Coastal Shorelands". Except as permitted outright, or where findings are made in this Plan, uses are only allowed subject to the findings in this policy.
5. All permitted uses in dune areas shall be consistent with the requirements of Policy #30.

6. All permitted uses shall be consistent with the respective flood regulations of local governments, as required in Policy #27.
7. In rural areas (outside UGBs) utilities, public facilities and services shall only be provided subject to Policies #49, #50, and #51.

SPECIAL CONDITIONS:

Uses:

- 11a. Use of the area as a utility corridor shall be allowed if findings are developed which document that the use will not interfere with the wildlife habitat or the bird flyway.

Activities:

3. Dredged material disposal is permitted, and shall be used as "replacement habitat" for Snowy Plover habitat lost in conjunction with development of the North Bay Marine Industrial Park in Shoreland District #3-WD. (See district description for specific details.)
- 6a., 6b., 6c. Bankline stabilization measures shall be allowed if they are necessary to prevent breaching behind the jetty. Vegetative stabilization must be consistent with the habitat requirements in the area.

These activities are permitted, subject to the general findings required by Policy #9, "Solutions to Erosion and Flooding Problems".

- 9a. Active restoration shall be allowed only when consistent with Policy #22b.
10. Land divisions are only permitted where they meet the conditions in Policy #15.

SECTION 3.2.222. Land Development Standards. The requirements set forth in Table 3.2 shall govern development in the 1-CS district.

GENERAL LOCATION: LOWER BAY

ZONING DESIGNATION: 1-CA

ZONING DISTRICT: 1 - CONSERVATION AQUATIC

SPECIFIC BOUNDARIES: This aquatic district extends east to the deep-draft navigation channel beginning at the western tip of the North Jetty and extending northward to a line leaving the shoreline approximately 400-feet south of the section line dividing S.26 and S.35, T.25, R.14.

SECTION 3.2.225. Management Objective: This district shall be managed to provide for uses and activities associated with jetty maintenance and construction, and for protecting fish and wildlife habitat.

SECTION 3.2.226. Uses, Activities and Special Conditions. Table 1-CA sets forth the uses and activities which are permitted, which may be permitted as conditional uses, or which are prohibited in this zoning district. Table 1-CA also sets forth special conditions which may restrict certain uses or activities, or modify the manner in which certain uses or activities may occur. Reference to "policy numbers" refers to Plan Policies set forth in the Coos Bay Estuary Management Plan.

A. Uses

1.	Aquaculture	ACU-S, G
2.	Commercial	N
3.	Docks	ACU-S, G
4.	Industrial & Port facilities	ACU-S, G
5.	Log Dump/Sort/Storage (in-water)	N
6.	Marinas	N
7.	Mining/Mineral Extraction	N
8.	Recreation facilities	
	a. Low-intensity	N
	b. High-intensity	N
9.	Utilities	
	a. Low-intensity	P-G
	b. High-intensity	N
10.	Bridge Crossing, support structures and dredging necessary for installation	N
11.	Bridge Crossings	N

B. Activities:

1.	Dikes	
	a. New construction	N
	b. Maintenance/Repair	N
	c. Installation of tidegates in existing functional dikes	P-G

2.	Dredging	
	a. New	N
	b. Maintenance dredging of existing facilities	ACU-S, G
	c. To repair dikes	N/A
3.	Dredged Material Disposal	ACU-S, G
4.	Fill	ACU-S, G
5.	Navigation	
	a. Aides	P-G
	b. Structures	ACU-S, G
	c. Minor navigational improvement	P-G
	d. Water-dependent commercial enterprises and activities	N
6.	Piling/Dolphin installation	ACU-S, G
7.	Shoreline Stabilization	
	a. Vegetative	P-G
	b. Riprap	ACU-S, G
	c. Bulkheads	N
8.	Mitigation	P-G
9.	Restoration	
	a. Active	ACU-S, G
	b. Passive	P
10.	Protection of habitat, nutrient, fish, wildlife and aesthetic	P-G
11.	Temporary alterations	ACU-S, G
12.	Research & educational observations	P
13.	Waste water/storm water discharge	ACU-S, G
14.	Research & educational observation structure	N

GENERAL CONDITION (the following condition applies to all uses and activities):

1. Inventoried resources requiring mandatory protection in this unit are subject to Policies #17 and #18.

SPECIAL CONDITIONS

Uses:

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 allowed; or, where aquaculture requires dredging or fill or other alteration of the estuary is subject to Policy #4a.
- 3.,4. A temporary dock or other similar facility shall be allowed when necessary for jetty construction or maintenance.

Activities:

- 2b. This activity is only allowed subject (1) to the making of resource capability consistency findings and impact assessments (see Policy #4a); (2) to finding that adverse impacts have been minimized (see Policy #5); and (3) to Policy #8 requiring mitigation.
- 3. Dredge Material Disposal shall be allowed when consistent with Policy #20.
- 4.,6. Temporary fills or piling shall be allowed if necessary for establishing temporary facilities for jetty construction or maintenance. These activities should be the minimum necessary to accomplish the purpose. (See also Policy #6: "Fill in Conservation and Natural Management Units", part A.)

Fill is only allowed subject to finding that adverse impacts have been minimized (see Policy #5).

- 5b. This activity is only allowed subject to finding that adverse impacts have been minimized (see Policy #5), and to Policy #8 requiring mitigation.
- 5c. This activity is subject to Policy #12.
- 7b. This activity is permitted subject to the general findings required by Policy #9, "Solutions to Erosion and Flooding Problems", preferring nonstructural to structural solutions, and to the specific findings for riprap. Riprap may be allowed 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.
- 9a. Active restoration shall be allowed only when consistent with Policy #22b.
- 11. This activity is permitted subject to Policy #5a.
- 13. Waste water and storm water discharge, see Policy #25 and definition of "facility".

GENERAL LOCATION: LOWER BAY - NORTH SPIT

ZONING DESIGNATION: 2-CS

ZONING DISTRICT: 2 - CONSERVATION SHORELANDS

SPECIFIC BOUNDARIES: Northern Boundary - a line extending approximately northwest from the southern boundary of the Oregon International Port of Coos Bay's aquaculture facility. Southern Boundary - a line about 400-feet south of the section line dividing S.25 and S.35, T.25, R.14. This district also contains a small offshore upland known as "Clam Island".

SECTION 3.2.230. Management Objective: This shoreland district shall be managed to allow continuation of existing uses and use of the area for undeveloped land transportation. Any relocation of the land access route should be done in a manner that meets the needs of existing uses protecting sensitive resource habitat. The district shall also be managed to allow development of recreation facilities, including construction of an improved road to serve the facilities.

The district contains two designated mitigation sites, M-3 and M-4. However, only site M-3 shall be protected from pre-emptive use, as it is rated a "High" priority site, while M-4 is rated "Low" priority (consistent with Policy #22). The district also contains part of a dredged material disposal site (4a).

An existing heron rookery located in this district shall be preserved by protecting those trees in the rookery which are used by the birds.

SECTION 3.2.231. Uses, Activities and Special Conditions. Table 2-CS sets forth the uses and activities which are permitted, which may be permitted as conditional uses, or which are prohibited in this zoning district. Table 2-CS also sets forth special conditions which may restrict certain uses or activities, or modify the manner in which certain uses or activities may occur. Reference to "policy numbers" refers to Plan Policies set forth in the Coos Bay Estuary Management Plan.

A.	Uses	
	1. Agriculture	P-G
	2. Airports	N
	3. Aquaculture	P-G
	4. Commercial	N
	5. Dryland moorage	N
	6. Industrial & Port facilities	N
	7. Land transportation facilities	ACU-S, G
	8. Log storage/sorting yard (land)	N
	9. Marinas	N
	10. Mining/mineral extraction	N
	11. Recreation facilities	
	a. Low-intensity	P-G
	b. High-intensity	ACU-S, G

12.	Residential	N
13.	Solid Waste disposal	N
14.	Timber farming/harvesting	P-G
15.	Utilities	
	a. Low-intensity	ACU-S, G
	b. High-intensity	N

B. Activities:

1.	Stream alteration	N
2.	Dikes	
	a. New construction	N
	b. Maintenance/repair	N
3.	Dredged Material disposal	ACU-S, G
4.	Excavation to create new water surface	ACU-S, G
5.	Fill	N
6.	Shoreline stabilization	
	a. Vegetative	P-G
	b. Riprap	N
	c. Retaining Wall	N
7.	Navigation aids	P-G
8.	Mitigation	P-G
9.	Restoration	
	a. Active	ACU-S, G
	b. Passive	P-G
10.	Land divisions	
	a. Partition	ACU-S, G
	b. Subdivision	ACU-S, G
	c. Planned Unit Development	ACU-S, G
	d. Recreation PUD	N

GENERAL CONDITIONS (The following condition applies to all uses and activities):

1. Inventoried resources requiring mandatory protection in this district shall be protected, and are subject to Policies #17 and #18.
2. No permitted use or activity shall pre-empt the use of the designated dredge material disposal site in this district, as required by Policy #20.
3. All permitted uses and activities shall be consistent with Policy #23, requiring protection of riparian vegetation.
4. Uses in this district are only permitted as stated in Policy #14 "General Policy on uses within Rural Coastal Shorelands". Except as permitted outright, or where findings are made in this Plan, uses are only allowed subject to the findings in this policy.
5. All permitted uses shall be consistent with the respective flood regulations of local governments, as required in Policy #27.
6. All permitted uses in dune areas shall be consistent with the requirements of Policy #30.

7. No permitted use or activity shall pre-empt the use of "High" priority mitigation site M-3 as required by Policy #22.
8. In rural areas (outside of UGBs) utilities, public facilities and services shall only be provided subject to Policies #49, #50, and #51.

SPECIAL CONDITIONS:

Uses:

- 7.,11b. Any relocation of the present four-wheel drive road to meet current access needs, or any construction and improvement of a road to serve developed recreation facilities, shall be designed so that it avoids sensitive wildlife habitat, including heron rookery and snowy plover nesting sites.
- 14a. Use of the area as a utility corridor shall be allowed if findings are developed which document that the use will not interfere with wildlife habitat or the bird flyway.

Activities:

3. Dredged material disposal shall be managed as part of a Snowy Plover habitat mitigation program for the North Spit in connection with development of the Port of Coos Bay Marine Industrial Park. See District #3-WD for specific details.
4. This activity is permitted if in conjunction with an approved mitigation project on "High" priority mitigation site M-3.
- 9a. Active restoration shall be allowed only when consistent with Policy #22b.
10. Land divisions are only permitted where they meet the conditions in Policy #15.

SECTION 3.2.232. Land Development Standards. the requirements set forth in Table 3.2 shall govern development in the 2-CS district.

GENERAL LOCATION: LOWER BAY

ZONING DESIGNATION: 2-NA

ZONING DISTRICT: 2 - NATURAL AQUATIC

SPECIFIC BOUNDARIES: This aquatic district extends to the deep-draft channel beginning at a line extending approximately southeast from a point 400-feet south of the section line dividing S.26 and S.35, T.25, R.14, and running north to a line extending approximately southeast from the southern boundary of the Oregon International Port of Coos Bay's aquaculture facility.

SECTION 3.2.235. Management Objective: This aquatic district shall be managed to maintain aquatic resource productivity consistent with the present mix of low-intensity uses and structures and the uses and activities allowed in the district.

SECTION 3.2.236. Uses, Activities and Special Conditions. Table 2-NA sets forth the uses and activities which are permitted, which may be permitted as conditional uses, or which are prohibited in this zoning district. Table 2-NA also sets forth special conditions which may restrict certain uses or activities, or modify the manner in which certain uses or activities may occur. Reference to "policy numbers" refers to Plan Policies set forth in the Coos Bay Estuary Management Plan.

A. Uses

1.	Aquaculture	ACU-S, G
2.	Commercial	N
3.	Docks	ACU-S, G
4.	Industrial & Port Facilities	N
5.	Log dump/sort/storage (in-water)	N
6.	Marinas	N
7.	Mining/mineral extraction	N
8.	Recreation facilities	
	a. Low-intensity	N
	b. High-intensity	N
9.	Utilities	
	a. Low-intensity	P-G
	b. High-intensity	N
10.	Bridge Crossing Support Structures and dredging necessary for installation	N
11.	Bridge crossings	N

B. Activities

1.	Dikes	
	a. New construction	N
	b. Repair/maintenance	N
	c. Installation of tidegates in existing functional dikes	N/A

2.	Dredging	
	a. New	N
	b. Maintenance dredging of existing facilities	N
	c. To repair dikes and tidegates	N/A
3.	Dredged Material Disposal	N
4.	Fill	N
5.	Navigational	
	a. Aides	P-G
	b. Structures	N
	c. Minor navigational improvement	N
	d. Water-dependent commercial enterprises and activities	N
6.	Piling/dolphin installation	ACU-S, G
7.	Shoreline stabilization	
	a. Vegetative	P-G
	b. Riprap	ACU-S, G
	c. Bulkheads	N
8.	Mitigation	P-G
9.	Restoration	
	a. Active	N
	b. Passive	P-G
10.	Temporary alterations	ACU-S, G
11.	Protection of habitat, nutrient, fish, wildlife and aesthetic	P
12.	Research and educational observations	P
13.	Waste water/storm water discharge	N
14.	Research and educational observation structures	N

GENERAL CONDITION (the following condition applies to all uses and activities):

1. Inventoried resources requiring mandatory protection in this unit are subject to Policies #17 and #18.

SPECIAL CONDITIONS:

Uses:

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.
3. Docks shall be limited to maintenance of the existing dock facility.

Activities:

6. Piling/dolphin installation shall be limited to replacement of piling to maintain the existing dock.

- 7b. Riprap may be allowed 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.
- 10. This activity is only permitted subject to Policy #5a.

GENERAL LOCATION: LOWER BAY - NORTH SPIT

ZONING DESIGNATION: 3-WD

ZONING DISTRICT: 3-WATER-DEPENDENT DEVELOPMENT SHORELANDS

SPECIFIC BOUNDARIES: Northern Boundary - A line extending from the north-east corner of the waste-treatment lagoon to the southwest, and along its eastern edge, including an area of about 73 acres. Southern Boundary - A line to the northwest from the southern boundary of the aquaculture facility. Western Boundary - A line running approximately SSW across dune hummocks from the southern side of the lagoon to an open sand dune. The area and boundaries of 3-WD have been reduced by approximately 50 acres being designated 3-NWD as described in that Shoreland Unit.

SECTION 3.2.240. Management Objective: This shoreland district shall be managed to efficiently utilize the property for water-dependent or related commercial/industrial development. Development must be conducted in a manner that is consistent with the Plan's general policy regarding beaches and dunes. Any area of disturbed snowy plover habitat shall be replaced elsewhere on the North Spit (see Districts #1CS and #2CS) such that: (1) sites created as habitat are made available before or concurrently with alteration of existing habitat, and (2) there is no net loss of habitat.

SECTION 3.2.241. Uses, Activities and Special Conditions. Table 3-WD sets forth the uses and activities which are permitted, which may be permitted as conditional uses, or which are prohibited in this zoning district. Table 3-WD also sets forth special conditions which may restrict certain uses or activities, or modify the manner in which certain uses or activities may occur. Reference to "policy numbers" refers to Plan Policies set forth in the Coos Bay Estuary Management Plan.

A. Uses:

- | | |
|------------------------------------|----------|
| 1. Agriculture | N |
| 2. Airports | N |
| 3. Aquaculture | P-G |
| 4. Commercial | ACU-S,G |
| 5. Dryland Moorage | ACU-S, G |
| 6. Industrial & Port facilities | ACU-S,G |
| 7. Land transportation facilities | P-G |
| 8. Log storage/sorting yard (land) | ACU-S, G |
| 9. Marinas | P-G |
| 10. Mining/mineral extraction | P-G |
| 11. Recreation facilities | |
| a. Low-intensity | ACU-S, G |
| b. High-intensity | ACU-S, G |
| 12. Residential | N |
| 13. Solid Waste Disposal | N |
| 14. Timber farming/harvesting | N |

- | | | |
|-----|----------------------------|---------|
| 15. | Utilities | |
| | a. Low-intensity | P-G |
| | b. High-intensity | P-G |
| 16. | Energy production | ACU-S,G |
| 17. | Water-borne transportation | ACU-S,G |

B. Activities:

- | | | |
|-----|--|----------|
| 1. | Stream alteration | P-G |
| 2. | Dikes | |
| | a. New construction | P-G |
| | b. Maintenance/repair | P-G |
| 3. | Dredge Material Disposal | N |
| 4. | Excavation to create new water surface | P-G |
| 5. | Fill | ACU-S, G |
| 6. | Shoreline stabilization | |
| | a. Vegetative | P-G |
| | b. Riprap | ACU-S, G |
| | c. Retaining Wall | ACU-S, G |
| 7. | Navigation Aids | P-G |
| 8. | Mitigation | P-G |
| 9. | Restoration | |
| | a. Active | ACU-S, G |
| | b. Passive | P-G |
| 10. | Land divisions | |
| | a. Partition | ACU-S, G |
| | b. Subdivision | ACU-S, G |
| | c. Planned Unit Development | ACU-S, G |
| | d. Recreation PUD | N |

GENERAL CONDITIONS (the following condition applies to all uses and activities):

1. Uses in this district shall normally be water-dependent or water-related. Other uses shall only be permitted subject to the findings required by Policy #14.
2. No permitted use or activity shall pre-empt the use of the designated dredged material disposal site in this unit, as required by Policy #20.
3. All permitted uses shall be consistent with the respective flood regulations of local governments, as required in Policy #27.
4. All permitted uses in dune areas shall be consistent with the requirements of Policy #30.
5. All permitted uses and activities must be consistent with a Snowy Plover habitat mitigation plan; see Management Objective.
6. In rural areas (outside of UGBs) utilities, public facilities and services shall only be provided subject to Policies #49, #50, and #51.
7. Inventoried resources requiring mandatory protection in this unit are subject to Policies #17 and #18.

SPECIAL CONDITIONS:

Uses:

- 4.,6.,16.,17. These uses are subject to review and approval when consistent with Policy #16.
- 5. New or expanded dryland moorage shall be subject to review and approval only when consistent with Policies #20, #27 and #14.
- 8. Log storage and sorting yards shall be allowed, provided that: (i) such uses are conducted on an interim basis and do not pre-empt use of the property for more intense, water-dependent developments, or (ii) such uses are accessory to a primary use involving waterborne shipment of logs.
- 11a.,11b. A public boat ramp facility designated to meet the needs of and accommodate small private crafts shall be allowed and shall be located on public lands, provided that such is compatible with other uses allowed in this Management District.

Activities:

- 5. Fill and other alterations may be permitted, only if in conjunction with a specific and approved industrial development.

A Snowy Plover habitat mitigation plan that ensures (1) that sites created as habitat are made available before or concurrently with alteration of existing habitat, and (2) that there is no net loss of Snowy Plover habitat. "Plover habitat" shall be construed to comprise only those areas so designated in Figure III-5 on page III-18 of the Final Environmental Impact Statement for the North Bay Marine Industrial Park.

- 6b.,6c. These activities are permitted subject to the findings required by Policy #9, "Solutions to Erosion and Flooding Problems".
- 9a. Active restoration shall be allowed only when consistent with Policy #22b.
- 10. Land divisions are only permitted where they meet the conditions in Policy #15.

SECTION 3.2.242. Land Development Standards. The requirements set forth in Table 3.2 shall govern development in the 3-WD district.

GENERAL LOCATION: LOWER BAY - NORTH SPIT

ZONING DESIGNATION: 3-NWD

ZONING DISTRICT: 3-NON-WATER-DEPENDENT SHORELANDS

SPECIFIC BOUNDARIES: Northern Boundary - Beginning at a point located on the easterly right-of-way of Trans-Pacific Lane (formerly, Transpacific Parkway) where it intersects with the north line of Government Lot 1 in Section 7; thence east 850 feet along said north line of Government Lot 1; Eastern Boundary: thence South 22°15'00" West 2,850 feet to where it intersects with the southerly line of Government Lot 6 of said Section 18; Southern Boundary: thence west 550 feet along said southerly line of Government Lot 6 to said easterly right-of-way line of Trans-Pacific Lane; Western Boundary: thence, northerly 2,840 feet along said easterly right-of-way of Trans-Pacific Lane to the point of beginning, containing approximately 52 acres, more or less.

SECTION 3.2.242.01 **Management Objective:** This shoreland district shall be managed to efficiently utilize the property for non-water-dependent commercial/industrial development. Development must be conducted in a manner that is consistent with the Plan's general policy regarding beaches and dunes.

SECTION 3.2.242.02 **Uses, Activities and Special Conditions.** Table 3-NWD sets forth the uses and activities which are permitted, which may be permitted as conditional uses, or which are prohibited in this zoning district. Table 3-NWD also sets forth special conditions which may restrict certain uses or activities, or modify the manner in which certain uses or activities may occur. Reference to "policy numbers" refers to Plan Policies set forth in the Coos Bay Estuary Management Plan.

A. Uses:

- | | | |
|-----|---------------------------------|---------|
| 1. | Agriculture | N |
| 2. | Airports | N |
| 3. | Aquaculture | N |
| 4. | Commercial | P-G |
| 5. | Dryland Moorage | N |
| 6. | Industrial & Port Facilities | P-G |
| 7. | Land Transportation Facilities | P-G |
| 8. | Log Storage/Sorting Yard (land) | ACU-S,G |
| 9. | Marinas | N |
| 10. | Mining/Mineral Extraction | N |
| 11. | Recreation Facilities | |
| | a. Low-intensity | N |
| | b. High-intensity | N |
| 12. | Residential | N |
| 13. | Solid Waste Disposal | N |
| 14. | Timber Farming/Harvesting | N |

- | | | |
|-----|----------------------------|---------|
| 15. | Utilities | |
| | a. Low-intensity | P-G |
| | b. High-intensity | P-G |
| 16. | Energy Production | ACU-S,G |
| 17. | Water-borne Transportation | ACU-S,G |

B. Activities:

- | | | |
|-----|--|---------|
| 1. | Stream Alteration | P-G |
| 2. | Dikes | |
| | a. New Construction | P-G |
| | b. Maintenance/repair | P-G |
| 3. | Dredged Material Disposal | N |
| 4. | Excavation to create new water surface | P-G |
| 5. | Fill | ACU-S,G |
| 6. | Shoreline Stabilization | |
| | a. Vegetative | P-G |
| | b. Riprap | ACU-S,G |
| | c. Retaining Wall | ACU-S,G |
| 7. | Navigation Aids | P-G |
| 8. | Mitigation | P-G |
| 9. | Restoration | |
| | a. Active | ACU-S,G |
| | b. Passive | P-G |
| 10. | Land Divisions | |
| | a. Partition | ACU-S,G |
| | b. Subdivision | ACU-S,G |
| | c. Planned Unit Development | ACU-S,G |
| | d. Recreation PUD | N |

GENERAL CONDITIONS (the following conditions applies to all uses and activities):

1. Uses in this district shall normally be non-water-dependent industrial.
2. All permitted uses shall be consistent with the respective flood regulations of local governments, as required by Policy #27.
3. All permitted uses and activities must be consistent with a snowy plover habitat migration plan; see management objective.
4. In rural areas (outside of UGBs) utilities, public facilities and services shall only be provided subject to Policies #50 and #51.
5. Inventoried resources requiring mandatory protection in this unit are subject to Policies #17 and #18.

SPECIAL CONDITIONS:

Uses:

8. Log storage and sorting yards shall be allowed, provided that: (i) such uses are conducted on an interim basis and do not pre-empt use of the property for more intense, non-water-dependent developments, or (ii) such uses are accessory to a primary use involving waterborne shipment of logs.
- 16,17. These uses are subject to review and approval when consistent with Policy #16.

Activities:

5. Fill and other alterations may be permitted, only if in conjunction with a specific and approved industrial development.

A Snowy Plover habit mitigation plan that ensures (1) that sites created as habitat are made available before or concurrently with alteration of existing habitat, and (2) that there is no net loss of snowy plover habitat. "Plover habitat shall be construed to comprise only those areas so designated in Figure III-5 on page III-18 of the Final Environmental Impact Statement for the North Bay Marine Industrial Park."

- 6b.,6c. These activities are permitted subject to the findings required by Policy #9, "Solutions to Erosion and Flooding Problems."
- 9a. Active restoration shall be allowed only when consistent with Policy #22b.
10. Land divisions are only permitted where they meet the conditions in Policy #15.

SECTION 3.2.242.03. Land Development Standards. The requirements set forth in Table 3.2 shall govern development in the 3-NWD district.

GENERAL LOCATION: LOWER BAY - NORTH SPIT

ZONING DESIGNATION: 3W-NS

ZONING DISTRICT: 3W-NATURAL SHORELANDS

SPECIFIC BOUNDARIES: This district is entirely in the uplands surrounded by shoreland district and uplands. Northern Boundary - the south and east berms of the lagoon. Southern Boundary - a line extending approximately northwest from the southern property line of the Oregon International Port of Coos Bay's aquaculture facility. Eastern Boundary - a line following the western edge of an area of deflation plain wetland.

SECTION 3.2.245. Management Objective: This shoreland district shall be managed to protect habitat while maintaining the stability of dunes. Mitigation projects shall be allowed consistent with the resource capabilities of this district. This district contains a mitigation site designated in conjunction with the "Henderson Marsh Agreement", which shall be protected from pre-emptive uses.

SECTION 3.2.246. Uses, Activities and Special Conditions. Table 3W-NS sets forth the uses and activities which are permitted, which may be permitted as conditional uses, or which are prohibited in this zoning district. Table 3W-NS also sets forth special conditions which may restrict certain uses or activities, or modify the manner in which certain uses or activities may occur. Reference to "policy numbers" refers to Plan Policies set forth in the Coos Bay Estuary Management Plan.

A. Uses:

- | | | |
|-----|---------------------------------|---|
| 1. | Agriculture | N |
| 2. | Airports | N |
| 3. | Aquaculture | N |
| 4. | Commercial | N |
| 5. | Dryland Moorage | N |
| 6. | Industrial and Port facilities | N |
| 7. | Land transportation facilities | N |
| 8. | Log storage/sorting yard (land) | N |
| 9. | Marinas | N |
| 10. | Mining/mineral extraction | N |
| 11. | Recreation facilities | |
| | a. Low-intensity | N |
| | b. High-intensity | N |
| 12. | Residential | N |
| 13. | Solid Waste Disposal | N |
| 14. | Timber farming/harvesting | N |
| 15. | Utilities | |
| | a. Low-intensity | N |
| | b. High-intensity | N |

B. Activities:

1.	Stream alteration	N/A
2.	Dikes	
	a. New construction	ACU-S, G
	b. Maintenance/repair	ACU-S, G
3.	Dredged Material disposal	N
4.	Excavation to create a new water surface	ACU-S, G
5.	Fill	N
6.	Shoreline stabilization	
	a. Vegetative	ACU-S, G
	b. Riprap	N/A
	c. Retaining wall	N/A
7.	Navigation Aids	N
8.	Mitigation	P-G
9.	Restoration	
	a. Active	ACU-S,G
	b. Passive	P-G
10.	Land divisions	
	a. Partition	ACU-S, G
	b. Subdivision	ACU-s, G
	c. Planned Unit Development	ACU-S, G
	d. Recreation PUD	N

GENERAL CONDITIONS (the following condition applies to all uses and activities):

1. Uses in this district are only permitted as stated in Policy #14 "General policy on Uses within Rural Coastal Shorelands". Except as permitted outright, or where findings are made in this Plan, uses are only allowed subject to the findings in this policy.
2. Inventoried resources requiring mandatory protection in this unit are subject to Policies #17 and #18.
3. All permitted uses in dune areas shall be consistent with the requirements of Policy #30.
4. In rural areas (outside of UGBs) utilities, public facilities and services shall only be provided subject to Policies #49, #50, and #51.

SPECIAL CONDITIONS:

Activities

- 2a.,2b.,4.,6a. New construction/maintenance of dikes, excavation to create new water surfaces, and shoreland vegetation stabilization shall only be allowed in conjunction with mitigation for Henderson Marsh as addressed in Shoreland District #5.
- 9a. Active restoration shall be allowed only when consistent with Policy #22b.
10. Land divisions are only permitted where they meet the conditions in Policy #15.

SECTION 3.2.247. Land Development Standards. The requirements set forth in Table 3.2 shall govern development in the 3W-NS district.

GENERAL LOCATION: LOWER BAY

ZONING DESIGNATION: 3-DA

ZONING DISTRICT: 3-DEVELOPMENT AQUATIC

SPECIFIC BOUNDARIES: This aquatic district extends east to the deep-draft channel beginning at a line extending east from the south shore of the drainage inlet east of the waste treatment lagoon and ends at a line extending to the southeast from the southern property line of the Oregon International Port of Coos Bay's aquaculture facility.

SECTION 3.2.250. Management Objective: This deep-water district close to shore shall be managed to efficiently utilize the aquatic area for necessary water access and moorage associated with water-dependent industrial uses in the adjacent uplands.

SECTION 3.2.251. Uses, Activities and Special Conditions. Table 3-DA sets forth the uses and activities which are permitted, which may be permitted as conditional uses, or which are prohibited in this zoning district. Table 3-DA also sets forth special conditions which may restrict certain uses or activities, or modify the manner in which certain uses or activities may occur. Reference to "policy numbers" refers to Plan Policies set forth in the Coos Bay Estuary Management Plan.

A. Uses:

- | | | |
|-----|--|----------|
| 1. | Aquaculture | ACU-S, G |
| 2. | Commercial | ACU-S, G |
| 3. | Docks | P-G |
| 4. | Industrial & Port facilities | ACU-S, G |
| 5. | Log dump/sort/storage (in-water) | N |
| 6. | Marinas | ACU-S, G |
| 7. | Mining/mineral extraction | ACU-S, G |
| 8. | Recreation facilities | |
| | a. Low-intensity | ACU-S, G |
| | b. High-intensity | ACU-S, G |
| 9. | Utilities | |
| | a. Low-intensity | P-G |
| | b. High-intensity | P-G |
| 10. | Bridge Crossing support structures and dredging necessary for installation | N |
| 11. | Bridge crossings | N/A |

B. Activities:

1.	Dikes	
	a. New construction	ACU-S, G
	b. Repair/maintenance	ACU-S, G
	c. Installation of tidegates in existing functional dikes	P-G
2.	Dredging	
	a. New	ACU-S, G
	b. Maintenance dredging of existing facilities	ACU-S, G
	c. To repair dikes and tidegates	N/A
3.	Dredged Material disposal	ACU-S, G
4.	Fill	ACU-S, G
5.	Navigational	
	a. Aides	P-G
	b. Structures	ACU-S, G
	c. Minor navigational improvement	P-G
	d. Water-dependent commercial enterprises and activities	ACU-S, G
6.	Piling/dolphin installation	P-G
7.	Shoreline Stabilization	
	a. Vegetative	P-G
	b. Riprap	ACU-S, G
	c. Bulkheads	ACU-S, G
8.	Mitigation	P-G
9.	Restoration	
	a. Active	ACU-S, G
	b. Passive	P-G
10.	Research and educational observations	P
11.	Protection of habitat, nutrient, fish, wildlife and aesthetic	P
12.	Temporary alterations	P-G
13.	Waste water/storm water discharge	ACU-S, G
14.	Research and educational observation structures	ACU-S, G

GENERAL CONDITION (the following condition applies to all uses and activities):

1. Inventoried resources requiring mandatory protection in this unit are subject to Policies #17 and #18.

SPECIAL CONDITIONS:

Uses:

1. Aquaculture is allowed whether dredging or fill or other alteration of the estuary is required 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.

Special Conditions: Uses - continued:

- 2.,4. Commercial, industrial/port facilities: if the use is water-related or non-dependent/non-related and does not require fill, findings must be made that the use is consistent with the resource capabilities and purposes of the management district. Fill is not permitted for non-water-dependent use.
6. Marina development shall be limited to providing moorage for large fishing trawlers and other deep-draft vessels; a recreational boat marina would not be consistent with the Management Objective for this district.
7. Mining/mineral extraction is permitted only if compatible with navigation and moorage uses, and if consistent with the resource capabilities of the area and the purpose of the management objective for this district.
- 8a.,8b. A public boat ramp facility designed to meet the needs of and accommodate small private crafts shall be allowed provided that such is compatible with other development allowed in the management district. Boat ramps for public use where no dredging or fill for navigational access is needed (see definition of "Recreation").

Activities:

- 1a.,1b. These activities are only allowed subject to finding that adverse impacts have been minimized (see Policy #5); and to Policy #8 requiring mitigation.
- 2a.,2b.,3.,4.,5b.,5d. These activities are only allowed subject to finding that adverse impacts have been minimized (see Policy #5); and to Policy #8 requiring mitigation.
- 5c. This activity is subject to Policy #12.
- 7b.,7c. These activities are 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 riprap. Riprap may be allowed 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.

In addition, bulkheads are only allowed subject to finding that adverse impacts have been minimized (see Policy #5); and to Policy #8 requiring mitigation.

- 9a. Active restoration shall be allowed only when consistent with Policy #22b.
13. Waste water and storm water discharge, see Policy #2 and definition of "facility".
14. This activity is subject to Policy #5d.

GENERAL LOCATION: LOWER BAY - NORTH SPIT

ZONING DESIGNATION: 4-CS

ZONING DISTRICT: 4-CONSERVATION SHORELANDS

SPECIFIC BOUNDARY: This district comprises the waste treatment lagoon and the berms that contain it.

SECTION 3.2.255. Management Objective: This shoreland district shall be managed to maintain the existing lagoon and its ability to handle effluents and to allow development of a freshwater marsh.

SECTION 3.2.256. Uses, Activities and Special Conditions. Table 4-CS sets forth the uses and activities which are permitted, which may be permitted as conditional uses, or which are prohibited in this zoning district. Table 4-CS also sets forth special conditions which may restrict certain uses or activities, or modify the manner in which certain uses or activities may occur. Reference to "policy numbers" refers to Plan Policies set forth in the Coos Bay Estuary Management Plan.

A. Uses:

1.	Agriculture	N
2.	Airports	N
3.	Aquaculture	ACU-S, G
4.	Commercial	N
5.	Dryland Moorage	N
6.	Industrial & Port Facilities	ACU-S, G
7.	Land Transportation facilities	P-G
8.	Log storage/sorting yard (land)	N
9.	Marinas	N
10.	Mining/mineral extraction	N
11.	Recreation facilities	
	a. Low-intensity	N
	b. High-intensity	N
12.	Residential	N
13.	Solid waste disposal	N
14.	Timber farming/harvesting	N
15.	Utilities	
	a. Low-intensity	P-G
	b. High-intensity	P-G

B. Activities:

1.	Stream Alteration	N
2.	Dikes	
	a. New construction	P-G
	b. Maintenance/repair	P-G
3.	Dredged Material Disposal	ACU-S, G
4.	Excavation to create new water surface	P-G
5.	Fill	P-G
6.	Shoreline stabilization	
	a. Vegetative	P-G
	b. Riprap	ACU-S, G
	c. Retaining wall	ACU-S, G
7.	Navigation aids	P-G
8.	Mitigation	P-G
9.	Restoration	
	a. Active	ACU-S, G
	b. Passive	P-G
10.	Land divisions	
	a. Partition	ACU-S, G
	b. Subdivision	ACU-S, G
	c. Planned Unit Development	ACU-S, G
	d. Recreation PUD	N

GENERAL CONDITIONS:

1. Uses in this district are only permitted as stated in Policy #14 "General Policy on Uses within Rural Coastal Shorelands". Except as permitted outright, or where findings are made in this Plan, uses are only allowed subject to the findings in this policy.
2. All permitted uses are subject to Policy #13 which states general use priorities in coastal shorelands.
3. All permitted uses in dune areas shall be consistent with the requirements of Policy #30.
4. In rural areas (outside of UGBs) utilities, public facilities and services shall only be provided subject to Policies #49, #50, and #51.
5. Inventoried resources requiring mandatory protection in this unit are subject to Policies #17 and #18.

SPECIAL CONDITIONS:

Uses:

3. Aquaculture shall be allowed in the lagoon provided that it is consistent with state and federal water quality regulations (subject to Policy #4a).
6. Continued secondary treatment of industrial effluents shall be allowed.

Activities:

3. Dredge material disposal shall be allowed when consistent with Policy #20.

- 6b.,6c. These activities are subject to Policy #9, Solutions to Erosion and Flooding Problems.
- 9a. Active restoration shall be allowed only when consistent with Policy #22b.
- 10. Land divisions are only permitted where they meet the conditions in Policy #15.

SECTION 3.2.257 Land Development Standards. The requirements set forth in Table 3.2 shall govern development in the 4-CS district.

GENERAL LOCATION: LOWER BAY - NORTH SPIT

ZONING DESIGNATION: 5-WD

ZONING DISTRICT: 5-WATER-DEPENDENT DEVELOPMENT SHORELANDS

SPECIFIC BOUNDARIES: Northern Boundary - Northern edge of the transportation corridor.
Western Boundary - Western edge of the transportation corridor.
Southern Boundary - The shoreline.
Eastern Boundary - Line extending north from the western edge of the dredge material disposal site.

SECTION 3.2.260 Management Objective: A large portion of this district, compared to other areas of the bay, possesses characteristics that make it an exceptional future development resource not only for the Bay Area, but for Coos County and the State of Oregon as well. The site's location on the deep-draft channel in the lower bay gives it even greater attributes as a water-dependent industrial development site. Therefore, the Plan reserves this portion of the district for an integrated industrial use that takes advantage of the site's unique characteristics, particularly its attributes for deep-draft development. Uses need not be limited to those specifically mentioned in Exception #22.

Utilizing the site for development purposes as described will require the filling of 123 acres of freshwater and saltwater wetlands, commonly known as Henderson Marsh (Dredged Material Site #4x).

The Plan intends that development within the road corridor will be for the purposes of developing and maintaining an access road, rail and utility corridor, and pulp mill effluent pipeline.

SECTION 3.2.261 Uses, Activities and Special Conditions. Table 5-WD sets forth the uses and activities which are permitted, which may be permitted as conditional uses, or which are prohibited in this zoning district. Table 5-WD also sets forth special conditions which may restrict certain uses or activities, or modify the manner in which certain uses or activities may occur. Reference to "policy numbers" refers to Plan Policies set forth in the Coos Bay Estuary Management Plan.

Uses and Activities listed below can occur while the planned fill and mitigation are on-going and are consistent with state and federal permits.

SECTION 3.2.262 RESERVED

A. Uses:

1.	Agriculture	N
2.	Airports	N
3.	Aquaculture	N
4.	Commercial	ACU-S, G
5.	Dryland Moorage	N
6.	Industrial & port facilities	ACU-S,G
7.	Land transportation facilities	P-G
8.	Log storage/sorting yard (land)	P-G
9.	Marinas	N
10.	Mining/mineral extraction	N
11.	Recreation facilities	
	a. Low-intensity	N
	b. High-intensity	N
12.	Residential	N
13.	Solid waste disposal	P-G
14.	Timber farming/harvesting	N/A
15.	Utilities	
	a. Low-intensity	P-G
	b. High-intensity	P-G
16.	Energy production	ACU-S,G
17.	Water-borne transportation	ACU-S,G

B. Activities:

1.	Stream alteration	P-G
2.	Dikes	
	a. New construction	P-G
	b. Maintenance/Repair	P-G
3.	Dredged material disposal	ACU-S, G
4.	Excavation to create new water surface	P-G
5.	Fill	ACU-S, G
6.	Shoreline stabilization	
	a. Vegetative	P-G
	b. Riprap	ACU-S, G
	c. Retaining wall	ACU-S, G
7.	Navigation aids	P-G
8.	Mitigation	ACU-S, G
9.	Restoration	
	a. Active	ACU-S, G
	b. Passive	ACU-S, G
10.	Land divisions	
	a. Partitions	ACU-S, G
	b. Subdivision	ACU-S, G
	c. Planned Unit Development	ACU-S, G
	d. Recreation PUD	N

GENERAL CONDITIONS:

1. Uses in this district are only permitted as stated in Policy #14, "General Policy on Uses Within Rural Coastal Shorelands". Except as permitted outright, or where findings are made in the Plan (see Coastal Shorelands Goal "Linkage Findings" section), uses are only allowed subject to the findings in this policy.
2. All permitted uses shall be consistent with the respective flood regulations of local governments, as required in Policy #27.
3. Wherever possible, dredged material, especially from the federal channel or other major project, is to be used for the fill material. This method of obtaining fill will be incorporated into the overall project phasing, unless it can be demonstrated that it will have an adverse impact on the development effort.
4. All permitted uses in dune areas shall be consistent with the requirements of Policy #30.
5. No use or activity shall pre-empt the use of the designated dredged material disposal site in this district, as required by Policy #20.
6. Inventoried resources requiring mandatory protection in this unit are subject to Policies #17 and #18.
7. In rural areas (outside UGBs) utilities, public facilities and services shall only be provided subject to Policies, #49, #50, and #51.

SPECIAL CONDITIONS:

Uses:

4. This use is allowed in association with other permitted uses and activities.
- 4.,6.,16.,17. These uses are subject to review and approval when consistent with Policy #16.

Activities:

3. Dredge material disposal shall be allowed when consistent with Policy #20.
- 3.,5. Dredge material disposal is only allowed in conjunction with a specific project and any incremental filling is not permitted without phased restoration actions.
- 6b.,6c. A retaining wall is a temporary activity that will not pre-empt the ultimate use of the site. These activities, where occurring at the interface with the estuary, are only permitted subject to the findings required by Policy #9, "Solutions to Erosion and Flooding Problems".
- 8.,9a.,9b. These activities are permitted in the portion of the site agreed on for mitigation as per the Henderson Marsh Mitigation Plan.
10. Land divisions are only permitted where they meet the conditions in Policy #15.

SECTION 3.2.263. Land Development Standards. The requirements set forth in Table 3.2 shall govern development in the 5-WD district.

GENERAL LOCATION: LOWER BAY - NORTH SPIT

ZONING DESIGNATION: 5A-NS

ZONING DISTRICT: 5A - NATURAL SHORELANDS

SPECIFIC BOUNDARIES: Southern: the berm containing the waste treatment lagoon.

Western: the coastal shorelands boundary (western edge of the deflation plain).Northern: northern extent of privately-owned or leased lands. Eastern: the transportation corridor and a line extending north from the western edge of the dredged material disposal site on the eastern side of Henderson Marsh.

SECTION 3.2.265. Management Objective: to conserve and enhance vital wildlife habitat resources. This also contains a corridor and access road for the Oregon International Port of Coos Bay's effluent outfall pipeline from eastern boundary of the site with transpacific parkway and running west along the southern boundary of the management unit into the ocean.

SECTION 3.2.266. Uses, Activities and Special Conditions: Table 5A-NS sets forth the uses and activities which are permitted, which may be permitted as conditional uses, or which are prohibited in this zoning district. Table 5A-NS also sets forth special conditions which may restrict certain uses or activities, or modify the manner in which certain uses or activities may occur. Reference to "policy numbers" refers to Plan Policies set forth in the Coos Bay Estuary Management Plan.

A. Uses:

- | | | |
|-----|---------------------------------|----------|
| 1. | Agriculture | N |
| 2. | Airports | N |
| 3. | Aquaculture | N |
| 4. | Commercial | N |
| 5. | Dryland moorage | N |
| 6. | Industrial & Port facilities | N |
| 7. | Land Transportation facilities | P-G |
| 8. | Log storage/sorting yard (land) | N |
| 9. | Marinas | N |
| 10. | Mining/mineral extraction | N |
| 11. | Recreation facilities | |
| | a. Low-intensity | N |
| | b. High-intensity | N |
| 12. | Residential | N |
| 13. | Solid waste disposal | N |
| 14. | Timber farming/harvesting | P-G |
| 15. | Utilities | |
| | a. Low-intensity | P-G |
| | b. High-intensity | ACU-S, G |

B. Activities:

1.	Stream alteration	P-G
2.	Dikes	
	a. New construction	P-G
	b. Maintenance/repair	P-G
3.	Dredged material disposal	N
4.	Excavation to create new water surface	P-G
5.	Fill	P-G
6.	Shoreline stabilization	
	a. Vegetative	P-G
	b. Riprap	N
	c. Retaining wall	N
7.	Navigation aids	N
8.	Mitigation	P-G
9.	Restoration	
	a. Active	ACU-S, G
	b. Passive	P-G
10.	Land divisions	
	a. Partitions	N
	b. Subdivisions	N
	c. Planned Unit Development	N
	d. Recreation PUD	N

GENERAL CONDITIONS:

1. All permitted uses in dune areas shall be consistent with the requirements of Policies #30.
2. Inventoried resources requiring mandatory protection in this district are subject to Policies #17 and #18.
3. In rural areas (outside of UGB's) utilities, public facilities and services shall only be provided subject to Policies #49, 50, and 51.

SPECIAL CONDITIONS:

Uses:

- 15b. Maintenance/repair/replacement of the wastewater outfall pipeline shall be permitted.

Activities:

- 9a. Active restoration shall be allowed only when consistent with Policy #22b.

SECTION 3.2.267. Land Development Standards. the requirements set forth in Table 3.2 shall govern development in the 5A-NS district.

GENERAL LOCATION: LOWER BAY - NORTH SPIT

ZONING DESIGNATION: 5-DA

ZONING DISTRICT: 5-Development Aquatic

SPECIFIC BOUNDARIES: This district extends southeast to the deep-draft channel beginning at the south side of the inlet east of the waste treatment lagoon and ending at a line extending south from the east edge of Henderson Marsh.

SECTION 3.2.270. Management Objective: This district shall be managed so as to efficiently this district shall be managed so as to efficiently utilize the aquatic area for access to the deep-draft channel in support of upland water-dependent uses.

SECTION 3.2.271. Uses, Activities and Special conditions. Table 5-DA sets forth the uses and activities which are permitted, which may be permitted as conditional uses, or which are prohibited in this zoning district. Table 5-DA also sets forth special conditions which may restrict certain uses or activities, or modify the manner in which certain uses or activities may occur. Reference to "policy numbers" refers to Plan Policies set forth in the Coos Bay Estuary Management Plan.

A. Uses:

- | | | |
|-----|------------------------------------|-------|
| 1. | Agriculture | ACU-S |
| 2. | Commercial | N |
| 3. | Docks | P |
| 4. | Industrial & Port facilities | ACU-S |
| 5. | Log Dump/ Sort/ Storage (in-water) | ACU-S |
| 6. | Marinas | N |
| 7. | Mining/mineral extraction | ACU-S |
| 8. | Recreation facilities | |
| | a. Low-intensity | N |
| | b. High-intensity | N |
| 9. | Utilities | |
| | a. Low-intensity | P |
| | b. High-intensity | P |
| 10. | Bridge Crossing Support Structures | N |

B. Activities:

- | | | |
|----|---|-------|
| 1. | Dikes | |
| | a. New construction | N/A |
| | b. Maintenance/repair | N/A |
| 2. | Dredging | |
| | a. New | ACU-S |
| | b. Maintenance dredging
of existing facilities | ACU-S |

	c. To repair dikes and tidegates	N/A
3.	Dredged Material disposal	N
4.	Fill	ACU-S
5.	Navigation Structures	ACU-S
6.	Minor Navigational Improvements	P
7.	Piling/Dolphin Installation	P
8.	Shoreline Stabilization	
	a. Vegetative	P
	b. Rip-rap	ACU-S
	c. Bulkheads	ACU-S
9.	Navigation Aids	P
10.	Mitigation	P
11.	Restoration	
	a. Active	ACU-S
	b. Passive	P

GENERAL CONDITIONS (the following condition applies to all uses and activities):

None

SPECIAL CONDITIONS

Uses:

1. This use is only allowed subject to the making of resource capability consistency findings and subject to the assessment of impacts [see Policy #4a].
4. Water-dependent uses are allowed. If the use is water-related or non-dependent/related and does not require fill, findings must be made that the use is consistent with the resource capabilities and purposes of the management unit. Fill is not permitted for non-water-dependent uses.
5. Log dump uses shall be allowed, but only for a limited amount of time to unload bundled logs using easy-let-down techniques. Log bundles in the water must be immediately hauled to other locations for storage.
7. Mining/mineral extraction is only allowed if compatible with navigation and moorage uses, and if consistent with the resource capabilities of the area and the purposes of the management objective.

Activities:

4. Fills shall be allowed when findings are made which document that the fill will not adversely impact the wetland drainage in the southwest shoreline portion of the district.

In addition, this activity is only allowed subject to finding that adverse impacts have been minimized (see Policy #5); and to Policy #8 requiring mitigation.

- 2a., 2b., 5. Theses activities are only allowed subject to finding that adverse impacts have been minimized (see Policy #5); and to Policy #8 requiring mitigation.

8b, 8c. These activities are 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.

In addition, bulkheads are only allowed subject to findings that adverse impacts have been minimized (see Policy #5); and to Policy #8 requiring mitigation.

11a. Active restoration shall be allowed only when consistent with Policy #22b.

GENERAL LOCATION: LOWER BAY - NORTH SPIT

ZONING DESIGNATION: 6-WD

ZONING DISTRICT: 6-WATER-DEPENDENT DEVELOPMENT SHORELANDS

SPECIFIC BOUNDARIES: Western Boundary - a line extending north from the western edge of the filled dredged material disposal site that borders on Henderson Marsh. Eastern Boundary - the Roseburg Forest Products access road, and a line extending to the north where the road curves to the east.

SECTION 3.2.275. Management Objective: This district shall be managed so as to protect the shoreline for water-dependent uses in support of the water-related and non-dependent, non-related industrial use of the area further inland. To assure that the district shoreline is protected for water-dependent uses while still allowing non-water-dependent uses of the inland portion of the property (outside of the Coastal Shoreland Boundary), any new proposed use of the property must be found by the Board of County Commissioners (or their designee) to be located in such a manner that it does not inhibit or preclude water-dependent uses of the shoreline. Further, use of wetlands in the district must be consistent with state and federal wetland permit requirements.

SECTION 3.2.276. Uses, Activities and Special conditions. Table 6-WD sets forth the uses and activities which are permitted, which may be permitted as conditional uses, or which are prohibited in this zoning district. Table 6-WD also sets forth special conditions which may restrict certain uses or activities, or modify the manner in which certain uses or activities may occur. Reference to "policy numbers" refers to Plan Policies set forth in the Coos Bay Estuary Management Plan.

A. Uses:

- | | | |
|-----|---------------------------------|----------|
| 1. | Agriculture | N |
| 2. | Airports | N |
| 3. | Aquaculture | N |
| 4. | Commercial | ACU-S, G |
| 5. | Dryland Moorage | N |
| 6. | Industrial & Port facilities | ACU-S,G |
| 7. | Land transportation facilities | P-G |
| 8. | Log storage/sorting yard (land) | P-G |
| 9. | Marinas | N |
| 10. | Mining/mineral extraction | N |
| 11. | Recreation facilities | |
| | a. Low-intensity | N |
| 12. | Residential | N |
| 13. | Solid Waste Disposal | N |
| 14. | Timber farming/harvesting | ACU-S, G |
| 15. | Utilities | |
| | a. Low-intensity | P-G |
| | b. High-intensity | P-G |
| 16. | Energy production | ACU-S,G |

17.	Water-borne transportation	ACU-S,G
B. Activities:		
1.	Stream alteration	ACU-S, G
2.	Dikes	
	a. New construction	N/A
	b. Maintenance/repair	N/A
3.	Dredged Material disposal	ACU-S, G
4.	Excavation to create new water surface	P-G
5.	Fill	P-G
6.	Shoreline stabilization	
	a. Vegetative	P-G
	b. Riprap	ACU-S, G
	c. Retaining wall	ACU-S, G
7.	Navigation aids	P-G
8.	Mitigation	N
9.	Restoration	
	a. Active	N
	b. Passive	N
10.	Land divisions	
	a. Partitions	ACU-S, G
	b. Subdivisions	ACU-S, G
	c. Planned Unit Development	ACU-S, G
	d. Recreation PUD	N

GENERAL CONDITIONS (the following condition applies to all uses and activities):

1. Inventoried resources requiring mandatory protection in this district are subject to Policies #17 and #18.
2. All permitted uses and activities shall be consistent with Policy #23 requiring protection of riparian vegetation.
3. Uses in this district are only permitted as stated in Policy #14 "General Policy on Uses within Rural Coastal Shorelands". Except as permitted outright, or where findings are made in this Plan, uses are only allowed subject to the findings in this policy.
4. All permitted uses shall be consistent with the respective flood regulations of local governments, as required in Policy #27.
5. All permitted uses in dune areas shall be consistent with the requirements of Policy #30.
6. In rural areas (outside of UGBs) utilities, public facilities and services shall only be provided subject to Policies #49, #50, and #51.

SPECIAL CONDITIONS

Uses:

4. Commercial uses shall be allowed only if they are support services to existing or planned industrial uses and will not preclude water-dependent use of the shoreline.

4.,6.,16.,17. These uses are subject to review and approval when consistent with Policy #16.

13. Timber harvesting shall be allowed as an interim use until the property is required for industrial development.

Activities:

1. Alteration of waterways may be necessary in association with the development of a new Port road, and shall be allowed, provided that the relocation of culverts and similar alterations are done in a manner so as to not alter the hydrologic characteristics of existing wetlands.

3. Dredge material disposal shall be allowed when consistent with Policy #20.

6b.,6c. These activities are permitted subject to the general findings required by Policy #9, "Solutions to Erosion and Flooding Problems".

10. Land divisions are only permitted when they meet the conditions in Policy #15.

SECTION 3.2.277. Land Development Standards. The requirements set forth in Table 3.2 shall govern development in the 6-WD district.

GENERAL LOCATION: LOWER BAY

ZONING DESIGNATION: 6-DA

ZONING DISTRICT: 6-DEVELOPMENT AQUATIC

SPECIFIC BOUNDARIES: This district extends south to the deep-draft channel beginning at a line running south from the west boundary of the filled dredged material disposal site that borders Henderson Marsh and ending at a line approximately 1200-feet east of a point where the shoreline changes from a southerly, to a southeasterly aspect.

SECTION 3.2.280. Management Objective: This aquatic district shall be managed to provide water access for the industrial uses in the adjacent uplands.

SECTION 3.2.281. Uses, Activities and Special Conditions. Table 6-DA sets forth the uses and activities which are permitted, which may be permitted as conditional uses, or which are prohibited in this zoning district. Table 6-DA also sets forth special conditions which may restrict certain uses or activities, or modify the manner in which certain uses or activities may occur. Reference to "policy numbers" refers to Plan Policies set forth in the Coos Bay Estuary Management Plan.

A. Uses:

- | | | |
|-----|--|----------|
| 1. | Aquaculture | ACU-S, G |
| 2. | Commercial | N |
| 3. | Docks | P-G |
| 4. | Industrial & Port facilities | ACU-S, G |
| 5. | Log dump/sort/storage (in-water) | ACU-S, G |
| 6. | Marinas | N |
| 7. | Mining/mineral extraction | ACU-S, G |
| 8. | Recreation facilities | |
| | a. Low-intensity | P-G |
| | b. High-intensity | N |
| 9. | Utilities | |
| | a. Low-intensity | P-G |
| | b. High-intensity | P-G |
| 10. | Bridge crossing support structures and dredging necessary for installation | N |
| 11. | Bridge crossings | N/A |

B. Activities:

- | | | |
|----|---|----------|
| 1. | Dikes | |
| | a. New construction | N/A |
| | b. Repair/maintenance | N/A |
| | c. Installation of tidegates in existing functional dikes | N |
| 2. | Dredging | |
| | a. New | ACU-S, G |

b.	Maintenance dredging of existing facilities	ACU-S, G
c.	to repair dikes and tidegates	N
3.	Dredged material disposal	N
4.	Fill	ACU-S, G
5.	Navigational	
a.	Aides	P-G
b.	Structures	ACU-S, G
c.	Minor navigational improvement	P-G
d.	Water-dependent commercial enterprises and activities	ACU-S, G
6.	Piling/dolphin installation	ACU-S, G
7.	Shoreline stabilization	
a.	Vegetative	P-G
b.	Riprap	ACU-S, G
c.	Bulkheads	ACU-S, G
8.	Mitigation	P-G
9.	Restoration	
a.	Active	ACU-S, G
b.	Passive	P-G
10.	Research and educational observations	P
11.	Protection of habitat nutrient, fish, wildlife and aesthetic	P
12.	Temporary alterations	P-G
13.	Waste water/storm water discharge	ACU-S, G
14.	Research and educational observation structure	ACU-S, G

GENERAL CONDITION (the following condition applies to all uses and activities):

1. Inventoried resources requiring mandatory protection in this unit are subject to Policies #17 and #18.

SPECIAL CONDITIONS:

Uses:

1. Aquaculture is allowed whether dredging or fill or other alteration of the estuary is required 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.
4. Water-dependent uses are allowed. If the use is water-related or non-dependent/non-related and does not require fill, findings must be made that the use is consistent with the resource capabilities and purposes of the management unit. Fill is not permitted for non-water-dependent uses.
5. Log dump uses shall be allowed only for a limited amount of time for unloading bundles of logs using easy-let-down techniques. Log bundles in the water shall be immediately hauled to other locations for storage.

New or expanded log storage shall only be permitted after review and approval by the Department of Environmental Quality (see Policy #5c).

7. Mining/mineral extraction is only allowed if compatible with navigation and moorage uses, and if consistent with the resource capabilities of the area and the purposes of the management objective.

Activities:

4. Fill is permitted subject to the findings required by Policy #9, "Solutions to Erosion and Flooding Problems".
6. Maintenance/replacement of the eastern-most dolphin of the Roseburg docks shall be permitted.
- 2a.,2b.,5b.,5d. These activities are only allowed subject to finding that adverse impacts have been minimized (see Policy #5); and to Policy #8 requiring mitigation.
- 5c. This activity is subject to Policy #12.
- 7b.,7c. These activities are 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 riprap. Riprap may be allowed 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.

In addition, bulkheads are only allowed subject to finding that adverse impacts have been minimized (see Policy #5); and to Policy #8 requiring mitigation.
- 9a. Active restoration shall be allowed only when consistent with Policy #22b.
13. Waste water and storm water discharge, see Policy #25 and definition of "facility".
14. Subject to Policy #5d.

GENERAL LOCATION: LOWER BAY - NORTH SPIT

ZONING DESIGNATION: 7-D

ZONING DISTRICT: 7-DEVELOPMENT SHORELANDS

SPECIFIC BOUNDARIES: Western boundary - the Roseburg Forest Products access road and a line extending to the north where the road curves to the east. Eastern boundary - the Southern Pacific Railroad line. Northern boundary - the inland limits of the 100-year floodplain (including freshwater wetlands associated with it).

SECTION 3.2.285. Management Objective: This shoreland district, which borders a natural aquatic area, shall be managed for industrial use. Continuation of and expansion of existing non-water-dependent/non-water-related industrial uses shall be allowed provided that this use does not adversely impact Natural Aquatic District #7. In addition, development shall not conflict with state and federal requirements for the wetlands located in the northwest portion of this district.

SECTION 3.2.286. Uses, Activities and Special Conditions. Table 7-D sets forth the uses and activities which are permitted, which may be permitted as conditional uses, or which are prohibited in this zoning district. Table 7-D also sets forth special conditions which may restrict certain uses or activities, or modify the manner in which certain uses or activities may occur. Reference to "policy numbers" refers to Plan Policies set forth in the Coos Bay Estuary Management Plan.

A. Uses:

- | | | |
|-----|---------------------------------|----------|
| 1. | Agriculture | N |
| 2. | Airports | N |
| 3. | Aquaculture | N |
| 4. | Commercial | ACU-S, G |
| 5. | Dryland Moorage | N |
| 6. | Industrial & Port facilities | P-G |
| 7. | Land transportation facilities | P-G |
| 8. | Log storage/sorting yard (land) | P-G |
| 9. | Marinas | N |
| 10. | Mining/mineral extraction | N |
| 11. | Recreation facilities | |
| | a. Low-intensity | N |
| | b. High-intensity | N |
| 12. | Residential | N |
| 13. | Solid waste disposal | N |
| 14. | Timber farming/harvesting | ACU-S, G |
| 15. | Utilities | |
| | a. Low-intensity | P-G |
| | b. High-intensity | P-G |

B. Activities:

1.	Stream Alteration	P-G
2.	Dikes	
	a. New construction	ACU-S, G
	b. maintenance/repair	P-G
3.	Dredged material disposal	ACU-S, G
4.	Excavation to create new water surface	ACU-S, G
5.	Fill	ACU-S, G
6.	Shoreline Stabilization	
	a. Vegetative	P-G
	b. Riprap	ACU-S, G
	c. Retaining wall	ACU-S, G
7.	Navigation aids	P-G
8.	Mitigation	P-G
9.	Restoration	
	a. Active	ACU-S, G
	b. Passive	P-G
10.	Land divisions	
	a. Partitions	ACU-S, G
	b. Subdivisions	ACU-S, G
	c. Planned Unit Development	ACU-S, G
	d. Recreation PUD	N

GENERAL CONDITIONS (the following condition applies to all uses and activities):

1. Uses in this district are only permitted as stated in Policy #14 "General Policy on Uses within Rural Coastal Shorelands". Except as permitted outright, or where findings are made in this Plan, uses are only allowed subject to the findings in this policy.
2. Inventoried resources requiring mandatory protection in this unit district are subject to Policies #17 and #18.
3. All permitted uses and activities shall be consistent with Policy #23 requiring protection of riparian vegetation.
4. All permitted uses shall be consistent with the respective flood regulations of local governments as required in Policy #27.
5. All permitted uses in dune areas shall be consistent with the requirements of Policy #30.
6. In rural areas (outside of UGBs) utilities, public facilities, and services shall only be provided subject to Policies #49, #50, and #51.

SPECIAL CONDITIONS

Uses:

4. Commercial uses shall be allowed only when necessary to support the primary industrial use.
13. Timber harvesting shall be allowed as an interim use until the site is converted to industrial development.

Activities:

- 2a. New dikes may be constructed, provided that findings are developed which document that in proposed future development, the use of a dike, berm, or buffer setback will protect the natural aquatic area to the south from major development impacts.
3. Dredge material disposal shall be allowed when consistent with Policy #20.
4. Excavation to create a new water surface shall be allowed only for the purposes of an approved restoration project.
5. The wetland in the southeast portion of this district can be filled for a development project contingent upon satisfaction of the prescribed mitigation described in Shoreland District #5.
- 6b.,6c. These activities are permitted subject to the findings required by Policy #9, "Solutions to Erosion and Flooding Problems".
- 9a. Active restoration shall be allowed when consistent with Policy #22b.
10. Land divisions are only permitted where they meet the conditions in Policy #15.

SECTION 3.2.287. Land Development Standards. The requirements set forth in Table 3.2 shall govern development in the 7-D district.

GENERAL LOCATION: LOWER BAY

ZONING DESIGNATION: 7-NA

ZONING DISTRICT: 7-NATURAL AQUATIC

SPECIFIC BOUNDARIES: This district extends south to the deep-draft channel beginning at a point where the shoreline changes from a southerly aspect to a southeasterly aspect and ending at the railroad bridge.

SECTION 3.2.290. Management Objective. This aquatic district shall be managed to protect natural resources. Maintenance, replacement and repair of bridge crossing support structures shall be allowed.

SECTION 3.2.291. Uses, Activities and Special Conditions. Table 7-NA sets forth the uses and activities which are permitted, which may be permitted as conditional uses, or which are prohibited in this zoning district. Table 7-NA also sets forth special conditions which may restrict certain uses or activities, or modify the manner in which certain uses or activities may occur. Reference to “policy numbers” refers to Plan Policies set forth in the Coos Bay Estuary Management Plan.

A. Uses:

- | | | |
|-----|--|----------|
| 1. | Aquaculture | ACU-S, G |
| 2. | Commercial | N |
| 3. | Docks | N |
| 4. | Industrial & port facilities | N |
| 5. | Log dump/sort/storage (in-water) | N |
| 6. | Marinas | N |
| 7. | Mining/mineral extraction | N |
| 8. | Recreation facilities | |
| | a. Low-intensity | N |
| | b. High-intensity | N |
| 9. | Utilities | |
| | a. Low-intensity | P-G |
| | b. High-intensity | N |
| 10. | Bridge crossing support structures and dredging necessary for installation | ACU-S, G |
| 11. | Bridge crossings | ACU-S, G |

B. Activities:

1.	Dikes	
	a. New construction	N
	b. Maintenance/repair	N
	c. Installation of tidegates in existing functional dikes	N/A
2.	Dredging	
	a. New	N
	b. Maintenance dredging of existing facilities	N
	c. To repair dikes and tidegates	N
3.	Dredged material disposal	N
4.	Fill	N
5.	Navigational	
	a. Aides	P
	b. Structures	N
	c. minor navigational improvements	N
	d. Water-dependent commercial enterprises and activities	N
6.	Piling/dolphin installation	N
7.	Shoreline stabilization	
	a. Vegetative	P-G
	b. Riprap	ACU-S, G
	c. Bulkheads	N
8.	Mitigation	P-G
9.	Restoration	
	a. Active	N
	b. Passive	P-G
10.	Temporary alterations	ACU-S, G
11.	Protection of habitat, nutrient, fish, wildlife and aesthetic	P
12.	Research and education observations	P
13.	Waste water/storm water discharge	N
14.	Research and educational observation structures	N

GENERAL CONDITION (the following condition applies to all uses and activities):

1. Inventoried resources requiring mandatory protection in this unit are subject to Policies #17 and #18.

SPECIAL CONDITIONS:

Uses:

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.
- 10.,11. This use is allowed subject to the findings in Policy #6, "Fill in Conservation and Natural Management Units".

Activities:

- 7b. This activity is only permitted subject to the general findings required by Policy #9, "Solutions to Erosion and Flooding Problems", preferring nonstructural to structural solutions, and to the specific findings for riprap. Riprap may be allowed 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.
10. This activity is only permitted subject to Policy #5a.

GENERAL LOCATION: LOWER BAY - COOS BAY

ZONING DESIGNATION: 55-UD

ZONING DISTRICT: 55-URBAN DEVELOPMENT

SPECIFIC BOUNDARIES: Northern boundary - a line west from Johanneson Avenue to the line of non-aquatic vegetation. Southern boundary - a line west from Spaw Boulevard. This district also contains an offshore spoil island immediately north of the Coos Bay sewage treatment plant.

SECTION 3.2.295. Management Objective: This district shall be managed to allow continuation of the existing mix of residential and commercial uses to the west of Cape Arago Highway, since the district is not especially suited to commercial and industrial water-dependent/water-related uses. This district also contains designated mitigation site M-1b (medium priority) which must be protected from pre-emptive uses, consistent with Policy #22.

SECTION 3.2.296. Uses, Activities and Special Conditions. Table 55-UD sets forth the uses and activities which are permitted, which may be permitted as conditional uses, or which are prohibited in this zoning district. Table 55-UD also sets forth special conditions which may restrict certain uses or activities, or modify the manner in which certain uses or activities may occur. Reference to “policy numbers” refers to Plan Policies set forth in the Coos Bay Estuary Management Plan.

A. Uses:

- | | | |
|-----|---------------------------------|----------|
| 1. | Agriculture | N |
| 2. | Airports | N |
| 3. | Aquaculture | P-G |
| 4. | Commercial | ACU-S, G |
| 5. | Dryland moorage | ACU-S, G |
| 6. | Industrial & Port facilities | ACU-S, G |
| 7. | Land transportation facilities | P-G |
| 8. | Log storage/sorting yard (land) | N |
| 9. | Marinas | N |
| 10. | Mining/mineral extraction | P-G |
| 11. | Recreation facilities | |
| | a. Low-intensity | ACU-S, G |
| | b. High-intensity | ACU-S, G |
| 12. | Residential | P-G |
| 13. | Solid waste disposal | P-G |
| 14. | Timber farming/harvesting | P-G |
| 15. | Utilities | |
| | a. Low-intensity | P-G |
| | b. High-intensity | P-G |

B. Activities:

1.	Stream alteration	P-G
2.	Dikes	
	a. New construction	P-G
	b. Maintenance/repair	P-G
3.	Dredged material disposal	N
4.	Excavation to create new water surface	ACU-S, G
5.	Fill	P-G
6.	Shoreline stabilization	
	a. Vegetative	P-G
	b. Riprap	ACU-S, G
	c. Retaining wall	ACU-S, G
7.	Navigation aids	P-G
8.	Mitigation	P-G
9.	Restoration	
	a. Active	ACU-S, G
	b. Passive	P-G
10.	Land divisions	
	a. Partitions	P-G
	b. Subdivisions	P-G
	c. Planned Unit Development	P-G
	d. Recreation PUD	P-G

GENERAL CONDITIONS:

1. All permitted uses in dune areas shall be consistent with the requirements of Policy #30.
2. All permitted uses shall be consistent with the respective flood regulations of local governments, as required in Policy #27.
3. On "medium" or "high" priority designated mitigation/restoration sites, all uses/activities shall only be permitted subject to the conditions in Policy #22.
4. All permitted uses and activities shall be consistent with Policy #23, requiring protection of riparian vegetation.
5. Inventoried resources requiring mandatory protection in this unit are subject to Policies #17 and #18.

SPECIAL CONDITIONS:

Uses

- 4.,6. Commercial and industrial uses within the urban unincorporated communities are subject to Policy #16a.
- 5. Dryland moorage shall be allowed in this district if its water access is not from this district.
- 11a.,11b. Recreation activities requiring access to the water from this district shall be allowed only as permitted in District #55B.

Activities:

- 4. Creation of ponds that do not connect to the estuarine area shall be allowed.
- 6b.,6c. These activities are only permitted subject to the findings required by Policy #9, "Solutions to Erosion and Flooding Problems".
- 9a. Active restoration shall be allowed only when consistent with Policy #22b.

SECTION 3.2.297. Land Development Standards. The requirements set forth in Table 3.2 shall govern development in the 55-UD district.

GENERAL LOCATION: LOWER BAY

ZONING DESIGNATION: 55A-CA

ZONING DISTRICT: 55A-CONSERVATION AQUATIC

SPECIFIC BOUNDARIES: This aquatic districts extends east of the channel with the North boundary extending easterly toward the point where Noble Avenue meets the shoreline, the south boundary about 400-feet north of Sitka Dock and the east boundary at the landward edge of the subtidal area.

SECTION 3.2.300. Management Objective: This aquatic district shall be managed to allow recreational uses consistent with aquatic resource characteristics.

SECTION 3.2.301. Uses, Activities and Special Conditions. Table 55A-CA sets forth the uses and activities which are permitted, which may be permitted as conditional uses, or which are prohibited in this zoning district. Table 55-CA also sets forth special conditions which may restrict certain uses or activities, or modify the manner in which certain uses or activities may occur. Reference to “policy numbers” refers to Plan Policies set forth in the Coos Bay Estuary Management Plan.

A. Uses:

- | | | |
|-----|--|----------|
| 1. | Aquaculture | ACU-S, G |
| 2. | Commercial | N |
| 3. | Docks | ACU-S, G |
| 4. | Industrial & port facilities | N |
| 5. | Log dump/sort/storage (in-water) | N |
| 6. | Marinas | N |
| 7. | Mining/mineral extraction | N |
| 8. | Recreation facilities | |
| | a. Low-intensity | ACU-S, G |
| | b. High-intensity | ACU-S, G |
| 9. | Utilities | |
| | a. Low-intensity | P-G |
| | b. High-intensity | ACU-S, G |
| 10. | Bridge crossing support structures and dredging necessary for installation | N |
| 11. | Bridge crossings | N |

B. Activities:

- | | | |
|----|---|-----|
| 1. | Dikes | |
| | a. New construction | N |
| | b. Maintenance/repair | N/A |
| | c. Installation of tidegates in existing functional dikes | N |
| 2. | Dredging | |
| | a. New | N |
| | b. Maintenance dredging of existing facilities | N |

	c. To repair dikes and tidegates	N/A
3.	Dredged material disposal	N
4.	Fill	N
5.	Navigational	
	a. Aides	P-G
	b. Structures	N
	c. Minor navigational improvement	P-G
	d. Water-dependent commercial enterprises and activities	N
6.	Piling/dolphin installation	ACU-S, G
7.	Shoreline stabilization	
	a. Vegetative	P-G
	b. Riprap	ACU-S, G
	c. Bulkheads	N
8.	Mitigation	P-G
9.	Restoration	
	a. Active	ACU-S, G
	b. Passive	P-G
10.	Protection of habitat, nutrient, fish, wildlife and aesthetic	P
11.	Temporary alterations	ACU-S, G
12.	Research and educational observations	P
13.	Waste water/storm water discharge	ACU-S, G
14.	Research and educational observation structure	ACU-S, G

GENERAL CONDITION (the following condition applies to all uses and activities):

1. Inventoried resources requiring mandatory protection in this unit are subject to Policies #17 and #18.

SPECIAL CONDITIONS

Uses:

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 allowed; or, where aquaculture requires dredging or fill or other alteration of the estuary is subject to Policy #4a.
3. This use is only permitted if it needs to occupy the water surface by means other than fill (e.g. pilings).
- 8a. Such recreational facilities must be water-dependent. Boat ramps for public use where no dredging or fill for navigational access is needed (see definition of "Recreation").
- 8b. These uses are only allowed subject to the making of resource capability consistency findings and subject to the assessment of impacts (see Policy #4a).
- 9b. Maintenance of the sewage treatment plant outfall shall be allowed.

Activities

- 5c. This activity is subject to Policy #12.
- 6. Piling/dolphins shall be allowed if necessary to support recreational uses.
- 7b. This activity is permitted subject to the general findings required by Policy #9, "Solutions to Erosion and Flooding Problems", preferring nonstructural to structural solutions, and to the specific findings for riprap. Riprap may be allowed 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.
- 9a. Active restoration shall be allowed only when consistent with Policy #22b.
- 11. This activity is only permitted subject to Policy #5a.
- 13. Waste water and storm water discharge, see Policy #25 and definition of "facility".
- 14. Subject to Policy #5d.

GENERAL LOCATION: LOWER BAY

ZONING DESIGNATION: 55B-NA

ZONING DISTRICT: 55B-NATURAL AQUATIC

SPECIFIC BOUNDARIES: This aquatic district begins at a line running westerly from a point on the shoreline at Noble Avenue and ends at a line extending west from Spaw Boulevard. The west boundary is the waterward edge of the intertidal flats.

SECTION 3.2.305. Management Objective: This aquatic district shall be managed to protect its natural resources. However, a recreational pier is proposed in this district to provide public fishing access to the lower bay.

SECTION 3.2.306. Uses, Activities and Special Conditions. Table 55B-NA sets forth the uses and activities which are permitted, which may be permitted as conditional uses, or which are prohibited in this zoning district. Table 55B-NA also sets forth special conditions which may restrict certain uses or activities, or modify the manner in which certain uses or activities may occur. Reference to “policy numbers” refers to Plan Policies set forth in the Coos Bay Estuary Management Plan.

A. Uses:

1.	Aquaculture	ACU-S, G
2.	Commercial	N
3.	Docks	N
4.	Industrial & port facilities	N
5.	Log dump/sort/storage (in-water)	N
6.	Marinas	N
7.	Mining/mineral extraction	N
8.	Recreation facilities	
	a. Low-intensity	ACU-S, G
	b. High-intensity	N
9.	Utilities	
	a. Low-intensity	P-G
	b. High-intensity	N
10.	Bridge crossing support structures and dredging necessary for installation	N
11.	Bridge crossings	N

B. Activities:

1.	Dikes	
	a. New construction	N
	b. Maintenance/repair	N
	c. Installation of tidegates in existing functional dikes	N
2.	Dredging	
	a. New	N
	b. Maintenance dredging of existing facilities	N

c.	To repair dikes and tidegates	N
3.	Dredged material disposal	N
4.	Fill	N
5.	Navigational	
a.	Aides	P-G
b.	Structures	N
c.	Minor navigational improvements	N
d.	Water-dependent commercial enterprises and activities	N
6.	Piling/dolphin installation	N
7.	Shoreline stabilization	
a.	Vegetative	P-G
b.	Riprap	ACU-S, G
c.	Bulkheads	N
8.	Mitigation	P-G
9.	Restoration	
a.	Active	N
b.	Passive	P-G
10.	Temporary alterations	ACU-S, G
11.	Protection of habitat, nutrient, fish, wildlife and aesthetic	P
12.	Research and educational observations	P
13.	Waste water/storm water discharge	N
14.	Research and educational observation structure	ACU-S, G

GENERAL CONDITION (the following condition applies to all uses and activities):

1. Inventoried resources requiring mandatory protection in this unit are subject to Policies #17 and #18.

SPECIAL CONDITIONS:

Uses:

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.
- 8a. This use is limited to a recreational pier, which is only permitted if it needs to occupy the water surface by means other than fill (e.g. pilings). Boat ramps for public use where no dredging or fill for navigational access is needed (see definition of "Recreation").

Activities:

- 7b. This activity is 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 riprap. Riprap may be allowed 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.

10. This activity is only permitted subject to Policy #5a.
14. Subject to Policy #5d.

GENERAL LOCATION: LOWER BAY

ZONING DESIGNATION: 56-UW

ZONING DISTRICT: 56-URBAN WATER-DEPENDENT

SPECIFIC BOUNDARIES: Northern boundary - a line west from Spaw Boulevard. Southern boundary - a line west from a point 400-feet south of the junction of Cape Arago Highway and Grinnell Avenue.

SECTION 3.2.310. Management Objective: This shoreland district shall be managed so as to insure that the unique qualities of the district closest to deep water access for water-dependent uses are protected and utilized for such development. However, non-water-dependent uses may be allowed as per Policy #16a. Water-related and non-water-dependent/non-water-related uses shall be appropriate for portions of the district not "suitable for water-dependent uses". (see Inventory Map: "Goal #16/Goal #17 Development Priority Areas")

Development of the district shall be consistent with a plot development plan that must be submitted to and reviewed by the County Planning. The site plan may only be approved if it protects the area's unique qualities for water-dependent uses; water-related and non-water-dependent/non-water-related uses may only be approved if such uses do not inhibit or preclude water-dependent uses of the shoreline, and are compatible with the overall development plan for the district.

SECTION 3.2.311. Uses, Activities and Special Conditions. Table 56-UW sets forth the uses and activities which are permitted, which may be permitted as conditional uses, or which are prohibited in this zoning district. Table 56-UW also sets forth special conditions which may restrict certain uses or activities, or modify the manner in which certain uses or activities may occur. Reference to "policy numbers" refers to Plan Policies set forth in the Coos Bay Estuary Management Plan.

A. Uses:

- | | | |
|-----|---------------------------------|---------|
| 1. | Agriculture | N |
| 2. | Airports | N |
| 3. | Aquaculture | P-G |
| 4. | Commercial | ACU-S,G |
| 5. | Dryland moorage | P-G |
| 6. | Industrial & port facilities | ACU-S,G |
| 7. | Land transportation facilities | P-G |
| 8. | Log storage/sorting yard (land) | P-G |
| 9. | Marinas | P-G |
| 10. | Mining/mineral extraction | P-G |
| 11. | Recreation facilities | |
| | a. Low-intensity | P-G |
| | b. High-intensity | P-G |
| 12. | Residential | N |
| 13. | Solid waste disposal | P-G |
| 14. | Timber farming/harvesting | P-G |
| 15. | Utilities | |

- | | | |
|-----|----------------------------|---------|
| | a. Low-intensity | P-G |
| | b. High-intensity | P-G |
| 16. | Energy production | ACU-S,G |
| 17. | Water-borne transportation | ACU-S,G |

Activities:

- | | | |
|-----|--|----------|
| 1. | Stream alteration | P-G |
| 2. | Dikes | |
| | a. New construction | P-G |
| | b. Maintenance/repair | P-G |
| 3. | Dredge material disposal | N |
| 4. | Excavation to create new water surface | P-G |
| 5. | Fill | P-G |
| 6. | Shoreline stabilization | |
| | a. Vegetative | P-G |
| | b. Riprap | ACU-S, G |
| | c. Retaining wall | ACU-S, G |
| 7. | Navigation aids | P-G |
| 8. | Mitigation | P-G |
| 9. | Restoration | |
| | a. Active | ACU-S, G |
| | b. Passive | P-G |
| 10. | Land divisions | |
| | a. Partitions | P-G |
| | b. Subdivisions | P-G |
| | c. Planned Unit Development | P-G |
| | d. Recreation PUD | P-G |

GENERAL CONDITIONS:

1. All permitted uses shall be consistent with the respective flood regulations of local governments, as required in Policy #27.
2. All permitted uses in dune areas shall be consistent with the requirements of Policy #30.
3. All uses shall be consistent with Policy #16, regarding areas "suitable for water-dependent uses".
4. All uses and activities: Inventoried resources requiring mandatory protection in this unit are subject to Policies #17 and #18.
5. In rural areas (outside UGBs) utilities, public facilities and services shall only be provided subject to Policies #49, #50, and #51.

SPECIAL CONDITIONS:

Uses:

4.,6. Commercial and industrial uses within urban unincorporated communities are subject to Policy #16a.

4.,6.,16.,17. These uses are subject to review and approval when consistent with Policy #16.

Activities:

6b.,6c. These activities are permitted subject to the findings required by Policy #9, "Solutions to Erosion and Flooding Problems".

9a. Active restoration shall be allowed only when consistent with Policy #22b.

SECTION 3.2.312. Land Development Standards. The requirements set forth in Table 3.2 shall govern development in the 56-UW district.

GENERAL LOCATION: LOWER BAY

ZONING DESIGNATION: 56-DA

ZONING DISTRICT: 56-DEVELOPMENT AQUATIC

SPECIFIC BOUNDARIES: This aquatic unit district extends east from the deep-draft channel beginning at a line extending west 400-feet north of Sitka Dock and ending at a line extending west to the channel from the base of the dock.

SECTION 3.2.315. Management Objective: This aquatic district shall be managed (1) to provide water access for future more intensive water-dependent uses of adjacent uplands, and (2) to provide a 14 acre marina site for meeting in-water moorage needs, in conjunction with the construction of a protective breakwater. Though the area is naturally scoured, new dredging may be required, and shall be permitted. Other uses shall not pre-empt the use of this site for in-water moorage.

SECTION 3.2.316. Uses, Activities and Special Conditions. Table 56-DA sets forth the uses and activities which are permitted, which may be permitted as conditional uses, or which are prohibited in this zoning district. Table 56-DA also sets forth special conditions which may restrict certain uses or activities, or modify the manner in which certain uses or activities may occur. Reference to “policy numbers” refers to Plan Policies set forth in the Coos Bay Estuary Management Plan.

A. Uses:

1.	Aquaculture	ACU-S, G
2.	Commercial	ACU-S, G
3.	Docks	P-G
4.	Industrial & port facilities	ACU-S, G
5.	Log dump/sort/storage (in-water)	ACU-S, G
6.	Marinas	P-G
7.	Mining/mineral extraction	ACU-G,S
8.	Recreation facilities	
	a. Low-intensity	P-G
	b. High-intensity	P-G
9.	Utilities	
	a. Low-intensity	P-G
	b. High-intensity	P-G
10.	Bridge crossing support structures and dredging necessary for installation	N
11.	Bridge crossings	N/A

B. Activities:

1.	Dikes	
	a. New construction	N
	b. Maintenance/repair	N/A
	c. Installation of tidegates in existing functional dikes	N
2.	Dredging	
	a. New	ACU-S, G
	b. Maintenance dredging of existing facilities	ACU-S, G
	c. To repair dikes and tidegates	N
3.	Dredged material disposal	N
4.	Fill	ACU-S, G
5.	Navigational	
	a. Aides	P-G
	b. Structures	ACU-S, G
	c. Minor navigational improvement	P-G
	d. Water-dependent commercial enterprises and activities	ACU-S, G
6.	Piling/dolphin installation	P-G
7.	Shoreline stabilization	
	a. Vegetative	P-G
	b. Riprap	ACU-S, G
	c. Bulkheads	ACU-S, G
8.	Mitigation	P-G
9.	Restoration	
	a. Active	ACU-S, G
	b. Passive	P-G
10.	Research and educational observations	P
11.	Protection of habitat nutrient, fish, wildlife and aesthetic	P
12.	Temporary alterations	ACU-S, G
13.	Waste water/storm water discharge	ACU-S, G
14.	Research and educational observation structure	ACU-S, G

GENERAL CONDITION (the following condition applies to all uses and activities):

1. Inventoried resources requiring mandatory protection in this unit are subject to Policies #17 and #18.

SPECIAL CONDITIONS:

Uses:

1. Aquaculture is allowed whether dredging or fill or other alteration of the estuary is required 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.,4. Commercial Industrial/Port facilities: if the use is water-related or non-dependent/non-related and does not require fill, findings must be made that the use is consistent with the resource capabilities and purposes of this district.

5. In-water log dumping/sorting/storage shall be allowed in conjunction with adjacent development related to loading and unloading of logs for shipment.

New or expanded log storage shall only be permitted after review and approval by the Department of Environmental Quality (see Policy #5c).

7. Mining/mineral extraction is only allowed if compatible with navigation and moorage uses, and if consistent with the resource capabilities of the area and the purposes of the management objective.

Activities:

2a.,2b.,4.,5b.,5d. These activities are only allowed subject to finding that adverse impacts have been minimized (see Policy #5); and to Policy #8 requiring mitigation.

5c. This activity is subject to Policy #12.

7b.,7c. These activities are 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 riprap. Riprap may be allowed 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.

In addition, bulkheads are only allowed subject (1) to the making of resource capability consistency findings and impact assessments (see Policy #4a); (2) to a finding that adverse impacts have been minimized (see Policy #5); and (3) to Policy #8 requiring mitigation.

9a. Active restoration shall be allowed only when consistent with Policy #22b.

12. This activity is permitted subject to Policy #5a.

13. Waste water and storm water discharge, see Policy #25 and definition of "facility".

14. Subject to Policy #5d.

GENERAL LOCATION: LOWER BAY

ZONING DESIGNATION: 57-CS

ZONING DISTRICT: 57-CONSERVATION SHORELANDS

SPECIFIC BOUNDARIES: Northern boundary - a line west from a point 400-feet south of the junction of Cape Arago Highway and Grinnell Boulevard. Southern boundary - southern shore of Tarheel Creek

SECTION 3.2.320. Management Objective: This shoreland district shall be managed to maintain and expand recreational access for use of natural aquatic resources, consistent with protection of riparian vegetation.

SECTION 3.2.321. Uses, Activities and Special Conditions. Table 57-CS sets forth the uses and activities which are permitted, which may be permitted as conditional uses, or which are prohibited in this zoning district. Table 57-CS also sets forth special conditions which may restrict certain uses or activities, or modify the manner in which certain uses or activities may occur. Reference to “policy numbers” refers to Plan Policies set forth in the Coos Bay Estuary Management Plan.

A. Uses:

1.	Agriculture	N
2.	Airports	N
3.	Aquaculture	P-G
4.	Commercial	N
5.	Dryland moorage	N
6.	Industrial & port facilities	N
7.	Land transportation facilities	N
8.	Log storage/sorting yard (land)	N
9.	Marinas	N
10.	Mining/mineral extraction	N
11.	Recreation facilities	
	a. Low-intensity	P-G
	b. High-intensity	N
12.	Residential	ACU-S, G
13.	Solid waste disposal	N
14.	Timber farming/harvesting	N
15.	Utilities	
	a. Low-intensity	P-G
	b. High-intensity	N

B. Activities:

1.	Stream alteration	N
2.	Dikes	
	a. New construction	N
	b. Maintenance/repair	P-G
3.	Dredged material disposal	N
4.	Excavation to create new water surface	N
5.	Fill	N
6.	Shoreline stabilization	
	a. Vegetative	P-G
	b. Riprap	ACU-S, G
	c. Retaining wall	N
7.	Navigation aids	P-G
8.	Mitigation	P-G
9.	Restoration	
	a. Active	ACU-S, G
	b. Passive	P-G
10.	Land divisions	
	a. Partitions	P-G
	b. Subdivisions	P-G
	c. Planned Unit Development	P-G
	d. Recreation PUD	P-G

GENERAL CONDITIONS (The following condition applies to all uses and activities):

1. Inventoried resources requiring mandatory protection in this district are subject to Policies #17 and #18.
2. All permitted uses and activities shall be consistent with Policy #23, requiring protection of riparian vegetation.
3. All permitted uses shall be consistent with the respective flood regulations of local governments, as required in Policy #27.
4. All permitted uses in dune areas shall be consistent with the requirements of Policy #30.
5. In rural areas (outside of UGBs) utilities, public facilities and services shall only be provided subject to Policies #49, #50, and #51.

SPECIAL CONDITIONS:

Uses:

12. Low-intensity residential uses only shall be allowed.

Activities:

- 6b. This activity is permitted subject to the findings required by Policy #9, "Solutions to Erosion and Flooding Problems".
- 9a. Active restoration shall be allowed only when consistent with Policy #22b.

SECTION 3.2.322. Land Development Standards. The requirements set forth in Table 3.2 shall govern development in the 57-CS district.

GENERAL LOCATION: LOWER BAY

ZONING DESIGNATION: 57-NA

ZONING DISTRICT: 57-NATURAL AQUATIC

SPECIFIC BOUNDARIES: This aquatic district begins at Sitka Dock to the north and ends at a line extending west from the tip of Pigeon Point, extending west to the edge of a subtidal algal bed.

SECTION 3.2.325. Management Objective: This important recreational area shall be managed so as to continue public access into the area and maintain its valuable aquatic resources.

SECTION 3.2.326. Uses, Activities and Special Conditions. Table 57-NA sets forth the uses and activities which are permitted, which may be permitted as conditional uses, or which are prohibited in this zoning district. Table 57-NA also sets forth special conditions which may restrict certain uses or activities, or modify the manner in which certain uses or activities may occur. Reference to “policy numbers” refers to Plan Policies set forth in the Coos Bay Estuary Management Plan.

A. Uses

1.	Aquaculture	ACU-S, G
2.	Commercial	N
3.	Docks	N
4.	Industrial & Port facilities	N
5.	Log dump/sort/storage (in-water)	N
6.	Marinas	N
7.	Mining/mineral extraction	N
8.	Recreation facilities	
	a. Low-intensity	ACU-S, G
	b. High-intensity	N
9.	Utilities	
	a. Low-intensity	P-G
	b. High-intensity	N
10.	Bridge crossing support structures and dredging necessary for installation	N
11.	Bridge crossing	N

B. Activities:

1.	Dikes	
	a. New construction	N
	b. Maintenance/repair	N
	c. Installation of tidegates in existing functional dikes	N
2.	Dredging	
	a. New	N

	b.	Maintenance dredging of existing facilities	N
	c.	To repair dikes and tidegates	N
3.		Dredged material disposal	N
4.		Fill	N
5.		Navigational	
	a.	Aides	P-G
	b.	Structures	N
	c.	Minor navigational improvement	N
	d.	Water-dependent commercial enterprises and activities	N
6.		Piling/dolphin installation	N
7.		Shoreline stabilization	
	a.	Vegetative	P-G
	b.	Riprap	N
	c.	Bulkheads	N
8.		Mitigation	P-G
9.		Restoration	
	a.	Active	N
	b.	Passive	P-G
10.		Temporary alterations	ACU-S, G
11.		Protection of habitat, nutrient, fish, wildlife and aesthetic	P
12.		Research and educational observations	P
13.		Research and educational observation structure	ACU-S, G

GENERAL CONDITION (the following condition applies to all uses and activities):

1. Inventoried resources requiring mandatory protection in this unit are subject to Policies #17 and #18.

SPECIAL CONDITIONS:

Uses:

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.
- 8a. Boat ramps for public use where no dredging or fill for navigational access is needed (see definition of "Recreation").

Activities:

10. This activity is only permitted subject to Policy #5a.
13. Subject to Policy #5d.

GENERAL LOCATION: LOWER BAY

ZONING DISTRICT: 58-UD

ZONING DISTRICT: 58-URBAN DEVELOPMENT

SPECIFIC BOUNDARIES: Northern boundary - the south bank of Tarheel Creek Southern boundary - the southern edge of the residential area north of Barview Wayside.

SECTION 3.2.330. Management Objective: This district shall be managed so as to allow continuation and expansion of the area's scenic, archaeological and residential values, which exist in harmony with each other. If the Army Corps of Engineers should reconstruct the groin in this area, provision or an associated public fishing pier should be considered. This district contains a designated mitigation site (M-1a, "medium" priority) which must be protected from pre-emptive uses, as consistent with Policy #22.

SECTION 3.2.331. Uses, Activities and Special Conditions. Table 58-UD sets forth the uses and activities which are permitted, which may be permitted as conditional uses, or which are prohibited in this zoning district. Table 58-UD also sets forth special conditions which may restrict certain uses or activities, or modify the manner in which certain uses or activities may occur. Reference to "policy numbers" refers to Plan Policies set forth in the Coos Bay Estuary Management Plan.

A. Uses:

1.	Agriculture	N
2.	Airports	N
3.	Aquaculture	ACU-S, G
4.	Commercial	N
5.	Dryland moorage	N
6.	Industrial & Port facilities	N
7.	Land transportation facilities	P-G
8.	Log storage/sorting yard (land)	N
9.	Marinas	N
10.	Mining/mineral extraction	N
11.	Recreation facilities	
	a. Low-intensity	ACU-S, G
	b. High-intensity	N
12.	Residential	P-G
13.	Solid waste disposal	N
14.	Timber farming/harvesting	N
15.	Utilities	
	a. Low-intensity	P-G
	b. High-intensity	N

B. Activities:

1.	Stream alteration	N/A
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2.	Dikes	
	a. New construction	N
	b. Maintenance/repair	N/A
3.	Dredge material disposal	N
4.	Excavation to create new water surface	N
5.	Fill	P-G
6.	Shoreline stabilization	
	a. Vegetative	P-G
	b. Riprap	ACU-S, G
	c. Retaining wall	ACU-S, G
7.	Navigation aides	P-G
8.	Mitigation	P-G
9.	Restoration	
	a. Active	ACU-S, G
	b. Passive	P-G
10.	Land divisions	
	a. Partitions	P-G
	b. Subdivisions	P-G
	c. Planned Unit Development	P-G
	d. Recreation PUD	P-G

GENERAL CONDITIONS (the following condition applies to all uses and activities):

1. Inventoried resources requiring mandatory protection in this district are subject to Policies #17 and #18.
2. All permitted uses and activities shall be consistent with Policy #23, requiring protection of riparian vegetation.
3. All permitted uses shall be consistent with the respective flood regulations of local governments, as required in Policy #27.
4. On designated "medium" priority mitigation/restoration sites, all uses/activities shall only be permitted subject to the conditions in Policy #22.
5. All permitted uses in dune areas shall be consistent with the requirements of Policy #30.

SPECIAL CONDITIONS:

Uses:

3. Aquaculture is allowed whether dredging or fill or other alteration of the estuary is required for harvest of benthic species or removable in-water structures such as stakes or racks (commercial, not archaeological stakes or racks) - subject to Policy #4a.
- 11a. Low-intensity recreation facilities shall be allowed in this area only if findings document that such are consistent with the aquatic resources in the adjoining district.

Activities:

- 6b.,6c. These activities are permitted subject to the findings required by Policy #9, "Solutions to Erosion and Flooding Problems
- 9a. Active restoration shall be allowed only when consistent with Policy #22b.

SECTION 3.2.332. Land Development Standards. The requirements set forth in Table 3.2 shall govern development in the 58-UD district.

GENERAL LOCATION: LOWER BAY

ZONING DESIGNATION: 58-NA

ZONING DISTRICT: 58-NATURAL AQUATIC

SPECIFIC BOUNDARIES: This aquatic district extends from a line to the west from the tip of Pigeon Point to a line to the west from the southern edge of the residential area north of Barview Wayside, extending west to the Charleston Channel at the southern end, and to the edge of a subtidal algal bed to the north.

SECTION 3.2.335. Management Objective: This district shall be managed so as to protect the area for its resource productivity. A rock groin will be permitted as an adjunct to an extension to the Charleston Breakwater if findings are made that it is necessary to prevent channel sedimentation (see Exception).

SECTION 3.2.336. Uses, Activities and Special Conditions. Table 58-NA sets forth the uses and activities which are permitted, which may be permitted as conditional uses, or which are prohibited in this zoning district. Table 58-NA also sets forth special conditions which may restrict certain uses or activities, or modify the manner in which certain uses or activities may occur. Reference to “policy numbers” refers to Plan Policies set forth in the Coos Bay Estuary Management Plan.

A. Uses:

1.	Aquaculture	ACU-S, G
2.	Commercial	N
3.	Docks	N
4.	Industrial & port facilities	N
5.	Log dump/sort/storage (in-water)	N
6.	Marinas	N
7.	Mining/mineral extraction	N
8.	Recreation facilities	
	a. Low-intensity	N
	b. High-intensity	N
9.	Utilities	
	a. Low-intensity	P-G
	b. High-intensity	N
10.	Bridge crossing support structures and dredging necessary for installation	N
11.	Bridge crossings	N

B. Activities:

1.	Dikes	
	a. New construction	N
	b. Maintenance/repair	N
	c. Installation of tidegates in existing functional dikes	N
2.	Dredging	
	a. New	N
	b. Maintenance dredging of existing facilities	N

	c. To repair dikes and tidegates	N/A
3.	Dredged material disposal	N
4.	Fill	N
5.	Navigational	
	a. Aides	P-G
	b. Structures	ACU-S, G
	c. Minor navigational improvements	N
	d. Water-dependent commercial enterprises and activities	N
6.	Piling/Dolphin installation	N
7.	Shoreline stabilization	
	a. Vegetative	P-G
	b. Riprap	N
	c. Bulkheads	N
8.	Mitigation	P-G
9.	Restoration	
	a. Active	N
	b. Passive	P-G
10.	Temporary alterations	ACU-S, G
11.	Protection of habitat, nutrient, fish, wildlife, aesthetic,	P
12.	Research and educational observations	P
13.	Waste water/storm water discharge	N
14.	Research & educational observation structure	ACU-S, G

GENERAL CONDITION (the following condition applies to all uses and activities):

1. Inventoried resources requiring mandatory protection in this unit are subject to Policies #17 and #18.

SPECIAL CONDITIONS:

Uses:

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.

Activities:

- 5b. This activity (rock groin) is only allowed subject to finding that adverse impacts have been minimized (see Policy #5); and to Policy #8 requiring mitigation.
- 10. This activity is only permitted subject to Policy #5a.
- 14. Subject to Policy #5d.

GENERAL LOCATION: LOWER BAY

ZONING DESIGNATION: 59-CA

ZONING DISTRICT: 59-CONSERVATION AQUATIC

SPECIFIC BOUNDARIES: This subtidal district extends south from Sitka Dock to the Charleston Channel. The east boundary is the western edge of a subtidal algal bed and the west boundary is the deep-draft channel.

SECTION 3.2.340. Management Objective: This district shall be managed to allow conservation of the aquatic area as intended by the Goals.

SECTION 3.2.341. Uses, Activities and Special Conditions. Table 59-CA sets forth the uses and activities which are permitted, which may be permitted as conditional uses, or which are prohibited in this zoning district. Table 59-CA also sets forth special conditions which may restrict certain uses or activities, or modify the manner in which certain uses or activities may occur. Reference to “policy numbers” refers to Plan Policies set forth in the Coos Bay Estuary Management Plan.

A. Uses

1.	Aquaculture	ACU-S, G
2.	Commercial	N
3.	Docks	N
4.	Industrial & port facilities	N
5.	Log dump/sort/storage (in-water)	N
6.	Marinas	N
7.	Mining/mineral extraction	N
8.	Recreation facilities	
	a. Low-intensity	N
	b. High-intensity	N
9.	Utilities	
	a. Low-intensity	P-G
	b. High-intensity	N
10.	Bridge crossing support structures and dredging necessary for installation	N
11.	Bridge crossings	N

B. Activities:

1.	Dikes	
	a. New construction	N/A
	b. Maintenance/repair	N/A
	c. Installation of tidegates in existing functional dikes	N
2.	Dredging	
	a. New	N
	b. Maintenance dredging of existing facilities	ACU-S, G

	c. To repair dikes and tidegates	N/A
3.	Dredged material disposal	N
4.	Fill	N
5.	Navigational	
	a. Aides	P-G
	b. Structures	N
	c. Minor navigational improvements	P-G
	d. Water-dependent commercial enterprises and activities	N
6.	Piling/dolphin installation	ACU-S, G
7.	Shoreline Stabilization	
	a. Vegetative	N/A
	b. Riprap	N/A
	c. Bulkheads	N/A
8.	Mitigation	P-G
9.	Restoration	
	a. Active	ACU-S, G
	b. Passive	P-G
10.	Protection of habitat, nutrient, fish, wildlife and aesthetic	P
11.	Temporary alterations	ACU-S, G
12.	Research and educational observations	P
13.	Waste water/storm water discharge	ACU-S, G
14.	Research and educational observation structure	ACU-S, G

GENERAL CONDITION (the following condition applies to all uses and activities):

1. Inventoried resources requiring mandatory protection in this unit are subject to Policies #17 and #18.

SPECIAL CONDITIONS:

Uses:

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 allowed; or, where aquaculture requires dredging or fill or other alteration of the estuary is subject to Policy #4a.

Activities:

- 2b. This activity is only allowed subject to finding that adverse impacts have been minimized (see Policy #5); and to Policy #8 requiring mitigation.
- 5c. This activity is subject to Policy #12.
6. Pilings or dolphins for temporary moorage only shall be allowed.

- 9a. Active restoration shall be allowed only when consistent with Policy #22b.
- 11. This activity is only permitted subject to Policy #5a.
- 13. Waste water and storm water discharge, see Policy #25 and definition of "facility".
- 14. Subject to Policy #5d.

GENERAL LOCATION: LOWER BAY

ZONING DESIGNATION: 67-D

ZONING DISTRICT: 67-DEVELOPMENT SHORELANDS

SPECIFIC BOUNDARIES: Southern boundary - a line inland from a point 400-feet north of the Charleston Breakwater. Northwestern boundary - the western edge of the Coast Guard facility.

SECTION 3.2.345. Management Objective: This shoreland district shall be managed to maintain the existing uses and the riparian and scenic values of the steeper slopes in the area, as consistent with the uses and activities matrix for this district.

SECTION 3.2.346. Uses, Activities and Special Conditions. Table 67-D sets forth the uses and activities which are permitted, which may be permitted as conditional uses, or which are prohibited in this zoning district. Table 67-D also sets forth special conditions which may restrict certain uses or activities, or modify the manner in which certain uses or activities may occur. Reference to “policy numbers” refers to Plan Policies set forth in the Coos Bay Estuary Management Plan.

A. Uses:

1.	Agriculture	N
2.	Airports	N
3.	Aquaculture	P-G
4.	Commercial	N
5.	Dryland Moorage	N
6.	Industrial & Port facilities	N
7.	Land transportation facilities	P-G
8.	Log storage/sorting yard (land)	N
9.	Marinas	N
10.	Mining/mineral extraction	N
11.	Recreation facilities	
	a. Low-intensity	P-G
	b. High-intensity	N
12.	Residential	ACU-S, G
13.	Solid waste disposal	N
14.	Timber farming/harvesting	N/A
15.	Utilities	
	a. Low-intensity	P-G
	b. High-intensity	N

B. Activities:

1.	Stream alteration	P-G
2.	Dikes	
	a. New construction	N
	b. Maintenance/repair	P-G
3.	Dredged material disposal	N
4.	Excavation to create new water surface	P-G
5.	Fill	P-G
6.	Shoreline stabilization	
	a. Vegetative	P-G
	b. Riprap	ACU-S, G
	c. Retaining wall	ACU-S, G
7.	Navigation aids	P-G
8.	Mitigation	P-G
9.	Restoration	
	a. Active	ACU-S, G
	b. Passive	P-G
10.	Land divisions	
	a. Partition	ACU-S, G
	b. subdivision	ACU-S, G
	c. Planned Unit Development	ACU-S, G
	d. Recreation PUD	N

GENERAL CONDITIONS:

1. All permitted uses in dune areas shall be consistent with the requirements of Policy #30.
2. Uses in this district are only permitted as stated in Policy #14, "General Policy on Uses within Rural Coastal Shorelands". Except as permitted outright, or where findings are made in this Plan, uses are only allowed subject to the findings in this policy.
3. Inventoried resources requiring mandatory protection in this district are subject to Policies #17 and #18.
4. Where "agricultural lands" or "forest lands" occur within this district, as identified in the "Special Considerations Map", uses in these areas shall be limited to those permitted in Policies #28 and #34.
5. In rural areas (outside of UGBs) utilities, public facilities and services shall provided subject to Policies #49, #50, and #51.

SPECIAL CONDITIONS:

Uses:

12. Residential uses are limited to (i) the U.S. Coast Guard facility, and (ii) conversion of an existing paint locker into one dwelling in conjunction with the Oregon Institute of Marine Biology.

Activities:

- 6b.,6c. These activities are only allowed subject to the findings required by Policy #9, "Solutions to Erosion and Flooding Problems".
- 9a. Active restoration shall be allowed only when consistent with Policy #22b.
10. Land divisions are only permitted when they meet the conditions of Policy #15.

SECTION 3.2.347. Land Development Standards. The requirements set forth in Table 3.2 shall govern development in the 67-D district.

GENERAL LOCATION: LOWER BAY

ZONING DESIGNATION: 67-CA

ZONING DISTRICT: 67- CONSERVATION AQUATIC

SPECIFIC BOUNDARIES: This district extends south and west from the Charleston and deep-draft navigation channels and includes the area from the Charleston breakwater to the mouth of the Estuary at the west end of the South Jetty, excluding the area for in-water dredged material disposal.

SECTION 3.2.350. Management Objective: This district shall be managed to maintain the jetty for navigation.

SECTION 3.2.351. Uses, Activities and Special Conditions. Table 67-CA sets forth the uses and activities which are permitted, which may be permitted as conditional uses, or which are prohibited in this zoning district. Table 67-CA also sets forth special conditions which may restrict certain uses or activities, or modify the manner in which certain uses or activities may occur. Reference to “policy numbers” refers to Plan Policies set forth in the Coos Bay Estuary Management Plan.

A. Uses:

- | | | |
|-----|--|----------|
| 1. | Aquaculture | ACU-S, G |
| 2. | Commercial | N |
| 3. | Docks | N |
| 4. | Industrial & Port facilities | N |
| 5. | Log dump/sort/storage (in-water) | N |
| 6. | Marinas | N |
| 7. | Mining/mineral extraction | N |
| 8. | Recreation facilities | |
| | a. Low-intensity | ACU-S, G |
| | b. High-intensity | N |
| 9. | Utilities | |
| | a. Low-intensity | P-G |
| | b. High-intensity | N |
| 10. | Bridge crossing support structures and dredging necessary for installation | N |
| 11. | Bridge crossings | N |

B. Activities:

- | | | |
|----|--|-----|
| 1. | Dikes | |
| | a. New construction | N |
| | b. Maintenance/repair | N |
| | c. Installation of tidegates in existing functional dike | N/A |
| 2. | Dredging | |
| | a. New | N |

b.	Maintenance dredging of existing facilities	ACU-S, G
c.	To repair dikes and tidegates	N/A
3.	Dredged material disposal	N
4.	Fill	N
5.	Navigational	
a.	Aides	P-G
b.	Structures	ACU-S, G
c.	Minor navigational improvements	P-G
d.	Water-dependent commercial enterprises and activities	N
6.	Piling/dolphin installation	P-G
7.	Shoreline stabilization	
a.	Vegetative	P-G
b.	Riprap	ACU-S, G
c.	Bulkheads	N
8.	Mitigation	P-G
9.	Restoration	
a.	Active	ACU-S, G
b.	Passive	P-G
10.	Protection of habitat, nutrient, fish, wildlife and aesthetic	P
11.	Temporary alterations	ACU-S, G
12.	Research and educational observations	P
13.	Waste water/storm water discharge	ACU-S, G
14.	Research and educational observation structure	N

GENERAL CONDITION (the following condition applies to all uses and activities):

1. Inventoried resources requiring mandatory protection in this unit are subject to Policies #17 and #18.

SPECIAL CONDITIONS:

Uses:

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 allowed; or, where aquaculture requires dredging or fill or other alteration of the estuary is subject to Policy #4a.
- 8a. Boat ramps for public use where no dredging or fill for navigational access is needed (see definition of "Recreation").

Activities:

- 2b. Maintenance dredging shall be permitted only for maintenance access to the jetty and breakwater.

This activity is only allowed subject to finding that adverse impacts have been minimized (see Policy #5); and to Policy #8 requiring mitigation.

- 5b. Maintenance and/or repair of the South Jetty and the breakwater shall be allowed the expansion of the area of fill as necessary for added strength or to prevent sediment accretion.

This activity is only allowed subject to finding that adverse impacts have been minimized (see Policy #5); and to Policy #8 requiring mitigation.

- 5c. This activity is subject to Policy #12.

- 7b. This activity is allowed 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 riprap. Riprap may be allowed 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.

- 9a. Active restoration shall be allowed only when consistent with Policy #22b.

11. This activity is only permitted subject to Policy #5a.

13. Waste water and storm water discharge, see Policy #25 and definition of "facility".

GENERAL LOCATION: LOWER BAY

ZONING DESIGNATION: 67A-DA

ZONING DISTRICT: 67A-DEVELOPMENT AQUATIC

SPECIFIC BOUNDARIES: This district lies to the south of and contiguous with the deep-draft channel, and north of the Charleston breakwater, within district #67 CA.

SECTION 3.2.355. Management Objective: This district shall be managed exclusively for in-water dredged material disposal. This site (In-bay "G") is intended for emergency disposal of channel maintenance spoils during rough bar conditions when ocean disposal is not possible, and for disposal of spoils generated by maintaining the marina complex at Charleston.

SECTION 3.2.356. Uses, Activities and Special Conditions. Table 67A-DA sets forth the uses and activities which are permitted, which may be permitted as conditional uses, or which are prohibited in this zoning district. Table 67A-DA also sets forth special conditions which may restrict certain uses or activities, or modify the manner in which certain uses or activities may occur. Reference to "policy numbers" refers to Plan Policies set forth in the Coos Bay Estuary Management Plan.

A. Uses:

- | | | |
|-----|--|---|
| 1. | Aquaculture | N |
| 2. | Commercial | N |
| 3. | Docks | N |
| 4. | Industrial & Port facilities | N |
| 5. | Log dump/sort/storage (in-water) | N |
| 6. | Marinas | N |
| 7. | Mining/mineral extraction | N |
| 8. | Recreation facilities | |
| | a. Low-intensity | N |
| | b. High-intensity | N |
| 9. | Utilities | |
| | a. Low-intensity | N |
| | b. High-intensity | N |
| 10. | Bridge crossing support structures and dredging necessary for installation | N |
| 11. | Bridge crossings | N |

B. Activities:

- | | | |
|----|---|-----|
| 1. | Dikes | |
| | a. New construction | N |
| | b. Maintenance/repair | N/A |
| | c. Installation of tidegates in existing functional dikes | N |
| 2. | Dredging | |
| | a. New | N |
| | b. Maintenance dredging of existing facilities | N |

	c.	To repair dikes and tidegates	N/A
3.		Dredged material disposal	ACU-S, G
4.		Fill	N
5.		Navigational	
	a.	Aides	ACU-S, G
	b.	Structures	N
	c.	Minor navigational improvement	N
	d.	Water-dependent commercial enterprises and activities	ACU-S, G
6.		Piling/dolphin installation	N
7.		Shoreline stabilization	
	a.	Vegetative	N/A
	b.	Riprap	N/A
	c.	Bulkheads	N/A
8.		Mitigation	N
9.		Restoration	
	a.	Active	N
	b.	Passive	N
10.		Research and educational observations	P
11.		Protection of habitat nutrient, fish, wildlife and aesthetic	P
12.		Temporary alterations	N
13.		Waste water/storm water discharge	ACU-S, G
14.		Research and educational observation structure	ACU-S, G

GENERAL CONDITION (the following condition applies to all uses and activities):

1. Inventoried resources requiring mandatory protection in this unit are subject to Policies #17 and #18.

SPECIAL CONDITIONS:

Activities:

3. Dredged material disposal site is only to be used for disposal of channel maintenance spoils when rough bar conditions prohibit ocean disposal and subject to finding that adverse impacts have been minimized (see Policy #5) and for disposal of spoils generated by maintaining the marina complex at Charleston.
- 5a.,5d. Navigation aids are permitted as necessary to mark the DMD site.
13. Waste water and storm water discharge, see Policy #25 and definition of "facility".
14. Subject to Policy #5d.

GENERAL LOCATION: LOWER BAY

ZONING DESIGNATION: 68A-CS

ZONING DISTRICT: 68A-CONSERVATION SHORELANDS

SPECIFIC BOUNDARIES: Eastern boundary - Coast Guard Facility's western boundary.
Western boundary - South Jetty's eastern end where elevation descends to the beach sand.

SECTION 3.2.360. Management Objective: This steep rugged bluff which overlooks the mouth of the Estuary shall be managed to maintain its riparian habitat and scenic qualities.

SECTION 3.2.361. Uses, Activities and Special Conditions. Table 68A-CS sets forth the uses and activities which are permitted, which may be permitted as conditional uses, or which are prohibited in this zoning district. Table 68A-CS also sets forth special conditions which may restrict certain uses or activities, or modify the manner in which certain uses or activities may occur. Reference to “policy numbers” refers to Plan Policies set forth in the Coos Bay Estuary Management Plan.

. Uses:

1.	Agriculture	N
2.	Airports	N
3.	Aquaculture	N
4.	Commercial	N
5.	Dryland moorage	N
6.	Industrial & port facilities	N
7.	Land transportation facilities	P-G
8.	Log storage/sorting yard (land)	N
9.	Marinas	N
10.	Mining/mineral extraction	N
11.	Recreation facilities	
	a. Low-intensity	N
	b. High-intensity	N
12.	Residential	N
13.	Solid waste disposal	N
14.	Timber farming/harvesting	P-G
15.	Utilities	
	a. Low-intensity	P-G
	b. High-intensity	N

B. Activities:

1.	Stream alteration	N
2.	Dikes	
	a. New construction	N
	b. Maintenance/repair	N/A
3.	Dredged material disposal	N
4.	Excavation to create new water surface	N

5.	Fill	N
6.	Shoreline stabilization	
	a. Vegetative	P-G
	b. Riprap	ACU-S, G
	c. Retaining wall	ACU-S, G
7.	Navigation aids	ACU-S, G
8.	Mitigation	P-G
9.	Restoration	
	a. Active	ACU-S, G
	b. Passive	P-G
10.	Land divisions	
	a. Partition	N
	b. Subdivision	N
	c. Planned Unit Development	N
	d. Recreation PUD	N

GENERAL CONDITIONS:

1. Uses in this district are only permitted as stated in Policy #14, "General Policy on Uses within Rural Coastal Shorelands". Except as permitted outright, or where findings are made in this Plan, uses are only allowed subject to the findings in this policy.
2. All permitted uses and activities shall be consistent with Policy #23, requiring protection of riparian vegetation.
3. All permitted uses in dune areas shall be consistent with the requirements of Policy #30.
4. Inventoried resources requiring mandatory protection in this district are subject to Policies #17 and #18.
5. In rural areas (outside of UGBs) utilities, public facilities and services shall only be provided subject to Policies #49, #50, and #51.

SPECIAL CONDITIONS:

Activities:

- 6b.,6c. These activities are permitted subject to the findings required by Policy #9, "Solutions to Erosion and Flooding Problems".
- 9a. Active restoration shall be allowed only when consistent with Policy #22b.

SECTION 3.2.362. Land Development Standards. The requirements set forth in Table 3.2 shall govern development in the 68A-CS district.

GENERAL CONDITIONS: LOWER BAY

ZONING DESIGNATION: 68B-WD

ZONING DISTRICT: 68B-WATER-DEPENDENT DEVELOPMENT SHORELANDS

SPECIFIC BOUNDARIES: Eastern boundary - Eastern end of the South Jetty. Western boundary - Western end of the South Jetty; Southern boundary - Southern end of dredged material disposal site about 1100-feet south of South Jetty.

SECTION 3.2.365. Management Objective: This district shall be managed to allow uses and activities associated with jetty construction and maintenance, including road access and construction of unloading and storage facilities and water-dependent recreational uses. This district also contains a designated dredged material disposal site, which shall be protected from pre-emptive uses (see Policy #20).

SECTION 3.2.366. Uses, Activities and Special Conditions. Table 68B-WD sets forth the uses and activities which are permitted, which may be permitted as conditional uses, or which are prohibited in this zoning district. Table 68B-WD also sets forth special conditions which may restrict certain uses or activities, or modify the manner in which certain uses or activities may occur. Reference to “policy numbers” refers to Plan Policies set forth in the Coos Bay Estuary Management Plan.

A. Uses:

1.	Agriculture	N
2.	Airports	N
3.	Aquaculture	N
4.	Commercial	N
5.	Dryland moorage	N
6.	Industrial & Port facilities	N
7.	Land transportation facilities	P-G
8.	Log storage/sorting yard (land)	N
9.	Marinas	N
10.	Mining/mineral extraction	N
11.	Recreation facilities	
	a. Low-intensity	P-G
	b. High-intensity	P-G
12.	Residential	N
13.	Solid waste disposal	N
14.	Timber farming/harvesting	N
15.	Utilities	
	a. Low-intensity	P-G
	b. High-intensity	N
16.	Energy production	ACU-S,G
17.	Water-borne transportation	ACU-S,G

B. Activities:

1.	Stream alteration	N
----	-------------------	---

2.	Dikes	
	a. New construction	N
	b. Maintenance/repair	N
3.	Dredged material disposal	ACU-S, G
4.	Excavation to create new water surface	N
5.	Fill	ACU-S, G
6.	Shoreline stabilization	
	a. Vegetative	P-G
	b. Riprap	ACU-S, G
	c. Retaining Wall	ACU-S, G
7.	Navigation aids	P-G
8.	Mitigation	P-G
9.	Restoration	
	a. Active	ACU-S, G
	b. Passive	P-G
10.	Land divisions	
	a. Partition	N
	b. Subdivision	N
	c. Planned Unit Development	N
	d. Recreation PUD	N

GENERAL CONDITIONS:

1. Uses in this district are only permitted as stated in Policy #14, "General Policy on Uses within Rural Coastal Shorelands". Except as permitted outright, or where findings are made in this Plan, uses are only allowed subject to the findings in this policy.
2. No permitted use or activity shall pre-empt the use of the designated dredged material disposal site in this district as required by Policy #20.
3. All permitted uses shall be consistent with the respective flood regulations of local governments, as required in Policy #27.
4. All permitted uses in dune areas shall be consistent with the requirements of Policy #30.
5. In rural areas (outside of UGBs) utilities, public facilities and services shall only provided subject to Policies #49, #50, and #51.
6. Inventoried resources requiring mandatory protection in this unit are subject to Policies #17 and #18.

SPECIAL CONDITIONS

Uses:

16.,17. These uses are subject to review and approval when consistent with Policy #16.

Activities:

- 3.,5. Fill material must be compatible with existing sand material. Recreational and aesthetic values must not be impacted. State and federal fill permit required if aquatic area is affected.
- 6b.,6c. These activities are allowed subject to finding that adverse impacts have been minimized (see Policy #5); and to Policy #8 requiring mitigation and Policy #9, "Solutions to Erosion and Flooding Problems".
- 9a. Active restoration shall be allowed only when consistent with Policy #22b.

SECTION 3.2.367. Land Development Standards. The requirements set forth in Table 3.2 shall govern development in the 68B-WD district

NORTH SLOUGH/HAYNES INLET
AND ADJACENT SHORELANDS

Including: Aquatic Area Between Railroad Bridge
and McCullough Bridge

Shoreland Districts: 8 - 13A
Aquatic Units Districts: 8 - 13A

Districts are listed in numerical order,
Shoreland Districts first.

GENERAL LOCATION: NORTH SLOUGH

ZONING DESIGNATION: 8-WD

ZONING DISTRICT: 8-WATER-DEPENDENT DEVELOPMENT SHORELANDS

SPECIFIC BOUNDARIES: Northern boundary - a line to the east along the north property line of the Coos Sand mining operation. Southern boundary - the rail line extending south as it meets the shore at the north end of the railroad bridge. Western boundary - Southern Pacific railroad track.

SECTION 3.2.370. Management Objective: This shoreland district shall be managed to allow the continuation of and expansion of aquaculture, along with development of a boat ramp and limited tie-up facilities, to permit public access to the Estuary.

SECTION 3.2.371. Uses, Activities and Special Conditions. Table 8-WD sets forth the uses and activities which are permitted, which may be permitted as conditional uses, or which are prohibited in this zoning district. Table 8-WD also sets forth special conditions which may restrict certain uses or activities, or modify the manner in which certain uses or activities may occur. Reference to “policy numbers” refers to Plan Policies set forth in the Coos Bay Estuary Management Plan.

A. Uses:

1.	Agriculture	N
2.	Airports	N
3.	Aquaculture	P-G
4.	Commercial	ACU-S, G
5.	Dryland Moorage	P-G
6.	Industrial & Port facilities	N
7.	Land Transportation facilities	P-G
8.	Log storage/sorting yard (land)	N
9.	Marinas	N
10.	Mining/mineral extraction	N
11.	Recreation facilities	
	a. Low-intensity	ACU-S, G
	b. High-intensity	ACU-S, G
12.	Residential	ACU-S, G
13.	Solid waste disposal	N
14.	Timber farming/harvesting	P-G
15.	Utilities	
	a. Low-intensity	P-G
	b. High-intensity	P-G
16.	Energy production	ACU-S,G
17.	Water-borne transportation	ACU-S,G

B. Activities

1.	Stream alteration	N/A
2.	Dikes	
	a. New construction	P-G
	b. Maintenance/repair	P-G
3.	Dredge material disposal	N
4.	Excavation to create new water surface	P-G
5.	Fill	P-G
6.	Shoreline stabilization	
	a. Vegetative	P-G
	b. Riprap	ACU-S, G
	c. Retaining wall	ACU-S, G
7.	Navigation aids	P-G
8.	Mitigation	P-G
9.	Restoration	
	a. Active	ACU-S, G
	b. Passive	P-G
10.	Land divisions	
	a. Partition	ACU-S, G
	b. Subdivision	ACU-S, G
	c. Planned Unit Development	ACU-S, G
	d. Recreation PUD	N

GENERAL CONDITIONS (the following condition applies to all uses and activities):

1. Inventoried resources requiring mandatory protection in this district are subject to Policies #17 and #18.
2. All permitted uses and activities shall be consistent with Policy #23, requiring protection of riparian vegetation.
3. All permitted uses shall be consistent with the respective flood regulations of local governments, as required in Policy #27.
4. Uses in this district are only permitted as stated in Policy #14, "General Policy on Uses within Rural Coastal Shorelands". Except as permitted outright, or where findings are made in this Plan, uses are only allowed subject to the findings in this policy.
5. In rural areas (outside of UGBs) utilities, public facilities, and services shall only be provided subject to Policies #49, #50, and #51.

SPECIAL CONDITIONS:

Uses:

4. Commercial uses shall be allowed only if they are direct support uses to the primary uses of the district: aquaculture or the boat ramp.
- 4.,16.,17. These uses are subject to review and approval when consistent with Policy #16.
- 11a.,11b. All recreational uses shall be water-dependent, except that water-related recreational uses are allowed if findings are made that there is no upland alternative site within an urban area or urban growth area.
12. Residences may be allowed as accessory uses only, pursuant to Policy #14.

Activities:

- 6b.,6c. These activities are permitted subject to the findings required by Policy #9, "Solutions to Erosion and Flooding Problems".
- 9a. Active restoration shall be allowed only when consistent with Policy #22b.
10. Land divisions are only permitted where they meet the conditions in Policy #15.

SECTION 3.2.372. Land Development Standards. The requirements set forth in Table 3.2 shall govern development in the 8-WD district.

GENERAL LOCATION: NORTH SLOUGH

ZONING DESIGNATION: 8-CA

ZONING DISTRICT: 8-CONSERVATION AQUATIC

SPECIFIC BOUNDARIES: This aquatic district begins at a line extending east from the north property line of the Coos Sand mining operation and ends at the north end of the railroad bridge, consisting mainly of a narrow intertidal area.

SECTION 3.2.375. Management Objective: This district, because of its sheltered condition and location near productive aquatic resource areas, shall be managed for development of low-intensity recreational facilities. The uses shall be limited by the small size of the area and the natural depths of the channel. The low-intensity recreational facilities must be located in such a manner that conflicts will not arise with the existing aquaculture use, which is also a permitted use.

SECTION 3.2.376. Uses, Activities and Special Conditions. Table 8-CA sets forth the uses and activities which are permitted, which may be permitted as conditional uses, or which are prohibited in this zoning district. Table 8-CA also sets forth special conditions which may restrict certain uses or activities, or modify the manner in which certain uses or activities may occur. Reference to “policy numbers” refers to Plan Policies set forth in the Coos Bay Estuary Management Plan.

A. Uses:

1.	Aquaculture	ACU-S, G
2.	Commercial	ACU-S, G
3.	Docks	P-G
4.	Industrial & Port facilities	N
5.	Log dump/sort/storage (in-water)	N
6.	Marinas	N
7.	Mining/mineral extraction	N
8.	Recreation facilities	
	a. Low-intensity	ACU-S, G
	b. High-intensity	ACU-S, G
9.	Utilities	
	a. Low-intensity	P-G
	b. High-intensity	P-G
10.	Bridge crossing support structures and dredging necessary for installation	ACU-S, G
11.	Bridge crossings	ACU-S, G

B. Activities:

1.	Dikes		
	a.	New construction	N
	b.	Maintenance/repair	N/A
	c.	Installation of tidegates in existing functional dikes	ACU-S, G
2.	Dredging		
	a.	New	ACU-S, G
	b.	Maintenance dredging of existing facilities	ACU-S, G
	c.	To repair dikes and tidegates	N/A
3.	Dredge material disposal		N
4.	Fill		ACU-S, G
5.	Navigational		
	a.	Aides	P-G
	b.	Structures	P-G
	c.	Minor navigational structures	P-G
	d.	Water-dependent commercial enterprises and activities	N
6.	Piling/dolphin installation		P-G
7.	Shoreline stabilization		
	a.	Vegetative	P-G
	b.	Riprap	ACU-S, G
	c.	Bulkheads	ACU-S, G
8.	Mitigation		P-G
9.	Restoration		
	a.	Active	ACU-S, G
	b.	Passive	P-G
10.	Protection of habitat, nutrient, fish, wildlife and aesthetic		P
11.	Temporary alterations		ACU-S, G
12.	Research and educational observations		P
13.	Waste water/storm water discharge		ACU-S, G
14.	Research and educational observation structure		ACU-S, G

GENERAL CONDITION (the following condition applies to all uses and activities):

1. Inventoried resources requiring mandatory protection in this district are subject to Policies #17 and #18.

SPECIAL CONDITIONS:

Uses:

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 allowed; or, where aquaculture requires dredging or fill or other alteration of the estuary is subject to Policy #4a.
2. Commercial: these uses are only permitted if water-dependent and need to occupy the water surface by means other than fill (e.g. pilings).

- 8a. Such recreational facilities must be water-dependent. Boat ramps for public use where no dredging or fill for navigational access is needed (see definition of "Recreation").
- 8b. These uses are only allowed subject to the making of resource capability consistency findings and impact assessments (see Policy #4a). Further, such recreational facilities must be water-dependent.
- 10.,11. This use is allowed subject to the findings in Policy #6, "Fill in Conservation and Natural Management Units".

Activities:

- 1c. These activities are permitted subject to the findings required by Policy #6, "Fill in Conservation and Natural Management Units", and subject to finding that adverse impacts have been minimized (see Policy #5); and to Policy #8 requiring mitigation.
- 2a.,2b. When these activities involve dredging for log storage, these activities are only allowed subject to (1) the making of resource capability consistency findings and impact assessments (see Policy #4a); (2) finding that adverse impacts have been minimized (see Policy #5); and (3) Policy #8 requiring mitigation.
- 2a. Further, new dredging shall be allowed only for the purposes of establishing the boat ramp, limited moorage facilities and access to the natural channel as described in the Management Objective (see also Exception).
- 4. This activity is only permitted subject to the findings required by Policy #6, "Fill in Conservation and Natural Management Units" and subject to finding that adverse impacts have been minimized (see Policy #5) and to Policy #8 requiring mitigation.
- 5c. This activity is subject to Policy #12.
- 7b.,7c. Riprap, bulkheads: These activities are 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 riprap. Riprap may be allowed 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.

Further, bulkheads are only allowed subject to (1) the making of resource capability consistency findings and impact assessments (see Policy #4a); (2) a finding that adverse impacts have been minimized (see Policy #5); (3) the findings required by Policy #6, "Fill in Conservation and Natural Management Units"; and (4) Policy #8 requiring mitigation.

- 9a. Active restoration shall be allowed only when consistent with Policy #22b.
- 11. This activity is only permitted subject to Policy #5a.

13. Waste water and storm water discharge, see Policy #25 and definition of "facility".
14. Subject to Policy #5d.

GENERAL LOCATION: NORTH SLOUGH

ZONING DESIGNATION: 9-CS

ZONING DISTRICT: 9-CONSERVATION SHORELANDS

SPECIFIC BOUNDARIES: Northern boundary - the end of North Slough at the tidegate under the Highway 101 Bridge Southern boundary - the north property line of the Coos Sand mining operation on the west shore of North Slough, approximately 2,000 -feet north of the Horsefall Causeway.

SECTION 3.2.380. Management Objective: This district shall be managed to facilitate continued use of the area as a transportation corridor, while conserving the natural resources of the area at the same time. This district contains two designated mitigation sites: M-9(a), a "medium" priority, and M-11(a), a "low" priority. Site M-9(a) shall be protected, as required by Policy #22.

The existing heron rookery located in this district shall be preserved by protecting those trees in the rookery which are used by the birds.

SECTION 3.2.381. Uses, Activities and Special Conditions. Table 9-CS sets forth the uses and activities which are permitted, which may be permitted as conditional uses, or which are prohibited in this zoning district. Table 9-CS also sets forth special conditions which may restrict certain uses or activities, or modify the manner in which certain uses or activities may occur. Reference to "policy numbers" refers to Plan Policies set forth in the Coos Bay Estuary Management Plan.

A. Uses:

1.	Agriculture	P-G
2.	Airports	N
3.	Aquaculture	P-G
4.	Commercial	N
5.	Dryland Moorage	N
6.	Industrial & Port facilities	N
7.	Land transportation facilities	P-G
8.	Log storage/sorting yard (land)	N
9.	Marinas	N
10.	Mining/mineral extraction	P-G
11.	Recreation facilities	
	a. Low-intensity	N
	b. High-intensity	N
12.	Residential	N
13.	Solid waste disposal	N
14.	Timber farming/harvesting	N
15.	Utilities	
	a. Low-intensity	P-G
	b. High-intensity	N

B. Activities:

1.	Stream alteration	N
2.	Dikes	
	a. New construction	N
	b. Maintenance/repair	P-G
3.	Dredged material disposal	N
4.	Excavation to create new water surface	P-G
5.	Fill	N
6.	Shoreline stabilization	
	a. Vegetative	P-G
	b. Riprap	ACU-S, G
	c. Retaining wall	ACU-S, G
7.	Navigation aids	N/A
8.	Mitigation	P-G
9.	Restoration	
	a. Active	ACU-S, G
	b. Passive	P-G
10.	Land divisions	
	a. Partition	N
	b. Subdivision	N
	c. Planned Unit Development	N
	d. Recreation PUD	N

GENERAL CONDITIONS (the following condition applies to all uses and activities):

1. Inventoried resources requiring mandatory protection in this unit district are subject to Policies #17 and #18.
2. All permitted uses and activities shall be consistent with Policy #23, requiring protection of riparian vegetation.
3. Uses in this district are only permitted as stated in Policy #14, "General Policy on Uses within Rural Coastal Shorelands". Except as permitted outright, or where findings are made in this Plan, uses are only allowed subject to the findings in this policy.
4. All permitted uses shall be consistent with the respective flood regulations of local governments, as required in Policy #27.
5. All permitted uses in dune areas shall be consistent with the requirements of Policy #30.
6. On designated mitigation/restoration sites, all uses/activities shall only be permitted subject to the conditions in Policy #22.
7. In rural areas (outside of UGBs) utilities, public facilities and services shall only be provided subject to Policies #49, #50, and #51.

SPECIAL CONDITIONS:

Activities:

3. Uses in this district are only permitted as stated in Policy #14, "General Policy on Uses within Rural Coastal Shorelands". Except as permitted outright, or where findings are made in this Plan, uses are only allowed subject to the findings in this policy.
- 6b.,6c. These activities are permitted subject to the findings required by Policy #9, "Solutions to Erosion and Flooding Problems".
- 9a. Active restoration shall be allowed only when consistent with Policy #22b.

SECTION 3.2.382. Land Development Standards. The requirements set forth in Table 3.2 shall govern development in the 9-CS district.

GENERAL LOCATION: NORTH SLOUGH

ZONING DESIGNATION: 9A-CS

ZONING DISTRICT: 9A-CONSERVATION SHORELANDS

SPECIFIC BOUNDARIES: Shorelands of North Slough up to 1,000-feet above the tidegate under Highway 101.

SECTION 3.2.385. Management Objective: This district shall be managed to facilitate the continuation of agricultural and other existing activities, which are consistent with protecting the integrity of the natural aquatic district downstream of this district.

SECTION 3.2.386. Uses, Activities and Special Conditions. Table 9A-CS sets forth the uses and activities which are permitted, which may be permitted as conditional uses, or which are prohibited in this zoning district. Table 9A-CS also sets forth special conditions which may restrict certain uses or activities, or modify the manner in which certain uses or activities may occur. Reference to “policy numbers” refers to Plan Policies set forth in the Coos Bay Estuary Management Plan.

A. Uses:

- | | | |
|-----|---------------------------------|-----|
| 1. | Agriculture | P-G |
| 2. | Airports | N |
| 3. | Aquaculture | P-G |
| 4. | Commercial | N |
| 5. | Dryland moorage | N |
| 6. | Industrial & port facilities | N |
| 7. | Land transportation facilities | P-G |
| 8. | Log storage/sorting yard (land) | N |
| 9. | Marinas | N |
| 10. | Mining/mineral extraction | N |
| 11. | Recreation facilities | |
| | a. Low-intensity | N |
| | b. High-intensity | N |
| 12. | Residential | N |
| 13. | Solid waste disposal | N |
| 14. | Timber farming/harvesting | N |
| 15. | Utilities | |
| | a. Low-intensity | P-G |
| | b. High-intensity | N |

B. Activities:

1.	Stream alteration	N
2.	Dikes	
	a. New construction	N
	b. Maintenance/repair	P-G
3.	Dredged material disposal	N
4.	Excavation to create new water surface	N
5.	Fill	N
6.	Shoreline stabilization	
	a. Vegetative	P-G
	b. Riprap	ACU-S, G
	c. Retaining wall	N
7.	Navigation aids	N/A
8.	Mitigation	P-G
9.	Restoration	
	a. Active	ACU-S, G
	b. Passive	P-G
10.	Land divisions	
	a. Partition	N
	b. Subdivision	N
	c. Planned Unit Development	N
	d. Recreation PUD	N

GENERAL CONDITIONS (the following condition applies to all uses and activities):

1. Inventoried resources requiring mandatory protection in this district are subject to Policies #17 and #18.
2. All permitted uses and activities shall be consistent with Policy #23, requiring protection of riparian vegetation.

The following condition applies to all permitted uses.

3. Where "agricultural lands" or "forest lands" occur within this district as identified in the "Special Considerations Map", uses in these areas shall be limited to those permitted in Policies #28 and #34.
4. Uses in this district are only permitted as stated in Policy #14, "General Policy on Uses within Rural Coastal Shorelands". Except as permitted outright, or where findings are made in this Plan, uses are only allowed subject to the findings in this policy.
5. All permitted uses shall be consistent with the respective flood regulations of local governments, as required in Policy #27.
6. All permitted uses in dune areas shall be consistent with the requirements of Policy #30.

7. In rural areas (outside of UGBs) utilities, public facilities and services shall only be provided subject to Policies #49, #50, and #51.

SPECIAL CONDITIONS:

Activities:

- 6b. This activity is permitted subject to the findings required by Policy #9, "Solutions to Erosion and Flooding Problems".
- 9a. Active restoration shall be allowed only when consistent with Policy #22b.

SECTION 3.2.387. Land Development Standards. The requirements set forth in Table 3.2 shall govern development in the 9A-CS district.

GENERAL LOCATION: NORTH SLOUGH

ZONING DESIGNATION: 10-CS

ZONING DISTRICT: 10-CONSERVATION SHORELANDS

SPECIFIC BOUNDARIES: Northern boundary - Highway 101 south of the tidegate on North Slough. Southern boundary - a line extending west from the pumphouse north of the Highway 101 Causeway.

SECTION 3.2.390. Management Objective: This very narrow district consisting of only the Highway 101 road berm shall be managed to maintain the integrity of the highway.

SECTION 3.2.391. Uses, Activities and Special Conditions. Table 10-CS sets forth the uses and activities, which are permitted, which may be permitted as conditional uses, or which are prohibited in this zoning district. Table 10-CS also sets forth special conditions which may restrict certain uses or activities, or modify the manner in which certain uses or activities may occur. Reference to “policy numbers” refers to Plan Policies set forth in the Coos Bay Estuary Management Plan.

A. Uses:

1.	Agriculture	N
2.	Airports	N
3.	Aquaculture	N
4.	Commercial	N
5.	Dryland moorage	N
6.	Industrial & port facilities	N
7.	Land transportation facilities	P-G
8.	Log storage/sorting yard (land)	N
9.	Marinas	N
10.	Mining/mineral extraction	N
11.	Recreation facilities	
	a. Low-intensity	P-G
	b. High-intensity	N
12.	Residential	N
13.	Solid waste disposal	N
14.	Timber farming/harvesting	N
15.	Utilities	
	a. Low-intensity	P-G
	b. High-intensity	N

B. Activities:

1.	Stream alteration	N
2.	Dikes	
	a. New construction	N

b.	Maintenance/repair	N
3.	Dredged material disposal	N
4.	Excavation to create new water surface	N
5.	Fill	N
6.	Shoreline stabilization	
a.	Vegetative	P-G
b.	Riprap	ACU-S, G
c.	Retaining wall	ACU-S, G
7.	Navigation aids	N/A
8.	Mitigation	N
9.	Restoration	
a.	Active	N
b.	Passive	N
10.	Land divisions	
a.	Partition	N
b.	Subdivision	N
c.	Planned Unit Development	N
d.	Recreation PUD	N

GENERAL CONDITIONS:

1. All permitted uses and activities shall be consistent with Policy #23, requiring protection of riparian vegetation.
2. Uses in this district are only permitted as stated in Policy #14, "General Policy on Uses within Rural Coastal Shorelands". Except as permitted outright, or where findings are made in this Plan, uses are only allowed subject to the findings in this policy.
3. All permitted uses shall be consistent with the respective flood regulations of local governments, as required in Policy #27.
4. In rural areas (outside of UGBs) utilities, public facilities and services shall only provided subject to Policies #49, #50, and #51.
5. All use and activities. Inventoried resources requiring mandatory protection in this district are subject to Policies #17 and #18.

SPECIAL CONDITIONS:

Activities:

- 6b.,6c. These activities are permitted subject to the findings required by Policy #9, "Solutions to Erosion and Flooding Problems".

SECTION 3.2.392. Land Development Standards. The requirements set forth in Table 3.2 shall govern development in the 10-CS district.

GENERAL LOCATION: NORTH SLOUGH

ZONING DESIGNATION: 10-NA

ZONING DISTRICT: 10-NATURAL AQUATIC

SPECIFIC BOUNDARIES: This district consists of the aquatic area of North Slough from the Horsefall Causeway to the extent of tidal influence, (tidegate under Highway 101), excluding the aquatic area bordering the west shore from the causeway to the north property line of Coos Sand and to -3 feet MLLW (See Aquatic District 8).

SECTION 3.2.395. Management Objective: This district, having both algal/eelgrass beds and saltmarsh habitats, shall be managed to protect its resource productivity. Maintenance/repair of bridge crossing support structures shall be allowed. This district also contains five designated mitigations sites: M-9(b), "medium" priority and M-8(a), M-9(c), M-10 and M-11(b), "low" priority. Site M-9(b) shall be protected, as required by Policy #22.

SECTION 3.2.396. Uses, Activities and Special Conditions. Table 10-NA sets forth the uses and activities which are permitted, which may be permitted as conditional uses, or which are prohibited in this zoning district. Table 10-NA also sets forth special conditions which may restrict certain uses or activities, or modify the manner in which certain uses or activities may occur. Reference to "policy numbers" refers to Plan Policies set forth in the Coos Bay Estuary Management Plan.

A. Uses:

1.	Aquaculture	ACU-S, G
2.	Commercial	N
3.	Docks	N
4.	Industrial & port facilities	N
5.	Log dump/sort/storage (in-water)	N
6.	Marinas	N
7.	Mining/mineral extraction	N
8.	Recreation facilities	
	a. Low-intensity	N
	b. High-intensity	N
9.	Utilities	
	a. Low-intensity	P-G
	b. High-intensity	N
10.	Bridge crossing support structures and dredging necessary for installation	ACU-S, G
11.	Bridge crossings	ACU-S, G

B. Activities:

1.	Dikes	
	a. New construction	N
	b. Maintenance/repair	N
	c. Installation of tidegates in existing functional dikes	N

2.	Dredging	
	a. New	N
	b. Maintenance dredging of existing facilities	N
	c. To repair dikes and tidegates	N
3.	Dredged material disposal	N
4.	Fill	N
5.	Navigational	
	a. Navigation aids	N/A
	b. Structures	N/A
	c. Minor navigational improvements	N
	d. Water-dependent commercial enterprises and activities	N
6.	Piling/dolphin installation	N
7.	Shoreline stabilization	
	a. Vegetative	P-G
	b. Riprap	ACU-S, G
	c. Bulkheads	N
8.	Mitigation	ACU-S, G
9.	Restoration	
	a. Active	N
	b. Passive	N
10.	Temporary alterations	ACU-S, G
11.	Protection of habitat, nutrient, fish, wildlife and aesthetic	P
12.	Research and educational observations	P
13.	Waste water/storm water discharge	N
14.	Research and educational observation structure	ACU-S, G

GENERAL CONDITION (the following condition applies to all uses and activities):

1. Inventoried resources requiring mandatory protection in this district are subject to Policies #17 and #18.

SPECIAL CONDITIONS:

Uses:

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.
- 10.,11. This use is allowed subject to Policy #6, "Fill in Conservation and Natural Management Units".

Activities:

- 7b. Riprap is shall be allowed for the purpose of protecting and maintaining the Highway 101 berm, subject to the general findings required by Policy #9, "Solutions to Erosion and

Flooding Problems", preferring nonstructural to structural solutions, and to the specific findings for riprap. Riprap may be allowed 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.

10. This activity is permitted subject to Policy #5a.
14. This activity is allowed subject to Policy #5d.

GENERAL LOCATION: NORTH SLOUGH/HAYNES INLET

ZONING DESIGNATION: 11-RS

ZONING DISTRICT: 11-RURAL SHORELANDS

SPECIFIC BOUNDARIES: Northwestern boundary - a line extending west from the pumphouse north of the Highway 101 Causeway; this shoreline borders on North Slough. Southeastern boundary - a line extending west along the north property line of the Clausen Oyster processing facility on the South side of Haynes Inlet. This district includes land up to 1,000-feet above head of tide (major tidegates) on Palouse and Larson Sloughs.

SECTION 3.2.400. Management Objective: This district shall be managed so as to continue its rural low-intensity character and uses that have limited (if any) association with the aquatic district. This district includes three designated mitigation sites (M-12, M-13 and M-22). However, only Site M-22 shall be protected from pre-emptive uses. Other sites are "low" priority, and need not be protected (See Policy #22).

SECTION 3.2.401. Uses, Activities and Special Conditions. Table 11-RS sets forth the uses and activities which are permitted, which may be permitted as conditional uses, or which are prohibited in this zoning district. Table 11-RS also sets forth special conditions which may restrict certain uses or activities, or modify the manner in which certain uses or activities may occur. Reference to "policy numbers" refers to Plan Policies set forth in the Coos Bay Estuary Management Plan..

A. Uses:

1.	Agriculture	P-G
2.	Airports	N
3.	Aquaculture	P-G
4.	Commercial	N
5.	Dryland moorage	N
6.	Industrial & Port facilities	N
7.	Land transportation facilities	P-G
8.	Log storage/sorting yard (land)	N
9.	Marinas	N
10.	Mining/mineral extraction	N
11.	Recreation facilities	
	a. Low-intensity	P-G
	b. High-intensity	N
12.	Residential	P-G
13.	Solid waste disposal	N
14.	Timber farming/harvesting	P-G
15.	Utilities	
	a. Low-intensity	P-G
	b. High-intensity	N

B. Activities:

1.	Stream alteration	P-G
2.	Dikes	
	a. New construction	N
	b. Maintenance/repair	P-G
3.	Dredged material disposal	ACU-S, G
4.	Excavation to create new water surface	ACU-S, G
5.	Fill	ACU-S, G
6.	Shoreline stabilization	
	a. Vegetative	P-G
	b. Riprap	ACU-S, G
	c. Retaining wall	ACU-S, G
7.	Navigation aids	P-G
8.	Mitigation	P-G
9.	Restoration	
	a. Active	ACU-S, G
	b. Passive	P-G
10.	Land divisions	
	a. Partition	ACU-S, G
	b. Subdivision	ACU-S, G
	c. Planned Unit Development	ACU-S, G
	d. Recreation PUD	N

GENERAL CONDITIONS (the following condition applies to all uses and activities):

1. Inventoried resources requiring mandatory protection in this district are subject to Policies #17 and #18.
2. All permitted uses and activities shall be consistent with Policy #23, requiring protection of riparian vegetation.

The following condition applies to all permitted uses.

3. Where "agricultural lands" or "forest lands" occur within this district as identified in the "Special Considerations Map", uses in these areas shall be limited to those permitted in Policies #28 and #34.
4. Uses in this district are only permitted as stated in Policy #14, "General Policy on Uses within Rural Coastal Shorelands". Except as permitted outright, or where findings are made in this Plan uses are only allowed subject to the findings in this policy.
5. In rural areas (outside of UGBs) utilities, public facilities and services shall only be provided subject to Policies #49, #50, and #51.

SPECIAL CONDITIONS:

Uses:

4. Uses in this district are only permitted as stated in Policy #14, "General Policy on Uses within Rural Coastal Shorelands". Except as permitted outright, or where findings are made in this Plan uses are only allowed subject to the findings in this policy.

Activities:

4. Excavation to create new water surface shall be allowed in conjunction with an allowable use when findings are developed which document that the excavation is the minimum necessary to accommodate the proposed use.
- 3.,5. Fill and dredge material disposal shall not be allowed in areas of "wet meadow" wetland, as identified in the "Special Considerations Map", except as otherwise allowed in Policy #19.
- 6b.,6c. These activities are permitted subject to the findings required by Policy #9, "Solutions to Erosion and Flooding Problems".
- 9a. Active restoration shall be allowed only when consistent with Policy #22b.
10. Land divisions are only permitted where they meet the conditions in Policy #15.

SECTION 3.2.402. Land Development Standards. The requirements set forth in Table 3.2 shall govern development in the 11-RS district.

GENERAL LOCATION: HAYNES INLET

ZONING DESIGNATION: 11-NA

ZONING DISTRICT: 11-NATURAL AQUATIC

SPECIFIC BOUNDARIES: This district channel begins at a line extending southwest along the east side of the Highway 101 Causeway and includes the entire aquatic area of Haynes Inlet.

SECTION 3.2.405. Management Objective: This extensive intertidal/marsh district, which provides habitat for a wide variety of fish and wildlife species shall be managed to protect its resource productivity. The opening in the Highway 101 Causeway is a designated mitigation site ("low" priority).

SECTION 3.2.406. Uses, Activities and Special Conditions. Table 11-NA sets forth the uses and activities, which are permitted, which may be permitted as conditional uses, or which are prohibited in this zoning district. Table 11-NA also sets forth special conditions which may restrict certain uses or activities, or modify the manner in which certain uses or activities may occur. Reference to "policy numbers" refers to Plan Policies set forth in the Coos Bay Estuary Management Plan.

A. Uses:

1.	Aquaculture	ACU-S, G
2.	Commercial	N
3.	Docks	N
4.	Industrial & port facilities	N
5.	Log dump/sort/storage (in-water)	N
6.	Marinas	N
7.	Mining/mineral extraction	N
8.	Recreation facilities	
	a. Low-intensity	N
	b. High-intensity	N
9.	Utilities	
	a. Low-intensity	P-G
	b. High-intensity	N
10.	Bridge crossing support structures and dredging necessary for installation	ACU-S, G
11.	Bridge crossings	ACU-S, G

B. Activities:

1.	Dikes	
	a. New construction	N
	b. Maintenance/repair	ACU-S, G
	c. Installation of tidegates in existing functional dikes	ACU-S, G
2.	Dredging	
	a. New	N
	b. Maintenance dredging of existing facilities	N
	c. To repair dikes and tidegates	ACU-S, G
3.	Dredged material disposal	N
4.	Fill	N
5.	Navigational	
	a. aids	P-G
	b. structures	N
	c. Minor navigational improvements	ACU-S, G
	d. Water-dependent commercial enterprises and activities	N
6.	Piling/dolphin installation	N
7.	Shoreline stabilization	
	a. Vegetative	P-G
	b. Riprap	ACU-S, G
	c. Bulkheads	N
8.	Mitigation	P-G
9.	Restoration	
	a. Active	N
	b. Passive	P-G
10.	Temporary alterations	ACU-S, G
11.	Protection of habitat, nutrient, fish, wildlife and aesthetic	P
12.	Research and educational observations	P
13.	Waste water/storm water discharge	N
14.	Research and educational observation structures	ACU-S, G

GENERAL CONDITION (the following condition applies to all uses and activities):

1. Inventoried resources requiring mandatory protection in this district are subject to Policies #17 and #18.

SPECIAL CONDITIONS

Uses:

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.
- 10.,11. This use is subject to Policy #6, "Fill in Conservation and Natural Management Units".

Activities:

- 1b.,1c. These activities are permitted subject to the findings required by Policy #6, "Fill in Conservation and Natural Management Units", and subject to findings that adverse impacts have been minimized (see Policy #5); and to Policy #8 requiring mitigation.
- 2c. Dredging is only permitted (i) to maintain and repair tidegates and (ii) for emergency repair of dikes that have breached or are in imminent danger of breaching. Dredging shall be limited to the minimum required to ensure functional operation (see Policy #5b).
- 5c. Continued use of the natural channel for shallow-draft navigation is consistent with the resource capabilities and Management Objective of this district. If in the future shoaling occurs and precludes shallow-draft navigation, minor navigational improvements shall be permitted to return the channel to its natural depth. Natural depths in this district are -6 feet MLLW or greater. This activity is subject to Policy #12.
- 7b. These activities are permitted subject to the general finding required by Policy #9, "Solutions to Erosion and Flooding Problems", preferring non-structural to structural solutions, and to the specific findings for riprap. Riprap may be allowed 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.
10. This activity is only permitted subject to Policy #5a.
14. This activity is allowed subject to Policy #5d.

GENERAL LOCATION: HAYNES INLET

ZONING DESIGNATION: 12-RS

ZONING DISTRICT: 12-RURAL SHORELANDS

SPECIFIC BOUNDARIES: Northeastern boundary - The north property line of the existing boat works on the southeast shore of Haynes Inlet. Southwestern boundary - The west edge of the cleared area to the west of Clausen Oyster processing facility, approximately 800-feet west of the northeastern boundary.

SECTION 3.2.410. Management Objective: This shoreland district shall be managed to allow continuation and expansion of uses existing in the district.

SECTION 3.2.411. Uses, Activities and Special Conditions. Table 12-RS sets forth the uses and activities which are permitted, which may be permitted as conditional uses, or which are prohibited in this zoning district. Table 12-RS also sets forth special conditions which may restrict certain uses or activities, or modify the manner in which certain uses or activities may occur. Reference to “policy numbers” refers to Plan Policies set forth in the Coos Bay Estuary Management Plan.

A. Uses:

1.	Agriculture	N
2.	Airports	N
3.	Aquaculture	N
4.	Commercial	ACU-S, G
5.	Dryland moorage	P-G
6.	Industrial & port facilities	P-G
7.	Land transportation facilities	P-G
8.	Log storage/sorting yard (land)	N
9.	Marinas	N
10.	Mining/mineral extraction	N
11.	Recreation facilities	
	a. Low-intensity	P-G
	b. High-intensity	P-G
12.	Residential	N
13.	Solid waste disposal	N
14.	Timber farming/harvesting	N
15.	Utilities	
	a. Low-intensity	P-G
	b. High-intensity	N

B. Activities:

1.	Stream alteration	N/A
2.	Dikes	
	a. New construction	N
	b. Maintenance/repair	P-G
3.	Dredged material disposal	N
4.	Excavation to create new water surface	P-G
5.	Fill	P-G
6.	Shoreline stabilization	
	a. Vegetative	P-G
	b. Riprap	ACU-S, G
	c. Retaining wall	ACU-S, G
7.	Navigation aids	P-G
8.	Mitigation	N
9.	Restoration	
	a. Active	N
	b. Passive	N
10.	Land divisions	
	a. Partition	N
	b. Subdivision	N
	c. Planned Unit Development	N
	d. Recreation PUD	N

GENERAL CONDITIONS:

1. All permitted uses and activities shall be consistent with Policy #23, requiring protection of riparian vegetation.
2. Uses in this district are only permitted as stated in Policy #14, "General Policy on Uses within Rural Coastal Shorelands". Except as permitted outright, or where findings are made in this Plan, uses are only allowed subject to the findings in this policy.
3. All permitted uses shall be consistent with the respective flood regulations of local governments as required in Policy #27.
4. In rural areas (outside of UGBs) utilities, public facilities and services shall only be provided subject to Policies #49, #50, and #51.
5. All uses and activities: Inventoried resources requiring mandatory protection in this unit are subject to Policies #17 and #18.

SPECIAL CONDITIONS:

Uses:

4. Commercial uses directly associated with the existing public boat ramp, including, but not limited to, a bait shop or small-boat rental operation shall be allowed.

Activities:

- 6b.,6c. These activities are permitted subject to the findings required by Policy #9, "Solutions to Erosion and Flooding Problems".

SECTION 3.2.412. Land Development Standards. The requirements set forth in Table 3.2 shall govern development in the 12-RS district.

GENERAL LOCATION: HAYNES INLET

ZONING DESIGNATION: 12-CA

ZONING DISTRICT: 12-CONSERVATION AQUATIC

SPECIFIC BOUNDARIES: This district extends north to the natural Haynes Inlet channel beginning at a line extending northwest from the east property line of the Clausen Oyster processing facility on the southeast shore of Haynes Inlet and ends at a line extending from the west edge of the cleared areas west of the Clausen Oyster processing facility. This district is approximately 800-feet of shoreline

SECTION 3.2.415. Management Objective: This small aquatic district shall be managed to allow continuation and limited expansion of existing uses of moderate intensity. Channel access through the district shall be allowed.

SECTION 3.2.416. Uses, Activities and Special Conditions. Table 12-CA sets forth the uses and activities which are permitted, which may be permitted as conditional uses, or which are prohibited in this zoning district. Table 12-CA also sets forth special conditions which may restrict certain uses or activities, or modify the manner in which certain uses or activities may occur. Reference to “policy numbers” refers to Plan Policies set forth in the Coos Bay Estuary Management Plan.

A. Uses:

1.	Aquaculture	ACU-S, G
2.	Commercial	ACU-S, G
3.	Docks	ACU-S, G
4.	Industrial & port facilities	ACU-S, G
5.	Log dump/sort/storage (in-water)	N
6.	Marinas	N
7.	Mining/mineral extraction	N
8.	Recreation facilities	
	a. Low-intensity	ACU-S, G
	b. High-intensity	ACU-S, G
9.	Utilities	
	a. Low-intensity	P-G
	b. High-intensity	N
10.	Bridge crossing support structures and dredging necessary for installation	N
11.	Bridge crossings	N

B. Activities:

1.	Dikes	
	a. New construction	N
	b. Maintenance/repair	N/A
	c. Installation of tidegates in existing functional dikes	N
2.	Dredging	
	a. New	N
	b. Maintenance dredging of existing facilities	ACU-S, G
	c. To repair dikes and tidegates	N/A
3.	Dredge material disposal	N
4.	Fill	N
5.	Navigational	
	a. Aides	P-G
	b. Structures	N
	c. Minor navigational improvement	P-G
	d. Water-dependent commercial enterprises and activities	N
6.	Piling/dolphin installation	P-G
7.	Shoreline stabilization	
	a. Vegetative	P-G
	b. Riprap	ACU-S, G
	c. Bulkheads	N
8.	Mitigation	N
9.	Restoration	
	a. Active	N
	b. Passive	N
10.	Protection of habitat, nutrient, fish, wildlife and aesthetic	P
11.	Temporary alterations	ACU-S, G
12.	Research and educational observations	P
13.	Waste water/storm water discharge	ACU-S, G
14.	Research and educational observation structure	ACU-S, G

GENERAL CONDITION (the following condition applies to all uses and activities):

1. Inventoried resources requiring mandatory protection in this district are subject to Policies #17 and #18.

SPECIAL CONDITIONS:

Uses:

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 allowed; or, where aquaculture requires dredging or fill or other alteration of the estuary is subject to Policy #4a.

2. Commercial uses shall be limited to water-dependant uses, and then only upon the development of findings which document that such uses are necessary to support the existing aquaculture facility and public boat ramp, and occupy the water surface by means other than fill.
3. Limited temporary tie-up facilities associated with the public boat ramp and associated upland day-use facilities shall be allowed, provided they occupy the water surface by means other than fill.
4. Industrial and port facilities development shall be restricted solely to maintenance and limited expansion of the existing boat works, provided they occupy the water surface by means other than fill.
- 8a. Such recreational facilities must be water-dependent. Boat ramps for public use where no dredging or fill for navigational access is needed (see definition of "Recreation").
- 8b. These uses are only allowed subject to the making of resource capability consistency findings and impact assessments (see Policy #4a).

Activities:

- 2b. This activity is only allowed subject to finding that adverse impacts have been minimized (see Policy #5); and to Policy #8 requiring mitigation.

In addition to the above requirements, when maintenance dredging is for log storage, it shall only be allowed subject to the making of resource capability consistency findings and impact assessments (see Policy #4a).

- 5c. This activity is subject to Policy #12.
- 7b. These activities are permitted subject to the general findings required by Policy #9, "Solutions to Erosion and Flooding Problems", preferring nonstructural to structural solutions, and to the specific findings for riprap. Riprap may be allowed 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.
11. This activity is only permitted subject to Policy #5a.
13. Waste water and storm water discharge, see Policy #25 and definition of "facility".
14. Subject to Policy #5d.

GENERAL LOCATION: HAYNES INLET

ZONING DESIGNATION: 13A-CS

ZONING DISTRICT: 13A-CONSERVATION SHORELANDS

SPECIFIC BOUNDARIES: Northern boundary - the west edge of the cleared area west of the Clausen Oyster processing facility. Southern boundary - the north end of the Highway 101 Bridge where it meets the shore.

SECTION 3.2.420. Management Objective: This district shall be managed to allow recreational uses while protecting riparian vegetation for its habitat, slope stability, and scenic qualities.

SECTION 3.2.421. Uses, Activities and Special Conditions. Table 13A-CS sets forth the uses and activities which are permitted, which may be permitted as conditional uses, or which are prohibited in this zoning district. Table 13A-CS also sets forth special conditions which may restrict certain uses or activities, or modify the manner in which certain uses or activities may occur. Reference to “policy numbers” refers to Plan Policies set forth in the Coos Bay Estuary Management Plan.

A. Uses:

- | | | |
|-----|---------------------------------|-----|
| 1. | Agriculture | N |
| 2. | Airports | N |
| 3. | Aquaculture | N |
| 4. | Commercial | N |
| 5. | Dryland Moorage | N |
| 6. | Industrial & port facilities | N |
| 7. | Land transportation facilities | P-G |
| 8. | Log storage/sorting yard (land) | N |
| 9. | Marinas | N |
| 10. | Mining/mineral extraction | N |
| 11. | Recreation facilities | |
| | a. Low-intensity | P-G |
| | b. High-intensity | P-G |
| 12. | Residential | N |
| 13. | Solid waste disposal | N |
| 14. | Timber farming/harvesting | P-G |
| 15. | Utilities | |
| | a. Low-intensity | P-G |
| | b. High-intensity | N |

B. Activities:

1.	Stream alteration	N
2.	Dikes	
	a. New construction	N
	b. Maintenance/repair	P-G
3.	Dredged material disposal	N
4.	Excavation to create new water surface	N
5.	Fill	N
6.	Shoreline stabilization	
	a. Vegetative	N
	b. Riprap	ACU-S, G
	c. Retaining wall	ACU-S, G
7.	Navigation aids	P-G
8.	Mitigation	P-G
9.	Restoration	
	a. Active	ACU-S, G
	b. Passive	P-G
10.	Land divisions	
	a. Partition	N
	b. Subdivision	N
	c. Planned Unit Development	N
	d. Recreation PUD	N

GENERAL CONDITIONS:

1. All permitted uses and activities shall be consistent with Policy #23, requiring protection of riparian vegetation.
2. All uses and activities: Inventoried resources requiring mandatory protection in this district are subject to Policies #17 and #18.

The following condition applies to all permitted uses:

3. Where "agricultural lands" or "forest lands" occur within this district, as identified in the "Special Considerations Map" uses in these areas shall be limited to those permitted in Policies #28 and #34.
4. Uses in this district are only permitted as stated in Policy #14, "General Policy on Uses within Rural Coastal Shorelands". Except as permitted outright, or where findings are made in this Plan, uses are only allowed subject to the findings in this policy.
5. All permitted uses shall be consistent with the respective flood regulations of local governments, as required in Policy #27.
6. In rural areas (outside of UGBs) utilities, public facilities and services shall only be provided subject to Policies #49, #50, and #51.

SPECIAL CONDITIONS:

Activities:

6b.,6c. These activities are permitted subject to the findings required by Policy #9, "Solutions to Erosion and Flooding Problems".

9a. Active restoration shall be allowed only when consistent with Policy #22b.

SECTION 3.2.422. Land Development Standards. The requirements set forth in Table 3.2 shall govern development in the 13A-CS district.

GENERAL LOCATION: NORTH SLOUGH/HAYNES INLET

ZONING DESIGNATION: 13A-NA

ZONING DISTRICT: 13A-NATURAL AQUATIC

SPECIFIC BOUNDARIES: This district consists of the lower part of the natural channel in Haynes Inlet, and is bounded by the Horsefall Causeway, Aquatic district #8, the deep-draft channel and the Highway 101 Bridge.

SECTION 3.2.425. Management Objective: This district shall be managed to allow the continuance of shallow-draft navigation while protecting the productivity and natural character of the aquatic area. The openings in the two road dikes are designated mitigation sites [M-5(a) and (b), "low" priority]. Maintenance, and repair of bridge crossing support structures shall be allowed. However, future replacement of the railroad bridge will require Exception findings.

SECTION 3.2.426. Uses, Activities and Special Conditions. Table 13A-NA sets forth the uses and activities which are permitted, which may be permitted as conditional uses, or which are prohibited in this zoning district. Table 13A-NA also sets forth special conditions which may restrict certain uses or activities, or modify the manner in which certain uses or activities may occur. Reference to "policy numbers" refers to Plan Policies set forth in the Coos Bay Estuary Management Plan.

A. Uses:

1.	Aquaculture	ACU-S, G
2.	Commercial	N
3.	Docks	N
4.	Industrial & port facilities	N
5.	Log dump/sort/storage (in-water)	N
6.	Marinas	N
7.	Mining/mineral extraction	N
8.	Recreation facilities	
	a. Low-intensity	N
	b. High-intensity	N
9.	Utilities	
	a. Low-intensity	P-G
	b. High-intensity	N
10.	Bridge crossing support structures and dredging necessary for installation	ACU-S, G
11.	Bridge crossings	ACU-S, G

B. Activities:

1.	Dikes	
	a. New construction	N
	b. Maintenance/repair	N
	c. Installation of tidegates in existing functional dikes	N
2.	Dredging	
	a. New	N
	b. Maintenance dredging of existing facilities	N
	c. To repair dikes and tidegates	N
3.	Dredged material disposal	N
4.	Fill	N
5.	Navigational	
	a. Aides	P-G
	b. Structures	N
	c. Minor navigational improvements	ACU-S, G
	d. Water-dependent commercial enterprises and activities	N
6.	Piling/dolphin installation	N
7.	Shoreline stabilization	
	a. Vegetative	P-G
	b. Riprap	ACU-S, G
	c. Bulkheads	N
8.	Mitigation	P-G
9.	Restoration	
	a. Active	N
	b. Passive	P-G
10.	Temporary alterations	ACU-S, G
11.	Protection of habitat, nutrient, fish, wildlife and aesthetic	P
12.	Research and educational observations	P
13.	Waste water/storm water discharge	N
14.	Research and educational observation structures	ACU-S, G

GENERAL CONDITION (the following condition applies to all uses and activities):

1. Inventoried resources requiring mandatory protection in this district are subject to Policies #17 and #18.

SPECIAL CONDITIONS:

Uses:

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.

10.,11. This use is subject to Policy #6, "Fill in Conservation and Natural Management Units".

Activities:

- 5c. Continued use of the natural channel for shallow-draft navigation is consistent with the resource capabilities and the Management Objectives of this district. If in the future shoaling occurs that precludes traditional shallow-draft navigation, minor navigational improvements shall be permitted to return the channel to its natural depths. "Natural depths" in the channel are 6 feet MLLW or greater.

This activity is only allowed subject to finding that adverse impacts have been minimized (see Policy #5 and Policy #12).

- 7b. These activities are 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 riprap. Riprap may be allowed 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.
10. This activity is only permitted subject to Policy #5a.
14. This activity is subject to Policy #5d.

UPPER BAY - RAILROAD BRIDGE
TO BULL ISLAND, AND
ADJACENT SHORELANDS

Including: NORTH BEND/COOS BAY WATERFRONT

Shoreland Districts: 13B - 18, 23A - 26 and 44 - 48
Aquatic Districts: 13A - 19A, 23 - 26B and 44 - 48A

Districts are listed in numerical order,
Shoreland Districts first

Location descriptions for Shoreland Districts
include City (where applicable)

GENERAL LOCATION: UPPER BAY

ZONING DESIGNATION: 13B-RS

ZONING DISTRICT: 13B-RURAL SHORELANDS

SPECIFIC BOUNDARIES: Western boundary - the northeast end of the Highway 101 Bridge as it meets the shoreline. Eastern boundary - a line extending inland from the eastern edge of the bermed aquatic area in Kentuck Inlet.

SECTION 3.2.430. Management Objective: This district shall be managed for rural multiple uses consistent with the area's general rural-residential character, while maintaining riparian vegetation. The district contains a designated mitigation site (U-1), a low-priority site (see Policy #22). The district also contains a designated dredged material disposal site (15A) which shall be managed and protected for this use until filled to design capacity (see Policy #20).

SECTION 3.2.431. Uses, Activities and Special Conditions. Table 13B-RS sets forth the uses and activities which are permitted, which may be permitted as conditional uses, or which are prohibited in this zoning district. Table 13B-RS also sets forth special conditions which may restrict certain uses or activities, or modify the manner in which certain uses or activities may occur. Reference to "policy numbers" refers to Plan Policies set forth in the Coos Bay Estuary Management Plan.

A. Uses:

1.	Agriculture	P-G
2.	Airports	N
3.	Aquaculture	P-G
4.	Commercial	N
5.	Dryland moorage	N
6.	Industrial and Port facilities	N
7.	Land transportation facilities	P-G
8.	Log storage/sorting yard (land)	N
9.	Marinas	N
10.	Mining/mineral extraction	N
11.	Recreational facilities	
	a. Low-intensity	P-G
	b. High-intensity	P-G
12.	Residential	P-G
13.	Solid waste disposal	N
14.	Timber farming/harvesting	P-G
15.	Utilities	
	a. Low-intensity	P-G
	b. High-intensity	N

B. Activities:

1.	Stream alteration	P-G
2.	Dikes	
	a. New construction	N
	b. Maintenance/repair	P-G
3.	Dredged material disposal	ACU-S, G
4.	Excavation to create new water surface	N
5.	Fill	P-G
6.	Shoreline stabilization	
	a. Vegetative	P-G
	b. Riprap	ACU-S, G
	c. Retaining wall	ACU-S, G
7.	Navigation aids	P-G
8.	Mitigation	P-G
9.	Restoration	
	a. Active	ACU-S, G
	b. Passive	P-G
10.	Land divisions	
	a. Partition	ACU-S, G
	b. Subdivision	ACU-S, G
	c. Planned Unit Development	ACU-S, G
	d. Recreation PUD	N

GENERAL CONDITIONS (the following conditions apply to all uses and activities):

1. Inventoried resources requiring mandatory protection in this district are subject to Policies #17 and #18.
2. All permitted uses and activities shall be consistent with Policy #23 requiring protection of riparian vegetation.
3. Uses in this district are only permitted as stated in Policy #14, "General Policy on Uses Within Rural Coastal Shorelands". Except as permitted outright, or where findings are made in this Plan, uses are only allowed subject to the findings in this Policy.
4. All permitted uses shall be consistent with the respective flood regulations of local governments, as required in Policy #27.
5. On designated mitigation/restoration sites, all uses/activities shall only be permitted subject to the conditions in Policy #22.
6. In rural areas (outside of UGBs) utilities, public facilities, and services shall only be provided subject to Policies #49, #50, and #51.

SPECIAL CONDITIONS:

Activities:

3. Dredge material disposal shall be allowed when consistent with Policy #20.
- 6b.,6c. These activities are permitted subject to the general findings required by Policy #9, "Solutions to Erosion and Flooding Problems".
- 9a. Active restoration shall be allowed only when consistent with Policy #22b.
10. Land divisions are only permitted where they meet the conditions in Policy #15.

SECTION 3.2.432. Land Development Standards. The requirements set forth in Table 3.2 shall govern development in the 12B-RS district.

GENERAL LOCATION: UPPER BAY

ZONING DESIGNATION: 13B-NA

ZONING DISTRICT: 13B-NATURAL AQUATIC

SPECIFIC BOUNDARIES: This district extends west to the deep-draft channel and to the south edge of the natural Kentuck Channel beginning at the east side of the Highway 101 Bridge and ending at a line extending south from the western edge of the bermed aquatic area adjacent to the filled upland in Kentuck Inlet.

SECTION 3.2.435. Management Objective: This district shall be managed so as to protect the productivity of the extensive tideflats and subtidal beds in the aquatic area. Maintenance/repair of bridge crossing support structures is appropriate in this district.

SECTION 3.2.436. Uses, Activities and Special Conditions. Table 13B-NA sets forth the uses and activities which are permitted, which may be permitted as conditional uses, or which are prohibited in this zoning district. Table 13B-NA also sets forth special conditions which may restrict certain uses or activities, or modify the manner in which certain uses or activities may occur. Reference to “policy numbers” refers to Plan Policies set forth in the Coos Bay Estuary Management Plan.

A. Uses:

1.	Aquaculture	ACU-S, G
2.	Commercial	N
3.	Docks	N
4.	Industrial and port facilities	N
5.	Log dump/sort/storage (in-water)	N
6.	Marinas	N
7.	Mining/mineral extraction	N
8.	Recreation facilities	
	a. Low-intensity	N
	b. High-intensity	N
9.	Utilities	
	a. Low-intensity	P-G
	b. High-intensity	N
10.	Bridge crossing support structures and dredging necessary for installation	P-G
11.	Bridge crossings	P-G

B. Activities:

1.	Dikes	
	a. New construction	N
	b. Maintenance/repair	N
	c. Installation of tidegates in existing functional dikes	N
2.	Dredging	
	a. New	N
	b. Maintenance dredging of existing facilities	N
	c. To repair dikes and tidegates	N
3.	Dredged material disposal	N
4.	Fill	N
5.	Navigational	
	a. Aides	P-G
	b. Structures	N
	c. Minor navigational improvements	N
	d. Water-dependent commercial enterprises and activities	N
6.	Piling/dolphin installation	N
7.	Shoreline stabilization	
	a. Vegetative	P-G
	b. Riprap	ACU-S, G
	c. Bulkheads	N
8.	Mitigation	P-G
9.	Restoration	
	a. Active	N
	b. Passive	P-G
10.	Temporary alterations	ACU-S, G
11.	Protection of habitat, nutrient, fish, wildlife and aesthetic	P
12.	Research and educational observations	P
13.	Waste water/storm water discharge	N
14.	Research and educational observation structures	ACU-S, G

GENERAL CONDITION (the following condition applies to all uses and activities):

1. Inventoried resources requiring mandatory protection in this district are subject to Policies #17 and #18.

SPECIAL CONDITIONS:

Uses:

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.

Activities:

- 7b. These activities are 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 riprap. Riprap may be allowed 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.
10. This activity is only permitted subject to Policy #5a.
14. Subject to Policy #5d.

GENERAL LOCATION: UPPER BAY

ZONING DESIGNATION: 14-WD

ZONING DISTRICT: 14-WATER-DEPENDENT DEVELOPMENT SHORELANDS

SPECIFIC BOUNDARIES: Western Boundary - The eastern edge of the small bermed aquatic area in Kentuck Inlet. Eastern Boundary - The intersection of the dikes at the tidegate at the northeast corner of Kentuck Inlet.

SECTION 3.2.440. Management Objective: This shoreland district is in close proximity to a natural channel and shall be managed as a barge loading site; in addition, recreation and access for recreation shall be allowed.

SECTION 3.2.441. Uses, Activities and Special Conditions. Table 14-WD sets forth the uses and activities which are permitted, which may be permitted as conditional uses, or which are prohibited in this zoning district. Table 14-WD also sets forth special conditions which may restrict certain uses or activities, or modify the manner in which certain uses or activities may occur. Reference to “policy numbers” refers to Plan Policies set forth in the Coos Bay Estuary Management Plan.

A. Uses:

1.	Agriculture	N
2.	Airports	N
3.	Aquaculture	N
4.	Commercial	N
5.	Dryland moorage	N
6.	Industrial and Port facilities	ACU-S, G
7.	Land transportation facilities	P-G
8.	Log storage/sorting yard (land)	N
9.	Marinas	N
10.	Mining/mineral extraction	N
11.	Recreation facilities	
	a. Low-intensity	ACU-S, G
	b. High-intensity	ACU-S, G
12.	Residential	N
13.	Solid waste disposal	N
14.	Timber farming/harvesting	N
15.	Utilities	
	a. Low-intensity	P-G
	b. High-intensity	P-G
16.	Energy production	ACU-S,G
17.	Water-borne transportation	ACU-S,G

B. Activities:

1.	Stream alteration	N/A
2.	Dikes	
	a. New construction	P-G
	b. Maintenance/repair	P-G
3.	Dredged material disposal	N
4.	Excavation to create new water surface	P-G
5.	Fill	P-G
6.	Shoreline stabilization	
	a. Vegetative	P-G
	b. Riprap	ACU-S, G
	c. Retaining wall	ACU-S, G
7.	Navigation aids	P-G
8.	Mitigation	P-G
9.	Restoration	
	a. Active	ACU-S, G
	b. Passive	P-G
10.	Land divisions	
	a. Partition	N
	b. Subdivision	N
	c. Planned Unit Development	N
	d. Recreation PUD	N

GENERAL CONDITIONS:

1. Uses in this district are only permitted as stated in Policy #14, "General Policy on Uses within Rural Coastal Shorelands". Except as permitted outright, or where findings are made in this Plan, uses are only allowed subject to the findings in this Policy.
2. All permitted uses shall be consistent with the respective flood regulations of local governments as required in Policy #27.
3. In rural areas (outside of UGBs) utilities, public facilities and services shall only be provided subject to Policies #49, #50, and #51.
4. All uses and activities: Inventoried resources requiring mandatory protection in this district are subject to Policies #17 and #18.

SPECIAL CONDITIONS:

Uses:

6. Industrial and port facilities shall be limited solely to the development of barge loading facilities for the transportation of jetty stone.
- 6.,16.,17. These uses are subject to review and approval when consistent with Policy #16.
- 11a.,11b. The County and the owner shall work to develop an arrangement to allow public access to the site for water-dependent recreational purposes when it is not in use for loading jetty stone.

Activities:

- 6b.,6c. These activities are permitted subject to the general findings required by Policy #9, "Solutions to Erosion and flooding Problems".
- 9a. Active restoration shall be allowed only when consistent with Policy #22b.

SECTION 3.2.442. Land Development Standards. The requirements set forth in Table 3.2 shall govern development in the 14-WD district.

GENERAL LOCATION: UPPER BAY

ZONING DESIGNATION: 14-DA

ZONING DISTRICT: 14-DEVELOPMENT AQUATIC

SPECIFIC BOUNDARIES: This district includes the small bermed aquatic area in Kentuck Inlet and the adjacent channel and ends at the dike and tidegate on Kentuck Slough.

SECTION 3.2.445. Management Objective: This area shall be managed to allow access to the natural Kentuck Channel for the purposes of transporting jetty stone quarried in the uplands above the district. This district also permits filling of the small bermed aquatic area at the western end of the existing fill, to provide additional space for rock loading. Dredging and other activities shall be limited to the minimum necessary to accomplish this purpose. That is, if necessary, a "bathtub" may be dredged adjacent to the existing barge off-loading site to allow moorage of a barge during low tide. However, access to and use of the natural channel shall only occur when tides are sufficiently high to facilitate safe navigation. Future dredging of the natural channel (beyond the "bathtub") in District 13B NA is otherwise not allowed. Upon completion of filling in the small bermed area, it will become part of Shoreland District 14 WD.

SECTION 3.2.446. Uses, Activities and Special Conditions. Table 14-DA sets forth the uses and activities which are permitted, which may be permitted as conditional uses, or which are prohibited in this zoning district. Table 14-DA also sets forth special conditions which may restrict certain uses or activities, or modify the manner in which certain uses or activities may occur. Reference to "policy numbers" refers to Plan Policies set forth in the Coos Bay Estuary Management Plan.

A. Uses:

1.	Aquaculture	ACU-S, G
2.	Commercial	N
3.	Docks	ACU-S, G
4.	Industrial and Port facilities	N
5.	Log dump/sort/storage (in-water)	N
6.	Marinas	N
7.	Mining/mineral extraction	N
8.	Recreation facilities	
	a. Low-intensity	P-G
	b. High-intensity	P-G
9.	Utilities	
	a. Low-intensity	P-G
	b. High-intensity	P-G
10.	Bridge crossing support structures and dredging necessary for installation	N
11.	Bridge crossings	N

B. Activities:

1. Dikes

a.	New construction	ACU-S, G
b.	Maintenance/repair	ACU-S, G
c.	Installation of tidegates in existing functional dikes	ACU-S, G
2.	Dredging	
a.	New	ACU-S, G
b.	Maintenance dredging of existing facilities	ACU-S, G
c.	To repair dikes and tidegates	ACU-S, G
3.	Dredged material disposal	N
4.	Fill	ACU-S, G
5.	Navigational	
a.	Aides	P-G
b.	Structures	N
c.	Minor navigational improvements	P-G
d.	Water-dependent commercial enterprises and activities	ACU-S, G
6.	Piling/dolphin installation	ACU-S, G
7.	Shoreline stabilization	
a.	Vegetative	P-G
b.	Riprap	ACU-S, G
c.	Bulkheads	ACU-S, G
8.	Mitigation	N
9.	Restoration	
a.	Active	N
b.	Passive	N
10.	Research and educational observations	P
11.	Protection of habitat nutrient, fish, wildlife and aesthetic	P
12.	Temporary alterations	ACU-S, G
13.	Waste water/storm water discharge	ACU-S, G
14.	Research and educational observation structures	N

GENERAL CONDITION (the following condition applies to all uses and activities):

1. Inventoried resources requiring mandatory protection in this district are subject to Policies #17 and #18.

SPECIAL CONDITIONS:

Uses:

1. Aquaculture is allowed whether dredging or fill or other alteration of the estuary is required 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.
3. Dock facilities shall be allowed if necessary to provide water access to the natural channel in order to facilitate water shipment of jetty stone.

Activities:

- 1a,1b,1c. Repair and maintenance and installation of the existing functional dikes directly associated with the rock loading facility shall be allowed, subject to finding that adverse impacts have been minimized (see Policy #5) and to Policy #8 requiring mitigation.

- 2a,2b,5d. New dredging and maintenance dredging for the purposes of creating a "bathtub" adjacent to the shoreland district for mooring a barge at low tide shall be allowed, subject to finding that adverse impacts have been minimized (see Policy #5) and to Policy #8 requiring mitigation.
- 2c. Dredging is only permitted to maintain/repair tidegates and for emergency repair of dikes where breaching has occurred or is in imminent danger of occurring. Dredging shall be limited to the minimum necessary for functional operation (see Policy #5b).
4. Filling of the small bermed aquatic area shall be allowed for the purpose of providing additional rock storage area. In addition, the bankline may need to have many alterations to allow the loading of barges, and limited filling may be necessary to accomplish the necessary configuration; this activity shall be allowed, subject to finding that adverse impacts have been minimized (see Policy #5) and to Policy #8 requiring mitigation.
- 5c. This activity is subject to Policy #12.
6. Piling/dolphins for a facility to load jetty stone shall be allowed.
- 7b.,7c. These activities are 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 riprap. Riprap may be allowed 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.
- Further, bulkheads are only allowed subject to (1) the making of resource capability consistency findings and impact assessments (see Policy #4a); (2) a finding that adverse impacts have been minimized (see Policy #5) and Policy #8 requiring mitigation.
12. This activity is subject to Policy #5a.
13. Waste water and storm water discharge, see Policy #25 and definition of "facility".

GENERAL LOCATION: UPPER BAY

ZONING DESIGNATION: 15-RS

ZONING DISTRICT: 15-RURAL SHORELANDS

SPECIFIC BOUNDARIES: Northern boundary - The northeast corner of the dike at the tidegate at the mouth of Kentuck Slough. Southern boundary - East Bay Drive at the Willanch Slough Bridge.

SECTION 3.2.450. Management Objective: This district shall be managed to maintain the present character of and uses in the area, which include low-intensity rural development having minimal association with the adjacent aquatic area. The district contains three designated mitigation sites: U-8(a) and U-9(a) shall be protected for pre-emptive uses as "medium" priority sites (see Policy #22).

SECTION 3.2.451. Uses, Activities and Special Conditions. Table 15-RS sets forth the uses and activities which are permitted, which may be permitted as conditional uses, or which are prohibited in this zoning district. Table 15-RS also sets forth special conditions which may restrict certain uses or activities, or modify the manner in which certain uses or activities may occur. Reference to "policy numbers" refers to Plan Policies set forth in the Coos Bay Estuary Management Plan.

A. Uses:

1.	Agriculture	P-G
2.	Airports	N
3.	Aquaculture	N
4.	Commercial	N
5.	Dryland moorage	N
6.	Industrial and Port facilities	N
7.	Land transportation facilities	P-G
8.	Log storage/sorting yard (land)	N
9.	Marinas	N
10.	Mining/mineral extraction	N
11.	Recreation facilities	
	a. Low-intensity	P-G
	b. High-intensity	P-G
12.	Residential	P-G
13.	Solid waste disposal	N
14.	Timber farming/harvesting	P-G
15.	Utilities	
	a. Low-intensity	P-G
	b. High-intensity	N

B. Activities:

1.	Stream alteration	P-G
2.	Dikes	
	a. New construction	N
	b. Maintenance/repair	P-G
3.	Dredged material disposal	ACU-S, G
4.	Excavation to create new water surface	N
5.	Fill	ACU-S, G
6.	Shoreline stabilization	
	a. Vegetative	P-G
	b. Riprap	ACU-S, G
	c. Retaining wall	ACU-S, G
7.	Navigation aids	P-G
8.	Mitigation	P-G
9.	Restoration	
	a. Active	ACU-S, G
	b. Passive	P-G
10.	Land divisions	
	a. Partition	ACU-S, G
	b. Subdivision	ACU-S, G
	c. Planned Unit Development	ACU-S, G
	d. Recreation PUD	N

GENERAL CONDITIONS (the following conditions apply to all uses and activities):

1. Inventoried resources requiring mandatory protection in this district are subject to Policies #17 and #18.
2. All permitted uses and activities shall be consistent with Policy #23 requiring protection of riparian vegetation.

The following conditions apply to all permitted uses.

3. Where "agricultural lands" or "forest lands" occur within this district, as identified in the "Special Considerations Map", uses in these areas shall be limited to those permitted in Policies #28 and #34.
4. Uses in this district are only permitted as stated in Policy #14, "General Policy on Uses Within Rural Coastal Shorelands"; except as permitted outright, or where findings are made in this Plan, uses are only allowed subject to the findings in this Policy.
5. All permitted uses shall be consistent with the respective flood regulations of local governments, as required in Policy #27.
6. On designated mitigation/restoration sites, all uses/activities shall only be permitted subject to the conditions in Policy #22.

7. In rural areas (outside UGB's) utilities, public facilities and services shall only be provided subject to Policies #49, #50, and #51.

SPECIAL CONDITIONS:

Activities:

- 3.,5. Fill and dredged material disposal shall not be allowed in areas of "wet meadow" wetland, as identified in the "Special Considerations Map", except as otherwise allowed in Policy #22.
- 6b.,6c. These activities are permitted subject to the general findings required by Policy #9, "Solutions to Erosion and Flooding Problems".
- 9a. Active restoration shall be allowed only when consistent with Policy #22b.
10. Land divisions are only permitted where they meet the conditions in Policy #15.

SECTION 3.2.452. Land Development Standards. The requirements set forth in Table 3.2 shall govern development in the 15RS district.

GENERAL LOCATION: UPPER BAY

ZONING DESIGNATION: 15-NA

ZONING DISTRICT: 15-NATURAL AQUATIC

SPECIFIC BOUNDARIES: This district extends west to the deep-draft channel beginning at a line that extends west along the south edge of the natural Kentucky Channel and ending at a line that extends west from Pierce Point along the north edge of the natural Cooston Channel. It also includes Willanch Slough to head-of-tide (tidegate at East Bay Drive).

SECTION 3.2.455. Management Objective: This natural aquatic district shall be managed to protect its natural resource productivity. The district also contains a designated mitigation site (U-9c), which shall be protected from pre-emptive uses as a "medium" priority site (see Policy #22).

SECTION 3.2.456. Uses, Activities and Special Conditions. Table 15-NA sets forth the uses and activities which are permitted, which may be permitted as conditional uses, or which are prohibited in this zoning district. Table 15-NA also sets forth special conditions which may restrict certain uses or activities, or modify the manner in which certain uses or activities may occur. Reference to "policy numbers" refers to Plan Policies set forth in the Coos Bay Estuary Management Plan.

A. Uses:

1.	Aquaculture	ACU-S, G
2.	Commercial	N
3.	Docks	N
4.	Industrial and port facilities	N
5.	Log dump/sort/storage (in-water)	N
6.	Marinas	N
7.	Mining/mineral extraction	N
8.	Recreation facilities	
	a. Low-intensity	N
	b. High-intensity	N
9.	Utilities	
	a. Low-intensity	P-G
	b. High-intensity	N
10.	Bridge crossing support structures and dredging necessary for installation	N
11.	Bridge crossings	N

B. Activities:

1.	Dikes	
	a. New construction	N
	b. Maintenance/repair	N
	c. Installation of tidegates in existing functional dikes	N/A
2.	Dredging	

a.	New	N
b.	Maintenance dredging of existing facilities	N
c.	To repair dikes and tidegates	N
3.	Dredged material disposal	N
4.	Fill	N
5.	Navigational	
a.	Aides	P-G
b.	Structures	N
c.	Minor navigational improvements	N
d.	Water-dependent commercial enterprises and activities	N
6.	Piling/dolphin installation	N
7.	Shoreline stabilization	
a.	Vegetative	P-G
b.	Riprap	ACU-S, G
c.	Bulkheads	N
8.	Mitigation	P-G
9.	Restoration	
a.	Active	N
b.	Passive	P-G
10.	Temporary alterations	N
11.	Protection of habitat, nutrient, fish, wildlife and aesthetic	P
12.	Research and educational observations	P
13.	Waste Water/storm water discharge	N
14.	Research and educational observation structures	ACU-S, G

GENERAL CONDITIONS:

1. All uses and activities: Inventoried resources requiring mandatory protection in this district are subject to Policies #17 and #18.

SPECIAL CONDITIONS

Uses:

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.

Activities:

- 7b. These activities are 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 riprap.
14. Subject to Policy #5d.

GENERAL LOCATION: UPPER BAY

ZONING DESIGNATION: 16-WD

ZONING DISTRICT: 16-WATER-DEPENDENT DEVELOPMENT SHORELANDS

SPECIFIC BOUNDARIES: This district is the entire Pierce Point area west of East Bay Drive Northern Boundary - East Bay Drive at the bridge over Willanch Slough. Southern Boundary - A line extending west from the L-turn of the East Bay Drive south of the Pierce Point peninsula.

SECTION 3.2.460. Management Objective: This district, because of its location near the forest resource and the natural Cooston Navigation Channel, will be managed to protect its future utility as an industrial site particularly for log handling and storage and barging facilities.

SECTION 3.2.461. Uses, Activities and Special Conditions. Table 16-WD sets forth the uses and activities which are permitted, which may be permitted as conditional uses, or which are prohibited in this zoning district. Table 16-WD also sets forth special conditions which may restrict certain uses or activities, or modify the manner in which certain uses or activities may occur. Reference to “policy numbers” refers to Plan Policies set forth in the Coos Bay Estuary Management Plan.

A. Uses:

- | | | |
|-----|---------------------------------|----------|
| 1. | Agriculture | P-G |
| 2. | Airports | N |
| 3. | Aquaculture | P-G |
| 4. | Commercial | ACU-S, G |
| 5. | Dryland moorage | P-G |
| 6. | Industrial and Port facilities | ACU-S, G |
| 7. | Land transportation facilities | P-G |
| 8. | Log storage/sorting yard (land) | P-G |
| 9. | Marinas | N |
| 10. | Mining/mineral extraction | N |
| 11. | Recreation facilities | |
| | a. Low-intensity | P-G |
| | b. High-intensity | P-G |
| 12. | Residential | N |
| 13. | Solid waste disposal | N |
| 14. | Timber farming/harvesting | P-G |
| 15. | Utilities | |
| | a. Low-intensity | P-G |
| | b. High-intensity | P-G |
| 16. | Energy production | ACU-S,G |
| 17. | Water-borne transportation | ACU-S,G |

B. Activities:

1.	Stream alteration	N/A
2.	Dikes	
	a. New construction	N
	b. Maintenance/repair	P-G
3.	Dredge material disposal	ACU-S, G
4.	Excavation to create new water surface	N
5.	Fill	ACU-S, G
6.	Shoreline stabilization	
	a. Vegetative	P-G
	b. Riprap	ACU-S, G
	c. Retaining wall	ACU-S, G
7.	Navigation aids	P-G
8.	Mitigation	ACU-S, G
9.	Restoration	
	a. Active	ACU-S, G
	b. Passive	ACU-S, G
10.	Land divisions	
	a. Partition	ACU-S, G
	b. Subdivision	ACU-S, G
	c. Planned Unit Development	ACU-S, G
	d. Recreation PUD	N

GENERAL CONDITIONS:

1. All permitted uses and activities shall be consistent with Policy #23 requiring protection of riparian vegetation.
2. Uses in this district are only permitted as stated in Policy #14, "General Policy on Uses Within Rural Coastal Shorelands"; except as permitted outright, or where findings are made in this Plan, uses are only allowed subject to the findings in this Policy.
3. In rural areas (outside of UGBs) utilities, public facilities and services shall only be provided subject to Policies #49, #50, and #51.
4. All uses and activities: Inventoried resources requiring mandatory protection in this unit are subject to Policies #17 and #18.

SPECIAL CONDITIONS

Uses:

- 4.,6.,16.,17. These uses are subject to review and approval when consistent with Policy #16.
4. Commercial uses will be allowed only when they are support services to existing or planned industrial developments and do not prevent utilization of water access.
 6. The area is reserved for uses associated with the storage and transportation of forest products.

Activities:

- 3,5. Dredged material disposal or filling are acceptable activities to prepare the site for future industrial use.
- 6b,6c. These activities are permitted subject to the general findings required by Policy #9, "Solutions to Erosion and Flooding Problems".
- 8,9a,9b. Mitigation/restoration activities are only permitted if they would not inhibit or preclude future industrial use of the site.
10. Land divisions are only permitted where they meet the conditions in Policy #15.

SECTION 3.2.462. Land Development Standards. The requirements set forth in Table 3.2 shall govern development in the 16-WD district.

GENERAL LOCATION: UPPER BAY

ZONING DESIGNATION: 16-CA

ZONING DISTRICT: 16-CONSERVATION AQUATIC

SPECIFIC BOUNDARIES: This district extends to the southwest side of the Cooston finger channel, beginning at a line extending west from the northwest tip of Pierce Point and ending at a line extending west from the L-turn in East Bay Drive south of Pierce Point.

SECTION 3.2.465. Management Objective: This district shall be managed to accommodate access through the natural "finger channel" (located in the district to the natural Cooston shallow-draft channel (located outside the district) for upland aquaculture and future industrial uses, particularly storage and transport of logs.

SECTION 3.2.466. Uses, Activities and Special Conditions. Table 16-CA sets forth the uses and activities which are permitted, which may be permitted as conditional uses, or which are prohibited in this zoning district. Table 16-CA also sets forth special conditions which may restrict certain uses or activities, or modify the manner in which certain uses or activities may occur. Reference to "policy numbers" refers to Plan Policies set forth in the Coos Bay Estuary Management Plan.

A. Uses:

1.	Aquaculture	ACU-S, G
2.	Commercial	ACU-S, G
3.	Docks	ACU-S, G
4.	Industrial and Port facilities	ACU-S, G
5.	Log dump/sort/storage (in-water)	ACU-S, G
6.	Marinas	N
7.	Mining/mineral extraction	N
8.	Recreation facilities	
	a. Low-intensity	ACU-S, G
	b. High-intensity	N
9.	Utilities	
	a. Low-intensity	P-G
	b. High-intensity	P-G
10.	Bridge crossing support structures and dredging necessary for installation	N
11.	Bridge crossings	N

B. Activities:

1.	Dikes	
	a. New construction	N
	b. Maintenance/repair	ACU-S, G
	c. Installation of tidegates in existing functional dikes	N
2.	Dredging	
	a. New	N
	b. Maintenance dredging of existing facilities	ACU-S, G
	c. To repair dikes and tidegates	N
3.	Dredge material disposal	N
4.	Fill	N
5.	Navigational	
	a. Aides	P-G
	b. Structures	N
	c. Minor navigational improvements	P-G
	d. Water-dependent commercial enterprises and activities	N
6.	Piling/dolphin installation	P-G
7.	Shoreline stabilization	
	a. Vegetative	P-G
	b. Riprap	ACU-S, G
	c. Bulkheads	ACU-S, G
8.	Mitigation	P-G
9.	Restoration	
	a. Active	ACU-S, G
	b. Passive	P-G
10.	Protection of habitat, nutrient, fish, wildlife and aesthetic	P
11.	Temporary alterations	ACU-S, G
12.	Research and educational observations	P
13.	Waste water/storm water discharge	ACU-S, G
14.	Research and educational observation structures	ACU-S, G

GENERAL CONDITION (the following condition applies to all uses and activities):

1. Inventoried resources requiring mandatory protection in this district are subject to Policies #17 and #18.

SPECIAL CONDITIONS:

Uses:

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 allowed; or, where aquaculture requires dredging or fill or other alteration of the estuary is subject to Policy #4a.
- 2,3,4. These uses only permitted if water-dependent and need to occupy the water surface by means other than fill (e.g., pilings).

5. New or expanded log storage shall only be permitted after review and approval by the Department of Environmental Quality (see Policy #5c).
- 8a. Such recreational facilities must be water-dependent. Boat ramps for public use where no dredging or fill for navigational access is needed (see definition of "Recreation").

Activities:

- 1b. This activity is only permitted subject to the findings required by Policy #6, "Fill in Conservation and Natural Management Units", and subject to finding that adverse impacts have been minimized (see Policy #5) and to Policy #8 requiring mitigation.
- 2b. This activity is only allowed subject to finding that adverse impacts have been minimized (see Policy #5) and to Policy #8 requiring mitigation.

In addition to the above requirements, when these activities involve dredging for log storage, these activities are only allowed subject to the making of resource capability consistency findings and impact assessments (see Policy #4a).

- 5c. This activity is subject to Policy #12.
- 7b,7c. These activities are permitted subject to the general findings required by Policy #9. "Solutions to Erosion and Flooding Problems", preferring nonstructural to structural solutions, and to the specific findings for riprap. Riprap may be allowed 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.

Further, bulkheads are only allowed subject to (1) the making of resource capability consistency findings and impact assessments (see Policy #4a); (2) a finding that adverse impacts have been minimized (see Policy #5); and (3) Policy #8 requiring mitigation.

- 9a. Active restoration shall be allowed only when consistent with Policy #22b.
11. This activity is only permitted subject to Policy #5a.
13. Waste water and storm water discharge, see Policy #25 and definition of "facility".
14. Subject to Policy #5d.

GENERAL LOCATION: UPPER BAY

ZONING DESIGNATION: 17-RS

ZONING DISTRICT: 17-RURAL SHORELANDS

SPECIFIC BOUNDARIES: Northern Boundary - A line extending west from the L-turn in East Bay Drive south of Pierce Point. Southern Boundary - The line dividing S.19 and S.30, T.25, R.12 at East Bay Drive.

SECTION 3.2.470. Management Objective: This district shall be managed to continue the general low-intensity rural uses and character consistent with objectives to maintain the riparian vegetation. This district contains two designated mitigation sites (U-10,U-11). U-11 shall be protected from pre-emptive uses as a "medium" priority site; U-10 need not be protected, as a "low" priority site (see Policy #22).

An existing heron rookery located in this district shall be preserved by protecting those trees in the rookery which are used by the birds.

SECTION 3.2.471. Uses, Activities and Special Conditions. Table 17-RS sets forth the uses and activities which are permitted, which may be permitted as conditional uses, or which are prohibited in this zoning district. Table 17-RS also sets forth special conditions which may restrict certain uses or activities, or modify the manner in which certain uses or activities may occur. Reference to "policy numbers" refers to Plan Policies set forth in the Coos Bay Estuary Management Plan.

A. Uses:

1.	Agriculture	P-G
2.	Airports	N
3.	Aquaculture	N
4.	Commercial	N
5.	Dryland moorage	N
6.	Industrial and Port facilities	N
7.	Land transportation facilities	P-G
8.	Log storage/sorting yard (land)	N
9.	Marinas	N
10.	Mining/mineral extraction	N
11.	Recreation facilities	
	a. Low-intensity	P-G
	b. High-intensity	P-G
12.	Residential	P-G
13.	Solid waste disposal	N
14.	Timber farming/harvesting	P-G
15.	Utilities	
	a. Low-intensity	P-G
	b. High-intensity	N

B. Activities:

1.	Stream alteration	P-G
2.	Dikes	
	a. New construction	N
	b. Maintenance/repair	P-G
3.	Dredged material disposal	N
4.	Excavation to create new water surface	P-G
5.	Fill	ACU-S, G
6.	Shoreline stabilization	
	a. Vegetative	P-G
	b. Riprap	ACU-S, G
	c. Retaining wall	ACU-S, G
7.	Navigation aids	P-G
8.	Mitigation	P-G
9.	Restoration	
	a. Active	ACU-S, G
	b. Passive	P-G
10.	Land divisions	
	a. Partition	ACU-S, G
	b. Subdivision	ACU-S, G
	c. Planned Unit Development	ACU-S, G
	d. Recreation PUD	N

GENERAL CONDITIONS (the following conditions apply to all uses and activities):

1. Inventoried resources requiring mandatory protection in this district are subject to Policies #17 and #18.
2. All permitted uses and activities shall be consistent with Policy #23 requiring protection of riparian vegetation.

The following conditions apply to all permitted uses.

3. Where "agricultural lands" or "forest lands" occur within this district, as identified in the "Special Considerations Map", uses in these areas shall be limited to those permitted in Policies #28 and #34.
4. Uses in this district are only permitted as stated in Policy #14, "General Policy on Uses within Rural Coastal Shorelands"; except as permitted outright, or where findings are made in this Plan, uses are only allowed subject to the findings in this Policy.
5. All permitted uses shall be consistent with the respective flood regulations of local governments, as required in Policy #27.
6. On designated mitigation/restoration sites, all uses/activities shall only be permitted subject to the conditions in Policy #22.

7. In rural areas (outside of UGB's) utilities, public facilities and services shall only be provided subject to Policies #49, #50, and #51.

SPECIAL CONDITIONS:

Activities:

5. Fill shall not be allowed in areas of "wet meadow" wetland, as identified in the "Special Considerations Map", except as otherwise allowed in Policy #22.
- 6b,6c. These activities are permitted subject to the general findings required by Policy #9, "Solutions to Erosion and Flooding Problems".
- 9a. Active restoration shall be allowed only when consistent with Policy #22b.
10. Land divisions are only permitted where they meet the conditions in Policy #15.

SECTION 3.2.472. Land Development Standards. The requirements set forth in Table 3.2 shall govern development in the 17-RS district.

GENERAL LOCATION: UPPER BAY

ZONING DESIGNATION: 17-NA

ZONING DISTRICT: 17-NATURAL AQUATIC

SPECIFIC BOUNDARIES: This district extends west to the natural Cooston Channel beginning at a line extending west from the L-turn in East Bay Drive south of Pierce Point and ending at the line dividing S.19 from S.30, T.25, R.12, west of East Bay Drive.

SECTION 3.2.475. Management Objective: This aquatic district consisting of mudflats and marsh areas shall be managed to protect its natural resource productivity.

SECTION 3.2.476. Uses, Activities and Special Conditions. Table 17-NA sets forth the uses and activities which are permitted, which may be permitted as conditional uses, or which are prohibited in this zoning district. Table 17-NA also sets forth special conditions which may restrict certain uses or activities, or modify the manner in which certain uses or activities may occur. Reference to “policy numbers” refers to Plan Policies set forth in the Coos Bay Estuary Management Plan.

A. Uses:

1.	Aquaculture	ACU-S, G
2.	Commercial	N
3.	Docks	N
4.	Industrial and port facilities	N
5.	Log dump/sort/storage (in-water)	N
6.	marinas	N
7.	Mining/mineral extraction	N
8.	Recreation facilities	
	a. Low-intensity	N
	b. High-intensity	N
9.	Utilities	
	a. Low-intensity	P-G
	b. High-intensity	N
10.	Bridge crossing support structures and dredging necessary for installation	N
11.	Bridge crossings	N

B. Activities:

1.	Dikes	
	a. New construction	N
	b. Maintenance/repair	N
	c. Installation of tidegates in existing functional dikes	N
2.	Dredging	
	a. New	N
	b. Maintenance dredging of existing facilities	N/A
	c. To repair dikes and tidegates	N

3.	Dredged material disposal	N
4.	Fill	N
5.	Navigational	
	a. Aides	P-G
	b. Structures	N
	c. Minor navigational improvements	N
	d. Water-dependent commercial enterprises and activities	N
6.	Piling/dolphin installation	N
7.	Shoreline stabilization	
	a. Vegetative	P-G
	b. Riprap	ACU-S, G
	c. Bulkheads	N
8.	Mitigation	P-G
9.	Restoration	
	a. Active	N
	b. Passive	P-G
10.	Temporary alterations	N
11.	Protection of habitat, nutrient, fish, wildlife and aesthetic	P
12.	Research and educational observations	P
13.	Waste water/storm water discharge	N
14.	Research and educational observation structures	ACU-S, G

GENERAL CONDITION (the following condition applies to all uses and activities):

1. Inventoried resources requiring mandatory protection in this district are subject to Policies #17 and #18.

SPECIAL CONDITIONS

Uses:

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.

Activities:

- 7b. This activity is only permitted subject to the general findings required by Policy #9, "Solutions to Erosion and Flooding Problems", preferring nonstructural to structural solutions, and to the specific findings for riprap. Riprap may be allowed 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 archeological values; or, (C) public facilities.
14. Subject to Policy #5d.

GENERAL LOCATION: UPPER BAY

ZONING DESIGNATION: 18-RS

ZONING DISTRICT: 18-RURAL SHORELANDS

SPECIFIC BOUNDARIES: Northern Boundary - The northern most dike of the farm land west of East Bay Drive. Southern Boundary - The northern most dike retaining the dredged material disposal area known as Christianson Ranch.

SECTION 3.2.480. Management Objective: This district shall be managed to allow continued use as pasture-grazing but shall also be managed to allow dredged material disposal or mitigation. This district contains two designated mitigation sites, U-12 and U-16(a) ("high" priority). It also contains designated dredged material disposal site 30(b). The development of the disposal site would preclude mitigation use, and vice versa. Use of this site for dredged material disposal is the higher priority because of the scarcity of suitable sites (see Policies #20 and #22).

SECTION 3.2.481. Uses, Activities and Special Conditions. Table 18-RS sets forth the uses and activities, which are permitted, which may be permitted as conditional uses, or which are prohibited in this zoning district. Table 18-RS also sets forth special conditions which may restrict certain uses or activities, or modify the manner in which certain uses or activities may occur. Reference to "policy numbers" refers to Plan Policies set forth in the Coos Bay Estuary Management Plan.

A. Uses:

1.	Agriculture	P-G
2.	Airports	N
3.	Aquaculture	P-G
4.	Commercial	N
5.	Dryland moorage	N
6.	Industrial and Port facilities	N
7.	Land transportation facilities	P-G
8.	Log storage/sorting yard (land)	N
9.	Marinas	N
10.	Mining/mineral extraction	N
11.	Recreation facilities	
	a. Low-intensity	ACU-S, G
	b. High-intensity	ACU-S, G
12.	Residential	N
13.	Solid waste disposal	N
14.	Timber farming/harvesting	N/A
15.	Utilities	
	a. Low-intensity	P-G
	b. High-intensity	N

B. Activities:

1.	Stream alteration	P-G
2.	Dikes	
	a. New construction	P-G
	b. Maintenance/repair	P-G
3.	Dredged material disposal	ACU-S, G
4.	Excavation to create new water surface	P-G
5.	Fill	ACU-S, G
6.	Shoreline stabilization	
	a. Vegetative	P-G
	b. Riprap	ACU-S, G
	c. Retaining wall	ACU-S, G
7.	Navigation aids	P-G
8.	Mitigation	ACU-S, G
9.	Restoration	
	a. Active	ACU-S, G
	b. Passive	ACU-S, G
10.	Land divisions	
	a. Partition	ACU-S, G
	b. Subdivision	ACU-S, G
	c. Planned Unit Development	ACU-S, G
	d. Recreation PUD	N

GENERAL CONDITIONS:

1. No permitted use or activity shall pre-empt the use of the designated dredge material disposal site in this district, as required by Policy #20 (but see Special Condition below on Mitigation/Restoration).
2. All permitted uses and activities shall be consistent with Policy #23 requiring protection of riparian vegetation.
3. All uses and activities: Inventoried resources requiring mandatory protection in this unit are subject to Policies #17 and #18.

The following conditions apply to all permitted uses.

4. Where "agricultural lands" or "forest lands" occur within this district as identified in the "Special Considerations Map", uses in these areas shall be limited to those permitted in Policies #28 and #34, except that dredged material disposal is permitted in the designated site.
5. Uses in this district are only permitted as stated in Policy #14, "General Policy on Uses within Rural Coastal Shorelands"; except as permitted outright, or where findings are made in this Plan, uses are only allowed subject to the findings in this Policy.
6. All permitted uses shall be consistent with the respective flood regulations of local governments, as required in Policy #27.

7. On designated mitigation/restoration sites, all uses/activities shall only be permitted subject to the conditions in Policy #22, except that dredged material disposal is a higher priority on Site U-12, as stated in the Management Objective.
8. In rural areas (outside of UGBs) utilities, public facilities, and services shall only be provided subject to Policies #49, #50, and #51.

SPECIAL CONDITIONS:

Uses:

- 11a,11b. Recreational facilities shall be allowed provided they do not preclude dredged material disposal and/or needed mitigation.

Activities:

- 3,5. Land shall be returned to agricultural use after dredged material disposal.
- 6b,6c. These activities are permitted subject to the general findings required by Policy #9, "Solutions to Erosion and Flooding Problems".
- 8,9a,9b. Mitigation/restoration use in this district shall only be permitted if an alternative dredged material site is available sufficient to meet projected needs for upper bay dredging, or if the site is determined to be no longer needed (see Policy #20 protecting DMD sites).
10. Land divisions are only permitted where they meet the conditions in Policy #15.

SECTION 3.2.482. Land Development Standards. The requirements set forth in Table 3.2 shall govern development in the 18RS district,

GENERAL LOCATION: UPPER BAY

ZONING DESIGNATION: 18A-CA

ZONING DISTRICT: 18A-CONSERVATION AQUATIC

SPECIFIC BOUNDARIES: This district extends west to the natural Cooston Channel beginning at a line extending west from the north dike of the agricultural land west of East Bay Drive and ending at a line extending west from the northern most dike retaining the disposal area known as Christianson Ranch.

SECTION 3.2.485. Management Objective: This aquatic district shall be managed to continue the present use of the district and of the adjacent channel for subtidal log storage and other in-water uses which do not conflict with log storage. Restoration of this district to its natural depth, which has been altered by the upwelling from adjacent upland disposal shall be encouraged. Disposal of dredged materials on the adjacent dike for dike maintenance shall also be encouraged.

SECTION 3.2.486. Uses, Activities and Special Conditions. Table 18A-CA sets forth the uses and activities which are permitted, which may be permitted as conditional uses, or which are prohibited in this zoning district. Table 18A-CA also sets forth special conditions which may restrict certain uses or activities, or modify the manner in which certain uses or activities may occur. Reference to “policy numbers” refers to Plan Policies set forth in the Coos Bay Estuary Management Plan.

A. Uses:

1.	Aquaculture	ACU-S, G
2.	Commercial	N
3.	Docks	N
4.	Industrial and port facilities	N
5.	Log dump/sort/storage (in-water)	ACU-S, G
6.	Marinas	N
7.	Mining/mineral extraction	N
8.	Recreation facilities	
	a. Low-intensity	ACU-S, G
	b. High-intensity	ACU-S, G
9.	Utilities	
	a. Low-intensity	P-G
	b. High-intensity	N
10.	Bridge crossing support structures and dredging necessary for installation	N
11.	Bridge crossings	N

B. Activities:

1.	Dikes	
	a. New construction	N
	b. Maintenance/repair	ACU-S, G
	c. Installation of tidegates in existing functional dikes	ACU-S, G
2.	Dredging	
	a. New	N
	b. Maintenance dredging of existing facilities	ACU-S, G
	c. To repair dikes and tidegates	ACU-S, G
3.	Dredged material disposal	N
4.	Fill	N
5.	Navigational	
	a. Aides	P-G
	b. Structures	N
	c. Minor navigational improvements	P-G
	d. Water-dependent commercial enterprises and activities	N
6.	Piling/dolphin installation	P-G
7.	Shoreline stabilization	
	a. Vegetative	P-G
	b. Riprap	ACU-S, G
	c. Bulkheads	N
8.	Mitigation	P-G
9.	Restoration	
	a. Active	ACU-S, G
	b. Passive	P-G
10.	Protection of habitat, nutrient, fish, wildlife and aesthetic	P
11.	Temporary alterations	ACU-S, G
12.	Research and educational observations	P
13.	Waste water/storm water discharge	ACU-S, G
14.	Research and educational observation structure	N

GENERAL CONDITION (the following condition applies to all uses and activities):

1. Inventoried resources requiring mandatory protection in this district are subject to Policies #17 and #18.

SPECIAL CONDITIONS:

Uses:

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 allowed; or, where aquaculture requires dredging or fill or other alteration of the estuary is subject to Policy #4a.

5. This use shall be limited to log storage only.

New or expanded log storage shall only be permitted after review and approval by the Department of Environmental Quality (see Policy #5c).

- 8a,8b. These uses are only allowed subject to the making of resource capability consistency findings and impact assessments (see Policy #4a). Boat ramps for public use where no dredging or fill for navigational access is needed (see definition of "Recreation").

Activities:

- 1b,1c. This activity is only permitted subject to the findings required by Policy #6, "Fill in Conservation and Natural Management Units," and to finding that adverse impacts have been minimized (see Policy #5) and to Policy #8 requiring mitigation.
- 2b. Maintenance dredging shall be allowed to restore this district to its natural depth. This activity is only allowed subject to finding that adverse impacts have been minimized (see Policy #5) and to Policy #8 requiring mitigation.

First consideration shall be given to dredged material disposal on the adjacent dike for dike maintenance purposes (see Policy #5b).

In addition to the above requirements, when these activities involve dredging for log storage, these activities are only allowed subject to the making of resource capability consistency findings and impact assessments (see Policy #4a).

- 2c. Dredging is only permitted to maintain/repair tidegates and for emergency repair of dikes where breaching has occurred or is in imminent danger of occurring. Dredging shall be limited to the minimum necessary for functional operation (see Policy #5b).
- 5c. This activity is subject to Policy #12.
- 7b. These activities are 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 riprap. Riprap may be allowed 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.
- 9a. Active restoration shall be allowed only when consistent with Policy #22b.
11. This activity is only permitted subject to Policy #5a.
13. Waste water and storm water discharge, see Policy #25 and definition of "facility".

GENERAL LOCATION: UPPER BAY

ZONING DESIGNATION: 18B-CA

ZONING DISTRICT: 18B-CONSERVATION AQUATIC

SPECIFIC BOUNDARIES: This district consists of the natural Cooston Channel from Coos River to the deep-draft channel.

SECTION 3.2.490. Management Objective: This natural shallow-draft channel shall be managed for navigation and subtidal log storage uses.

SECTION 3.2.491. Uses, Activities and Special Conditions. Table 18B-CA sets forth the uses and activities which are permitted, which may be permitted as conditional uses, or which are prohibited in this zoning district. Table 18B-CA also sets forth special conditions which may restrict certain uses or activities, or modify the manner in which certain uses or activities may occur. Reference to “policy numbers” refers to Plan Policies set forth in the Coos Bay Estuary Management Plan.

A. Uses:

1.	Aquaculture	ACU-S,G
2.	Commercial	N
3.	Docks	N
4.	Industrial and port facilities	N
5.	Log dump/sort/storage (in-water)	ACU-S,G
6.	Marinas	N
7.	Mining/mineral extraction	N
8.	Recreation facilities	
	a. Low-intensity	ACU-S,G
	b. High-intensity	N
9.	Utilities	
	a. Low-intensity	P-G
	b. High-intensity	N
10.	Bridge crossing support structures and dredging necessary for installation	N
11.	Bridge crossings	N

B. Activities

1.	Dikes	
	a. New construction	N
	b. Maintenance/repair	N
	c. Installation of tidegates in existing functional dikes	N
2.	Dredging	
	a. New	N
	b. Maintenance dredging of existing facilities	ACU-S,G
	c. To repair dikes and tidegates	N
3.	Dredged material disposal	N
4.	Fill	N
5.	Navigational	
	a. Aides	P-G
	b. Structures	N
	c. Minor navigational improvement	P-G
	d. Water-dependent commercial enterprises and activities	N
6.	Piling/dolphin installation	P-G
7.	Shoreline stabilization	
	a. Vegetative	N/A
	b. Riprap	P-G
	c. Bulkheads	N/A
8.	Mitigation	P-G
9.	Restoration	
	a. Active	ACU-S,G
	b. Passive	P-G
10.	Protection of habitat, nutrient, fish, wildlife and aesthetic	P
11.	Temporary alterations	ACU-S,G
12.	Research and educational observations	P
13.	Waste water/storm water discharge	ACU-S,G
14.	Research and educational observation structure	N

GENERAL CONDITIONS:

1. All uses and activities: Inventoried resources requiring mandatory protection in this district are subject to Policies #17 and #18.

SPECIAL CONDITIONS:

Uses:

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 allowed; or, where aquaculture requires dredging or fill or other alteration of the estuary is subject to Policy #4a.
5. This use shall be limited to log storage only.

New or expanded log storage shall only be permitted after review and approval by the Department of Environmental Quality (see Policy #5c).
- 8a. Such recreational facilities must be water-dependent. Boat ramps for public use where no dredging or fill for navigational access is needed (see definition of "Recreation").

Activities:

- 2b. If due to hydraulic conditions, shoaling in the natural channel should hamper shallow-draft navigation, maintenance dredging shall be allowed to return the area to its natural depths. Further, this activity is only allowed subject to finding that adverse impacts have been minimized (see Policy #5).

In addition to the above requirements, when this activity involves dredging for log storage, the activity is only allowed subject to the making of resource capability consistency findings and impact assessments (see Policy #4a).
- 5c. This activity is subject to Policy #12.
- 9a. Active restoration shall be allowed only when consistent with Policy #22b.
11. This activity is subject only to Policy #5a.
13. Waste water and storm water discharge, see Policy #25 and definition of "facility".

GENERAL LOCATION: UPPER BAY

ZONING DESIGNATION: 19A-CA

ZONING DISTRICT: 19A-CONSERVATION AQUATIC

SPECIFIC BOUNDARIES: This district extends west to the natural Cooston Channel beginning at a line to the southwest from the northern-most dike of the Christianson Ranch (Graveyard Point) fill and ends at a line to the southwest that is opposite the southern tip of Bull Island. The boundary with the natural channel lies at the -3 foot MLLW depth.

SECTION 3.2.495. Management Objective: This district shall be managed to allow log storage to continue while maintaining the resource values of the district natural channel, as well as the aquatic resource north of the district. The Plan does not intend that future use of this district will be related to the ultimate use of the upland or District 20 CA. Rather, continuation of present uses at present intensities shall be allowed. Restoration is also encouraged to return this district to its natural depth, which has been altered by upwelling from adjacent upland disposal.

SECTION 3.2.496. Uses, Activities and Special Conditions. Table 19A-CA sets forth the uses and activities which are permitted, which may be permitted as conditional uses, or which are prohibited in this zoning district. Table 19A-CA also sets forth special conditions which may restrict certain uses or activities, or modify the manner in which certain uses or activities may occur. Reference to “policy numbers” refers to Plan Policies set forth in the Coos Bay Estuary Management Plan.

A. Uses:

1.	Aquaculture	ACU-S,G
2.	Commercial	N
3.	Docks	ACU-S,G
4.	Industrial and port facilities	N
5.	Log dump/sort/storage (in-water)	ACU-S,G
6.	Marinas	N
7.	Mining/mineral extraction	N
8.	Recreation facilities	
	a. Low-intensity	N
	b. High-intensity	N
9.	Utilities	
	a. Low-intensity	P-G
	b. High-intensity	P-G
10.	Bridge crossing support structures and dredging necessary for installation	N
11.	Bridge crossings	N

B. Activities:

1.	Dike	
	a. New construction	N
	b. Maintenance/repair	ACU-S, G
	c. Installation of tidegates in existing functional dikes	ACU-S, G
2.	Dredging	
	a. New	N
	b. Maintenance dredging of existing facilities	ACU-S, G
	c. To repair dikes and tidegates	N
3.	Dredged material disposal	N
4.	Fill	N
5.	Navigational	
	a. Aides	P-G
	b. Structures	N
	c. Minor navigational improvements	P-G
	d. Water-dependent commercial enterprises and activities	N
6.	Piling/dolphin installation	P-G
7.	Shoreline stabilization	
	a. Vegetative	P-G
	b. Riprap	ACU-S, G
	c. Bulkheads	ACU-S, G
8.	Mitigation	P-G
9.	Restoration	
	a. Active	ACU-S, G
	b. Passive	P-G
10.	Protection of habitat, nutrient, fish, wildlife and aesthetic	P
11.	Temporary alterations	ACU-S, G
12.	Research and educational observations	P
13.	Waste water/storm water discharge	ACU-S, G
14.	Research and educational observation structure	ACU-S, G

GENERAL CONDITIONS:

1. All uses and activities: Inventoried resources requiring mandatory protection are subject to Policies #17 and #18.

SPECIAL CONDITIONS:

Uses:

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 allowed; or, where aquaculture requires dredging or fill or other alteration of the estuary is subject to Policy #4a.

In addition, aquaculture shall be allowed when findings are developed which document that the proposed use is compatible with the log storage in the natural channel and future industrial use of the shoreland.

3. Construction of docks shall be allowed when findings are developed which document that the dock does not conflict with the log storage in the natural channel and future industrial use of the shoreland; further, it shall occupy the water surface by means other than fill.
5. This use shall be limited to log storage only.

New or expanded log storage shall only be permitted after review and approval by the Department of Environmental Quality (see Policy #5c).

Activities:

- 1b,1c. This activity is only permitted subject to the findings required by Policy #6, "Fill in Conservation and Natural Management Units", to finding that adverse impacts have been minimized (see Policy #5) and to Policy #8 requiring mitigation.
- 2b. This activity is only allowed subject to (1) the making of resource capability consistency findings and impact assessments (see Policy #4a); (2) a finding that adverse impacts have been minimized (see Policy #5); and (3) Policy #8 requiring mitigation.
- 5c. This activity is subject to Policy #12.
- 7b.,7c. These activities are only permitted subject to the general findings required by Policy #9, "Solutions to Erosion and Flooding Problems", preferring nonstructural to structural solutions, and to the specific findings for riprap. Riprap may be allowed 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.

Further, bulkheads are only allowed subject to (1) the making of resource capability consistency findings and impact assessments (see Policy #4a); (2) a finding that adverse impacts have been minimized (see Policy #5); (3) the findings required by Policy #6, "Fill in Conservation and Natural Management Units"; and (4) Policy #8 requiring mitigation.
- 9a. Active restoration shall be allowed only when consistent with Policy #22b.
11. This activity is only permitted subject to Policy #5a.
13. Waste water and storm water discharge, see Policy #25 and definition of "facility".
14. Subject to Policy #5d.

GENERAL LOCATION: UPPER BAY

ZONING DESIGNATION: 25-NA

ZONING DISTRICT: 25-NATURAL AQUATIC

SPECIFIC BOUNDARIES: This district consists of the inter-tidal marsh and tideflat area around Bull and associated islands in the southeast corner of the upper bay, together with adjacent subtidal areas northeast of the Coos River Channel, and scattered small upland islands.

SECTION 3.2.505. Management Objective: This district contains a major estuarine salt marsh and shall be managed in its natural condition to protect resource productivity and habitat values. Shoreline stabilization is allowed if breaching of the existing shoreline appears imminent.

SECTION 3.2.506. Uses, Activities and Special Conditions. Table 25-NA sets forth the uses and activities, which are permitted, which may be permitted as conditional uses, or which are prohibited in this zoning district. Table 25-NA also sets forth special conditions which may restrict certain uses or activities, or modify the manner in which certain uses or activities may occur. Reference to “policy numbers” refers to Plan Policies set forth in the Coos Bay Estuary Management Plan.

A. Uses:

1.	Aquaculture	ACU-S, G
2.	Commercial	N
3.	Docks	N
4.	Industrial and port facilities	N
5.	Log dump/sort/storage (in-water)	N
6.	Marinas	N
7.	Mining/mineral extraction	N
8.	Recreation facilities	
	a. Low-intensity	N
	b. High-intensity	N
9.	Utilities	
	a. Low-intensity	P-G
	b. High-intensity	N
10.	Bridge crossing support structures and dredging necessary for installation	N
11.	Bridge crossings	N

B. Activities:

1. Dikes

	a.	New construction	N
	b.	Maintenance/repair	N
	c.	Installation of tidegates in existing functional dikes	N
2.		Dredging	
	a.	New	N
	b.	Maintenance dredging of existing facilities	N
	c.	to repair dikes and tidegates	N
3.		Dredged material disposal	N
4.		Fill	N
5.		Navigational	
	a.	Aides	P-G
	b.	Structures	N
	c.	Minor navigational improvement	N
	d.	Water-dependent commercial enterprises & activities	N
6.		Piling/dolphin installation	N
7.		Shoreline stabilization	
	a.	Vegetative	P-G
	b.	Riprap	ACU-S, G
	c.	Bulkheads	N
8.		Mitigation	P-G
9.		Restoration	
	a.	Active	N
	b.	Passive	P-G
10.		Temporary alterations	N
11.		Protection of habitat, nutrient, fish, wildlife and aesthetic	P
12.		Research and education observations	P
13.		Waste water/storm water discharge	N
14.		Research and education observation structures	ACU-S, G

GENERAL CONDITIONS:

1. All uses and activities: Inventoried resources requiring mandatory protection are subject to Policies #17 and #18.

SPECIAL CONDITIONS:

Uses:

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.

Activities:

- 7b. These activities are permitted subject to the general findings required by Policy #9, "Solutions to Erosion and Flooding Problems", preferring nonstructural to structural solutions, and to the specific findings for riprap. Riprap may be allowed 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.
14. Subject to Policy #5d.

GENERAL LOCATION: UPPER BAY

ZONING DESIGNATION: 45A-CA

ZONING DISTRICT: 45A-CONSERVATION AQUATIC

SPECIFIC BOUNDARIES: This district is the narrow subtidal strip between the shipping channel to the west and the intertidal area to the east, beginning at MLLW.

SECTION 3.2.525. Management Objective: This district will be managed to protect the natural resources of the subtidal area adjacent to the channel, and to provide necessary navigational facilities and permit log storage. A temporary pipeline for dredged material disposal activities shall be allowed across this district. Outfall shall go directly to the main navigation channel.

SECTION 3.2.526. Uses, Activities and Special Conditions. Table 45A-CA sets forth the uses and activities which are permitted, which may be permitted as conditional uses, or which are prohibited in this zoning district. Table 45A-CA also sets forth special conditions which may restrict certain uses or activities, or modify the manner in which certain uses or activities may occur. Reference to “policy numbers” refers to Plan Policies set forth in the Coos Bay Estuary Management Plan.

A. Uses

1.	Aquaculture	ACU-S, G
2.	Commercial	N
3.	Docks	N
4.	Industrial and port facilities	N
5.	Log dump/sort/storage (in-water)	ACU-S, G
6.	Marinas	N
7.	Mining/mineral extraction	N
8.	Recreation facilities	
	a. Low-intensity	ACU-S, G
	b. High-intensity	N
9.	Utilities	
	a. Low-intensity	P-G
	b. High-intensity	N
10.	Bridge crossing support structures and dredging necessary for installation	N
11.	Bridge crossings	N/A

B. Activities:

1.	Dikes	
	a. New construction	N
	b. Maintenance/repair	N/A
	c. Installation of tidegates in existing functional dikes	N
2.	Dredging	
	a. New	N
	b. Maintenance dredging of existing facilities	ACU-S, G
	c. to repair dikes and tidegates	N/A
3.	Dredged material disposal	N
4.	Fill	N
5.	Navigational	
	a. Aides	P-G
	b. Structures	N
	c. Minor navigational improvement	P-G
	d. Water-dependent commercial enterprises and activities	N
6.	Piling/dolphin installation	P-G
7.	Shoreline stabilization	
	a. Vegetative	N/A
	b. Riprap	N/A
	c. Bulkheads	N/A
8.	Mitigation	P-G
9.	Restoration	
	a. Active	ACU-S, G
	b. Passive	P-G
10.	Protection of habitat, nutrient, fish, wildlife and aesthetic	P
11.	Temporary alterations	ACU-S, G
12.	Research and educational observations	S
13.	Waste water/storm water discharge	ACU-S, G
14.	Research and educational observation structures	N

GENERAL CONDITIONS:

1. All uses and activities: Inventoried resources requiring mandatory protection are subject to Policies #17 and #18.

SPECIAL CONDITIONS

Uses:

1. Aquaculture which does not involve dredge or fill or estuarine alteration other than incidental dredging for harvest of benthic species or removable in- Aquaculture which does not involve dredge or fill or other estuarine alteration water structures such as stakes or racks (commercial, not archaeological stakes or racks) is allowed; or, where aquaculture requires dredging or fill or other alteration of the estuary is subject to Policy #4a.

5. Continuation of present subtidal log storage shall be allowed, consistent with EQC Policy. Log dump sort, however, shall not be allowed.

New or expanded log storage shall only be permitted after review and approval by the Department of Environmental Quality (see Policy #5c).

- 8a. Such recreational facilities must be water-dependent.

Activities:

- 2b. This activity is only allowed subject to finding that adverse impacts have been minimized (see Policy #5) and to Policy #8 requiring mitigation.

In addition to the above requirements, when these activities involve dredging for log storage, these activities are only allowed subject to the making of resource capability consistency findings and impact assessments (see Policy #4a).

- 5c. This activity is subject to Policy #12.
- 9a. Active restoration shall be allowed only when consistent with Policy #22b.
11. This activity is only permitted subject to Policy #5a.
13. Waste water and storm water discharge, see Policy #25 and definition of "facility".

COOS RIVER/MILLICOMA RIVERS

ENTRANCE TO SHALLOW-DRAFT CHANNEL TO HEAD OF TIDAL
INFLUENCE, INCLUDING ADJACENT SHORELANDS

Shoreland Districts: 19 - 20 D

Aquatic Districts: 19 - 20 D

Districts are listed in numerical order,
Shoreland Districts first

GENERAL LOCATION: COOS RIVER

ZONING DESIGNATION: 19-D

ZONING DISTRICT: 19-DEVELOPMENT SHORELANDS

SPECIFIC BOUNDARIES: Northern Boundary - The northern most dike retaining the dredged material fill on the site known as Christianson Ranch. Southeastern Boundary - The southeastern end of the dike where the riparian vegetation begins at the border of Coos River.

SECTION 3.2.535. Management Objective: This district is a large parcel (152 acres) of filled, undeveloped property in a single ownership bordering on a maintained shallow-draft channel. While the site is presently suitable for pastureland, the Plan anticipates that these characteristics will make it an important water-dependent/water-related industrial site in the future. To protect the site for future industrial development the Plan designates it "D" (Development). The parcel's large size and the limitation on water access from only the Coos River shoreland makes it unlikely that the entire site can be utilized for only water-dependent/water-related uses.

Therefore, to assure that non-water-dependent/non-water-related uses that wish to locate on the site do not limit or preclude water-dependent uses of the shoreland, development must be consistent with a plot plan that accomplishes this goal and is approved by the Coos County Board of Commissioners or their designee.

SECTION 3.2.536. Uses, Activities and Special Conditions. Table 19-D sets forth the uses and activities, which are permitted, which may be permitted as conditional uses, or which are prohibited in this zoning district. Table 19-D also sets forth special conditions which may restrict certain uses or activities, or modify the manner in which certain uses or activities may occur. Reference to "policy numbers" refers to Plan Policies set forth in the Coos Bay Estuary Management Plan.

A. Uses

1.	Agriculture	P-G
2.	Airports	N
3.	Aquaculture	P-G
4.	Commercial	ACU-S, G
5.	Dryland moorage	P-G
6.	Industrial and Port facilities	P-G
7.	Land transportation facilities	P-G
8.	Log storage/sorting yard (land)	P-G
9.	Marinas	N
10.	Mining/mineral extraction	N
11.	Recreation facilities	
	a. Low-intensity	P-G
	b. High-intensity	P-G
12.	Residential	N
13.	Solid Waste Disposal	N

- | | | |
|-----|---------------------------|-----|
| 14. | Timber farming/harvesting | N/A |
| 15. | Utilities | |
| | a. Low-intensity | P-G |
| | b. High-intensity | P-G |

B. Activities

- | | | |
|-----|--|----------|
| 1. | Stream alteration | N/A |
| 2. | Dikes | |
| | a. New construction | N |
| | b. Maintenance/repair | P-G |
| 3. | Dredged material disposal | ACU-S, G |
| 4. | Excavation to create new water surface | P-G |
| 5. | Fill | P-G |
| 6. | Shoreline stabilization | |
| | a. Vegetative | P-G |
| | b. Riprap | ACU-S, G |
| | c. Retaining wall | ACU-S, G |
| 7. | Navigation aids | P-G |
| 8. | Mitigation | ACU-S, G |
| 9. | Restoration | |
| | a. Active | ACU-S, G |
| | b. Passive | ACU-S, G |
| 10. | Land divisions | |
| | a. Partition | ACU-S, G |
| | b. Subdivision | ACU-S, G |
| | c. Planned Unit Development | ACU-S, G |
| | d. Recreation PUD | N |

GENERAL CONDITIONS (the following conditions apply to all permitted uses and activities):

1. Inventoried resources requiring mandatory protection in this unit are subject to Policies #17 and #18.
2. Uses in this district are only permitted as stated in Policy #14, "General Policy on Uses within Rural Coastal Shorelands". Except as permitted outright, or where findings are made in this Plan, uses are only allowed subject to the findings in this policy.
3. All permitted uses shall be consistent with the respective flood regulations of local governments, as required in Policy #27.
4. In rural areas (outside of UGBs) utilities, public facilities and services shall only be provided subject to Policies #49, #50, and #51.

SPECIAL CONDITIONS

Uses:

4. Commercial uses are allowable only if they will not preclude future industrial use and water access as anticipated in the Management Objective.

Activities:

3. Dredge material disposal shall be allowed when consistent with Policy #20.
- 8.,9a.,9b. Restoration and mitigation are allowed only if they would not preclude future industrial use of the site.
- 6b.,6c. These activities are permitted subject to the findings required by Policy #9, "Solutions to Erosion and Flooding Problems".
10. Land divisions are only permitted where they meet the conditions in Policy #15.

SECTION 3.2.537. Land Development Standards. The requirements set forth in Table 3.2 shall govern development in the 19-D district.

GENERAL LOCATION: COOS RIVER

ZONING DESIGNATION: 19B-DA

ZONING DISTRICT: 19B-DEVELOPMENT AQUATIC

SPECIFIC BOUNDARIES: This district extends south to the Coos River navigation channel beginning at a line to the southwest that is opposite the southern tip of Bull Island and ending at a line to the southeast at the southeastern end of the Christianson Ranch dike. The boundary with the channel lies at -10 feet MLLW.

SECTION 3.2.540. Management Objective: This development aquatic district shall be managed primarily to maintain use of the channel for access to future upland development adjacent Christianson Ranch.

SECTION 3.2.541. Uses, Activities and Special Conditions. Table 19B-DA sets forth the uses and activities which are permitted, which may be permitted as conditional uses, or which are prohibited in this zoning district. Table 19B-DA also sets forth special conditions which may restrict certain uses or activities, or modify the manner in which certain uses or activities may occur. Reference to “policy numbers” refers to Plan Policies set forth in the Coos Bay Estuary Management Plan.

A. Uses:

1.	Aquaculture	ACU-S, G
2.	Commercial	N
3.	Docks	ACU-S, G
4.	Industrial and Port facilities	ACU-S, G
5.	Log dump/sort/storage (in-water)	ACU-S, G
6.	Marinas	N
7.	Mining/mineral extraction	ACU-S, G
8.	Recreation facilities	
	a. Low-intensity	N
	b. High-intensity	N
9.	Utilities	
	a. Low-intensity	P-G
	b. High-intensity	P-G
10.	Bridge crossing support structures and dredging necessary for installation	N
11.	Bridge crossings	N

B. Activities:

1.	Dikes	
	a. New construction	N
	b. Maintenance/repair	ACU-S, G
	c. Installation of tidegates in existing functional dikes	ACU-S, G
2.	Dredging	
	a. New	ACU-S, G

b.	Maintenance dredging of existing facilities	ACU-S, G
c.	To repair dikes and tidegates	N
3.	Dredged material disposal	N
4.	Fill	N
5.	Navigational	
a.	Aides	P-G
b.	Structures	N
c.	Minor navigational improvement	P-G
d.	Water-dependent commercial enterprises and activities	ACU-S, G
6.	Piling/dolphin installation	P-G
7.	Shoreline stabilization	
a.	Vegetative	P-G
b.	Riprap	ACU-S, G
c.	Bulkheads	ACU-S, G
8.	Mitigation	P-G
9.	Restoration	
a.	Active	ACU-S, G
b.	Passive	P-G
10.	Research and educational observations	P
11.	Protection of habitat, nutrient, fish, wildlife and aesthetic	P
12.	Temporary alterations	ACU-S, G
13.	Waste water/storm water discharge	ACU-S, G
14.	Research and educational observation structures	ACU-S, G

GENERAL CONDITIONS:

1. All uses and activities: Inventoried resources requiring mandatory protection are subject to Policies #17 and #18.

SPECIAL CONDITIONS

Uses:

1. Aquaculture is allowed whether dredging or fill or other alteration of the estuary is required 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.
3. Construction of docks shall be allowed only if findings are made which document that the docks do not conflict with the log storage or future industrial use of the shoreland.
4. If the use is water-related or non-dependent/non-related and does not require fill, findings must be made that the use is consistent with the resource capabilities and purposes of this district. Fill is not permitted for non-water-dependent use.
5. This use shall normally be limited to log storage only. Log dumping shall be allowed when authorized in conjunction with an approved plot plan for development.

New or expanded log storage shall only be permitted after review and approval by the Department of Environmental Quality (see Policy #5c).

7. This use shall occur only if it does not interfere with moorage and log storage, and if consistent with the resource capabilities of the area and the purposes of the management objective.

Activities:

- 1b,1c,2a,2b,5d. These activities are only allowed subject to finding that adverse impacts have been minimized (see Policy #5); and to Policy #8 requiring mitigation.
- 5c. This activity is subject to Policy #12.
- 7b.,7c. These activities are 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 riprap. Riprap may be allowed 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.

Further, bulkheads are only allowed subject to (1) the making of resource capability consistency findings and impact assessments (see Policy #4a); (2) a finding that adverse impacts have been minimized (see Policy #5); and (3) Policy #8 requiring mitigation.
- 9a. Active restoration shall be allowed only when consistent with Policy #22b.
12. Subject to Policy #5a.
13. Waste water and storm water discharge, see Policy #25 and definition of "facility".
14. Subject to policy #5d.

GENERAL LOCATION: COOS RIVER/MILLICOMA RIVER

ZONING DESIGNATION: 20-RS

ZONING DISTRICT: 20-RURAL SHORELANDS

SPECIFIC BOUNDARIES: This district consists of the majority of both shores of the Coos-Millicoma Rivers, plus Daniels and Lillian Creeks, from the mouth to above the heads-of-tide. The district does not include the Harbor Barge and Tug site, the barge site at the river forks or the log sorting sites at Allegany and Dellwood. Western Boundary - The north shore boundary begins at the eastern edge of the Christianson Ranch dike. The south shore boundary begins at the junction of East Catching Slough Road and Gunnell Road. Eastern Boundary - The district ends 1000-feet above heads-of-tide of the Coos and Millicoma Rivers.

SECTION 3.2.545. Management Objective: This district shall be managed for rural uses along with recreational access. Enhancement of riparian vegetation for water quality, bankline stabilization, and wildlife habitat shall be encouraged, particularly for purposes of salmonid protection. This district contains two designated mitigation sites, U-17(a) and (b), "medium" priority, which shall be protected as required by Policy #22.

SECTION 3.2.546. Uses, Activities and Special Conditions. Table 20-RS sets forth the uses and activities which are permitted, which may be permitted as conditional uses, or which are prohibited in this zoning district. Table 20-RS also sets forth special conditions which may restrict certain uses or activities, or modify the manner in which certain uses or activities may occur. Reference to "policy numbers" refers to Plan Policies set forth in the Coos Bay Estuary Management Plan.

A. Uses:

1.	Agriculture	P-G
2.	Airports	N
3.	Aquaculture	P-G
4.	Commercial	N
5.	Dryland moorage	N
6.	Industrial and Port facilities	N
7.	Land transportation facilities	P-G
8.	Log storage/sorting yard (land)	ACU-S, G
9.	Marinas	N
10.	Mining/mineral extraction	N
11.	Recreation facilities	
	a. Low-intensity	P-G
	b. High-intensity	ACU-S, G
12.	Residential	P-G
13.	Solid waste disposal	ACU-S, G
14.	Timber farming/harvesting	N/A
15.	Utilities	
	a. Low-intensity	P-G
	b. High-intensity	N

B. Activities

1.	Stream alteration	ACU-S, G
2.	Dikes	
	a. New construction	ACU-S, G
	b. Maintenance/repair	ACU-S, G
3.	Dredged material disposal	ACU-S, G
4.	Excavation to create new water surface	ACU-S, G
5.	Fill	ACU-S, G
6.	Shoreline stabilization	
	a. Vegetative	P-G
	b. Riprap	ACU-S, G
	c. Retaining wall	ACU-S, G
7.	Navigation aids	P-G
8.	Mitigation	P-G
9.	Restoration	
	a. Active	ACU-S, G
	b. Passive	ACU, G
10.	Land divisions	
	a. Partition	ACU-S, G
	b. Subdivision	ACU-S, G
	c. Planned Unit Development	ACU-S, G
	d. Recreation PUD	N

GENERAL CONDITIONS (the following conditions apply to all permitted uses and activities):

1. Inventoried resources requiring mandatory protection in this district are subject to Policies #17 and #18.
2. All permitted uses and activities shall be consistent with Policy #23, requiring protection of riparian vegetation.

The following conditions apply to all permitted uses

3. Where "agricultural lands" or "forest lands" occur within this district, as identified in the "Special Considerations Map", uses in these areas shall be limited to those permitted in Policies #28 and #34.
4. Uses in this district are only permitted as stated in Policy #14, "General Policy on Uses within Rural Coastal Shorelands" except as permitted outright, or where findings are made in this Plan, uses are only allowed subject to the findings in this policy.
5. All permitted uses shall be consistent with the respective flood regulations of local governments, as required in Policy #27.
6. On designated mitigation/restoration sites, all uses/activities shall only be permitted subject to the conditions in Policy #22.

7. In rural areas (outside of UGBs) utilities, public facilities and services shall only be provided subject to Policies #49, #50, and #51.

SPECIAL CONDITIONS

Uses:

8. This use is limited to those areas where the use existed prior to the time of plan adoption.
- 11b. Public access through construction of additional boat ramps in this area shall be allowed for purposes of enhancement of recreational opportunities.
13. Industrial solid waste disposal shall be allowed if findings document that the process is consistent with the Management Objective.

Activities:

1. Stream alterations shall be allowed when findings are made which document that the alternations will not negatively impact bankline stabilization or salmonid populations.
- 2a,2b Only new dikes to permit utilization of property for restoration/resource enhancement shall be allowed.
3. Disposal of dredged materials from the Coos River and Millicoma River Channels may occur on neighboring farm lands but shall not impact protected wetlands and riparian vegetation (see Policies #19 and #23).
4. Creation of ponds or additional water surfaces shall only be allowed for restoration/resource enhancement or agricultural uses.
5. Fill shall not be allowed in areas of "wet meadow" wetland, as identified on the "Special Considerations Map", except as otherwise allowed in Policy #19.
- 6b,6c. These activities are only permitted subject to the findings required by Policy #9, "Solutions to Erosion and Flooding Problems".
- 9a. Active restoration shall be allowed only when consistent with Policy #22b.
10. Land Divisions are only permitted where they meet the conditions in Policy #15.

SECTION 3.2.547. Land Development Standards. The requirements set forth in Table 3.2 shall govern development in the 20-RS district.

GENERAL LOCATION: COOS RIVER/MILLICOMA RIVER

ZONING DESIGNATION: 20-CA

ZONING DISTRICT: 20-CONSERVATION AQUATIC

SPECIFIC BOUNDARIES: This district extends from the banks to the shallow-draft channel on both sides of the Coos and Millicoma Rivers from River Mile 0 of the authorized channel to the heads-of-tide past Allegany and Dellwood. The district does not include the aquatic areas directly in front of the Harbor Barge and Tug facility, the barge site at the forks or the log sorting sites at Allegany and Dellwood. It does include the tidal portions of Lillian Creek and Daniels Creek.

SECTION 3.2.550. Management Objective: This aquatic district shall be managed to allow log transport while protecting fish habitat. Log storage shall be allowed in areas of this district which are near shoreland log sorting areas at Allegany, Shoreland District 20C, and Dellwood, Shoreland District 20D, as well as in areas for which valid log storage and handling leases exist from the Division of State Lands.

SECTION 3.2.551. Uses, Activities and Special Conditions. Table 20-CA sets forth the uses and activities which are permitted, which may be permitted as conditional uses, or which are prohibited in this zoning district. Table 20-CA also sets forth special conditions which may restrict certain uses or activities, or modify the manner in which certain uses or activities may occur. Reference to “policy numbers” refers to Plan Policies set forth in the Coos Bay Estuary Management Plan.

A. Uses:

1.	Aquaculture	ACU-S, G
2.	Commercial	N
3.	Docks	ACU-S, G
4.	Industrial & port facilities	N
5.	Log dump/sort/storage (in-water)	ACU-S, G
6.	Marinas	N
7.	Mining/mineral extraction	N
8.	Recreation facilities	
	a. Low-intensity	ACU-S, G
	b. High-intensity	ACU-S, G
9.	Utilities	
	a. Low-intensity	P-G
	b. High-intensity	P-G
10.	Bridge crossing support structures and dredging necessary for installation	ACU-S, G
11.	Bridge crossings	ACU-S, G

B. Activities

1.	Dikes	
	a.	New construction N
	b.	Maintenance/repair ACU-S, G
	c.	Installation of tidegates in existing functional dikes ACU-S, G
2.	Dredging	
	a.	New N
	b.	Maintenance dredging of existing ACU-S, G
	c.	To repair dikes and tidegates ACU-S, G
3.	Dredged material disposal	N
4.	Fill	N
	a.	Aides P-G
	b.	Structures N
	c.	Minor navigational improvement P-G
	d.	Water-dependent commercial enterprises and activities N
6.	Piling/dolphin installation	P-G
7.	Shoreline stabilization	
	a.	Vegetative P-G
	b.	Riprap ACU-S, G
	c.	Bulkheads ACU-S, G
8.	Mitigation	P-G
9.	Restoration	
	a.	Active ACU-S, G
	b.	Passive P-G
10.	Protection of habitat, nutrient, fish, wildlife, aesthetic,	P
11.	Temporary alterations	ACU-S, G
12.	Research and educational observations	P
13.	Waste water/storm water discharge	ACU-S, G
14.	Research and educational observation structures	N

GENERAL CONDITIONS:

1. All uses and activities: Inventoried resources requiring mandatory protection are subject to Policies #17 and #18.

SPECIAL CONDITIONS

Uses:

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 allowed; or, where aquaculture requires dredging or fill or other alteration of the estuary is subject to Policy #4a.
3. Docks shall be limited to small-scale private boat docks, and shall occupy the water surface by means other than fill.
5. This use shall be limited to log storage and log sorting.

New or expanded log storage shall only be permitted after review and approval by the

Department of Environmental Quality (see Policy #5c).

- 8a. Boat ramps for public use where no dredging or fill for navigational access is needed (see definition of "Recreation").
- 8b. These uses are only allowed subject to the making of resource capability consistency findings and impact assessments (see Policy #4a).
- 10.,11. This use is allowed subject to the findings in Policy #6.

Activities:

- 1b,1c. These activities are permitted subject to the findings required by Policy #6, "Fill in Conservation and Natural Management Units", and subject to finding that adverse impacts have been minimized (see Policy #5); and to Policy #8 requiring mitigation.
- 2b. Where intertidal areas are affected, these activities are only allowed subject to finding that adverse impacts have been minimized (see Policy #5), and subject to Policy #8 requiring mitigation.

In addition to the above requirements, when this activity involves dredging for log storage, the activity is only allowed subject to the making of resource capability consistency findings and impact assessments (see Policy #4a).

- 2c. Dredging is only permitted to maintain/repair tidegates or for emergency repair of dikes where breaching has occurred or is in imminent danger of occurring. Dredging shall be limited to the minimum necessary for functional operation (Policy #5).
- 5c. This activity is subject to Policy #12.
- 7b.,7c These activities are 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 riprap. Riprap may be allowed 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.

Further, bulkheads are only allowed subject to (1) the making of resource capability consistency findings and impact assessments (see Policy #4a); (2) a finding that adverse impacts have been minimized (see Policy #5); (3) to findings required by Policy #6, "Fill in Conservation and Natural Management Units", and (4) Policy #8 requiring mitigation.

- 9a. Active restoration shall be allowed only when consistent with Policy #22b.
- 11. This activity is only permitted subject to Policy #5a.
- 13. Waste water and storm water discharge, see Policy #25 and definition of "facility".

GENERAL LOCATION: COOS RIVER

ZONING DESIGNATION: 20A-WD

ZONING DISTRICT: 20A-WATER DEPENDENT DEVELOPMENT SHORELANDS

SPECIFIC BOUNDARIES: This district is the Harbor Tug and Barge facility on the south shore of Coos River Eastern Boundary - The Chandler Bridge; Western Boundary - 1,000-feet west from the eastern boundary.

SECTION 3.2.555. Management Objective: This area is suited and appropriate for industrial development; and has limited suitability for water-dependent/water-related uses; expansion of existing tugs and barge business situated along the south shore of Coos River shall be allowed. Non-water-dependent/non-water-related industrial uses shall be allowed for the area situated between Coos River Highway No. 241 and Coos River Market Road No. 26, subject only to plot plan review, when such non-water-dependent/non-water-related industrial uses are found to meet the applicable "general conditions" set forth at Section 3.2.556.

SECTION 3.2.556. Uses, Activities and Special Conditions. Table 20A-WD sets forth the uses and activities which are permitted, which may be permitted as conditional uses, or which are prohibited in this zoning district. Table 20A-WD also sets forth special conditions which may restrict certain uses or activities, or modify the manner in which certain uses or activities may occur. Reference to "policy numbers" refers to Plan Policies set forth in the Coos Bay Estuary Management Plan.

A. Uses:

1.	Agriculture	N
2.	Airports	N
3.	Aquaculture	N
4.	Commercial	ACU-S,G
5.	Dryland moorage	P-G
6.	Industrial & Port facilities	ACU-S,G
7.	Land transportation facilities	P-G
8.	Log storage/sorting yard (land)	N
9.	Marinas	N
10.	Mining/mineral extraction	N
11.	Recreation facilities	
	a. Low-intensity	P-G
	b. High-intensity	P-G
12.	Residential	N
13.	Solid waste disposal	N
14.	Timber farming/harvesting	N
15.	Utilities	
	a. Low-intensity	N
	b. High-intensity	N
16.	Energy production	ACU-S,G
17.	Water-borne transportation	ACU-S,G

B. Activities:

1.	Stream alteration	P-G
2.	Dikes	
	a. New construction	P-G
	b. Maintenance/repair	P-G
3.	Dredged material disposal	ACU-S, G
4.	Excavation to create new water surface	P-G
5.	Fill	P-G
6.	Shoreline stabilization	
	a. Vegetative	P-G
	b. Riprap	ACU-S, G
	c. Retaining wall	ACU-S, G
7.	Navigation aids	P-G
8.	Mitigation	N
9.	Restoration	
	a. Active	N
	b. Passive	N
10.	Land divisions	
	a. Partition	ACU-S, G
	b. Subdivision	ACU-S, G
	c. Planned Unit Development	ACU-S, G
	d. Recreation PUD	N

GENERAL CONDITIONS

1. Uses in this district are only permitted as stated in Policy #14 "General Policy on Uses within Rural Coastal Shorelands" except as permitted outright, or where findings are made in this Plan, uses are only allowed subject to the findings in this policy.
2. All permitted uses shall be consistent with the respective flood regulations of local governments as required in Policy #27.
3. In rural areas (outside of UGBs) utilities, public facilities and services shall only be provided subject to Policies #49, #50, and #51.
4. All uses and activities: Inventoried resources requiring mandatory protection are subject to Policies #17 and #18.

SPECIAL CONDITIONS

Uses:

- 4.,6.,16.,17. These uses are subject to review and approval when consistent with Policy #16.

Activities:

3. Dredge material disposal shall be allowed when consistent with Policy #20.

6b,6c. These activities are permitted subject to the findings required by Policy #9, "Solutions to Erosion and Flooding Problems".

10. Land divisions are only permitted where they meet the conditions in Policy #15.

SECTION 3.2.557. Land Development Standards. The requirements set forth in Table 3.2 shall govern development in the 20A-WD district.

GENERAL LOCATION: COOS RIVER

ZONING DESIGNATION: 20A-DA

ZONING DISTRICT: 20A-DEVELOPMENT AQUATIC

SPECIFIC BOUNDARIES: This district fronts the Harbor Barge and Tug facility beginning on the south shore of Coos River and the Chandler Bridge and extending down river 1,000-feet. The district extends toward the channel to the -8 foot MLLW contour.

SECTION 3.2.560. Management Objective: This district shall be managed in conjunction with adjacent Shoreland district 20A WD to facilitate the continuation and possible expansion of the existing tug and barge business which makes its base of operations in the district.

SECTION 3.2.561. Uses, Activities and Special Conditions. Table 20A-DA sets forth the uses and activities which are permitted, which may be permitted as conditional uses, or which are prohibited in this zoning district. Table 20A-DA also sets forth special conditions which may restrict certain uses or activities, or modify the manner in which certain uses or activities may occur. Reference to “policy numbers” refers to Plan Policies set forth in the Coos Bay Estuary Management Plan.

A. Uses:

- | | | |
|-----|--|----------|
| 1. | Aquaculture | N |
| 2. | Commercial | N |
| 3. | Docks | P-G |
| 4. | Industrial & Port facilities | ACU-S, G |
| 5. | Log dump/sort/storage (in-water) | ACU-S, G |
| 6. | Marinas | N |
| 7. | Mining/mineral extraction | N |
| 8. | Recreation facilities | |
| | a. Low-intensity | N |
| | b. High-intensity | N |
| 9. | Utilities | |
| | a. Low-intensity | P-G |
| | b. High-intensity | P-G |
| 10. | Bridge crossing support structures and dredging necessary for installation | N |
| 11. | Bridge crossings | N |

B. Activities:

1.	Dikes		
	a.	New construction	N
	b.	Maintenance/repair	ACU-S, G
	c.	Installation of tidegates in existing functional dikes	N
2.	Dredging		
	a.	New	N
	b.	Maintenance dredging of existing facilities	ACU-S, G
	c.	to repair dikes and tidegates	N
3.	Dredged material disposal		N
4.	Fill		ACU-S, G
5.	Navigational		
	a.	Aides	P-G
	b.	Structures	N
	c.	Minor navigational improvements	P-G
	d.	Water-dependent commercial enterprises and activities	ACU-S, G
6.	Piling/dolphin installation		P-G
7.	Shoreline stabilization		
	a.	Vegetative	P-G
	b.	Riprap	ACU-S, G
	c.	Bulkheads	ACU-S, G
8.	Mitigation		P-G
9.	Restoration		
	a.	Active	ACU-S, G
	b.	Passive	P-G
10.	Research and educational observations		P
11.	Protection of habitat, nutrient, fish, wildlife and aesthetic		P
12.	Temporary alterations		N
13.	Waste water/storm water discharge		ACU-S, G
14.	Research and educational observation structures		N

GENERAL CONDITIONS:

1. All uses and activities: Inventoried resources requiring mandatory protection are subject to Policies #17 and #18.

SPECIAL CONDITIONS

Uses:

4. If the use is water-related or non-dependent/non-related and does not require fill, findings must be made that the use is consistent with the resource capabilities and purposes of the management unit. Fill is not permitted for non-water-dependent uses.
5. This use shall be limited to log storage.

New or expanded log storage shall only be permitted after review and approval by the Department of Environmental Quality (see Policy #5c).

Activities:

- 1b. This activity is only allowed subject to finding that adverse impacts have been minimized (see Policy #5); and to Policy #8 requiring mitigation.
- 2b.,4.,5d. These activities are only allowed subject to finding that adverse impacts have been minimized (see Policy #5); and to Policy #8 requiring mitigation.
- 5c. This activity is subject to Policy #12.
- 7b.,7c. These activities are 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 riprap. Riprap may be allowed 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.

Further, bulkheads are only allowed subject to (1) the making of resource capability consistency findings and impact assessments (see Policy #4a); (2) a finding that adverse impacts have been minimized (see Policy #5); and (3) Policy #8 requiring mitigation.
- 9a. Active restoration shall be allowed only when consistent with Policy #22b.
13. Waste water and storm water discharge, see Policy #25 and definition of "facility".

GENERAL LOCATION: COOS RIVER/MILLICOMA RIVER

ZONING DESIGNATION: 20B-WD

ZONING DISTRICT: 20B-WATER-DEPENDENT DEVELOPMENT SHORELANDS

SPECIFIC BOUNDARIES: This district is the barge loading facility on the north shore of the Coos River at the fork with the Millicoma River.

SECTION 3.2.565. Management Objective: This district shall be managed to facilitate the continuation and possible expansion of an existing rock products trans-shipment facility, which provides important water access for the transport by barge of rock products mined in the uplands above Coos River.

SECTION 3.2.566. Uses, Activities and Special Conditions. Table 20B-WD sets forth the uses and activities which are permitted, which may be permitted as conditional uses, or which are prohibited in this zoning district. Table 20B-WD also sets forth special conditions which may restrict certain uses or activities, or modify the manner in which certain uses or activities may occur. Reference to “policy numbers” refers to Plan Policies set forth in the Coos Bay Estuary Management Plan.

A. Uses:

1.	Agriculture	N
2.	Airports	N
3.	Aquaculture	N
4.	Commercial	N
5.	Dryland moorage	N
6.	Industrial and Port facilities	ACU-S,G
7.	Land transportation facilities	P-G
8.	Log storage/sorting yard (land)	N
9.	Marinas	N
10.	Mining/mineral extraction	N
11.	Recreation facilities	
	a. Low-intensity	N
	b. High-intensity	N
12.	Residential	N
13.	Solid waste disposal	N
14.	Timber farming/harvesting	N
15.	Utilities	
	a. Low-intensity	P-G
	b. High-intensity	N
16.	Energy production	ACU-S,G
17.	Water-borne transportation	ACU-S,G

B. Activities:

1.	Stream alteration	P-G
2.	Dikes	
	a. New construction	P-G
	b. Maintenance/repair	P-G
3.	Dredged material disposal	ACU-S, G
4.	Excavation to create new water surface	P-G
5.	Fill	P-G
6.	Shoreline stabilization	
	a. Vegetative	P-G
	b. Riprap	ACU-S, G
	c. Retaining wall	ACU-S, G
7.	Navigation aids	P-G
8.	Mitigation	N/A
9.	Restoration	
	a. Active	N/A
	b. Passive	N/A
10.	Land divisions	
	a. Partition	ACU-S, G
	b. Subdivision	ACU-S, G
	c. Planned Unit Development	ACU-S, G
	d. Recreation PUD	N

GENERAL CONDITIONS

1. Uses in this district are permitted as stated in Policy #14, "General policy on Uses within Rural Coastal Shorelands". Except as permitted outright, or where findings are made in this Plan, uses are only allowed subject to the findings in this policy.
2. All permitted uses and activities shall be consistent with Policy #23, requiring protection of riparian vegetation.
3. All permitted uses shall be consistent with the respective flood regulations of local governments, as required in Policy #27.
4. In rural areas (outside of UGBs) utilities, public facilities and services shall only be provided subject to Policies #49, #50, and #51.
5. All uses and activities: Inventoried resources requiring mandatory protection are subject to Policies #17 and #18.

SPECIAL CONDITIONS

Uses:

6.,16.,17. These uses are subject to review and approval when consistent with Policy #16.

Activities

3. Dredge material disposal shall be allowed when consistent with Policy #20.

6b,6c. These activities are permitted subject to the findings required by Policy #9, "Solutions to Erosion and Flooding Problems".

10. Land divisions are only permitted where they meet the conditions in Policy #15.

SECTION 3.2.567. Land Development Standards. The requirements set forth in Table 3.2 shall govern development in the 20B-WD district.

GENERAL LOCATION: COOS RIVER/MILLICOMA RIVER

ZONING DESIGNATION: 20B-DA

ZONING DISTRICT: 20B-DEVELOPMENT AQUATIC

SPECIFIC BOUNARIES: This district is an area approximately 2,200-feet in length directly in front of the rock resource loading facility on the north shore of Coos River at the fork with the Millicoma River.

SECTION 3.2.570. Management Objective: This district shall be managed to facilitate the continuation and possible expansion of an existing rock products trans-shipment facility, which provides important water access for the transport by barge of rock products mined in the uplands above Coos River.

SECTION 3.2.571. Uses, Activities and Special Conditions. Table 20B-DA sets forth the uses and activities which are permitted, which may be permitted as conditional uses, or which are prohibited in this zoning district. Table 20B-DA also sets forth special conditions which may restrict certain uses or activities, or modify the manner in which certain uses or activities may occur. Reference to “policy numbers” refers to Plan Policies set forth in the Coos Bay Estuary Management Plan.

A. Uses:

- | | | |
|-----|--|----------|
| 1. | Aquaculture | N |
| 2. | Commercial | N |
| 3. | Docks | P-G |
| 4. | Industrial & Port facilities | ACU-S, G |
| 5. | Log dump/sort/storage (in-water) | ACU-S, G |
| 6. | Marinas | N |
| 7. | Mining/mineral extraction | N |
| 8. | Recreation facilities | |
| | a. Low-intensity | N |
| | b. High-intensity | N |
| 9. | Utilities | |
| | a. Low-intensity | P-G |
| | b. High-intensity | P-G |
| 10. | Bridge crossing support structures and dredging necessary for installation | N |
| 11. | Bridge crossings | N |

B. Activities

1.	Dikes	
	a. New construction	N
	b. Maintenance/repair	ACU-S, G
	c. Installation of tidegates in existing functional dikes	N
2.	Dredging	
	a. New	N
	b. Maintenance dredging of existing facilities	ACU-S, G
	c. to repair dikes and tidegates	N
3.	Dredged material disposal	N
4.	Fill	ACU-S, G
5.	Navigational	
	a. Aides	P-G
	b. Structures	N
	c. Minor navigational improvement	P-G
	d. Water-dependent commercial enterprises and activities	ACU-S, G
6.	Piling/dolphin installation	P-G
7.	Shoreline stabilization	
	a. Vegetative	P-G
	b. Riprap	ACU-S, G
	c. Bulkheads	ACU-S, G
8.	Mitigation	P-G
9.	Restoration	
	a. Active	ACU-S, G
	b. Passive	P-G
10.	Research and educational observations	P
11.	Protection of habitat, nutrient, fish, wildlife and aesthetic	P
12.	Temporary alterations	N
13.	Waste water/storm water discharge	ACU-S, G
14.	Research and educational observation structures	N

GENERAL CONDITIONS:

1. All uses and activities: Inventoried resources requiring mandatory protection are subject to Policies #17 and #18.

SPECIAL CONDITIONS

Uses:

4. If the use is water-related or non-dependent/non-related and does not require fill, findings must be made that the use is consistent with the resource capabilities and purposes of the management unit. Fill is not permitted for non-water-dependent uses.
5. This use shall be limited to log storage only.

New or expanded log storage shall only be permitted after review and approval by the Department of Environmental Quality (see Policy #5c).

Activities:

- 1b. This activity is only allowed subject to finding that adverse impacts have been minimized (see Policy #5); and to Policy #8 requiring mitigation.
- 2b.,5d. These activities are allowed subject to finding that adverse impacts have been minimized (see Policy #5); and to Policy #8 requiring mitigation.
4. Aquatic fills shall be limited to the minimum necessary to improve access to the existing rock loading facility; fills shall not be allowed to create any new areas for barge loading. This activity is only allowed subject to finding that adverse impacts have been minimized (see Policy #5); and to Policy #8 requiring mitigation.
- 5c. This activity is subject to Policy #12.
- 7b.,7c. These activities are 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 riprap. Riprap may be allowed 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.

Further, bulkheads are only allowed subject to (1) the making of resource capability consistency findings and impact assessments (see Policy #4a); (2) a finding that adverse impacts have been minimized (see Policy #5); and (3) Policy #8 requiring mitigation.

- 9a. Active restoration shall be allowed only when consistent with Policy #22b.
13. Waste water and storm water discharge, see Policy #25 and definition of "facility".

GENERAL LOCATION: MILLICOMA RIVER

ZONING DESIGNATION: 20C-WD

ZONING DISTRICT: 20C-WATER-DEPENDENT DEVELOPMENT SHORELANDS

SPECIFIC BOUNDARIES: The log sorting and barge loading facility at Allegany on the south shore of the Millicoma River at approximately Mile 8.25. The district is approximately 3,000-feet of shoreline.

SECTION 3.2.575. Management Objective: This shoreland district shall be managed for the continuation and possible expansion of development uses associated with the initial sorting and transfer of forest resources harvested in the surrounding watershed, in preparation for water transport.

SECTION 3.2.576. Uses, Activities and Special Conditions. Table 20C-WD sets forth the uses and activities which are permitted, which may be permitted as conditional uses, or which are prohibited in this zoning district. Table 20C-WD also sets forth special conditions which may restrict certain uses or activities, or modify the manner in which certain uses or activities may occur. Reference to “policy numbers” refers to Plan Policies set forth in the Coos Bay Estuary Management Plan.

A. Uses:

1.	Agriculture	N
2.	Airports	N
3.	Aquaculture	N
4.	Commercial	N
5.	Dryland moorage	N
6.	Industrial and Port facilities	ACU-S,G
7.	Land transportation facilities	P-G
8.	Log storage/sorting yard (land)	P-G
9.	Marinas	N
10.	Mining/mineral extraction	N
11.	Recreation facilities	
	a. Low-intensity	N
	b. High-intensity	N
12.	Residential	N
13.	Solid waste disposal	N
14.	Timber farming/harvesting	N
15.	Utilities	
	a. Low-intensity	P-G
	b. High-intensity	P-G
16.	Energy production	ACU-S,G
17.	Water-borne transportation	ACU-S,G

B. Activities

1.	Stream alteration	P-G
2.	Dikes	
	a. New construction	P-G
	b. Maintenance/repair	P-G
3.	Dredged material disposal	ACU-S, G
4.	Excavation to create new water surface	P-G
5.	Fill	P-G
6.	Shoreline stabilization	
	a. Vegetative	P-G
	b. Riprap	ACU-S, G
	c. Retaining wall	ACU-S, G
7.	Navigation aids	P-G
8.	Mitigation	P-G
9.	Restoration	
	a. Active	ACU-S, G
	b. Passive	P-G
10.	Land divisions	
	a. Partition	ACU-S, G
	b. Subdivision	ACU-S, G
	c. Planned Unit Development	ACU-S, G
	d. Recreation PUD	N

GENERAL CONDITIONS

1. Uses in this district are only permitted as stated in Policy #14, "General Policy on Uses within Rural Coastal Shorelands". Except as permitted outright, or where findings are made in this Plan, uses are only allowed subject to the findings in this policy.
2. All permitted uses and activities shall be consistent with Policy #23, requiring protection of riparian vegetation.
3. All permitted uses shall be consistent with the respective flood regulations of local governments, as required in Policy #27.
4. In rural areas (outside of UGBs) utilities, public facilities and services shall only be provided subject to Policies #49, #50, and #51.
5. All uses and activities: Inventoried resources requiring mandatory protection are subject to Policies #17 and #18.

SPECIAL CONDITIONS

Uses:

6.,16.,17. These uses are subject to review and approval when consistent with Policy #16.

Activities:

3. Dredge material disposal shall be allowed when consistent with Policy #20.

6b,6c. These activities are permitted subject to the findings required by Policy #9, "Solutions to Erosion and Flooding Problems".

9a. Active restoration shall be allowed only when consistent with Policy #22b.

10. Land divisions are only permitted where they meet the conditions in Policy #15.

SECTION 3.2.577. Land Development Standards. The requirements set forth in Table 3.2 shall govern development in the 20C-WD district.

GENERAL LOCATION: MILLICOMA RIVER

ZONING DESIGNATION: 20C-DA

ZONING DISTRICT: 20C-DEVELOPMENT AQUATIC

SPECIFIC BOUNDARIES: This district is on the east shore of the Millicoma River and is an area approximately 3,000-feet in length directly in front of the log sorting and transfer facilities at Allegany, approximately Mile 8.25, and extending to the shallow-draft channel.

SECTION 3.2.580. Management Objective: This district shall be managed to allow water access for the purpose of transporting forest resources.

SECTION 3.2.581. Uses, Activities and Special Conditions. Table 20C-DA sets forth the uses and activities which are permitted, which may be permitted as conditional uses, or which are prohibited in this zoning district. Table 20C-DA also sets forth special conditions which may restrict certain uses or activities, or modify the manner in which certain uses or activities may occur. Reference to “policy numbers” refers to Plan Policies set forth in the Coos Bay Estuary Management Plan.

A. Uses:

- | | | |
|-----|--|----------|
| 1. | Aquaculture | N |
| 2. | Commercial | N |
| 3. | Docks | P-G |
| 4. | Industrial & Port facilities | ACU-S, G |
| 5. | Log dump/sort/storage (in-water) | ACU-S, G |
| 6. | Marinas | N |
| 7. | Mining/mineral extraction | N |
| 8. | Recreation facilities | |
| | a. Low-intensity | N |
| | b. High-intensity | N |
| 9. | Utilities | |
| | a. Low-intensity | P-G |
| | b. High-intensity | P-G |
| 10. | Bridge crossing support structures and dredging necessary for installation | N |
| 11. | Bridge crossings | N |

B. Activities:

- | | | | |
|-----|---|--|----------|
| 1. | Dikes | | |
| | a. | New construction | N |
| | b. | Maintenance/repair | ACU-S, G |
| | c. | Installation of tidegates in existing functional dikes | N |
| 2. | Dredging | | |
| | a. | New | N |
| | b. | Maintenance dredging of existing facilities | ACU-S, G |
| | c. | To repair dikes and tidegates | N |
| 3. | Dredged material disposal | | N |
| 4. | Fill | | ACU-S, G |
| 5. | Navigational | | |
| | a. | Aides | P-G |
| | b. | Structures | N |
| | c. | Minor navigational improvement | P-G |
| | d. | Water-dependent commercial enterprises and activities | ACU-S, G |
| 6. | Piling/dolphin installation | | P-G |
| 7. | Shoreline stabilization | | |
| | a. | Vegetative | P-G |
| | b. | Riprap | ACU-S, G |
| | c. | Bulkheads | ACU-S, G |
| 8. | Mitigation | | P-G |
| 9. | Restoration | | |
| | a. | Active | ACU-S, G |
| | b. | Passive | P-G |
| 10. | Research and educational observations | | P |
| 11. | Protection of habitat, nutrient, fish, wildlife, aesthetic, | | P |
| 12. | Temporary alterations | | N |
| 13. | Waste water/storm water discharge | | ACU-S, G |
| 14. | Research and educational observation structures | | N |

GENERAL CONDITIONS:

1. All uses and activities: Inventoried resources requiring mandatory protection are subject to Policies #17 and #18.

SPECIAL CONDITIONS

Uses:

4. If the use is water-related or non-dependent/non-related and does not require fill, findings must be made that the use is consistent with the resource capabilities and purposes of the management unit. Fill is not permitted for non-water-dependent uses.
5. New or expanded log storage shall only be permitted after review and approval by the Department of Environmental Quality (see Policy #5c).

Activities:

- 1b,2b,5d. These activities are allowed subject to finding that adverse impacts have been minimized (see Policy #5); and to Policy #8 requiring mitigation.
4. Fills shall be limited to the minimum necessary to improve access to the water area; fills to create extra land area are not allowed. This activity is only allowed subject to finding that adverse impacts have been minimized (see Policy #5); and to Policy #8 requiring mitigation.
- 5c. This activity is subject to Policy #12.
- 7b.,7c. These activities are 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 riprap. Riprap may be allowed 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.

Further, bulkheads are only allowed subject to (1) the making of resource capability consistency findings and impact assessments (see Policy #4a); (2) a finding that adverse impacts have been minimized (see Policy #5); and (3) Policy #8 requiring mitigation.
- 9a. Active restoration shall be allowed only when consistent with Policy #22b.
13. Waste water and storm water discharge, see Policy #25 and definition of "facility".

GENERAL LOCATION: SOUTH FORK COOS RIVER

ZONING DESIGNATION: 20D-WD

ZONING DISTRICT: 20D-WATER-DEPENDENT DEVELOPMENT SHORELANDS

SPECIFIC BOUNDARIES: The log sorting and barge loading facility at Dellwood on the north shore of the South Fork of the Coos River at approximately Mile 8.5. The district is approximately 3,500-feet of shoreline.

SECTION 3.2.585. Management Objective: This district shall be managed for the continuation and possible expansion of development uses associated with the initial sorting and transfer of forest resources harvested in the surrounding watershed, in preparation for water transport.

SECTION 3.2.586. Uses, Activities and Special Conditions. Table 20D-WD sets forth the uses and activities which are permitted, which may be permitted as conditional uses, or which are prohibited in this zoning district. Table 20D-WD also sets forth special conditions which may restrict certain uses or activities, or modify the manner in which certain uses or activities may occur. Reference to “policy numbers” refers to Plan Policies set forth in the Coos Bay Estuary Management Plan.

A. Uses:

1.	Agriculture	N
2.	Airports	N
3.	Aquaculture	N
4.	Commercial	N
5.	Dryland moorage	N
6.	Industrial & Port facilities	ACU-S,G
7.	Land transportation facilities	P-G
8.	Log storage/sorting yard (land)	P-G
9.	Marinas	N
10.	Mining/mineral extraction	N
11.	Recreation facilities	
	a. Low-intensity	N
	b. High-intensity	N
12.	Residential	N
13.	Solid waste disposal	N
14.	Timber farming/harvesting	N
15.	Utilities	
	a. Low-intensity	P-G
	b. High-intensity	P-G
16.	Energy production	ACU-S,G
17.	Water-borne transportation	ACU-S,G

B. Activities:

1.	Stream alteration	P-G
2.	Dikes	
	a. New construction	P-G
	b. Maintenance/repair	P-G
3.	Dredged material disposal	ACU-S, G
4.	Excavation to create new water surface	P-G
5.	Fill	P-G
6.	Shoreline stabilization	
	a. Vegetative	P-G
	b. Riprap	ACU-S, G
	c. Retaining wall	ACU-S, G
7.	Navigation aids	P-G
8.	Mitigation	P-G
9.	Restoration	
	a. Active	ACU-S, G
	b. Passive	P-G
10.	Land divisions	
	a. Partition	ACU-S, G
	b. Subdivision	ACU-S, G
	c. Planned Unit Development	ACU-S, G
	d. Recreation PUD	N

GENERAL CONDITIONS

1. Uses in this district are only permitted as stated in Policy #14, "General Policy on Uses within Rural Coastal Shorelands". Except as permitted outright, or where findings are made in this Plan, uses are only allowed subject to the findings in this policy.
2. All permitted uses and activities shall be consistent with Policy #23, requiring protection of riparian vegetation.
3. All permitted uses shall be consistent with the respective flood regulations of local governments, as required in Policy #27.
4. In rural areas (outside of UGBs) utilities, public facilities and services shall only be provided subject to Policies #49, #50, and #51.
5. All uses and activities: Inventoried resources requiring mandatory protection are subject to Policies #17 and #18.

SPECIAL CONDITIONS

Uses:

6.,16.,17. These uses are subject to review and approval when consistent with Policy #16.

Activities:

3. Dredge material disposal shall be allowed when consistent with Policy #20.

6b.,6c. These activities are permitted subject to the findings required by Policy #9, "Solutions to Erosion and Flooding Problems".

9a. Active restoration shall be allowed only when consistent with Policy #22b.

10. Land divisions are only permitted where they meet the conditions in Policy #15.

SECTION 3.2.587. Land Development Standards. The requirements set forth in Table 3.2 shall govern development in the 20D-WD district.

GENERAL LOCATION: SOUTH FORK COOS RIVER

ZONING DESIGNATION: 20D-DA

ZONING DISTRICT: 20D-DEVELOPMENT AQUATIC

SPECIFIC BOUNDARIES: This district is on the north shore of the South Fork Coos River and is an area approximately 3,500-feet in length directly in front of the log sorting and transfer facilities at Dellwood approximately at Mile 8.5, and extending out to the shallow-draft channel.

SECTION 3.2.590. Management Objective: This district shall be managed to allow water access for the purpose of transporting forest resources.

SECTION 3.2.591. Uses, Activities and Special Conditions. Table 20D-DA sets forth the uses and activities which are permitted, which may be permitted as conditional uses, or which are prohibited in this zoning district. Table 20D-DA also sets forth special conditions which may restrict certain uses or activities, or modify the manner in which certain uses or activities may occur. Reference to “policy numbers” refers to Plan Policies set forth in the Coos Bay Estuary Management Plan.

A. Uses

- | | | |
|-----|--|----------|
| 1. | Aquaculture | N |
| 2. | Commercial | N |
| 3. | Docks | P-G |
| 4. | Industrial & Port facilities | ACU-S, G |
| 5. | Log dump/sort/storage (in-water) | ACU-S, G |
| 6. | Marinas | N |
| 7. | Mining/mineral extraction | N |
| 8. | Recreation facilities | |
| | a. Low-intensity | N |
| | b. High-intensity | N |
| 9. | Utilities | |
| | a. Low-intensity | P-G |
| | b. High-intensity | P-G |
| 10. | Bridge crossing support structures and dredging necessary for installation | N |
| 11. | Bridge crossings | N |

B. Activities

1.	Dikes		
	a.	New construction	N
	b.	Maintenance/repair	ACU-S, G
	c.	Installation of tidegates in existing functional dikes	N
2.	Dredging		
	a.	New	N
	b.	Maintenance dredging of existing facilities	ACU-S, G
	c.	To repair dikes and tidegates	N
3.	Dredge material disposal		N
4.	Fill		ACU-S, G
5.	Navigational		
	a.	Aides	P-G
	b.	Structures	N
	c.	Minor navigational improvement	P-G
	d.	Water-dependent commercial enterprises and activities	ACU-S, G
6.	Piling/dolphin installation		P-G
7.	Shoreline stabilization		
	a.	Vegetative	P-G
	b.	Riprap	ACU-S, G
	c.	Bulkheads	ACU-S, G
8.	Mitigation		P-G
9.	Restoration		
	a.	Active	ACU-S, G
	b.	Passive	P-G
10.	Research and educational observations		P
11.	Protection of habitat, nutrient, fish, wildlife and aesthetic		P
12.	Temporary alterations		N
13.	Waste water/storm water discharge		ACU-S, G
14.	Research and educational observation structures		N

GENERAL CONDITIONS:

1. All uses and activities: Inventoried resources requiring mandatory protection are subject to policies #17 and #18.

SPECIAL CONDITIONS

Uses:

4. If the use is water-related or non-dependent/non-related and does not require fill, findings must be made that the use is consistent with the resource capabilities and purposes of the management unit. Fill is not permitted for non-water-dependent uses.
5. New or expanded log storage shall only be permitted after review and approval by the Department of Environmental Quality (see Policy #5c).

Activities:

- 1b,2b,5d. These activities are only allowed subject to finding that adverse impacts have been minimized (see Policy #5); and to Policy #8 requiring mitigation.
4. Fills shall be limited to the minimum necessary to improve access to the water area; fills to create extra land area are not allowed. This activity is only allowed subject to finding that adverse impacts have been minimized (see Policy #5) and to Policy #8 requiring mitigation.
- 5c. This activity is subject to Policy #12.
- 7b.,7c. These activities are permitted subject to the general findings required by Policy #9, "Solutions to Erosion and Flooding Problems", preferring nonstructural to structural solutions, and to the specific findings for riprap. Riprap may be allowed 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.

Further, bulkheads are only allowed subject to (1) the making of resource capability consistency findings and impact assessments (see Policy #4a); (2) a finding that adverse impacts have been minimized (see Policy #5); and (3) Policy #8 requiring mitigation.
- 9a. Active restoration shall be allowed only when consistent with Policy #22b.
13. Waste water and storm water discharge, see Policy #25 and definition of "facility".

CATCHING SLOUGH

FROM COOS RIVER ROAD BRIDGE TO
HEAD OF TIDAL INFLUENCE,
INCLUDING ADJACENT SHORELANDS

Shoreland District - 21
Aquatic Districts - 21, 21A

GENERAL LOCATION: CATCHING SLOUGH

ZONING DESIGNATION: 21-RS

ZONING DISTRICT: 21-RURAL SHORELANDS

SPECIFIC BOUNDARIES: This district is both banks of Catching Slough to 1,000-feet above the extent of tidal influence south of Sumner. Western Boundary - At Coos River Road Bridge Eastern Boundary - At the junction of East Catching Slough Road and Gunnell Road, at the south end of the large diked pasture.

SECTION 3.2.595. Management Objective: This shoreland district of generally diked farm land shall be managed to maintain the present low-intensity, rural character and uses in a manner compatible with protection of the aquatic resources. An existing heron rookery located in the district shall be preserved by protecting those trees in the rookery which are used by the birds. This district contains a number of designated mitigation sites. The following are "high" or "medium" priority, and must be protected, as required by Policy #22: U-28, U-29(b), U-30(b), U-32(a) and (b), U-33, U-34(c) and (d). The following are "low" priority sites, and received no special protections: U-21(b), U-22, U-23, U-24, U-26, U-27, U-29(a), U-32(c) and U-34(a) and (b).

SECTION 3.2.596. Uses, Activities and Special Conditions. Table 21-RS sets forth the uses and activities which are permitted, which may be permitted as conditional uses, or which are prohibited in this zoning district. Table 21-RS also sets forth special conditions which may restrict certain uses or activities, or modify the manner in which certain uses or activities may occur. Reference to "policy numbers" refers to Plan Policies set forth in the Coos Bay Estuary Management Plan.

A. Uses

- | | | |
|-----|---------------------------------|-----|
| 1. | Agriculture | P-G |
| 2. | Airports | N |
| 3. | Aquaculture | P-G |
| 4. | Commercial | N |
| 5. | Dryland moorage | N |
| 6. | Industrial & Port facilities | N |
| 7. | Land transportation facilities | P-G |
| 8. | Log storage/sorting yard (land) | N |
| 9. | Marinas | N |
| 10. | Mining/mineral extraction | N |
| 11. | Recreation facilities | |
| | a. Low-intensity | P-G |
| | b. High-intensity | P-G |
| 12. | Residential | P-G |
| 13. | Solid waste disposal | N |
| 14. | Timber farming/harvesting | P-G |
| 15. | Utilities | |
| | a. Low-intensity | P-G |

b.	High-intensity	N
B.	Activities	
1.	Stream alteration	P-G
2.	Dikes	
a.	New construction	ACU-S, G
b.	Maintenance/repair	ACU-S, G
3.	Dredged material disposal	ACU-S, G
4.	Excavation to create new water surface	ACU-S, G
5.	Fill	ACU-S, G
6.	Shoreline stabilization	
a.	Vegetative	P-G
b.	Riprap	ACU-S, G
c.	Retaining wall	ACU-S, G
7.	Navigation aids	P-G
8.	Mitigation	P-G
9.	Restoration	
a.	Active	ACU-S, G
b.	Passive	P-G
10.	Land divisions	
a.	Partition	ACU-S, G
b.	Subdivision	ACU-S, G
c.	Planned Unit Development	ACU-S, G
d.	Recreation PUD	N

GENERAL CONDITIONS (the following conditions apply to all uses and activities):

1. Inventoried resources requiring mandatory protection in this district are subject to Policies #17 and #18.
2. All permitted uses and activities shall be consistent with Policy #23, requiring protection of riparian vegetation.

The following conditions apply to all permitted uses:

3. Where "agricultural lands" or "forest lands" occur within this district, as identified in the "Special Considerations Map", uses in these areas shall be limited to those permitted in Policies #28 and #34.
4. Uses in this district are only permitted as stated in Policy #14 "General Policy on Uses within Rural Coastal Shorelands". Except as permitted outright, or where findings are made in this Plan, uses are only allowed subject to the findings in this policy.
5. All permitted uses shall be consistent with the respective flood regulations of local governments, as required in Policy #27.
6. On designated "medium" or "high" priority mitigation/restoration sites, all uses/activities shall only be permitted subject to the conditions in Policy #22.

7. In rural areas (outside of UGBs) utilities, public facilities and services shall only be provided subject to Policies #49, #50, and #51.

SPECIAL CONDITIONS:

Activities:

- 2a.,2b. These activities shall not be permitted at "high priority" mitigation sites U-30(b) and U-32(b).
3. Dredge material disposal shall be allowed when consistent with Policy #20.
4. Creation of new water surfaces for mitigation or aquaculture uses only shall be allowed.
5. This activity shall not be allowed in areas of "wet meadow" wetland, as identified in the "Special Considerations Map", except as otherwise allowed in Policy #19.
- 6b.,6c. These activities are permitted subject to the findings required by Policy #9, "Solutions to Erosion and Flooding Problems".
- 9a. Active restoration shall be allowed only when consistent with Policy #22b.
10. Land divisions are only permitted where they meet the conditions in Policy #15.

SECTION 3.2.597. Land Development Standards. The requirements set forth in Table 3.2 shall govern development in the 21-RS district.

GENERAL LOCATION: CATCHING SLOUGH

ZONING DESIGNATION: 21-CA

ZONING DISTRICT: 21-CONSERVATION AQUATIC

SPECIFIC BOUNDARIES: The aquatic areas of Catching Slough from the mouth at the Coos River Road Bridge to the extent of tidal influence. The aquatic area includes two tributary streams south of Sumner to the extent of tidal influence.

SECTION 3.2.600. Management Objective: This aquatic district shall be managed to allow rural upland uses while protecting aquatic resources. Dredging for routine repair/maintenance of dikes shall only be permitted if no alternative upland source of suitable fill material is reasonably available and/or land access is not possible.

SECTION 3.2.601. Uses, Activities and Special Conditions. Table 21-CA sets forth the uses and activities which are permitted, which may be permitted as conditional uses, or which are prohibited in this zoning district. Table 21-CA also sets forth special conditions which may restrict certain uses or activities, or modify the manner in which certain uses or activities may occur. Reference to “policy numbers” refers to Plan Policies set forth in the Coos Bay Estuary Management Plan.

A. Uses:

1.	Aquaculture	ACU-S, G
2.	Commercial	N
3.	Docks	ACU-S, G
4.	Industrial & port facilities	N
5.	Log dump/sort/storage (in-water)	N
6.	Marinas	N
7.	Mining/mineral extraction	N
8.	Recreation facilities	
	a. Low-intensity	ACU-S, G
	b. High-intensity	ACU-S, G
9.	Utilities	
	a. Low-intensity	P-G
	b. High-intensity	N
10.	Bridge crossing support structures and dredging necessary for installation	ACU-S, G
11.	Bridge crossings	ACU-S, G

B. Activities

1.	Dikes	
	a. New construction	N
	b. Maintenance/repair	ACU-S, G
	c. Installation of tidegates in existing functional dikes	ACU-S, G
2.	Dredging	
	a. New	N

b.	Maintenance dredging of existing facilities	ACU-S, G
c.	to repair dikes and tidegates	ACU-S, G
3.	Dredged material disposal	N
4.	Fill	ACU-S, G
5.	Navigational	
a.	Aides	P-G
b.	Structures	N
c.	Minor navigational improvement	ACU-S, G
d.	Water-dependent commercial enterprises and activities	N
6.	Piling/dolphin installation	P-G
7.	Shoreline stabilization	
a.	Vegetative	P-G
b.	Riprap	ACU-S, G
c.	Bulkheads	N
8.	Mitigation	P-G
9.	Restoration	
a.	Active	ACU-S, G
b.	Passive	P-G
10.	Protection of habitat, nutrient, fish, wildlife and aesthetic	P
11.	Temporary alterations	ACU-S, G
12.	Research and educational observations	P
13.	Waste water/storm water discharge	ACU-S, G
14.	Research and educational observation structures	N

GENERAL CONDITIONS:

1. All uses and activities: Inventoried resources requiring mandatory protection are subject to Policies #17 and #18.

SPECIAL CONDITIONS

Uses:

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 allowed; or, where aquaculture requires dredging or fill or other alteration of the estuary is subject to Policy #4a.
3. This use is only permitted if it occupies the water surface by means other than fill (e.g. pilings).
- 8a.,8b. These uses are only allowed subject to the making of resource capability consistency findings and impact assessments (see Policy #4a). Further, such recreational facilities must be water-dependent. Boat ramps for public use where no dredging or fill for navigational access is needed (see definition of "Recreation").
- 10.,11. This use/activity is only permitted subject to the findings required by Policy #6, "Fill in Conservation and Natural Management Units".

Activities:

- 1b.,1c., These activities are permitted subject to the findings required by Policy #6, "Fill in Conservation and Natural Management Units", and subject to finding that adverse impacts have been minimized (see Policy #5); and to Policy #8 requiring mitigation.
- 2b. This activity is only allowed subject to finding that adverse impacts have been minimized (see Policy #5); and to Policy #8 requiring mitigation.

In addition to the above requirements, when maintenance dredging is for log storage, it shall only be allowed subject to the making of resource capability consistency findings and impact assessments (see Policy #4a).

- 2c. Dredging for routine repair/maintenance of dikes shall only be permitted if no alternative upland source of suitable fill material is reasonably available and/or land access is not possible (see Policy #5b). This activity is also subject to Policy #8 requiring mitigation, as applicable.

Dredging shall be permitted to maintain/repair tidegates and for emergency dike repair where breaching has occurred or is imminent.

However, all dredging shall be the minimum required to maintain functional operation (see Policy #5b).

- 5c. Minor dredging for the purpose of "scalping" shoaled areas is only allowed subject to the making of resource capability findings and subject to the assessment of impacts (Policy #4 and Policy #12).
- 7b. This activity is 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 riprap. Riprap may be allowed 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.
- 9a. Active restoration shall be allowed only when consistent with Policy #22b.
- 11. This activity is only permitted subject to Policy #5a.
- 13. Waste water and storm water discharge, see Policy #25 and definition of "facility".

GENERAL LOCATION: CATCHING SLOUGH

ZONING DESIGNATION: 21A-NA

ZONING DISTRICT: 21A-NATURAL AQUATIC

SPECIFIC BOUNDARIES: This district is composed of two areas: (i) an intertidal flat at the mouth of Catching Slough and (ii) various areas of saltmarsh in middle and upper Catching Slough.

SECTION 3.2.605. Management Objective: This aquatic district shall be managed to protect and enhance its aquatic resources. This district contains two designated mitigation sites, U-30(a), "medium" priority, and U-32, "high" priority, which shall be protected as required by Policy #22. Improvement of the traditional boat launch site at Catching Slough Bridge is permitted. Maintenance/repair or replacement of bridge crossing support structures is allowed for Catching Slough Bridge.

SECTION 3.2.606. Uses, Activities and Special Conditions. Table 21A-NA sets forth the uses and activities which are permitted, which may be permitted as conditional uses, or which are prohibited in this zoning district. Table 21A-NA also sets forth special conditions which may restrict certain uses or activities, or modify the manner in which certain uses or activities may occur. Reference to "policy numbers" refers to Plan Policies set forth in the Coos Bay Estuary Management Plan.

A. Uses

1.	Aquaculture	ACU-S, G
2.	Commercial	N
3.	Docks	N
4.	Industrial & port facilities	N
5.	Log dump/sort/storage (in-water)	N
6.	Marinas	N
7.	Mining/mineral extraction	N
8.	Recreation facilities	
	a. Low-intensity	ACU-S, G
	b. High-intensity	N
9.	Utilities	
	a. Low-intensity	P-G
	b. High-intensity	N
10.	Bridge crossings	ACU-S, G
11.	Bridge crossing support structures and dredging necessary for installation	ACU-S, G

B. Activities

1.	Dikes	
	a. New construction	N
	b. Maintenance/repair	N
	c. Installation of tidegates in existing functional dikes	N
2.	Dredging	
	a. New	ACU-S, G
	b. Maintenance dredging of existing facilities	ACU-S, G
	c. To repair dikes and tidegates	N
3.	Dredged material disposal	N
4.	Fill	ACU-S, G
5.	Navigational	
	a. Aides	N
	b. Structures	N
	c. Minor navigational improvements	N
	d. Water-dependent commercial enterprises and activities	N
6.	Piling/dolphin installation	N
7.	Shoreline stabilization	
	a. Vegetative	P-G
	b. Riprap	ACU-S, G
	c. Bulkheads	N
8.	Mitigation	P-G
9.	Restoration	
	a. Active	N
	b. Passive	P-G
10.	Temporary alterations	ACU-S, G
11.	Protection of habitat, nutrient, fish, wildlife and aesthetic	P
12.	Research and educational observations	P
13.	Waste water/storm water discharge	N
14.	Research and educational observation structures	N

GENERAL CONDITIONS:

1. All uses and activities: Inventoried resources requiring mandatory protection are subject to Policies #17 and #18.

SPECIAL CONDITIONS

Uses:

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.
- 8a. Boat ramps for public use where no dredging or fill for navigational access is needed (see definition of "Recreation").
- 10.,11. This use is allowed subject to findings in Policy #6, "Fill in Conservation and Natural Management Units".

Activities:

- 2a.,2b.,4. These activities are limited to minor dredging or fill necessary to construct and maintain a public boat ramp. These activities are only allowed subject to finding that adverse impacts have been minimized (see Policy #5); and to Policy #8 requiring mitigation.
- 7b. 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 riprap. Riprap may be allowed 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.
10. This activity is only permitted subject to Policy #5a.

ISTHMUS SLOUGH

FROM MOUTH TO HEAD OF TIDAL INFLUENCE,
INCLUDING COALBANK SLOUGH, SHINGLEHOUSE SLOUGH
AND DAVIS SLOUGH, AND ADJACENT SHORELANDS

Shoreland Districts: 27-32, 34, 36, 38-40, 42, 43

Aquatic Districts: 27-31, 34, 38, 39, 43

Districts are listed in numerical order,
Shoreland Districts first.

GENERAL LOCATION: ISTHMUS SLOUGH

ZONING DESIGNATION: 28A-DA

ZONING DISTRICT: 28A-DEVELOPMENT AQUATIC

SPECIFIC BOUNDARIES: This district borders the shallow-draft channel on the south side of Isthmus from its mouth at Coalbank Slough to about 800-feet above the southern end of the authorized channel at Millington. This district excludes the authorized channel and the areas bordering the northeastern shore that were designated Aquatic districts #27 and #28. It includes the T-shaped log storage area opposite Coos Head Mill and adjacent intertidal areas.

SECTION 3.2.615. Management Objective: This aquatic management district, which has traditionally been used for industrial access to the water and for in-water log storage shall be managed to allow continuation and expansion of these uses.

SECTION 3.2.616. Uses, Activities and Special Conditions. Table 28A-DA sets forth the uses and activities which are permitted, which may be permitted as conditional uses, or which are prohibited in this zoning district. Table 28A-DA also sets forth special conditions which may restrict certain uses or activities, or modify the manner in which certain uses or activities may occur. Reference to “policy numbers” refers to Plan Policies set forth in the Coos Bay Estuary Management Plan.

A. Uses

- | | | |
|-----|---|----------|
| 1. | Aquaculture | ACU-S, G |
| 2. | Commercial | N |
| 3. | Docks | P-G |
| 4. | Industrial & Port facilities | ACU-S, G |
| 5. | Log dump/sort/storage (in-water) | ACU-S, G |
| 6. | Marinas | N |
| 7. | Mining/mineral extraction | ACU-S, G |
| 8. | Recreation facilities | |
| | a. Low-intensity | P-G |
| | b. High-intensity | P-G |
| 9. | Utilities | |
| | a. Low-intensity | P-G |
| | b. High-intensity | P-G |
| 10. | Bridge crossing support structure and dredging necessary for installation | P-G |
| 11. | Bridge crossings | P-G |

B. Activities

1.	Dikes	
	a. New construction	N
	b. Maintenance/repair	ACU-S, G
	c. Installation of tidegates in existing functional dikes	ACU-S, G
2.	Dredging	
	a. New	ACU-S, G
	b. maintenance dredging of existing facilities	ACU-S, G
	c. To repair dikes and tidegates	ACU-S, G
3.	Dredged material disposal	N
4.	Fill	ACU-S, G
5.	Navigational	
	a. Aides	P-G
	b. Structures	N
	c. Minor navigational improvement	P-G
	d. Water-dependent commercial enterprises and activities	ACU-S, G
6.	Piling/dolphin installation	P-G
7.	Shoreline stabilization	
	a. Vegetative	P-G
	b. Riprap	ACU-S, G
	c. Bulkheads	ACU-S, G
8.	Mitigation	P-G
9.	Restoration	
	a. Active	ACU-S, G
	b. Passive	P-G
10.	Research and educational observations	P
11.	Protection of habitat, nutrient, fish, wildlife and aesthetic	P
12.	Temporary alterations	ACU-S, G
13.	Waste water/storm water discharge	ACU-S, G
14.	Research and educational observation structures	N

GENERAL CONDITIONS:

1. All uses and activities: Inventoried resources requiring mandatory protection are subject to Policies #17 and #18.

SPECIAL CONDITIONS

Uses:

1. Aquaculture is allowed whether dredging or fill or other alteration of the estuary is required for harvest of benthic species or removable in-water structures such as stakes or racks (commercial, not stakes or racks) is subject to Policy #4a.
4. If the use is water-related or non-dependent/non-related and does not require fill, findings must be made that the use is consistent with the resource capabilities and purposes of the management unit. Fill is not permitted for non-water-dependent uses.

5. New or expanded log storage shall only be permitted after review and approval by DEQ (see Policy #5c).
7. Mining/mineral extraction is only allowed if compatible with navigation and moorage uses, and if consistent with the resource capabilities of the area and the purposes of the management objective.

Activities:

- 1b.,1c.,2a.,2b.,2c.,4.,5d. These activities are allowed subject to finding that adverse impacts have been minimized (see Policy #5) and to Policy #8 requiring mitigation.
- 5c. This activity is subject to Policy #12.
- 7b.,7c. These activities are 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 riprap. Riprap may be allowed 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. Further, bulkheads are only allowed subject (1) to the making of resource capability consistency findings and impact assessment (see Policy #4a); (2) to a finding that adverse impacts have been minimized (see Policy #5); and (3) to Policy #8 requiring mitigation.
- 9a. Active restoration shall be allowed only when consistent with Policy #22b.
12. This activity is only permitted subject to Policy #5a.
13. Waste water and storm water discharge, see Policy #25 and definition of "facility".

GENERAL LOCATION: ISTHMUS SLOUGH

ZONING DESIGNATION: 28B-DA

ZONING DISTRICT: 28B-DEVELOPMENT AQUATIC

SPECIFIC BOUNDARIES: This district borders the Isthmus Slough shallow-draft channel beginning at a line extending south from First Avenue and ending at a line extending east from the north edge of Kennedy Field.

SECTION 3.2.620. Management Objective: This aquatic district shall be managed to allow in-water log dump, sort and storage associated with adjacent mills and other water-dependent development, including access.

SECTION 3.2.621. Uses, Activities and Special Conditions. Table 28B-DA sets forth the uses and activities which are permitted, which may be permitted as conditional uses, or which are prohibited in this zoning district. Table 28B-DA also sets forth special conditions which may restrict certain uses or activities, or modify the manner in which certain uses or activities may occur. Reference to “policy numbers” refers to Plan Policies set forth in the Coos Bay Estuary Management Plan.

A. Uses

- | | | |
|-----|--|----------|
| 1. | Aquaculture | ACU-S, G |
| 2. | Commercial | ACU-S, G |
| 3. | Docks | P-G |
| 4. | Industrial and Port facilities | ACU-S, G |
| 5. | Log dump/sort/storage (in-water) | ACU-S, G |
| 6. | Marinas | N |
| 7. | Mining/mineral extraction | ACU-S, G |
| 8. | Recreation facilities | |
| | a. Low-intensity | P-G |
| | b. High-intensity | P-G |
| 9. | Utilities | |
| | a. Low-intensity | P-G |
| | b. High-intensity | P-G |
| 10. | Bridge crossing support structures and dredging necessary for installation | P-G |
| 11. | Bridge crossings | P-G |

B. Activities

1.	Dikes	
	a. New construction	N
	b. Maintenance/repair	ACU-S, G
	c. Installation of tidegates in existing functional dikes	N
2.	Dredging	
	a. New	ACU-S, G
	b. Maintenance dredging of existing facilities	ACU-S, G
	c. To repair dikes and tidegates	N
3.	Dredged material disposal	N
4.	Fill	ACU-S, G
5.	Navigational	
	a. Aides	P-G
	b. Structures	N
	c. Minor navigational improvement	P-G
	d. Water-dependent commercial enterprises and activities	ACU-S, G
6.	Piling/dolphin installation	P-G
7.	Shoreline stabilization	
	a. Vegetative	P-G
	b. Riprap	ACU-S, G
	c. Bulkheads	ACU-S, G
8.	Mitigation	P-G
9.	Restoration	
	a. Active	ACU-S, G
	b. Passive	P-G
10.	Research and educational observations	P
11.	Protection of habitat, nutrient, fish, wildlife and aesthetic	P
12.	Temporary alterations	ACU-S, G
13.	Waste water/storm water discharge	ACU-S, G
14.	Research and educational observation structures	N

GENERAL CONDITIONS:

1. All uses and activities: Inventoried resources requiring mandatory protection are subject to Policies #17 and #18.

SPECIAL CONDITIONS

Uses:

1. Aquaculture is allowed whether dredging or fill or other alteration of the estuary is required 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.
- 2,4. If the use is water-related or non-dependent/non-related and does not require fill, findings must be made that the use is consistent with the resource capabilities and purposes of the management unit. Fill is not permitted for non-water-dependent uses.
5. New or expanded log storage shall only be permitted after review and approval by DEQ (see Policy #5c).
7. Mining/mineral extraction are only permitted if they do not conflict with access to shoreland uses, and if consistent with the resource capabilities of the area and the purposes of the management objective.

Activities:

- 1b.,2a.,2b.,4.,5d. These activities are allowed subject to finding that adverse impacts have been minimized (see Policy #5) and to Policy #8 requiring mitigation.
- 5C. This activity is subject to Policy #12.
- 7b.,7c. These activities are 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 riprap. Riprap may be allowed 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.

Further, bulkheads are only allowed subject (1) to the making of resource capability consistency findings and impact assessment (see Policy #4a); (2) to a finding that adverse impacts have been minimized (see Policy #5); and (3) to Policy #8 requiring mitigation.
- 9a. Active restoration shall be allowed only when consistent with Policy #22b.
12. This activity is allowed subject to Policy #5a.
13. This activity is allowed subject to Policy #25 and the definition of "facility".

GENERAL LOCATION: ISTHMUS SLOUGH

ZONING DESIGNATION: 29-CS

ZONING DISTRICT: 29-CONSERVATION SHORELANDS

SPECIFIC BOUNDARIES: Northern Boundary - The northern edge of Kennedy Field Southern Boundary - A line extending upland from the upper end of Aquatic District #28A.

SECTION 3.2.625. Management Objective: This thin district which forms a riparian buffer to protect wildlife habitat associated with the adjacent Kennedy Field aquatic area shall be managed to maintain this buffer.

SECTION 3.2.626. Uses, Activities and Special Conditions. Table 29-CS sets forth the uses and activities which are permitted, which may be permitted as conditional uses, or which are prohibited in this zoning district. Table 29-CS also sets forth special conditions which may restrict certain uses or activities, or modify the manner in which certain uses or activities may occur. Reference to “policy numbers” refers to Plan Policies set forth in the Coos Bay Estuary Management Plan.

A. Uses

1.	Agriculture	P-G
2.	Airports	N
3.	Aquaculture	N
4.	Commercial	N
5.	Dryland moorage	N
6.	Industrial and port facilities	N
7.	Land transportation facilities	P-G
8.	Log storage/sorting yard (land)	N
9.	Marinas	N
10.	Mining/mineral extraction	N
11.	Recreation facilities	
	a. Low-intensity	P-G
	b. High-intensity	P-G
12.	Residential	N
13.	Solid waste disposal	N
14.	Timber farming/harvesting	P-G
15.	Utilities	
	a. Low-intensity	P-G
	b. High-intensity	N

B. Activities

1.	Stream alteration	P-G
2.	Dikes	
	a. New construction	N
	b. Maintenance/repair	P-G
3.	Dredge material disposal	N
4.	Excavation to create new water surface	N
5.	Fill	P-G
6.	Shoreline stabilization	
	a. Vegetative	P-G
	b. Riprap	ACU-S, G
	c. Retaining wall	ACU-S, G
7.	Navigation aids	P-G
8.	Mitigation	P-G
9.	Restoration	
	a. Active	ACU-S, G
	b. Passive	P-G
10.	Land divisions	
	a. Partition	N
	b. Subdivision	N
	c. Planned Unit Development	N
	d. Recreation PUD	N

GENERAL CONDITIONS (the following conditions apply to all permitted uses):

1. All permitted uses and activities shall be consistent with Policy #23, requiring protection of riparian vegetation.
2. Where "agricultural lands" or "forest lands" occur within this district, as identified in the "Special Considerations Map", uses in these areas shall be limited to those permitted in Policies #28 and #34.
3. Uses in this district are only permitted as stated in Policy #14, "General Policy on Uses within Rural Coastal Shorelands". Except as permitted outright, or where findings are made in this Plan, uses are only allowed subject to the findings in this policy.
4. All permitted uses shall be consistent with the respective flood regulations of local governments, as required in Policy #27.
5. In rural areas (outside of UGBs) utilities, public facilities and services shall only be provided subject to Policies #49, #50, and #51.
6. All uses and activities: Inventoried resources requiring mandatory protection are subject to Policy #17 and #18.

SPECIAL CONDITIONS

Activities:

- 6b.,6c These activities are permitted subject to the findings required by Policy #9, "Solutions to Erosion and Flooding Problems".
- 9a. Active restoration shall be allowed only when consistent with Policy #22b.

SECTION 3.2.627. Land Development Standards. The requirements set forth in Table 3.2 shall govern development in the 29-CS district.

GENERAL LOCATION: ISTHMUS SLOUGH

ZONING DESIGNATION: 29-NA

ZONING DISTRICT: 29-NATURAL AQUATIC

SPECIFIC BOUNDARIES: This district consists of a large area of low salt marsh and tidal flat on the east side of Isthmus Slough to the south of Coos Head Mill, known as "Kennedy Field". The western boundary is a partially-breached dike which surrounds it.

SECTION 3.2.630. Management Objective: This aquatic marsh and tideflat is a "high priority" mitigation site, which shall be protected for this purpose (see Policy #22).

SECTION 3.2.631. Uses, Activities and Special Conditions. Table 29-NA sets forth the uses and activities which are permitted, which may be permitted as conditional uses, or which are prohibited in this zoning district. Table 29-NA also sets forth special conditions which may restrict certain uses or activities, or modify the manner in which certain uses or activities may occur. Reference to "policy numbers" refers to Plan Policies set forth in the Coos Bay Estuary Management Plan.

A. Uses

1.	Aquaculture	ACU-S, G
2.	Commercial	N
3.	Docks	N
4.	Industrial & port facilities	N
5.	Log dump/sort/storage (in-water)	N
6.	Marinas	N
7.	Mining/mineral extraction	N
8.	Recreation facilities	
	a. Low-intensity	N
	b. High-intensity	N
9.	Utilities	
	a. Low-intensity	P-G
	b. High-intensity	N
10.	Bridge crossing support structures and dredging necessary for installation	N
11.	Bridge crossings	N

B. Activities

1.	Dikes	
	a. New construction	N
	b. Maintenance/repair	N
	c. Installation of tidegates in existing functional dikes	N/A
2.	Dredging	
	a. New	N
	b. Maintenance dredging of existing facilities	N
	c. To repair dikes and tidegates	N

3.	Dredged material disposal	N
4.	Fill	N
5.	Navigational	
	a. Aides	N
	b. Structures	N
	c. Minor navigational improvements	N
	d. Water-dependent commercial enterprises and activities	N
6.	Piling/dolphin installation	N
7.	Shoreline stabilization	
	a. Vegetative	P-G
	b. Riprap	N
	c. Bulkheads	N
8.	Mitigation	P-G
9.	Restoration	
	a. Active	N
	b. Passive	P-G
10.	Temporary alterations	ACU-S, G
11.	Protection of habitat, nutrient, fish, wildlife and aesthetic	P
12.	Research and educational observations	P
13.	Waste water/storm water discharge	N
14.	Research and educational observation structures	ACU-S, G

GENERAL CONDITIONS:

1. All uses and activities: Inventoried resources requiring mandatory protection are subject to Policies #17 and #18.

SPECIAL CONDITIONS

Uses:

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.

Activities:

10. This activity is only permitted subject to Policy #5a.
14. Subject to Policy #5d.

GENERAL LOCATION: ISTHMUS SLOUGH

ZONING DESIGNATION: 30A-CS

ZONING DISTRICT: 30A-CONSERVATION SHORELANDS

SPECIFIC BOUNDARY: Northern Boundary - A line continuing upland from the upper end of Aquatic District #28A opposite Millington. Southern Boundary & Northern boundary of SE 1/4 of the SE 1/4 of S.14, T.26, R.13.

SECTION 3.2.635. Management Objective: This shoreland district which is a riparian buffer shall be managed to maintain habitat values associated with the marsh in the adjacent aquatic area, Unit #30 CA.

SECTION 3.2.636. Uses, Activities and Special Conditions. Table 30A-CS sets forth the uses and activities which are permitted, which may be permitted as conditional uses, or which are prohibited in this zoning district. Table 30A-CS also sets forth special conditions which may restrict certain uses or activities, or modify the manner in which certain uses or activities may occur. Reference to “policy numbers” refers to Plan Policies set forth in the Coos Bay Estuary Management Plan.

A. Uses

- | | | |
|-----|---------------------------------|----------|
| 1. | Agriculture | P-G |
| 2. | Airports | N |
| 3. | Aquaculture | N |
| 4. | Commercial | N |
| 5. | Dryland moorage | N |
| 6. | Industrial & port facilities | N |
| 7. | Land transportation facilities | ACU-S, G |
| 8. | Log storage/sorting yard (land) | N |
| 9. | Marinas | N |
| 10. | Mining/mineral extraction | N |
| 11. | Recreation facilities | |
| | a. Low-intensity | P-G |
| | b. High-intensity | P-G |
| 12. | Residential | N |
| 13. | Solid waste disposal | N |
| 14. | Timber farming/harvesting | P-G |
| 15. | Utilities | |
| | a. Low-intensity | P-G |
| | b. High-intensity | N |

B. Activities

1.	Stream alteration	P-G
2.	Dikes	
	a. New construction	N
	b. Maintenance/repair	N/A
3.	Dredged material disposal	N
4.	Excavation to create new water surface	ACU-S, G
5.	Fill	ACU-S, G
6.	Shoreline stabilization	
	a. Vegetative	P-G
	b. Riprap	ACU-S, G
	c. Retaining wall	ACU-S, G
7.	Navigation aids	P-G
8.	Mitigation	P-G
9.	Restoration	
	a. Active	ACU-S, G
	b. Passive	P-G
10.	Land divisions	
	a. Partition	N
	b. Subdivision	N
	c. Planned Unit Development	N
	d. Recreation PUD	N

GENERAL CONDITIONS (the following conditions apply to all uses and activities):

1. All permitted uses and activities shall be consistent with Policy #23, requiring protection of riparian vegetation.
2. Inventoried resources requiring mandatory protection are subject to Policies #17 and #18.

The following conditions apply to all permitted uses:

3. Where "agricultural lands" or "forest lands" occur within this district, as identified in the "Special Considerations Map", uses in these areas shall be limited to those permitted in Policies #28 and #34.
4. Uses in this district are only permitted as stated in Policy #14, "General Policy on Uses within Rural Coastal Shorelands". Except as permitted outright, or where findings are made in this Plan, uses are only allowed subject to the findings in this policy.
5. All permitted uses shall be consistent with the respective flood regulations of local governments, as required in Policy #27.
6. In rural areas (outside of UGBs) utilities, public facilities and services shall only be provided subject to Policies #49, #50, and #51.

SPECIAL CONDITIONS

Uses:

7. Access to the water in the most northern or southern portions of the district which are not adjacent to the wetland shall be allowed for transportation of logs harvested in the adjacent uplands.

Activities:

- 4,5. Excavation to create new water surface and fill shall be allowed solely for the purpose of upland log transportation in the northern and southern portions of this district.
- 6b,6c These activities are permitted subject to the findings required by Policy #9, "Solutions to Erosion and Flooding Problems".
- 9a. Active restoration shall be allowed only when consistent with Policy #22b.

SECTION 3.2.637. Land Development Standards. The requirements set forth in Table 3.2 shall govern development in the 30A-CS district.

GENERAL LOCATION: ISTHMUS SLOUGH

ZONING DESIGNATION: 30B-RS

ZONING DISTRICT: 30B-RURAL SHORELANDS

SPECIFIC BOUNDARIES: Northern Boundary - The northern edge of the first agricultural field on the eastside of Isthmus Slough. Southern Boundary - Just south of Coos City Bridge: south end of dike carrying Coldstream Road adjacent to Isthmus Slough.

SECTION 3.2.640. Management Objective: This district contains designated mitigation site U-44 ("high" priority) and designated Dredged Material Disposal site #25. The district shall be managed to protect these sites from pre-emptory uses, as required by Policies #20 and #22. Pasture management and grazing shall be allowed as interim uses. Other uses and activities listed in the following matrix as allowed shall be prohibited if their development would preclude the use of protected dredged material disposal and mitigation sites. The district shall also be used for disposal of forest waste materials removed from the sloughs.

SECTION 3.2.641. Uses, Activities and Special Conditions. Table 30B-RS sets forth the uses and activities which are permitted, which may be permitted as conditional uses, or which are prohibited in this zoning district. Table 30B-RS also sets forth special conditions which may restrict certain uses or activities, or modify the manner in which certain uses or activities may occur. Reference to "policy numbers" refers to Plan Policies set forth in the Coos Bay Estuary Management Plan.

A. Uses

1.	Agriculture	P-G
2.	Airports	N
3.	Aquaculture	P-G
4.	Commercial	N
5.	Dryland moorage	N
6.	Industrial & Port facilities	N
7.	Land transportation facilities	P-G
8.	Log storage/sorting yard (land)	N
9.	Marinas	N
10.	Mining/mineral extraction	N
11.	Recreation facilities	
	a. Low-intensity	P-G
	b. High-intensity	P-G
12.	Residential	P-G
13.	Solid waste disposal	ACU-S, G
14.	Timber farming/harvesting	P-G
15.	Utilities	
	a. Low-intensity	P-G
	b. High-intensity	N

B. Activities

1.	Stream alteration	P-G
2.	Dikes	
	a. New construction	P-G
	b. Maintenance/repair	P-G
3.	Dredged material disposal	ACU-S, G
4.	Excavation to create new water surface	P-G
5.	Fill	ACU-S, G
6.	Shoreline stabilization	
	a. Vegetative	P-G
	b. Riprap	ACU-S, G
	c. Retaining wall	ACU-S, G
7.	Navigation aids	P-G
8.	Mitigation	P-G
9.	Restoration	
	a. Active	ACU-S, G
	b. Passive	P-G
10.	Land divisions	
	a. Partition	ACU-S, G
	b. Subdivision	ACU-S, G
	c. Planned Unit Development	ACU-S, G
	d. Recreation PUD	N

GENERAL CONDITIONS (the following conditions apply to all uses and activities):

1. Inventoried resources requiring mandatory protection in this district are subject to Policies #17 and #18.
2. No permitted use or activity shall pre-empt the use of the designated dredged material disposal site in this district as required by Policy #20.

The following conditions apply to all permitted uses:

3. Where "agricultural lands" or "forest lands" occur within this district, as identified in the "Special Considerations Map", uses in these areas shall be limited to those permitted in Policies #28 and #34, except that dredged material disposal is also allowed (see Special Condition below).
4. Uses in this district are only permitted as stated in Policy #14, "General Policy on Uses within Rural Coastal Shorelands". Except as permitted outright, or where findings are made in this Plan, uses are only allowed subject to the findings in the policy.
5. All permitted uses shall be consistent with the respective flood regulations of local governments, as required in Policy #27.
6. On designated "medium" or "high" priority mitigation/restoration sites, all uses/activities shall only be permitted subject to the conditions in Policy #22.
7. All permitted uses and activities shall be consistent with Policy #23, requiring protection of riparian vegetation.

8. In rural areas (outside UGBs) utilities, public facilities and services shall only be provided subject to Policies #49, #50, and #51.

SPECIAL CONDITIONS

Uses:

12. Solid waste disposal shall be limited to the disposal of forest waste materials removed from the slough in conjunction with a water quality and habitat improvement program.

Activities:

3. Agricultural uses (or other use permitted in agricultural lands) shall be re-established after dredge material disposal is complete.
5. This activity shall not be allowed in areas of "wet meadow" wetland, as identified on the "Special Considerations Map", except as otherwise allowed in Policy #19.
- 6b,6c These activities are permitted subject to the findings required by Policy #9, "Solutions to Erosion and Flooding Problems".
- 9a. Active restoration shall be allowed only when consistent with Policy #22b.
10. Land divisions are only permitted where they meet the conditions in Policy #15.

SECTION 3.2.642. Land Development Standards. The requirements set forth in Table 3.2 shall govern development in the 30B-RS district.

GENERAL LOCATION: ISTHMUS SLOUGH

ZONING DESIGNATION: 30C-CS

ZONING DISTRICT; 30C-CONSERVATION SHORELANDS

SPECIFIC BOUNDARIES: Northern Boundary - Southern edge of agricultural lands at south end of Coldstream Road dike. Southern Boundary - The Green Acres Road dike as it proceeds northeast.

SECTION 3.2.645. Management Objective: This district is a riparian buffer which shall be managed to maintain its habitat values associated with the adjacent scattered wetlands in the lower portions of Isthmus Slough. The district also contains a designated mitigation site (U-54, "medium" priority) which shall be protected as required by Policy #22.

SECTION 3.2.646. Uses, Activities and Special Conditions. Table 30C-CS sets forth the uses and activities which are permitted, which may be permitted as conditional uses, or which are prohibited in this zoning district. Table 30C-CS also sets forth special conditions which may restrict certain uses or activities, or modify the manner in which certain uses or activities may occur. Reference to "policy numbers" refers to Plan Policies set forth in the Coos Bay Estuary Management Plan.

A. Uses

1.	Agriculture	P-G
2.	Airports	N
3.	Aquaculture	N
4.	Commercial	N
5.	Dryland moorage	N
6.	Industrial & port facilities	N
7.	Land transportation facilities	P-G
8.	Log storage/sorting yard (land)	N
9.	Marinas	N
10.	Mining/mineral extraction	N
11.	Recreation facilities	
	a. Low-intensity	N
	b. High-intensity	N
12.	Residential	N
13.	Solid waste disposal	N
14.	Timber farming/harvesting	P-G
15.	Utilities	
	a. Low-intensity	P-G
	b. High-intensity	N

B. Activities

1.	Stream alteration	P-G
2.	Dikes	
	a. New construction	N
	b. Maintenance/repair	ACU-S, G
3.	Dredged material disposal	N
4.	Excavation to create new water surface	N
5.	Fill	N
6.	Shoreline stabilization	
	a. Vegetative	P-G
	b. Riprap	ACU-S, G
	c. Retaining wall	ACU-S, G
7.	Navigation aids	P-G
8.	Mitigation	P-G
9.	Restoration	
	a. Active	ACU-S, G
	b. Passive	P-G
10.	Land divisions	
	a. Partition	N
	b. Subdivision	N
	c. Planned Unit Development	N
	d. Recreation PUD	N

GENERAL CONDITIONS

1. Uses in this district are only permitted as stated in Policy #14, "General Policy on Uses within Rural Coastal Shorelands". Except as permitted outright, or where findings are made in this Plan, uses are only allowed subject to the findings in this policy.
2. All permitted uses and activities shall be consistent with Policy #23, requiring protection of riparian vegetation.
3. Where "agricultural lands" or "forest lands" occur within this district, as identified in the "Special Considerations Map", uses in these areas shall be limited to those permitted in Policies #28 and #34.
4. In rural areas (outside of UGBs) utilities, public facilities and services shall only be provided subject to Policies #49, #50, and #51.
5. All uses and activities: Inventoried resources requiring mandatory protection are subject to Policies #17 and #18.

SPECIAL CONDITIONS

Activities:

- 2b. On designated "medium" priority mitigation/restoration sites, all uses/activities shall only be permitted subject to the conditions in Policy #22.
- 6b,6c These activities are permitted subject to the findings required by Policy #9, "Solutions to Erosion and Flooding Problems".
- 9a. Active restoration shall be allowed only when consistent with Policy #22b.

SECTION 3.2.647. Land Development Standards. The requirements set forth in Table 3.2 shall govern development in the 30C-CS district.

GENERAL LOCATION: ISTHMUS SLOUGH

ZONING DESIGNATION: 30D-RS

ZONING DISTRICT: 30D-RURAL SHORELANDS

SPECIFIC BOUNDARY: This district is the area south of the Green Acres Road dike as defined by the Shoreland Boundary, 1000-foot maximum above the head-of-tide (tidegate).

SECTION 3.2.650. Management Objective: This district shall be managed for continuation of low-intensity rural uses.

SECTION 3.2.651. Uses, Activities and Special Conditions. Table 30D-RS sets forth the uses and activities which are permitted, which may be permitted as conditional uses, or which are prohibited in this zoning district. Table 30D-RS also sets forth special conditions which may restrict certain uses or activities, or modify the manner in which certain uses or activities may occur. Reference to “policy numbers” refers to Plan Policies set forth in the Coos Bay Estuary Management Plan.

A. Uses

1.	Agriculture	P-G
2.	Airports	N
3.	Aquaculture	P-G
4.	Commercial	ACU-S, G
5.	Dryland moorage	N
6.	Industrial & Port facilities	N
7.	Land transportation facilities	P-G
8.	Log storage/sorting yard (land)	N
9.	Marinas	N
10.	Mining/mineral extraction	N
11.	Recreation facilities	
	a. Low-intensity	N
	b. High-intensity	N
12.	Residential	P-G
13.	Solid waste disposal	N
14.	Timber farming/harvesting	P-G
15.	Utilities	
	a. Low-intensity	P-G
	b. High-intensity	N

B. Activities

1.	Stream alteration	P-G
2.	Dikes	
	a. New construction	N
	b. Maintenance/repair	P-G
3.	Dredged material disposal	N
4.	Excavation to create new water surface	N
5.	Fill	ACU-S, G
6.	Shoreline stabilization	
	a. Vegetative	P-G
	b. Riprap	ACU-S, G
	c. Retaining wall	ACU-S, G
7.	Navigation aids	N/A
8.	Mitigation	P-G
9.	Restoration	
	a. Active	ACU-S, G
	b. Passive	P-G
10.	Land divisions	
	a. Partition	ACU-S, G
	b. Subdivision	ACU-S, G
	c. Planned Unit Development	ACU-S, G
	d. Recreation PUD	N

GENERAL CONDITIONS (the following conditions apply to all uses and activities):

1. Inventoried resources requiring mandatory protection in this district are subject to Policies #17 and #18.
2. All permitted uses and activities shall be consistent with Policy #23, requiring protection of riparian vegetation.

The following conditions apply to all permitted uses:

3. Where "agricultural lands" or "forest lands" occur within this district, as identified in the "Special Considerations Map", uses in these areas shall be limited to those permitted in Policies #28 and #34.
4. Uses in this district are only permitted as stated in Policy #14, "General Policy on Uses within Rural Coastal Shorelands". Except as permitted outright, or where findings are made in this Plan, uses are only allowed subject to the findings in this policy.
5. All permitted uses shall be consistent with the respective flood regulations of local governments, as required in Policy #27.
6. In rural areas (outside of UGBs) utilities, public facilities and services shall only be provided subject to Policies #49, #50, and #51.

SPECIAL CONDITIONS

Uses:

4. Commercial and industrial uses within the urban unincorporated communities are subject to Policy #16a.

Activities:

5. This activity shall not be allowed in areas of "wet meadow" wetland, as identified on the "Special Considerations map", except as otherwise allowed in Policy #19.
- 6b,6c These activities are permitted subject to the findings required by Policy #9, "Solutions of Erosion and Flooding Problems".
- 9a. Active restoration shall be allowed only when consistent with Policy #226.
10. Land divisions are only permitted when they meet the conditions in Policy #15.

SECTION 3.2.652. Land Development Standards. The requirements set forth in Table 3.2 shall govern development in the 30D-RS district.

GENERAL LOCATION: ISTHMUS SLOUGH

ZONING DESIGNATION: 30E-CS

ZONING DISTRICT: 30E-CONSERVATION SHORELANDS

SPECIFIC BOUNDARIES: Northern Boundary - The section line between Sections 23 and 26 (at the Powrie Log Dump). Southern Boundary - Greenacres Road from the dike at the head of Isthmus Slough to Highway 42.

SECTION 3.2.655. Management Objective: This thin shoreland district, which is restricted by the location of the highway and railroad, shall be managed as a transportation corridor. A log dump has previously been located in this district and shall be allowed at the time that an Exception is taken to allow log dump and sort in Aquatic District #31, which is adjacent. This district also contains designated mitigation sites U-52(b) and U-53, both "medium" priority, which shall be protected as required by Policy #22.

SECTION 3.2.656. Uses, Activities and Special Conditions. Table 30E-CS sets forth the uses and activities which are permitted, which may be permitted as conditional uses, or which are prohibited in this zoning district. Table 30E-CS also sets forth special conditions which may restrict certain uses or activities, or modify the manner in which certain uses or activities may occur. Reference to "policy numbers" refers to Plan Policies set forth in the Coos Bay Estuary Management Plan.

A. Uses:

- | | | |
|-----|---------------------------------|-----|
| 1. | Agriculture | P-G |
| 2. | Airports | N |
| 3. | Aquaculture | N |
| 4. | Commercial | N |
| 5. | Dryland moorage | N |
| 6. | Industrial and port facilities | N |
| 7. | Land transportation facilities | P-G |
| 8. | Log storage/sorting yard (land) | N |
| 9. | Marinas | N |
| 10. | Mining./mineral extraction | N |
| 11. | Recreation facilities | |
| | a. Low-intensity | P-G |
| | b. High-intensity | N |
| 12. | Residential | N |
| 13. | Solid waste disposal | N |
| 14. | Timber farming/harvesting | P-G |
| 15. | Utilities | |
| | a. Low-intensity | P-G |
| | b. High-intensity | N |

B. Activities

1.	Stream alteration	P-G
2.	Dikes	
	a. New construction	N
	b. Maintenance/repair	P-G
3.	Dredged material disposal	N
4.	Excavation to create new water surface	ACU-S, G
5.	Fill	ACU-S, G
6.	Shoreline stabilization	
	a. Vegetative	P-G
	b. Riprap	ACU-S, G
	c. Retaining wall	ACU-S, G
7.	Navigation aids	P-G
8.	Mitigation	P-G
9.	Restoration	
	a. Active	ACU-S, G
	b. Passive	P-G
10.	Land divisions	
	a. Partition	N
	b. Subdivision	N
	c. Planned Unit Development	N
	d. Recreation PUD	N

GENERAL CONDITIONS (the following conditions apply to all uses and activities):

1. Inventoried resources requiring mandatory protection in this district are subject to Policies #17 and #18.
2. All permitted uses and activities shall be consistent with Policy #23, requiring protection of riparian vegetation.
3. Uses in this district are only permitted as stated in Policy #14, "General Policy on Uses within Rural Coastal Shorelands". Except as permitted outright, or where findings are made in this Plan, uses are only allowed subject to the findings in this policy.
4. On designated "medium" priority mitigation/restoration sites, all uses/activities shall only be permitted subject to the conditions in Policy #22.
5. In rural areas (outside UGBs) utilities, public facilities and services shall only be provided subject to Policies #49, #50, and #51.

SPECIAL CONDITIONS

Activities:

- 4,5. These activities are limited to minor dredging and fill necessary to construct and maintain a public boat ramp.
- 6b,6c. These activities are permitted subject to the findings required by Policy #9, "Solutions to Erosion and Flooding Problems".
- 9a. Active restoration shall be allowed only when consistent with Policy #22b.

SECTION 3.2.657. Land Development Standards. The requirements set forth in Table 3.2 shall govern development in the 30E-CS district.

GENERAL LOCATION: ISTHMUS SLOUGH

ZONING DESIGNATION: 30-CA

ZONING DISTRICT: 30-CONSERVATION AQUATIC

SPECIFIC BOUNDARIES: This district consists of the aquatic area of Isthmus Slough from the south end of Aquatic District 28A opposite Millington to the south edge of the Powrie log dump at the line between S.23 and S.26, T.26, R.13, excluding two wetlands on the west bank, a large salt marsh across from Shinglehouse Slough and a salt marsh at the south end of the district, which are part of District #31 NA.

SECTION 3.2.660. Management Objective: This district shall allow: Intensive log storage and transport to continue as consistent with DEQ standards. This district contains a designated mitigation site (U-45a), a "low" priority site (see Policy #22). Disposal of dredge materials from maintenance dredging on the adjacent dike for maintenance purposes shall be encouraged.

SECTION 3.2.661. Uses, Activities and Special Conditions. Table 30-CA sets forth the uses and activities which are permitted, which may be permitted as conditional uses, or which are prohibited in this zoning district. Table 30-CA also sets forth special conditions which may restrict certain uses or activities, or modify the manner in which certain uses or activities may occur. Reference to "policy numbers" refers to Plan Policies set forth in the Coos Bay Estuary Management Plan.

A. Uses

1.	Aquaculture	ACU-S, G
2.	Commercial	ACU-S, G
3.	Docks	ACU-S, G
4.	Industrial & port facilities	N
5.	Log dump/sort/storage (in-water)	ACU-S, G
6.	Marinas	N
7.	Mining/mineral extraction	N
8.	Recreation facilities	
	a. Low-intensity	ACU-S, G
	b. High-intensity	ACU-S, G
9.	Utilities	
	a. Low-intensity	P-G
	b. High-intensity	P-G
10.	Bridge crossing support structures and dredging necessary for installation	ACU-S, G
11.	Bridge crossings	ACU-S, G

B. Activities

1.	Dikes	
	a. New construction	N
	b. Maintenance/repair	ACU-S, G
	c. Installation of tidegates in existing functional dikes	ACU-S, G
2.	Dredging	
	a. New	N
	b. Maintenance dredging of existing facilities	ACU-S, G
	c. To repair dikes and tidegates	ACU-S, G
3.	Dredged material disposal	N
4.	Fill	ACU-S, G
5.	Navigational	
	a. Aides	P-G
	b. Structures	N
	c. Minor navigational improvement	P-G
	d. Water-dependent commercial enterprises and activities	N
6.	Piling/dolphin installation	P-G
7.	Shoreline stabilization	
	a. Vegetative	P-G
	b. Riprap	ACU-S, G
	c. Bulkheads	ACU-S, G
8.	Mitigation	P-G
9.	Restoration	
	a. Active	ACU-S, G
	b. Passive	P-G
10.	Protection of habitat, nutrient, fish, wildlife and aesthetic	P
11.	Research and educational observations	P
12.	Temporary alterations	ACU-S, G
13.	Waste water/storm water discharge	ACU-S, G
14.	Research and educational observation structures	N

GENERAL CONDITIONS:

1. All uses and activities: Inventoried resources requiring mandatory protection are subject to Policies #17 and #18.

SPECIAL CONDITIONS

Uses:

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 rakes) is allowed; or, where aquaculture requires dredging or fill or other alteration of the estuary is subject to Policy #4a.
- 2,3. These uses are only permitted if they are water-dependent and need to occupy the water surface by means other than fill (e.g., pilings).
5. New or expanded log storage shall only be permitted after review and approval by the DEQ (see Policy #5c).
- 8a,8b. These uses are only allowed subject to the making of resource capability findings and subject to the assessment of impacts (see Policy #4a). Boat ramps for public use where no dredging or fill for navigational access is needed (see definition of "Recreation").
- 10.,11. This use/activity is permitted subject to the findings required by Policy #6, "Fill in Conservation and Natural Management Units".

Activities:

- 1b.,1c.,4. These activities are permitted subject to the findings required by Policy #6, "Fill in Conservation and Natural Management Units", and subject to finding that adverse impacts have been minimized (see Policy #5) and to Policy #8 requiring mitigation.
- 2b. This activity is allowed subject to finding that adverse impacts have been minimized (see Policy #5) and to Policy #8 requiring mitigation. First consideration shall be given to dredged material disposal on the adjacent dike for dike maintenance purposes. Further, where dredging for log storage is involved, this activity shall only be allowed subject to the making of resource capability consistency findings and impact assessments (see Policy #4a).
- 2c. Dredging for routine repair/maintenance shall only be permitted if no alternative upland source of suitable fill material is reasonably available and/or land access is not possible (see Policy #5b). This activity is also subject to Policy #8 requiring mitigation, as applicable.

Dredging shall be permitted to maintain/repair tidegates and for emergency dike repair where breaching has occurred or is imminent. However, all dredging shall be the minimum required to maintain functional operation (see Policy #5b).
- 5c. This activity is subject to Policy #12.
- 7b.,7c. These activities are 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 riprap.

- 9a. Active restoration shall be allowed only when consistent with Policy #22b.
- 12. This activity is only permitted subject to Policy #5a.
- 13. This activity is allowed subject to Policy #25 and the definition of "facility".

GENERAL LOCATION: ISTHMUS SLOUGH - DAVIS SLOUGH

ZONING DESIGNATION: 31-RS

ZONING DISTRICT: 31-RURAL SHORELANDS

SPECIFIC BOUNDARIES: This district is the shoreland surrounding Davis Slough from its mouth at the Highway 42 Bridge.

SECTION 3.2.665. Management Objective: This district shall be managed to allow continuation of low-intensity rural uses, including agricultural and forest operations. This district also contains two designated mitigation sites: U-51(b) ("high" priority) and U-52(a) ("low" priority). Site U-51(b) must be protected, as required by Policy #22.

SECTION 3.2.666. Uses, Activities and Special Conditions. Table 31-RS sets forth the uses and activities which are permitted, which may be permitted as conditional uses, or which are prohibited in this zoning district. Table 31-RS also sets forth special conditions which may restrict certain uses or activities, or modify the manner in which certain uses or activities may occur. Reference to "policy numbers" refers to Plan Policies set forth in the Coos Bay Estuary Management Plan.

A. Uses

1.	Agriculture	P-G
2.	Airports	N
3.	Aquaculture	P-G
4.	Commercial	N
5.	Dryland moorage	N
6.	Industrial and port facilities	N
7.	Land transportation facilities	P-G
8.	Log storage/sorting yard (land)	N
9.	Marinas	N
10.	Mining/mineral extraction	N
11.	Recreation facilities	
	a. Low-intensity	N
	b. High-intensity	N
12.	Residential	P-G
13.	Solid waste disposal	N
14.	Timber farming/harvesting	P-G
15.	Utilities	
	a. Low-intensity	P-G
	b. High-intensity	N

B. Activities

1.	Stream alteration	N
2.	Dikes	
	a. New construction	N
	b. Maintenance/repair	P-G
3.	Dredged material disposal	N
4.	Excavation to create new water surface	N
5.	Fill	N
6.	Shoreline stabilization	
	a. Vegetative	P-G
	b. Riprap	ACU-S, G
	c. Retaining wall	ACU-S, G
7.	Navigation aids	P-G
8.	Mitigation	P-G
9.	Restoration	
	a. Active	ACU-S, G
	b. Passive	P-G
10.	Land divisions	
	a. Partition	ACU-S, G
	b. Subdivision	ACU-S, G
	c. Planned Unit Development	ACU-S, G
	d. Recreation PUD	N

GENERAL CONDITIONS (the following conditions apply to all uses and activities):

1. Inventoried resources requiring mandatory protection in this district are subject to Policies #17 and #18.
2. All permitted uses and activities shall be consistent with Policy #23, requiring protection of riparian vegetation.

The following conditions apply to all permitted uses:

3. Where "agricultural lands" or "forest lands" occur within this district, as identified in the "Special Considerations Map", uses in these areas shall be limited to those permitted in Policies #28 and #34.
4. Uses in this district are only permitted as stated in Policy #14, "General Policy on Uses within Rural Coastal Shorelands". Except as permitted outright, or where findings are made in this Plan, uses are only allowed subject to the findings in this policy.
5. All permitted uses shall be consistent with the respective flood regulations of local governments, as required in Policy #27.
6. On designated "high" priority mitigation/restoration sites, all uses/activities shall only be permitted subject to the conditions in Policy #22.

7. In rural areas (outside of UGBs) utilities, public facilities and services shall only be provided subject to Policies #49, #50, and #51.

SPECIAL CONDITIONS

Activities:

- 6b.,6c . These activities are permitted subject to the findings required by Policy #9, "Solutions to Erosion and Flooding Problems".
- 9a. Active restoration shall be allowed only when consistent with Policy #22b.
10. Land divisions are only permitted when they meet the conditions in Policy #15.

SECTION 3.2.667. Land Development Standards. The requirements set forth in Table 3.2 Shall govern development in the 31-RS district.

GENERAL LOCATION: ISTHMUS SLOUGH

ZONING DESIGNATION: 31-NA

ZONING DISTRICT: 31-NATURAL AQUATIC

SPECIFIC BOUNDARIES: This district consists of the entire southern portion of Isthmus Slough, including Davis Slough, from the southern edge of the Powrie log dump on the west shore (Section line between S.23 and S.26, T.26, R.13) to the extent of hydraulic influence (tidegate at Greenacres). It also contains salt marshes adjacent to District 30 CA, as described in the language for that district.

SECTION 3.2.670. Management Objective: This district provides important habitat for a variety of fish species, and shall be managed to maintain the area in its natural condition to encourage further development of these species. A small public boat ramp is also permitted. The district also contains three designated mitigation sites, U-51(a) "high" priority, U-55(b) "medium" priority, and U-55 (a) "low" priority. The first two sites shall be protected, as required by Policy #22. Maintenance/repair of bridge crossing support structures shall be permitted.

SECTION 3.2.671. Uses, Activities and Special Conditions. Table 31-NA sets forth the uses and activities which are permitted, which may be permitted as conditional uses, or which are prohibited in this zoning district. Table 31-NA also sets forth special conditions which may restrict certain uses or activities, or modify the manner in which certain uses or activities may occur. Reference to "policy numbers" refers to Plan Policies set forth in the Coos Bay Estuary Management Plan.

A. Uses

1.	Aquaculture	ACU-S, G
2.	Commercial	N
3.	Docks	N
4.	Industrial and port facilities	N
5.	Log dump/sort/storage (in-water)	N
6.	Marinas	N
7.	Mining/mineral extraction	N
8.	Recreation facilities	
	a. Low-intensity	ACU-S, G
	b. High-intensity	N
9.	Utilities	
	a. Low-intensity	P-G
	b. High-intensity	N
10.	Bridge crossing support structures and dredging necessary for installation	ACU-S, G
11.	Bridge crossings	ACU-S, G

B. Activities

1.	Dikes		
	a.	New construction	N
	b.	Maintenance/repair	P-G
	c.	Installation of tidegates in existing functional dikes	ACU-S, G
2.	Dredging		
	a.	New	ACU-S, G
	b.	Maintenance dredging of existing facilities	ACU-S, G
	c.	To repair dikes and tidegates	ACU-S, G
3.	Dredged material disposal		N
4.	Fill		ACU-S, G
5.	Navigational		
	a.	Aides	P-G
	b.	Structures	N
	c.	Minor navigational improvements	N
	d.	Water-dependent commercial enterprises and activities	N
6.	Piling/dolphin installation		N
7.	Shoreline stabilization		
	a.	Vegetative	P-G
	b.	Riprap	ACU-S, G
	c.	Bulkheads	N
8.	Mitigation		P-G
9.	Restoration		
	a.	Active	N
	b.	Passive	P-G
10.	Temporary alterations		N
11.	Protection of habitat, nutrient, fish, wildlife and aesthetic		P
12.	Research and educational observations		P
13.	Waste water/storm water discharge		N
14.	Research and educational observation structures		ACU-S, G

GENERAL CONDITIONS:

1. All uses and activities: Inventoried resources requiring mandatory protection are subject to Policies #17 and #18.

SPECIAL CONDITIONS

Uses:

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.
- 8a. Recreational facilities shall be limited to a single, small public boat ramp, not to exceed two lanes. Boat ramps for public use where no dredging or fill for navigational access is needed (see definition of "Recreation").
- 10.,11. This use is allowed subject to the findings in Policy #6, "Fill in conservation and natural management units". Management Objective of this unit allows maintenance and repair of bridge crossing support structures as outright permitted.

Activities:

- 1c. These activities are only allowed subject to finding that adverse impacts have been minimized (see Policy #5); and to Policy #8 requiring mitigation.
- 2a.,2. These activities are limited to minor dredging and fill necessary to construct and maintain a public boat ramp, and are only allowed subject to finding that adverse impacts have been minimized (see Policy #5) and to Policy #8 requiring mitigation.
- 2c. Dredging is only permitted for repair/maintenance of tidegates and for emergency repair of dikes where breaching has occurred or is imminent. Dredging shall be limited to the minimum necessary for functional operation (see Policy #5b).
4. Fill shall be allowed subject to Policy #5 and Policy #8.
- 7b. These activities are 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 riprap. Riprap may be allowed to a very limited extent where necessary for erosion control to protect: (A) uses existing as of 10-7- 077; (B) unique natural resource and historical and archaeological values; or, (C) public facilities.
14. Subject to Policy #5d.

GENERAL LOCATION: ISTHMUS SLOUGH

ZONING DESIGNATION: 32-D

ZONING DISTRICT: 32-DEVELOPMENT SHORELANDS

SPECIFIC BOUNDARIES: Northern Boundary - The southern edge of the developed area of Millington at the northern edge of the adjacent marsh. Southern Boundary - The section line between Section 23 and 26 (at the Powrie Log Dump). This district includes a portion of Shinglehouse Slough shorelands, and two small extensions west of Highway 101.

SECTION 3.2.675. Management Objective: This shoreland district which has been historically committed to a mixture of uses, including agriculture and industry, shall be managed to allow these uses and accessory uses and activities. This district contains a designated mitigation site (U-45(b)] ("low" priority); it need not be protected (see Policy #22).

SECTION 3.2.676. Uses, Activities and Special Conditions. Table 32-D sets forth the uses and activities which are permitted, which may be permitted as conditional uses, or which are prohibited in this zoning district. Table 32-D also sets forth special conditions which may restrict certain uses or activities, or modify the manner in which certain uses or activities may occur. Reference to "policy numbers" refers to Plan Policies set forth in the Coos Bay Estuary Management Plan.

A. Uses

1.	Agriculture	P-G
2.	Airports	N
3.	Aquaculture	ACU-S, G
4.	Commercial	ACU-S, G
5.	Dryland moorage	P-G
6.	Industrial and port facilities	P-G
7.	Land transportation facilities	P-G
8.	Log storage/sorting yard (land)	P-G
9.	Marinas	N
10.	Mining/mineral extraction	N
11.	Recreation facilities	
	a. Low-intensity	P-G
	b. High-intensity	P-G
12.	Residential	N
13.	Solid waste disposal	ACU-S, G
14.	Timber farming/harvesting	P-G
15.	Utilities	
	a. Low-intensity	P-G
	b. High-intensity	P-G

B. Activities

1.	Stream alteration	P-G
2.	Dikes	
	a. New construction	P-G
	b. Maintenance/repair	P-G
3.	Dredged material disposal	N
4.	Excavation to create new water surface	P-G
5.	Fill	P-G
6.	Shoreline stabilization	
	a. Vegetative	P-G
	b. Riprap	ACU-S, G
	c. Retaining wall	ACU-S, G
7.	Navigation aids	P-G
8.	Mitigation	P-G
9.	Restoration	
	a. Active	ACU-S, G
	b. Passive	P-G
10.	Land divisions	
	a. Partition	ACU-S, G
	b. Subdivision	ACU-S, G
	c. Planned Unit Development	ACU-S, G
	d. Recreation PUD	N

GENERAL CONDITIONS (the following conditions apply to all uses and activities):

1. Inventoried resources requiring mandatory protection in this district are subject to Policies #17 and #18.
2. All permitted uses and activities shall be consistent with Policy #23, requiring protection of riparian vegetation.
3. Uses in this district are only permitted as stated in Policy #14, "General policy on Uses within Rural Coastal Shorelands". Except as permitted outright, or where findings are made in this Plan, uses are only allowed subject to the findings in this policy.
4. All permitted uses shall be consistent with the respective flood regulations of local governments, as required in Policy #27.
5. In rural areas (outside of UGBs) utilities, public facilities and services shall only be provided subject to Policies #49, #50, and #51.

SPECIAL CONDITIONS

Uses:

3. Aquaculture is allowed whether dredging or fill or other alteration of the estuary is required for harvest of benthic species or removable in-water structures such as stakes or racks (commercial, not archaeological stakes and racks.) is subject to Policy #4a.
4. Non-water-dependent commercial uses shall be allowed (subject to General Condition #4, above) only if findings are made that they are located so as not to preclude water-dependent uses.
5. New or expanded log storage shall only be permitted after review and approval by the Department of Environmental Quality (see Policy #5c).
6. All "Industrial and port facility" development shall require a Plot Plan.
13. This use shall be limited to storage of wood wastes from wood products operations.

Activities:

- 6b.,6c. These activities are permitted subject to the findings required by Policy #9,"Solutions to Erosion and Flooding Problems".
- 9a. Active restoration shall be allowed only when consistent with Policy #22b.
10. Land divisions are only permitted when they meet the conditions of Policy #15.

SECTION 3.2.677. Land Development Standards. The requirements set forth in Table 3.2 shall govern development in the 32-D district.

GENERAL LOCATION: ISTHMUS SLOUGH - SHINGLEHOUSE SLOUGH

ZONING DESIGNATION: 34-RS

ZONING DISTRICT: 34-RURAL SHORELANDS

SPECIFIC BOUNDARIES: This district consists of the shoreland surrounding Shinglehouse Slough from its mouth at the Highway 101 Bridge.

SECTION 3.2.680. Management Objective: This district surrounds a natural aquatic area and shall be managed to maintain agricultural uses while protecting adjacent aquatic resources. This district contains designated mitigation site U-42 ("medium" priority) which shall be protected, as required by Policy #22.

SECTION 3.2.681. Uses, Activities and Special Conditions. Table 34-RS sets forth the uses and activities, which are permitted, which may be permitted as conditional uses, or which are prohibited in this zoning district. Table 34-RS also sets forth special conditions which may restrict certain uses or activities, or modify the manner in which certain uses or activities may occur. Reference to "policy numbers" refers to Plan Policies set forth in the Coos Bay Estuary Management Plan.

A. Uses

1.	Agriculture	P-G
2.	Airports	N
3.	Aquaculture	P-G
4.	Commercial	N
5.	Dryland moorage	P-G
6.	Industrial and port facilities	N
7.	Land transportation facilities	N
8.	Log storage/sorting yard (land)	N
9.	Marinas	N
10.	Mining/mineral extraction	N
11.	Recreation facilities	
	a. Low-intensity	ACU-S, G
	b. High-intensity	ACU-S, G
12.	Residential	P-G
13.	Solid waste disposal	N
14.	Timber farming/harvesting	P-G
15.	Utilities	
	a. Low-intensity	P-G
	b. High-intensity	P-G

B. Activities

1.	Stream alteration	P-G
2.	Dikes	
	a. New construction	N
	b. Maintenance/repair	P--G
3.	Dredged material disposal	N
4.	Excavation to create new water surface	N
5.	Fill	N
6.	Shoreline stabilization	
	a. Vegetative	P-G
	b. Riprap	ACU-S, G
	c. Retaining wall	ACU-S, G
7.	Navigation aids	P-G
8.	Mitigation	P-G
9.	Restoration	
	a. Active	ACU-S, G
	b. Passive	P-G
10.	Land divisions	
	a. Partition	ACU-S, G
	b. Subdivision	ACU-S, G
	c. Planned Unit Development	ACU-S, G
	d. Recreation PUD	N

GENERAL CONDITIONS (the following conditions apply to all uses and activities):

1. Inventoried resources requiring mandatory protection in this district are subject to Policies #17 and #18.
2. All permitted uses and activities shall be consistent with Policy #23 requiring protection of riparian vegetation.

The following condition applies to all permitted uses:

3. Where "agricultural lands" or "forest lands" occur within this district, as identified in the "Special Considerations Map", uses in these areas shall be limited to those permitted in Policies #28 and #34.
4. Uses in this district are permitted as stated in Policy #14, "General Policy on Uses within Rural Coastal Shorelands". Except as permitted outright, or where findings are made in this Plan, uses are only allowed subject to the findings in this policy.
5. All permitted uses shall be consistent with the respective flood regulations of local governments, as required in Policy #27.
6. On designated "medium" priority mitigation/restoration sites, all uses/activities shall only be permitted subject to the conditions in Policy #22.

7. In rural areas (outside of UGBs) utilities, public facilities, and services shall only be provided subject to Policies #49, #50, and #51.

SPECIAL CONDITIONS

Uses:

- 11a,11b. Maintenance of and improvements to the existing boat ramp located in adjacent Aquatic District #34 shall be allowed. Additional recreational uses shall be allowed when findings are developed which document that such uses are consistent with the character of the adjacent natural aquatic area.

Activities:

- 6b.,6c. These activities are permitted subject to the findings required by Policy #9, "Solutions to Erosion and Flooding Problems".
- 9a. Active restoration shall be allowed only when consistent with Policy #22b.
10. Land divisions are only permitted where they meet the conditions in Policy #15.

SECTION 3.2.682. Land Development Standards. The requirements set forth in Table 3.2 shall govern development in the 34-RS district.

GENERAL LOCATION: ISTHMUS SLOUGH - SHINGLEHOUSE SLOUGH

ZONING DESIGNATION: 34-NA

ZONING DISTRICT: 34-NATURAL AQUATIC

SPECIFIC BOUNDARIES: This district consists of the entire aquatic area of Shinglehouse Slough from the mouth at the Highway 101 Bridge to the extent of hydraulic influence.

SECTION 3.2.685. Management Objective: This aquatic district, which is a major natural resource production area, shall be managed to maintain its resource values and productivity. Maintenance and improvement of the existing boat ramp shall be permitted. Maintenance/repair of bridge crossing support structures is permitted.

SECTION 3.2.686. Uses, Activities and Special Conditions. Table 34-NA sets forth the uses and activities which are permitted, which may be permitted as conditional uses, or which are prohibited in this zoning district. Table 34-NA also sets forth special conditions which may restrict certain uses or activities, or modify the manner in which certain uses or activities may occur. Reference to “policy numbers” refers to Plan Policies set forth in the Coos Bay Estuary Management Plan.

A. Uses

1.	Aquaculture	ACU-S, G
2.	Commercial	N
3.	Docks	N
4.	Industrial & port facilities	N
5.	Log dump/sort/storage (in-water)	N
6.	Marinas	N
7.	Mining/mineral extraction	N
8.	Recreation facilities	
	a. Low-intensity	ACU-S, G
	b. High-intensity	N
9.	Utilities	
	a. Low-intensity	P-G
	b. High-intensity	N
10.	Bridge crossing support structures and dredging necessary for installation	ACU-S, G
11.	Bridge crossings	ACU-S, G

B. Activities

1.	Dikes	
	a. New construction	N
	b. Maintenance/repair	N
	c. Installation of tidegates in existing functional dikes	N
2.	Dredging	
	a. New	ACU-S, G
	b. Maintenance dredging of existing facilities	ACU-S, G
	c. To repair dikes and tidegates	N
3.	Dredged material disposal	N
4.	Fill	ACU-S, G
5.	Navigational	
	a. Aides	N/A
	b. Structures	N
	c. Minor navigational improvements	N
	d. Water-dependent commercial enterprises and activities	N
6.	Piling/dolphin installation	N
7.	Shoreline stabilization	
	a. Vegetative	P-G
	b. Riprap	ACU-S, G
	c. Bulkheads	N
8.	Mitigation	P-G
9.	Restoration	
	a. Active	N
	b. Passive	P-G
10.	Temporary alterations	ACU-S, G
11.	Protection of habitat, nutrient, fish, wildlife and aesthetic	P
12.	Research and educational observations	P
13.	Research and educational observation structures	ACU-S, G

GENERAL CONDITIONS:

1. All uses and activities: Inventoried resources requiring mandatory protection are subject to Policies #17 and #18.

SPECIAL CONDITIONS

Uses:

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.
- 8a. Maintenance and improvement of the existing boat ramp shall be allowed.
- 10.,11. This use is allowed subject to the findings in Policy #6, "Fill in conservation and Natural Management Units". Management Objective of this unit allows the maintenance and repair of bridge crossing support structures outright permitted.

Activities:

- 2a.,2b. These activities shall be limited to minor dredging and fill necessary to improve and maintain the public boat ramp. These activities are only allowed subject to finding that adverse impacts have been minimized (see Policy #5) and to Policy #8 requiring mitigation.
4. Fill shall be allowed subject to Policy #5 and #8.
- 7b. These activities are permitted see 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 riprap. Riprap may be allowed 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.
10. This activity is subject to Policy #5a.
13. Subject to Policy #5d.

GENERAL LOCATION: ISTHMUS SLOUGH

ZONING DESIGNATION: 36-UW

ZONING DISTRICT: 36-URBAN WATER-DEPENDENT

SPECIFIC BOUNDARIES: Northwestern Boundary - The Southern Pacific rail line south of the crossing of Coalbank Slough. Southern Boundary - The south boundary of the developed area of Millington and the north boundary of the saltmarsh on the south side of Millington.

SECTION 3.2.690. Management Objective: This shoreland district, which includes a mix of water-dependent and non-water-dependent industrial uses and an area bordering the 35-foot channel which is "suitable for water-dependent uses", shall allow only water-dependent uses along the deep-draft channel, except as allowed by Policy #16. In the remainder of the district, existing uses shall be permitted to continue and expand.

SECTION 3.2.691. Uses, Activities and Special Conditions. Table 36-UW sets forth the uses and activities which are permitted, which may be permitted as conditional uses, or which are prohibited in this zoning district. Table 36-UW also sets forth special conditions which may restrict certain uses or activities, or modify the manner in which certain uses or activities may occur. Reference to "policy numbers" refers to Plan Policies set forth in the Coos Bay Estuary Management Plan.

A. Uses

1.	Agriculture	ACU-S, G
2.	Airports	N
3.	Aquaculture	ACU-S, G
4.	Commercial	ACU-S, G
5.	Dryland moorage	P-G
6.	Industrial & port facilities	ACU-S, G
7.	Land transportation facilities	P-G
8.	Log storage/sorting yard (land)	P-G
9.	Marinas	N
10.	Mining/mineral extraction	P-G
11.	Recreation facilities	
	a. Low-intensity	N
	b. High-intensity	N
12.	Residential	N
13.	Solid waste disposal	P-G
14.	Timber farming/harvesting	N/A
15.	Utilities	
	a. Low-intensity	P-G
	b. High-intensity	P-G
16.	Energy production	ACU-S,G
17.	Water-borne transportation	ACU-S,G

B. Activities

1.	Stream alteration	P-G
2.	Dikes	
	a. New construction	P-G
	b. Maintenance/repair	P-G
3.	Dredged material disposal	ACU-S, G
4.	Excavation to create new water surface	P-G
5.	Fill	P-G
6.	Shoreline stabilization	
	a. Vegetative	P-G
	b. Riprap	ACU-S, G
	c. Retaining wall	ACU-S, G
7.	Navigation aids	P-G
8.	Mitigation	N/A
9.	Restoration	
	a. Active	N/A
	b. Passive	N/A
10.	Land divisions	
	a. Partition	ACU-S, G
	b. Subdivision	ACU-S, G
	c. Planned Unit Development	ACU-S, G
	d. Recreation PUD	N

GENERAL CONDITIONS

1. All permitted uses and activities shall be consistent with Policy #23, requiring protection of riparian vegetation.
2. All permitted uses shall be consistent with the respective flood regulations of local governments, as required in Policy #27.
3. All uses shall be consistent with Policy #16, regarding protection of areas "suitable for water-dependent uses".
4. All uses and activities: Inventoried resources requiring mandatory protection are subject to Policies #17 and #18.
5. In rural areas (outside of UGBs) utilities, public facilities, and services shall only be provided subject to Policies #49, #50, and #51.

SPECIAL CONDITIONS

Uses:

- 1.,3. These uses shall be allowed only as interim uses and shall not preclude expansion of existing or related industrial uses or new water-dependent/water-related uses (subject to Policy #4a).
- 4.,6. Commercial and industrial uses within the urban unincorporated communities are subject to Policy #16a.
- 4.,6.,16.,17. These uses are subject to review and approval when consistent with Policy #16.

Activities:

3. Dredge material disposal shall be allowed when consistent with Policy #20.
- 6b.,6c. These activities are permitted subject to the findings required by Policy #9, "Solutions to Erosion and Flooding Problems".

SECTION 3.2.692. Land Development Standards. The requirements set forth in Table 3.2 shall govern development in the 36-UW district.

GENERAL LOCATION: ISTHMUS SLOUGH - COALBANK SLOUGH

ZONING DESIGNATION: 38-UD

ZONING DISTRICT: 38-URBAN DEVELOPMENT

SPECIFIC BOUNDARIES: Northeastern Boundary - The rail line south of the crossing of Coalbank Slough. Southwestern Boundary - The east edge of the eastern-most major salt marsh on the south shore of Coalbank Slough, near the television studios.

SECTION 3.2.695. Management Objective: This district shall be managed to facilitate development of upland support uses for moorage that is expected to develop in Coalbank Slough.

SECTION 3.2.696. Uses, Activities and Special Conditions. Table 38-UD sets forth the uses and activities which are permitted, which may be permitted as conditional uses, or which are prohibited in this zoning district. Table 38-UD also sets forth special conditions which may restrict certain uses or activities, or modify the manner in which certain uses or activities may occur. Reference to “policy numbers” refers to Plan Policies set forth in the Coos Bay Estuary Management Plan.

A. Uses

1.	Agriculture	N/A
2.	Airports	N
3.	Aquaculture	ACU-S, G
4.	Commercial	ACU-S, G
5.	Dryland moorage	P-G
6.	Industrial & port facilities	ACU-S, G
7.	Land transportation facilities	P-G
8.	Log storage/sorting yard (land)	N
9.	Marinas	P-G
10.	Mining/mineral extraction	N
11.	Recreation facilities	
	a. Low-intensity	P-G
	b. High-intensity	P-G
12.	Residential	P-G
13.	Solid waste disposal	N
14.	Timber farming/harvesting	N/A
15.	Utilities	
	a. Low-intensity	P-G
	b. High-intensity	P-G

B. Activities

1.	Stream alteration	P-G
2.	Dikes	
	a. New construction	P-G
	b. Maintenance/repair	P-G
3.	Dredged material disposal	ACU-S, G
4.	Excavation to create new water surface	P-G
5.	Fill	P-G
6.	Shoreline stabilization	
	a. Vegetative	P-G
	b. Riprap	ACU-S, G
	c. Retaining wall	ACU-S, G
7.	Navigation aids	P-G
8.	Mitigation	P-G
9.	Restoration	
	a. Active	ACU-S, G
	b. Passive	P-G
10.	Land divisions	
	a. Partition	ACU-G
	b. Subdivision	ACU-G
	c. Planned Unit Development	ACU-G
	d. Recreation PUD	N

GENERAL CONDITIONS

1. All permitted uses and activities shall be consistent with Policy #23, requiring protection of riparian vegetation.
2. All permitted uses shall be consistent with the respective flood regulations of local governments, as required in Policy #27.
3. All uses and activities: Inventoried resources requiring mandatory protection are subject to Policies #17 and #18.

SPECIAL CONDITIONS

Uses:

3. Aquaculture is allowed whether dredging or fill or other alteration of the estuary is required for harvest of benthic species or removable in-water structures such as stakes or racks (commercial, not archaeological stakes and racks.) is subject to Policy #4a.
- 4.,6. Commercial and industrial uses within the urban unincorporated communities are subject to Policy #16a.

Activities:

3. Dredged material disposal shall be allowed when consistent with Policy #20.
- 6b.,6c. These activities are permitted subject to the findings required by Policy #9, "Solutions to Erosion and Flooding Problems".
- 9a. Active restoration shall be allowed only when consistent with Policy #22b.

SECTION 3.2.697. Land Development Standards. The requirements set forth in Table 3.2 shall govern development in the 38-UD district.

GENERAL LOCATION: ISTHMUS SLOUGH - COALBANK SLOUGH

ZONING DESIGNATION: 38-CA

ZONING DISTRICT: 38-CONSERVATION AQUATIC

SPECIFIC BOUNDARIES: This district consists of the aquatic area of Coalbank Slough from the railroad bridge to the extent of hydraulic influence (tidegates on Shinglehouse/Libby Road), excluding the two saltmarshes on the southeastern shore.

SECTION 3.2.700. Management Objective: The Management Objective of this district is two-fold:

- (1) The portion of the district between Seventh Street in Coos Bay and the mouth of the slough shall be managed to facilitate development of a small-scale, shallow-draft marina. Continuation of historic log storage shall be appropriate between the highway and railroad bridges only.
- (2) The portion of the district upstream from Seventh Street in Coos Bay shall be managed to restrict intensive uses and thereby protect the area's resource productivity.

SECTION 3.2.701. Uses, Activities and Special Conditions. Table 38-CA sets forth the uses and activities which are permitted, which may be permitted as conditional uses, or which are prohibited in this zoning district. Table 38-CA also sets forth special conditions which may restrict certain uses or activities, or modify the manner in which certain uses or activities may occur. Reference to “policy numbers” refers to Plan Policies set forth in the Coos Bay Estuary Management Plan.

A. Uses

- | | | |
|-----|--|----------|
| 1. | Aquaculture | ACU-S, G |
| 2. | Commercial | ACU-S, G |
| 3. | Docks | ACU-S, G |
| 4. | Industrial & port facilities | ACU-S, G |
| 5. | Log dump/sort/storage (in-water) | ACU-S, G |
| 6. | Marinas | ACU-S, G |
| 7. | Mining/mineral extraction | N |
| 8. | Recreation facilities | |
| | a. Low-intensity | ACU-S, G |
| | b. High-intensity | ACU-S, G |
| 9. | Utilities | |
| | a. Low-intensity | P-G |
| | b. High-intensity | P-G |
| 10. | Bridge crossing support structures and dredging necessary for installation | ACU-S, G |
| 11. | Bridge crossings | ACU-S, G |

B. Activities

1.	Dikes	
	a. New construction	N
	b. Maintenance/repair	ACU-S, G
	c. Installation of tidegates in existing functional dikes	ACU-S, G
2.	Dredging	
	a. New	ACU-S, G
	b. Maintenance dredging of existing facilities	ACU-S, G
	c. To repair dikes and tidegates	ACU-S, G
3.	Dredged material disposal	N
4.	Fill	ACU-S, G
5.	Navigational	
	a. Aides	P-G
	b. Structures	N/A
	c. Minor navigational improvements	P-G
	d. Water-dependent commercial enterprises and activities	N/A
6.	Piling/dolphin installation	P-G
7.	Shoreline stabilization	
	a. Vegetative	P-G
	b. Riprap	ACU-S, G
	c. Bulkheads	ACU-S, G
8.	Mitigation	P-G
9.	Restoration	
	a. Active	ACU-S, G
	b. Passive	P-G
10.	Protection of habitat, nutrient, fish, wildlife and aesthetic	P
11.	Temporary alterations	ACU-S, G
12.	Research and educational observations	P
13.	Waste water/storm water discharge	ACU-S, G
14.	Research and educational observation structures	N

GENERAL CONDITIONS:

1. All uses and activities: Inventoried resources requiring mandatory protection are subject to Policies #17 and #18.

SPECIAL CONDITIONS

Uses:

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 allowed; or, where aquaculture requires dredging or fill or other alteration of the estuary is subject to Policy #4a.
- 8a.,8b. These uses are only allowed subject to the making of resource capability findings and subject to the assessment of impacts (see Policy #4a). In addition, recreational facilities must be water-dependent. Boat ramps for public use where no dredging or fill for navigational access is needed (see definition of "Recreation").

- 2.,3.,4. These uses are only permitted if they are water-dependent and need to occupy the water surface by means other than fill (e.g. piling). Industrial uses shall not be allowed upstream of Seventh Street.
5. Log storage shall be allowed between the highway and railroad bridges only; log dump/sort shall not be allowed.

New or expanded log storage shall only be permitted after review and approval by the DEQ (see Policy #5c).
6. A marina shall only be allowed east of Seventh Street in Coos Bay, and shall not involve new dredging of a channel for access purposes.
- 10.,11. This use is only permitted subject to the findings required by Policy #6, "Fill in Conservation and Natural Management Units".

Activities:

- 1b.,1c. This activity is permitted subject to the findings required by Policy #6, "Fill in Conservation and Natural Management Units", and subject to finding that adverse impacts have been minimized (see Policy #5) and to Policy #8 requiring mitigation.
- 2a. New dredging shall be allowed only for the purpose of establishing a marina for shallow-draft vessels as described in the management objective, but shall not involve new dredging of an access channel. This activity is only allowed subject to finding that adverse impacts have been minimized (see Policy #5) and to Policy #8 requiring mitigation.
- 2b. These activities are only allowed subject to finding that adverse impacts have been minimized (see Policy #5) and to Policy #8 requiring mitigation.

Further, where dredging for log storage is involved, this activity shall only be allowed subject to the making of resource capability consistency findings and impact assessments (see Policy #4a).
- 2c. Dredging for routine repair/maintenance of dikes shall only be permitted if no alternative upland source of suitable fill material is reasonably available and/or land access is possible (see Policy #5b). This activity is also subject to Policy #8 requiring mitigation, as applicable. Dredging shall be permitted to maintain/repair tidegates and for emergency dike repair where breaching has occurred, or is imminent. However, all dredging shall be the minimum required for functional operation.
4. Fill shall be allowed to permit development of a small-scale marina, subject to findings that adverse impacts have been minimized (see Policy #5) and to Policy #8 requiring mitigation.
- 5c. This activity is subject to Policy #12.
- 7b.,7c. These activities are 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 riprap, and subject to finding that adverse impacts have been minimized (see Policy #5) and to Policy #8 requiring mitigation. Riprap may be allowed 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.

Further bulkheads are only permitted subject (1) to the making of resource capability consistency findings and impact assessments (see Policy #4a); (2) to the findings required by Policy 36, "Fill in Conservation and Natural Management Units", (3) to finding that adverse impacts have been minimized (see Policy #5); and (4) to Policy #8 requiring mitigation.

- 9a. Active restoration shall be allowed when consistent with Policy #22b.
- 11. This activity is only permitted subject to Policy #5a.
- 13. Waste water and storm water discharge, see Policy #25 and definition of "facility".

GENERAL LOCATION: ISTHMUS SLOUGH - COALBANK SLOUGH

ZONING DESIGNATION: 39-CS

ZONING DISTRICT: 39-CONSERVATION SHORELANDS

SPECIFIC BOUNDARIES: Northeastern Boundary - The northeastern corner of the first major saltmarsh on the south shore of Coalbank Slough, near the television studios.

Southwestern Boundary - The southwestern corner of the second and larger major saltmarsh on Coalbank Slough

SECTION 3.2.705. Management Objective: This shoreland district shall be managed to allow agricultural uses, and as a buffer designed to protect marshlands by regulating uses and activities as set forth in the matrix. This district is adjacent to two "high" priority mitigation sites (U-59(a) and (b)], which shall be protected as required by Policy #22.

SECTION 3.2.706. Uses, Activities and Special Conditions. Table 39-CS sets forth the uses and activities which are permitted, which may be permitted as conditional uses, or which are prohibited in this zoning district. Table 39-CS also sets forth special conditions which may restrict certain uses or activities, or modify the manner in which certain uses or activities may occur. Reference to "policy numbers" refers to Plan Policies set forth in the Coos Bay Estuary Management Plan.

A. Uses

- | | | |
|-----|---------------------------------|-----|
| 1. | Agriculture | P-G |
| 2. | Airports | N |
| 3. | Aquaculture | N |
| 4. | Commercial | N |
| 5. | Dryland moorage | N |
| 6. | Industrial and port facilities | N |
| 7. | Land transportation facilities | P-G |
| 8. | Log storage/sorting yard (land) | N |
| 9. | Marinas | N |
| 10. | Mining/mineral extraction | N |
| 11. | Recreation facilities | |
| | a. Low-intensity | N |
| | b. High-intensity | N |
| 12. | Residential | P-G |
| 13. | Solid waste disposal | N |
| 14. | Timber farming/harvesting | P-G |
| 15. | Utilities | |
| | a. Low-intensity | P-G |
| | b. High-intensity | N |

B. Activities

- | | | |
|----|-------------------|---|
| 1. | Stream alteration | N |
|----|-------------------|---|

2.	Dikes	
	a. New construction	N
	b. Maintenance/repair	P-G
3.	Dredged material disposal	N
4.	Excavation to create new water surface	N
5.	Fill	N
6.	Shoreline stabilization	
	a. Vegetative	P-G
	b. Riprap	ACU-S, G
	c. Retaining wall	ACU-S, G
7.	Navigation aids	N/A
8.	Mitigation	P-G
9.	Restoration	
	a. Active	ACU-S, G
	b. Passive	P-G
10.	Land divisions	
	a. Partition	ACU-S, G
	b. Subdivision	ACU-S, G
	c. Planned Unit Development	ACU-S, G
	d. Recreation PUD	N

GENERAL CONDITIONS

1. All permitted uses and activities shall be consistent with Policy #23, requiring protection of riparian vegetation.
2. All permitted uses shall be consistent with the respective flood regulations of local governments, as required in Policy #27.
3. On designated "medium" or "high" priority mitigation/restoration sites, all uses/activities shall only be permitted subject to the conditions in Policy #22.
4. In rural areas (outside of UGBs) utilities, public facilities, and services shall only be provided subject to Policies #49, #50, and #51.
5. All uses and activities: Inventoried resources requiring mandatory protection are subject to Policies #17 and #18.

SPECIAL CONDITIONS

Activities:

- 6b.,6c. These activities are permitted subject to the findings required by Policy #9, "Solutions

to Erosion and Flooding Problems".

9a. Active restoration shall be allowed when consistent with Policy #22b.

SECTION 3.2.707. Land Development Standards. The requirements set forth in Table 3.2 shall govern development in the 39-CS district.

GENERAL LOCATION: ISTHMUS SLOUGH - COALBANK SLOUGH

ZONING DESIGNATION: 39-NA

ZONING DISTRICT: 39-NATURAL AQUATIC

Specific Boundaries: This district consists of the two major salt marshes on the south shore of Coalbank Slough.

SECTION 3.2.710. Management Objective: This district shall be managed to maintain and improve natural resources of the salt marshes. The district contains two designated mitigation sites [U-59(a) and (b)], both "high" priority sites, which shall be protected, as required by Policy #22.

SECTION 3.2.711. Uses, Activities and Special Conditions. Table 39-NA sets forth the uses and activities which are permitted, which may be permitted as conditional uses, or which are prohibited in this zoning district. Table 39-NA also sets forth special conditions which may restrict certain uses or activities, or modify the manner in which certain uses or activities may occur. Reference to "policy numbers" refers to Plan Policies set forth in the Coos Bay Estuary Management Plan.

A. Uses

1.	Aquaculture	ACU-S, G
2.	Commercial	N
3.	Docks	N
4.	Industrial and port facilities	N
5.	Log dump/sort/storage (in-water)	N
6.	Marinas	N
7.	Mining/mineral extraction	N
8.	Recreation facilities	
	a. Low-intensity	N
	b. High-intensity	N
9.	Utilities	
	a. Low-intensity	P-G
	b. High-intensity	N
10.	Bridge crossing support structures and dredging necessary for installation	N
11.	Bridge crossings	N

B. Activities

1.	Dikes	
	a. New construction	N
	b. Maintenance/repair	N
	c. Installation of tidegates in existing functional dikes	N
2.	Dredging	
	a. New	N
	b. Maintenance dredging of existing facilities	N

	c.	To repair dikes and tidegates	N
3.		Dredged material disposal	N
4.		Fill	N
5.		Navigational	
	a.	Aides	N
	b.	Structures	N
	c.	Minor navigational improvements	N
	d.	Water-dependent commercial enterprises and activities	N
6.		Piling/dolphin installation	N
7.		Shoreline stabilization	
	a.	Vegetative	P-G
	b.	Riprap	N
	c.	Bulkheads	N
8.		Mitigation	P-G
9.		Restoration	
	a.	Active	N
	b.	Passive	P-G
10.		Temporary alterations	N
11.		Protection of habitat, nutrient, fish, wildlife and aesthetic	P
12.		Research and educational observations	P
13.		Waste water/storm water discharge	N
14.		Research and educational observation structures	ACU-S, G

GENERAL CONDITIONS:

1. All uses and activities: Inventoried resources requiring mandatory protection are subject to Policies #17 and #18.

SPECIAL CONDITIONS

Uses:

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.

Activities:

14. Subject to Policy #5d.

GENERAL LOCATION: ISTHMUS SLOUGH - COALBANK SLOUGH

ZONING DESIGNATION: 40-RS

ZONING DISTRICT: 40-RURAL SHORELANDS

SPECIFIC BOUNDARIES: Northern Boundary - The north edge of the agricultural land where intensive use begins. Southern Boundary - The southwestern edge of the major saltmarsh defined in District #39.

SECTION 3.2.715. Management Objective: This district which is a mix of agricultural and residential uses and which is subject to periodic flooding, shall be maintained for agricultural uses. The district also contains designated mitigation sites, U-60(a) and (b), both "low" priority sites. These sites need not be protected for mitigation (see Policy #22).

SECTION 3.2.716. Uses, Activities and Special Conditions. Table 40-RS sets forth the uses and activities which are permitted, which may be permitted as conditional uses, or which are prohibited in this zoning district. Table 40-RS also sets forth special conditions which may restrict certain uses or activities, or modify the manner in which certain uses or activities may occur. Reference to "policy numbers" refers to Plan Policies set forth in the Coos Bay Estuary Management Plan.

A. Uses

1.	Agriculture	P-G
2.	Airports	N
3.	Aquaculture	ACU-S, G
4.	Commercial	N
5.	Dryland moorage	N
6.	Industrial & port facilities	N
7.	Land transportation facilities	P-G
8.	Log storage/sorting yard (land)	N
9.	Marinas	N
10.	Mining/mineral extraction	N
11.	Recreation facilities	
	a. Low-intensity	P-G
	b. High-intensity	P-G
12.	Residential	P-G
13.	Solid waste disposal	N
14.	Timber farming/harvesting	P-G
15.	Utilities	
	a. Low-intensity	P-G
	b. High-intensity	N

B. Activities

1.	Stream alteration	P-G
2.	Dikes	
	a. New construction	ACU-S, G
	b. Maintenance/repair	P-G
3.	Dredged material disposal	ACU-S, G
4.	Excavation to create new water surface	ACU-S, G
5.	Fill	ACU-S, G
6.	Shoreline stabilization	
	a. Vegetative	P-G
	b. Riprap	ACU-S, G
	c. Retaining wall	ACU-S, G
7.	Navigation aids	N/A
8.	Mitigation	P-G
9.	Restoration	
	a. Active	ACU-S, G
	b. Passive	P-G
10.	Land divisions	
	a. Partition	ACU-S, G
	b. Subdivision	ACU-S, G
	c. Planned Unit Development	ACU-S, G
	d. Recreation PUD	N

GENERAL CONDITIONS (The following condition applies to all uses and activities):

1. Inventoried resources requiring mandatory protection in this district are subject to Policies #17 and #18.
2. All permitted uses and activities shall be consistent with Policy #23, requiring protection of riparian vegetation.

The following condition applies to all permitted uses:

3. Where "agricultural lands" or "forest lands" occur within this district, as identified in the "Special Considerations Map", uses in these areas shall be limited to those permitted in Policies #28 and #34.
4. Uses in this district are only permitted as stated in Policy #14, "General Policy on Uses within Rural Coastal Shorelands". Except as permitted outright, or where findings are made in this Plan, uses are only allowed subject to the findings in this policy.
5. All permitted uses shall be consistent with the respective flood regulations of local governments, as required in Policy #27.
6. In rural areas (outside of UGBs) utilities, public facilities, and services shall only be provided subject to Policies #49, #50, and #51.

SPECIAL CONDITIONS

Uses:

3. Aquaculture is allowed whether dredging or fill or other alteration of the estuary is required for harvest of benthic species or removable in-water structures such as stakes or racks (commercial, not archaeological stakes and racks.) is subject to Policy #4a.

Activities:

- 2a.,4.,5. Construction of new dikes, creating new water surfaces and fill shall be allowed only in conjunction with an approved mitigation project.
3. This activity shall not be allowed in areas of "wet meadow" wetland, as identified on the "Special Considerations Map", except as otherwise allowed in Policy #19. Also, following completion of dredged material disposal, the areas shall be returned to agricultural use, where agricultural soils are present.
- 6b.,6c. These activities are permitted subject to the findings required by Policy #9, "Solutions to Erosion and Flooding Problems".
- 9a. Active restoration shall be allowed only when consistent with Policy #22b.
10. Land divisions are only permitted where they meet the conditions in Policy #15.

SECTION 3.2.717. Land Development Standards. The requirements set forth in Table 3.2 shall govern development in the 40-RS district.

SOUTH SLOUGH

**INCLUDING: CHARLESTON AREA,
JOE NEY SLOUGH, AND ASSOCIATED SHORELANDS**

**EXCLUDING: SOUTH SLOUGH ESTUARINE
SANCTUARY (SEE SECTION 5, SOUTH SLOUGH
ESTUARINE SANCTUARY)**

Shoreland Districts: 60 - 66

Aquatic Districts: 60 - 66B

**Districts are listed in numerical order,
Shoreland Districts first**

GENERAL LOCATION: SOUTH SLOUGH

ZONING DESIGNATION: 60-UW

ZONING DISTRICT: 60-URBAN WATER-DEPENDENT

SPECIFIC BOUNDARIES: Northern Boundary - The southern edge of the residential area north of Barview Wayside. Southern Boundary - A line perpendicular to the shoreline from the Cape Arago Highway, about 240-feet north of the junction with McClain-Libby Road.

SECTION 3.2.720. Management Objective: This district shall be managed to enhance scenic qualities and accommodate water-dependent/water-related recreational uses (non-water-dependent/non-water-related uses are allowed only as per Policy #16). This district also includes a designated mitigation site, L-4 ("high" priority). Both sites must be protected from pre-emptive uses (see Policies #20 and #22).

SECTION 3.2.721. Uses, Activities and Special Conditions. Table 60-UW sets forth the uses and activities which are permitted, which may be permitted as conditional uses, or which are prohibited in this zoning district. Table 60-UW also sets forth special conditions which may restrict certain uses or activities, or modify the manner in which certain uses or activities may occur. Reference to "policy numbers" refers to Plan Policies set forth in the Coos Bay Estuary Management Plan.

A. Uses

1.	Agriculture	N
2.	Airports	N
3.	Aquaculture	N
4.	Commercial	N
5.	Dryland moorage	N
6.	Industrial and port facilities	N
7.	Land transportation facilities	ACU-S, G
8.	Log storage/sorting yard (land)	N
9.	Marinas	N
10.	Mining/mineral extraction	N
11.	Recreation facilities	
	a. Low-intensity	P-G
	b. High-intensity	P-G
12.	Residential	N
13.	Solid waste disposal	N
14.	Timber farming/harvesting	N
15.	Utilities	
	a. Low-intensity	P-G
	b. High-intensity	N
16.	Energy production	ACU-S,G
17.	Water-borne transportation	ACU-S,G

B. Activities

1.	Stream alteration	P-G
2.	Dikes	
	a. New construction	P-G
	b. Maintenance/repair	P-G
3.	Dredged material disposal	ACU-S, G
4.	Excavation to create new water surface	P-G
5.	Fill	P-G
6.	Shoreline stabilization	
	a. Vegetative	P-G
	b. Riprap	ACU-S, G
	c. Retaining wall	ACU-S, G
7.	Navigation aids	P-G
8.	Mitigation	P-G
9.	Restoration	
	a. Active	ACU-S, G
	b. Passive	P-G
10.	Land divisions	
	a. Partition	ACU-S, G
	b. Subdivision	ACU-S, G
	c. Planned Unit Development	ACU-S, G
	d. Recreation PUD	N

GENERAL CONDITIONS

1. No permitted use or activity shall pre-empt the use of the designated dredged material disposal site in this district, as required by Policy #20.
2. All permitted uses and activities shall be consistent with Policy #23, requiring protection of riparian vegetation.
3. All permitted uses shall be consistent with the respective flood regulations of local governments, as required in Policy #27.
4. All permitted uses in dune areas shall be consistent with the requirements of Policy #30.
5. On designated "high" priority mitigation/restoration sites, all uses/activities shall only be permitted subject to the conditions in Policy #22.
6. All uses shall be consistent with Policy #16, regarding protection of areas "suitable for water-dependent uses".
7. All uses and activities: Inventoried resources requiring mandatory protection are subject to Policies #17 and #18.
8. In rural areas (outside UGBs) utilities, public facilities and services shall only be provided subject to Policies #49, #50, and #51.

SPECIAL CONDITIONS

Uses:

7. Improved access to the wayside shall be aligned to provide safe ingress and egress to the adjacent highway.

16.,17. These uses are subject to review and approval when consistent with Policy #16.

Activities:

3. This site must be used in emergencies only for temporary disposal when alternative sites cannot be used due to weather conditions or other reasons. Materials must be removed to permanent disposal site after emergency, to permit future emergency use. Actual disposal site must not conflict with proposed recreational uses.

6b.,6c. These activities are permitted subject to the findings required by Policy #9, "Solutions to Erosion and Flooding Problems".

9a. Active restoration shall be allowed only when consistent with Policy #22b.

SECTION 3.2.722. Land Development Standards. The requirements set forth in Table 3.2 shall govern development in the 60-UW district.

GENERAL LOCATION: SOUTH SLOUGH

ZONING DESIGNATION: 60-CA

ZONING DISTRICT: 60-CONSERVATION AQUATIC

SPECIFIC BOUNDARIES: This aquatic district extends from the Charleston Channel east to include the area off Barview Wayside that is proposed for public recreational water access.

SECTION 3.2.725. Management Objective: This aquatic area shall be managed to promote uses and activities as allowed outright or through the application process.

SECTION 3.2.726. Uses, Activities and Special Conditions. Table 60-CA sets forth the uses and activities which are permitted, which may be permitted as conditional uses, or which are prohibited in this zoning district. Table 60-CA also sets forth special conditions which may restrict certain uses or activities, or modify the manner in which certain uses or activities may occur. Reference to “policy numbers” refers to Plan Policies set forth in the Coos Bay Estuary Management Plan.

A. Uses

- | | | |
|-----|--|----------|
| 1. | Aquaculture | ACU-S, G |
| 2. | Commercial | N |
| 3. | Docks | ACU-S, G |
| 4. | Industrial and port facilities | N |
| 5. | Log dump/sort/storage (in-water) | N |
| 6. | Marinas | N |
| 7. | Mining/mineral extraction | N |
| 8. | Recreation facilities | |
| | a. Low-intensity | ACU-S, G |
| | b. High-intensity | ACU-S, G |
| 9. | Utilities | |
| | a. Low-intensity | P-G |
| | b. High-intensity | N |
| 10. | Bridge crossing support structures and dredging necessary for installation | N |
| 11. | Bridge crossings | N |

B. Activities:

- | | | |
|----|---|----------|
| 1. | Dikes | |
| | a. New construction | N |
| | b. Maintenance/repair | N/A |
| | c. Installation of tidegates in existing functional dikes | N |
| 2. | Dredging | |
| | a. New | ACU-S, G |
| | b. Maintenance dredging of existing facilities | ACU-S, G |
| | c. To repair dikes and tidegates | N/A |

3.	Dredged material disposal	N
4.	Fill	ACU-S, G
5.	Navigational	
a.	Aides	P-G
b.	Structures	N
c.	Minor navigational improvement	P-G
d.	Water-dependent commercial enterprises and activities	N
6.	Piling/dolphin installation	P-G
7.	Shoreline stabilization	
a.	Vegetative	P-G
b.	Riprap	ACU-S, G
c.	Bulkheads	ACU-S, G
8.	Mitigation	P-G
9.	Restoration	
a.	Active	ACU-S, G
b.	Passive	P-G
10.	Protection of habitat, nutrient, fish, wildlife and aesthetic	P
11.	Temporary alterations	ACU-S, G
12.	Research and educational observations	P
13.	Waste water/storm water discharge	ACU-S, G
14.	Research and educational observation structures	ACU-S, G

GENERAL CONDITIONS:

1. All uses and activities: Inventoried resources requiring mandatory protection are subject to Policies #17 and #18.

SPECIAL CONDITIONS

Uses:

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 allowed; or, where aquaculture requires dredging or fill or other alteration of the estuary is subject to Policy #4a.
3. This use is only permitted if it needs to occupy the water surface by means other than fill (e.g. pilings).
- 8a.,8b. These uses are only allowed subject to the making of resource capability consistency findings and impact assessments (see Policy #4a). Boat ramps for public use where no dredging or fill for navigational access is needed (see definition of "Recreation").

Further, such recreational facilities must be water-dependent.

Activities:

- 2a.,2b. Dredging shall only be allowed as necessary for a public boat ramp and boat dock. Further, these activities are only allowed subject to finding that adverse impacts have been minimized (see Policy #5) and to Policy #8 requiring mitigation. In addition to the above requirements, when these activities involve dredging for log storage, these activities are only allowed subject to the making of resource capability consistency findings and impact assessments (see Policy #4a).
4. Fill shall only be allowed as necessary for a public boat ramp and boat dock. Further this activity is only allowed subject to finding that adverse impacts have been minimized (see Policy #5) and to Policy #8 requiring mitigation.
- 5c. This activity is subject to Policy #12.
- 7b.,7c. These activities are 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 riprap. Riprap may be allowed 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, (B) public facilities.
- Further, bulkheads are only allowed subject (1) to the making of resource capability consistency findings and impact assessments (see Policy #4a); (2) to a finding that adverse impacts have been minimized (see Policy #5); and (3) to Policy #8 requiring mitigation.
- 9a. Active restoration shall be allowed only when consistent with Policy #22b.
11. This activity is only permitted subject to Policy #5a.
13. Waste water and storm water discharge, see Policy #25 and definition of "facility".
14. This activity is permitted subject to Policy #5d.

GENERAL LOCATION: SOUTH SLOUGH

ZONING DESIGNATION: 60A-NA

ZONING DISTRICT: 60A-NATURAL AQUATIC

SPECIFIC BOUNDARIES: This district extends from the Charleston Channel east to include the area from the northern edge of Barview Wayside south to a line perpendicular to the shore about 240-feet north of the junction of Cape Arago Highway and McClain-Libby Road, excluding District #60 CA, which lies within it.

SECTION 3.2.730. Management Objective: This aquatic area shall be managed to protect its natural resources and allow mitigation/restoration activities.

SECTION 3.2.731. Uses, Activities and Special Conditions. Table 60A-NA sets forth the uses and activities which are permitted, which may be permitted as conditional uses, or which are prohibited in this zoning district. Table 60A-NA also sets forth special conditions which may restrict certain uses or activities, or modify the manner in which certain uses or activities may occur. Reference to “policy numbers” refers to Plan Policies set forth in the Coos Bay Estuary Management Plan.

A. Uses

1.	Aquaculture	ACU-S, G
2.	Commercial	N
3.	Docks	N
4.	Industrial and port facilities	N
5.	Log dump/sort/storage (in-water)	N
6.	Marinas	N
7.	Mining/mineral extraction	N
8.	Recreation facilities (water-dependent)	
	a. Low-intensity (undeveloped)	N
	b. High-intensity	N
9.	Utilities	
	a. Low-intensity	P-G
	b. High-intensity	N
10.	Bridge crossings	N
11.	Bridge crossing support structures and dredging necessary for installation	N

B. Activities

1.	Dikes	
	a. New construction	N
	b. Maintenance/repair	N/A
	c. Installation of tidegates in existing functional dikes	N
2.	Dredging	
	a. New	N
	b. Maintenance dredging of existing facilities	N

c.	To repair dikes and tidegates	N
3.	Dredged material disposal	N
4.	Fill	N
5.	Navigational	
a.	Aides	P-G
b.	Structures	N
c.	Minor navigational improvements	N
d.	Water-dependent commercial enterprises and activities	N
6.	Piling/dolphin installation	N
7.	Shoreline stabilization	
a.	Vegetative	P-G
b.	Riprap	ACU-S, G
c.	Bulkheads	N
8.	Mitigation	P-G
9.	Restoration	
a.	Active	N
b.	Passive	P-G
10.	Temporary alterations	N
11.	Protection of habitat, nutrient, fish, wildlife and aesthetic	P
12.	Research and educational observations	P
13.	Research and educational observation structures	ACU-S, G

GENERAL CONDITIONS:

1. All uses and activities: Inventoried resources requiring mandatory protection are subject to Policies #17 and #18.

SPECIAL CONDITIONS

Uses:

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.

Activities:

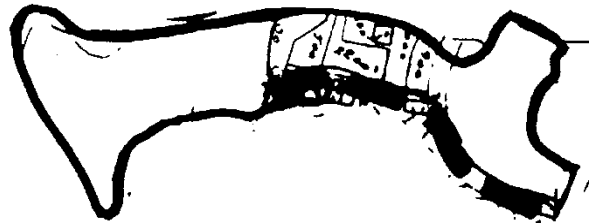
- 7b. This activity is permitted subject to the general findings required by Policy #9, "Solutions to Erosion and Flooding Problems", preferring non-structural to structural solutions, and to the specific findings for riprap. Riprap may be allowed to a very limited extent where necessary for erosion control to protect: (A) uses existing as of 10-7-77; (B) unique natural resource and historical and archaeological values; or, (C) public facilities.
13. Subject to Policy #5d.

GENERAL LOCATION: SOUTH SLOUGH (HANSEN'S LANDING)

ZONING DESIGNATION: 61-UW

ZONING DISTRICT: 61-URBAN WATER-DEPENDENT

SPECIFIC BOUNDARIES: As shown in diagram. Includes all the upland area known as Hansen's Landing, together with the shoreland north and west of Cape Arago Highway north to a point 240-feet north of its junction with McClain-Libby Road.



SECTION 3.2.735.

Management Objective: This /district shall be managed for urban water-dependent/water-related uses. Expansion of existing non-water-dependent/non-water-related uses shall not be allowed. Only water-dependent/water-related uses shall be allowed to expand into the aquatic area (see District 61 DA). However, temporary non-water-dependent/non-water-related uses shall be permitted as in Policy #16.

SECTION 3.2.736. Uses, Activities and Special Conditions. Table 61-UW sets forth the uses and activities which are permitted, which may be permitted as conditional uses, or which are prohibited in this zoning district. Table 61-UW also sets forth special conditions which may restrict certain uses or activities, or modify the manner in which certain uses or activities may occur. Reference to “policy numbers” refers to Plan Policies set forth in the Coos Bay Estuary Management Plan.

A. Uses

1.	Agriculture	N
2.	Airports	N
3.	Aquaculture	P-G
4.	Commercial	ACU-S, G
5.	Dryland moorage	P-G
6.	Industrial and port facilities	ACU-S, G
7.	Land transportation facilities	P-G
8.	Log storage/sorting yard (land)	P-G
9.	Marinas	P-G
10.	Mining/mineral extraction	N
11.	Recreation facilities	
	a. Low-intensity	P-G
	b. High-intensity	P-G
12.	Residential	N
13.	Solid waste disposal	P-G

- | | | |
|-----|----------------------------|---------|
| 14. | Timber farming/harvesting | N/A |
| 15. | Utilities | |
| | a. Low-intensity | P-G |
| | b. High-intensity | P-G |
| 16. | Energy production | ACU-S,G |
| 17. | Water-borne transportation | ACU-S,G |

B. Activities

- | | | |
|-----|--|----------|
| 1. | Stream alteration | N/A |
| 2. | Dikes | |
| | a. New construction | P-G |
| | b. Maintenance/repair | P-G |
| 3. | Dredged material disposal | N |
| 4. | Excavation to create new water surface | P-G |
| 5. | Fill | P-G |
| 6. | Shoreline stabilization | |
| | a. Vegetative | P-G |
| | b. Riprap | ACU-S, G |
| | c. Retaining wall | ACU-S, G |
| 7. | Navigation aids | P-G |
| 8. | Mitigation | N |
| 9. | Restoration | |
| | a. Active | ACU-S, G |
| | b. Passive | P-G |
| 10. | Land divisions | |
| | a. Partition | ACU-G |
| | b. Subdivision | ACU-G |
| | c. Planned Unit Development | ACU-G |
| | d. Recreation PUD | N |

GENERAL CONDITIONS

1. All permitted uses shall be consistent with the respective flood regulations of local governments, as required in Policy #27.
2. All permitted uses in dune areas shall be consistent with the requirements of Policy #30.
3. All uses shall be consistent with Policy #16, regarding protection of areas "suitable for water-dependent uses".
4. All uses and activities: Inventoried resources requiring mandatory protection are subject to Policies #17 and #18.
5. In rural areas (outside UGBs) utilities, public facilities and services shall only be provided subject to Policies #49, #50, and #51.

SPECIAL CONDITIONS

Uses:

4.,6.,16.,17. These uses are subject to review and approval when consistent with Policy #16.

4.,6. Commercial and industrial uses within urban unincorporated communities are subject to Policy #16a.

Activities:

6b.,6c. These activities are only permitted subject to the findings required by Policy #9, "Solutions to Erosion and Flooding problems".

9a. Active restoration shall be allowed only when consistent with Policy #22b.

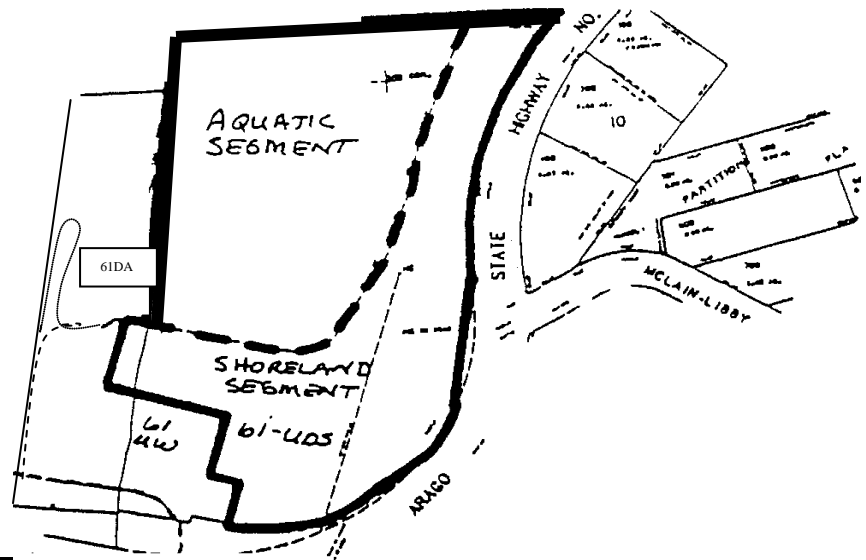
SECTION 3.2.737. Land Development Standards. The requirements set forth in Table 3.2 shall govern development in the 61-UW district.

GENERAL LOCATION: SOUTH SLOUGH

ZONING DESIGNATION: 61-UDS

ZONING DISTRICT: 61-URBAN DEVELOPMENT SHORELAND

SPECIFIC BOUNDARIES: As shown on the diagram below includes the shoreland area of Tax Lot 200, Assessor Map T.26, R.14, S.01CC. Shoreland unit is bordered on the east and south by Cape Arago Highway 240, on the west by the existing docks and buildings and on the north by the submerged lands.



SECTION 3.2.738. Management Objective: This shoreland unit will be managed for urban non-water-dependent and urban water-dependent uses and activities.

SECTION 3.2.739. Uses, Activities and Special Conditions. Table 61-UDS sets forth the uses and activities which are permitted, which may be permitted as conditional uses, or which are prohibited in this zoning district. Table 61-UDS also sets forth special conditions, which may restrict or otherwise regulate certain uses or activities or modify the manner in which certain uses or activities may occur. Reference to "policy numbers" refers to Plan Policies set forth in the Coos Bay Estuary Management Plan.

A. Uses

- | | | |
|----|------------------------|---------|
| 1. | Agriculture | N |
| 2. | Airports | N |
| 3. | Aquaculture | P-G |
| 4. | Commercial | |
| | a. Water-dependent | ACU-S,G |
| | b. Non-Water-dependent | ACU-S,G |
| | c. Restaurant | P-G |
| | d. RV Park | P-G |

5.	Dryland moorage	P-G
6.	Industrial and port facilities	ACU-S, G
7.	Land transportation facilities	P-G
8.	Log storage/sorting yard (land)	P-G
9.	Marinas	P-G
10.	Mining/mineral extraction	N
11.	Recreation facilities	
	a. Low-intensity	P-G
	b. High-intensity	P-G
12.	Residential	N
13.	Solid waste disposal	N
14.	Timber farming/harvesting	N/A
15.	Utilities	
	a. Low-intensity	P-G
	b. High-intensity	P-G
16.	Energy production	ACU-S,G
17.	Water-borne transportation	ACU-S,G
B.	Activities	
1.	Stream alteration	N/A
2.	Dikes	
	a. New construction	P-G
	b. Maintenance/repair	P-G
3.	Dredged material disposal	N
4.	Excavation to create new water surface	P-G
5.	Fill	P-G
6.	Shoreline stabilization	
	a. Vegetative	P-G
	b. Riprap	ACU-S, G
	c. Retaining wall	ACU-S, G
7.	Navigation aids	P-G
8.	Mitigation	N
9.	Restoration	
	a. Active	ACU-S, G
	b. Passive	P-G
10.	Land divisions	
	a. Partition	ACU-G
	b. Subdivision	ACU-G
	c. Residential Planned Unit Development	ACU-G
	d. Recreation Planned Unit Development	ACU-G

GENERAL CONDITIONS

1. All permitted uses shall be consistent with the respective flood regulations of local governments, as required in Policy #27.
2. All permitted uses in dune areas shall be consistent with the requirements of Policy #30.
3. All uses shall be consistent with Policy #16, regarding protection of areas "suitable for water-dependent uses".
4. All uses and activities: Inventoried resources requiring mandatory protection are subject to Policies #17 and #18.
5. In rural areas (outside UGBs) utilities, public facilities and services shall only be provided subject to Policies #49, #50, and #51.

SPECIAL CONDITIONS

Uses:

- 4a.,6.,16.,17. These uses are subject to review and approval when consistent with Policy #16.
- 4b.,6. Commercial and industrial uses within urban unincorporated communities are subject to Policy #16b.
- 4d. Recreational vehicle parks, shall be developed consistent with Article 9.2 of the Coos County Zoning and Land Development Ordinance.

Activities:

- 6b.,6c. These activities are only permitted subject to the findings required by Policy #9, "Solutions to Erosion and Flooding problems".
- 9a. Active restoration shall be allowed only when consistent with Policy #22b.

3.2.739.1 Land Development Standards. The requirements set forth in Table 3.2 shall govern development in the 61-UDS district.

GENERAL LOCATION: SOUTH SLOUGH

ZONING DESIGNATION: 61-DA

ZONING DISTRICT: 61-DEVELOPMENT AQUATIC

SPECIFIC BOUNDARIES: The district boundaries are shown on the diagram for Shoreline District #61 and extend to the west side of the authorized Charleston Channel north of the bridge and include the non-authorized shallow-draft channel south of the bridge.

SECTION 3.2.740. Management Objective: This aquatic district shall be managed to allow water-dependent development designed to minimize degradation of the South Slough ecosystem, as consistent with uses and activities allowed in this district.

This district is intended to provide at least five (5) acres of moorage. Aquaculture, commercial and industrial/port facilities uses shall not pre-empt areas needed to satisfy this need.

SECTION 3.2.741. Uses, Activities and Special Conditions. Table 61-DA sets forth the uses and activities which are permitted, which may be permitted as conditional uses, or which are prohibited in this zoning district. Table 61-DA also sets forth special conditions which may restrict certain uses or activities, or modify the manner in which certain uses or activities may occur. Reference to “policy numbers” refers to Plan Policies set forth in the Coos Bay Estuary Management Plan.

A. Uses

- | | | |
|-----|--|----------|
| 1. | Aquaculture | ACU-S, G |
| 2. | Commercial | ACU-S, G |
| 3. | Docks | P-G |
| 4. | Industrial and port facilities | ACU-S, G |
| 5. | Log dump/sort/storage (in-water) | N |
| 6. | Marinas | P-G |
| 7. | Mining/mineral extraction | ACU-S, G |
| 8. | Recreation facilities | |
| | a. Low-intensity | ACU-S, G |
| | b. High-intensity | ACU-S, G |
| 9. | Utilities | |
| | a. Low-intensity | P-G |
| | b. High-intensity | P-G |
| 10. | Bridge crossing support structures and dredging necessary for installation | ACU-S, G |
| 11. | Bridge crossings | ACU-S, G |

B. Activities

1. Dikes

a.	New construction	N
b.	Maintenance/repair	N/A
c.	Installation of tidegates in existing functional dikes	N/A
2.	Dredging	
a.	New	ACU-S, G
b.	Maintenance dredging of existing facilities	ACU-S, G
c.	To repair dikes and tidegates	N
3.	Dredged material disposal	N
4.	Fill	ACU-S, G
5.	Navigational	
a.	Aides	P-G
b.	Structures	ACU-S, G
c.	Minor navigational improvements	P-G
d.	Water-dependent commercial enterprises and activities	ACU-S, G
6.	Piling/dolphin installation	P-G
7.	Shoreline stabilization	
a.	Vegetative	P-G
b.	Riprap	ACU-S, G
c.	Bulkheads	ACU-S, G
8.	Mitigation	P-G
9.	Restoration	
a.	Active	ACU-S, G
b.	Passive	P-G
10.	Research and educational observations	P
11.	Protection of habitat, nutrient, fish, wildlife and aesthetic	P
12.	Temporary alterations	ACU-S, G
13.	Waste water/storm water discharge	ACU-S, G
14.	Research and educational observation structures	ACU-S, G

GENERAL CONDITIONS:

1. All uses and activities: Inventoried resources requiring mandatory protection are subject to Policies #17 and #18.

SPECIAL CONDITIONS

Uses:

1. Aquaculture is allowed whether dredging or fill or other alteration of the estuary is required 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.,4. If the use is water-related or non-dependent/non-related and does not require fill, findings must be made that the use is consistent with the resource capabilities and purposes of the management unit. Fill is not permitted for non-water-dependent uses.

7. Mining/mineral extraction is only allowed if compatible with navigation and moorage uses, and if consistent with the resource capabilities of the area and the purposes of the management objective.
- 8a.,8b. Such recreational facilities must be water-dependent. Boat ramps for public use where no dredging or fill for navigational access is needed (see definition of "Recreation").
- 10.,11. This use is subject to Policies #6 and #8.

Activities:

- 2a.,2b.,5b.,5d. These activities are allowed subject to finding that adverse impacts have been minimized (see Policy #5) and to Policy #8 requiring mitigation.
4. Minor fills for access structures shall be allowed. Estuarine fills designed to expand the upland area shall be prohibited. This activity is only allowed subject to finding that adverse impacts have been minimized (see Policy #5) and to Policy #8 requiring mitigation.
- 5c. This activity is subject to Policy #12.
- 7b.,7c. These activities are 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 riprap. Riprap may be allowed 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.

Further, bulkheads are only allowed subject (1) to the making of resource capability consistency findings and impact assessments (see Policy #4a); (2) to finding that adverse impacts have been minimized (see Policy #5); and (3) to Policy #8 requiring mitigation.
- 9a. Active restoration shall be allowed only when consistent with Policy #22b.
12. This activity is only permitted subject to Policy #5a.
13. Waste water and storm water discharge, see Policy #25 and definition of "facility".
14. Subject to Policy #5d.

GENERAL LOCATION: SOUTH SLOUGH (JOE NEY SLOUGH)

ZONING DESIGNATION: 62-UD

ZONING DISTRICT: 62-URBAN DEVELOPMENT

SPECIFIC BOUNDARIES: Western Boundary - Eastern edge of the Hansen's Landing industrial area where the elevation begins to increase. Eastern Boundary - Urban Growth Boundary of Barview.

SECTION 3.2.745. Management Objective: The objective of this district is to continue the existing residential use of the uplands while protecting scenic riparian resources and water quality. Management of the area also allows some commercial and industrial uses in the uplands in conjunction with shellfish culture in the aquatic area of the slough.

SECTION 3.2.746. Uses, Activities and Special Conditions. Table 62-UD sets forth the uses and activities which are permitted, which may be permitted as conditional uses, or which are prohibited in this zoning district. Table 62-UD also sets forth special conditions which may restrict certain uses or activities, or modify the manner in which certain uses or activities may occur. Reference to “policy numbers” refers to Plan Policies set forth in the Coos Bay Estuary Management Plan.

A. Uses

1.	Agriculture	N
2.	Airports	N
3.	Aquaculture	P-G
4.	Commercial	ACU-S, G
5.	Dryland moorage	N
6.	Industrial and port facilities	ACU-S, G
7.	Land transportation facilities	P-G
8.	Log storage/sorting yard (land)	N
9.	Marinas	N
10.	Mining/mineral extraction	N
11.	Recreation facilities	
	a. Low-intensity	N
	b. High-intensity	N
12.	Residential	P-G
13.	Solid waste disposal	ACU-S, G
14.	Timber farming/harvesting	P-G
15.	Utilities	
	a. Low-intensity	P-G
	b. High-intensity	N

B. Activities

1.	Stream alteration	P-G
2.	Dikes	
	a. New construction	N
	b. maintenance/repair	P-G
3.	Dredged material disposal	N
4.	Excavation to create new water surface	ACU-S, G
5.	Fill	P-G
6.	Shoreline stabilization	
	a. Vegetative	P-G
	b. Riprap	ACU-S, G
	c. Retaining wall	ACU-S, G
7.	Navigation aids	P-G
8.	Mitigation	P-G
9.	Restoration	
	a. Active	ACU-S, G
	b. Passive	P-G
10.	Land divisions	
	a. Partition	ACU-G
	b. Subdivision	ACU-G
	c. Planned Unit Development	ACU-G
	d. Recreation PUD	N

GENERAL CONDITIONS

1. All permitted uses and activities shall be consistent with Policy #23, requiring protection of riparian vegetation.
2. All permitted uses shall be consistent with the respective flood regulations of local governments, as required in Policy #27.
3. All permitted uses in dune areas shall be consistent with the requirements of Policy #30.
4. All uses and activities: Inventoried resources requiring mandatory protection are subject to Policies #17 and #18.

SPECIAL CONDITIONS

Uses:

- 4.,6.,12. These uses shall be allowed if they are part of an approved shellfish operation.
- 4.,6. Commercial and industrial uses within urban unincorporated communities are subject to Policy #16a.

Activities:

4. Excavation of new water surface shall be allowed if it is associated with an approved aquaculture facility, and only if (i) it is the minimum necessary to accommodate the use, and (ii) it is in conjunction with shellfish culture in the aquatic area of the slough.
- 6b.,6c. These activities are permitted subject to the findings required by Policy #9, "Solutions to Erosion and Flooding Problems".
- 9a. Active restoration shall be allowed only when consistent with Policy #22b.

SECTION 3.2.747. Land Development Standards. The requirements set forth in Table 3.2 shall govern development in the 62-UD district.

GENERAL LOCATION: SOUTH SLOUGH (JOE NEY SLOUGH)

ZONING DESIGNATION: 63A-CS

ZONING DISTRICT: 63A-CONSERVATION SHORELANDS

SPECIFIC BOUNDARIES: Western Boundary - The northern shore boundary is the Urban Growth Boundary of Barview. The southern shore boundary is the SW corner of the NE 1/4 of the NW 1/4 of S.12, T.26, R.14.

SECTION 3.2.750. Management Objective: The objective of this district is to manage its shoreland riparian buffer for scenic, habitat and water quality protection values, as consistent with the undeveloped character of the area. The area from the dike upstream has been identified as a promising domestic water source and should be protected for this purpose until its resource is developed. Part of this district lies in the urban growth area, and uses in this area are less restricted.

SECTION 3.2.751. Uses, Activities and Special Conditions. Table 63A-CS sets forth the uses and activities which are permitted, which may be permitted as conditional uses, or which are prohibited in this zoning district. Table 63A-CS also sets forth special conditions which may restrict certain uses or activities, or modify the manner in which certain uses or activities may occur. Reference to “policy numbers” refers to Plan Policies set forth in the Coos Bay Estuary Management Plan.

A. Uses

- | | | |
|-----|---------------------------------|----------|
| 1. | Agriculture | P-G |
| 2. | Airports | N |
| 3. | Aquaculture | P-G |
| 4. | Commercial | ACU-S, G |
| 5. | Dryland moorage | N |
| 6. | Industrial and port facilities | N |
| 7. | Land transportation facilities | P-G |
| 8. | Log storage/sorting yard (land) | N |
| 9. | Marinas | N |
| 10. | Mining/mineral extraction | N |
| 11. | Recreation facilities | |
| | a. Low-intensity | P-G |
| | b. High-intensity | N |
| 12. | Residential | P-G |
| 13. | Solid waste disposal | ACU-S, G |
| 14. | Timber farming/harvesting | P-G |
| 15. | Utilities | |
| | a. Low-intensity | P-G |
| | b. High-intensity | ACU-S, G |

B. Activities

- | | | |
|----|-------------------|-----|
| 1. | Stream alteration | P-G |
|----|-------------------|-----|

2.	Dikes	
	a. New construction	ACU-S, G
	b. Maintenance/repair	P-G
3.	Dredged material disposal	N
4.	Excavation to create new water surface	ACU-S, G
5.	Fill	ACU-S, G
6.	Shoreline stabilization	
	a. Vegetative	P-G
	b. Riprap	ACU-S, G
	c. Retaining wall	ACU-S, G
7.	Navigation aids	N/A
8.	Mitigation	P-G
9.	Restoration	
	a. Active	ACU-S, G
	b. Passive	P-G
10.	Land divisions	
	a. Partition	ACU-S, G
	b. Subdivision	ACU-S, G
	c. Planned Unit Development	ACU-S, G
	d. Recreation PUD	N

GENERAL CONDITIONS

1. All permitted uses and activities shall be consistent with Policy #23, requiring protection of riparian vegetation.

The following condition applies to all permitted uses outside of the urban growth boundary:

2. Where "agricultural lands" or "forest lands" occur within this district, as identified in the "Special Considerations Map", uses in these areas shall be limited to those permitted in Policies #28 and #34.
3. Uses outside of the urban growth boundary in this district are only permitted as stated in Policy #14, "General Policy on Uses within Rural Coastal Shorelands". Except as permitted outright, or where findings are made in this Plan, uses are only allowed subject to the findings in this policy.
4. All permitted uses shall be consistent with the respective flood regulations of local governments, as required in Policy #27.
5. All permitted uses in dune areas shall be consistent with the requirements of Policy #30.
6. All uses and activities: Inventoried resources requiring mandatory protection in this district are subject to Policies #17 and #18.
7. In rural areas (outside UGBs) utilities, public facilities and services shall only be provided subject to Policies #49, #50, and #51.

SPECIAL CONDITIONS

Uses:

- 4.,12. These uses shall be allowed if they are part of an approved shellfish culture operation is subject to Policy #4a.
- 14b. High-intensity utilities here includes a municipal reservoir and associated works, which are specifically permitted in this district.

Activities:

- 2a.,4. These activities shall be allowed if associated with an approved aquaculture facility or for provision of a domestic water source. The activities must be the minimum necessary to accomplish the purpose and in keeping with the character of the area and the Management Objective.
- 5. This activity shall not be allowed in areas of "wet meadow" wetland, as identified on the "Special Considerations Map", except as otherwise allowed in Policy #19.
- 6b.,6c. These activities are permitted subject to the findings required by Policy #9, "Solutions to Erosion and Flooding Problems".
- 9a. Active restoration shall be allowed only when consistent with Policy #22b.
- 10. Land divisions permitted where they meet the conditions in Policy #15.

SECTION 3.2.752. Land Development Standards. The requirements set forth in Table 3.2 shall govern development in the 63A-CS district.

GENERAL LOCATION: SOUTH SLOUGH (JOE NEY SLOUGH)

ZONING DESIGNATION: 63A-NA

ZONING DISTRICT: 63A-NATURAL AQUATIC

SPECIFIC BOUNDARIES: This aquatic district includes all aquatic areas of Joe Ney Slough from the eastern end of the Hansen's Landing Dock to the tidegates at the eastern end of the slough (head-of-tide).

SECTION 3.2.755. Management Objective: This aquatic area is one of the few areas of the bay with water of suitable quality for commercial aquaculture. The objective of the management unit is to manage the area to protect water quality and to allow existing aquaculture and associated uses/activities. A bridge crossing support structure shall also be permitted when Joe Ney Bridge is replaced.

SECTION 3.2..756. Uses, Activities and Special Conditions. Table 63A-NA sets forth the uses and activities which are permitted, which may be permitted as conditional uses, or which are prohibited in this zoning district. Table 63A-NA also sets forth special conditions which may restrict certain uses or activities, or modify the manner in which certain uses or activities may occur. Reference to “policy numbers” refers to Plan Policies set forth in the Coos Bay Estuary Management Plan.

A. Uses

1.	Aquaculture	ACU-S, G
2.	Commercial	N
3.	Docks	ACU-S, G
4.	Industrial and port facilities	N
5.	Log dump/sort/storage (in-water)	N
6.	Marinas	N
7.	Mining/mineral extraction	N
8.	Recreation facilities	
	a. Low-intensity	N
	b. High-intensity	N
9.	Utilities	
	a. Low-intensity	P-G
	b. High-intensity	N
10.	Bridge crossing support structures and dredging necessary for installation	ACU-S, G
11.	Bridge crossings	ACU-S, G

B. Activities

1.	Dikes		
	a.	New construction	N
	b.	Maintenance/repair	N
	c.	Installation of tidegates in existing functional dikes	N
2.	Dredging		
	a.	New	N
	b.	Maintenance dredging of existing facilities	ACU-S, G
	c.	To repair dikes and tidegates	N
3.	Dredged material disposal		N
4.	Fill		N
5.	Navigational		
	a.	Aides	P-G
	b.	Structures	N
	c.	Minor navigational improvement	ACU-S, G
	d.	Water-dependent commercial enterprises and activities	N
6.	Piling/dolphin installation		ACU-S, G
7.	Shoreline stabilization		
	a.	Vegetative	P-G
	b.	Riprap	ACU-S, G
	c.	Bulkheads	N
8.	Mitigation		P-G
9.	Restoration		
	a.	Active	N
	b.	Passive	P-G
10.	Temporary alterations		ACU-S, G
11.	Protection of habitat, nutrient, fish, wildlife and aesthetic		P
12.	Research and educational observations		P
13.	Waste water/storm water discharge		N
14.	Research and educational observation structures		ACU-S, G

GENERAL CONDITIONS:

1. All uses and activities: Inventoried resources requiring mandatory protection are subject to Policies #17 and #18.

SPECIAL CONDITIONS:

Uses:

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.
3. Docks are permitted only as necessary for an approved aquaculture operation, and must occupy the water surface by means other than fill.

10.,11. This use is only permitted subject to the findings required by Policy #6, "Fill in Conservation and Natural Management Units".

Activities:

- 2b.,5c.,6., Maintenance dredging, minor navigational improvements (such as scalping of shoals in the natural channel) and pilings/dolphins are only permitted as necessary for an approved aquaculture operation. In addition, dredging activities are only allowed subject to finding that adverse impacts have been minimized (see Policy #5); and to Policy #8 requiring mitigation. Navigation improvement dredging shall be limited to the natural depth of the natural channel. Also subject to Policy #12.
- 7b. These activities are 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 riprap. Riprap may be allowed 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.
10. This activity is only permitted subject to Policy #5a.
14. Subject to Policy #5d.

GENERAL LOCATION: SOUTH SLOUGH (JOE NEY SLOUGH)

ZONING DESIGNATION: 63B-UD

ZONING DISTRICT: 63B-URBAN DEVELOPMENT

SPECIFIC BOUNDARIES: Western Boundary - On the south shore of Joe Ney Slough the northern-most point of Crown Point at the mouth of the slough. Eastern Boundary - The point on the south shore of Joe Ney Slough directly across from the eastern end of the Hansen's Landing Dock on the north shore: (SW corner of NE 1/4 of NW 1/4 of S.12, T.26, R.14).

SECTION 3.2.760. Management Objective: This upland area shall be managed for water-dependent services and facilities which are permitted in adjacent Aquatic District #63B. Temporary non-water-dependent uses are allowed only as per Policy #16.

SECTION 3.2.761. Uses, Activities and Special Conditions. Table 63B-UD sets forth the uses and activities which are permitted, which may be permitted as conditional uses, or which are prohibited in this zoning district. Table 63B-UD also sets forth special conditions which may restrict certain uses or activities, or modify the manner in which certain uses or activities may occur. Reference to “policy numbers” refers to Plan Policies set forth in the Coos Bay Estuary Management Plan.

A. Uses

1.	Agriculture	N
2.	Airports	N
3.	Aquaculture	ACU-S, G
4.	Commercial	N
5.	Dryland moorage	P-G
6.	Industrial and port facilities	N
7.	Land transportation facilities	P-G
8.	Log storage/sorting yard (land)	N
9.	Marinas	P-G
10.	Mining/mineral extraction	N
11.	Recreation facilities	
	a. Low-intensity	P-G
	b. High-intensity	P-G
12.	Residential	N
13.	Solid waste disposal	N
14.	Timber farming/harvesting	N
15.	Utilities	
	a. Low-intensity	P-G
	b. High-intensity	P-G

B. Activities

1.	Stream alteration	N
2.	Dikes	
	a. New construction	ACU-S, G
	b. Maintenance/repair	ACU-S, G
3.	Dredged material disposal	N
4.	Excavation to create new water surface	N
5.	Fill	ACU-S, G
6.	Shoreline stabilization	
	a. Vegetative	P-G
	b. Riprap	ACU-S, G
	c. Retaining wall	ACU-S, G
7.	Navigation aids	P-G
8.	Mitigation	P-G
9.	Restoration	
	a. Active	ACU-S, G
	b. Passive	P-G
10.	Land divisions	
	a. Partition	ACU-G
	b. Subdivision	ACU-G
	c. Planned Unit Development	ACU-G
	d. Recreation PUD	HB-G

GENERAL CONDITIONS

1. All permitted uses and activities shall be consistent with Policy #23, requiring protection of riparian vegetation.
2. All permitted uses shall be consistent with the respective flood regulations of local governments, as required in Policy #27.
3. All permitted uses in dune areas shall be consistent with the requirements of Policy #30.
4. All uses and activities: Inventoried resources requiring mandatory protection are subject to Policies #17 and #18.

SPECIAL CONDITIONS

Uses:

3. Aquaculture is allowed whether dredging or fill or other alteration of the estuary is required for harvest of benthic species or removable in-water structures such as stakes or racks (commercial, not archaeological stakes and racks.) is subject to Policy #4a.

Activities:

2a.,2b.,5. These activities will be limited to those necessary for siting recreational moorage consistent with the Aquatic District 63B Management Objective.

6b.,6c. These activities are only permitted subject to the findings required by Policy #9, "Solutions to Erosion and Flooding Problems".

9a. Active restoration shall be allowed only when consistent with Policy #22b.

SECTION 3.2.762. Land Development Standards. The requirements set forth in Table 3.2 shall govern development in the 63B-UD district.

GENERAL LOCATION: SOUTH SLOUGH (JOE NEY SLOUGH)

ZONING DESIGNATION: 63B-CA

ZONING DISTRICT: 63B-CONSERVATION AQUATIC

SPECIFIC BOUNDARIES: This district on the south shore of Joe Ney Slough is a triangular aquatic area directly across from the Hansen's Landing Dock and extends to the natural channel of Joe Ney Slough.

SECTION 3.2.765. Management Objective: This area shall be managed to allow for a recreational marina, subject to the special conditions set forth in this aquatic district.

SECTION 3.2.766. Uses, Activities and Special Conditions. Table 63B-CA sets forth the uses and activities which are permitted, which may be permitted as conditional uses, or which are prohibited in this zoning district. Table 63B-CA also sets forth special conditions which may restrict certain uses or activities, or modify the manner in which certain uses or activities may occur. Reference to “policy numbers” refers to Plan Policies set forth in the Coos Bay Estuary Management Plan.

A. Uses

1.	Aquaculture	ACU-S, G
2.	Commercial	ACU-S, G
3.	Docks	ACU-S, G
4.	Industrial and port facilities	N
5.	Log dump/sort/storage (in-water)	N
6.	Marinas	ACU-S, G
7.	Mining/mineral extraction	N
8.	Recreation facilities	
	a. Low-intensity	ACU-S, G
	b. High-intensity	ACU-S, G
9.	Utilities	
	a. Low-intensity	P-G
	b. High-intensity	N
10.	Bridge crossing support structures and dredging necessary for installation	N
11.	Bridge crossings	N

B. Activities

1.	Dikes	
	a. New construction	N
	b. Maintenance/repair	N
	c. Installation of tidegates in existing functional dikes	N
2.	Dredging	
	a. New	ACU-S, G
	b. Maintenance dredging of existing facilities	ACU-S, G
	c. To repair dikes and tidegates	N
3.	Dredge material disposal	N
4.	Fill	N
5.	Navigational	
	a. Aides	P-G
	b. Structures	N
	c. Minor navigational improvements	P-G
	d. Water-dependent commercial enterprises and activities	N
6.	Piling/dolphin installation	P-G
7.	Shoreline stabilization	
	a. Vegetative	P-G
	b. Riprap	ACU-S, G
	c. Bulkheads	ACU-S, G
8.	Mitigation	P-G
9.	Restoration	
	a. Active	ACU-S, G
	b. Passive	P-G
10.	Protection of habitat, nutrient, fish, wildlife and aesthetic	P
11.	Temporary alterations	ACU-S, G
12.	Research and educational observations	P
13.	Waste water/storm water discharge	ACU-S, G
14.	Research and educational observation structures	ACU-S, G

GENERAL CONDITIONS:

1. All uses and activities: Inventoried resources requiring mandatory protection are subject to Policies #17 and #18.

SPECIAL CONDITIONS

Uses:

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 allowed; or, where aquaculture requires dredging or fill or other alteration of the estuary is subject to Policy #4a.
2. This use is only permitted if it is water-dependent and needs to occupy the water surface by means other than fill (e.g. pilings).
3. Docks and marina uses shall be allowed if it is demonstrated to state and federal agencies during permit reviews that such are consistent with the following special implementation conditions:
 - a. That there is adequate flushing in the area to protect the water quality for the surrounding oyster culture in Joe Ney as well as the South Slough Sanctuary.
 - b. That there is use of only the natural channel for access, and no jetty utilizing fill.
 - c. That dredging for the purposes of establishing and maintaining the marina is the minimum necessary to accommodate the use, and that adverse impacts are minimized (see Policy #5).
 - d. That the moorage design should utilize the perimeter area for deeper draft boats to further minimize maintenance dredging needs.
 - e. The dredged material removed may be used on the uplands at Hansen's Landing to enhance its usability for industrial purposes.
 - f. A public boat launch should be provided in association with any marina development.
 - g. That these uses occupy the water surface by means other than fill (e.g. pilings).
6. Minor dredging for the purpose of "scalping" shoaled areas is only allowed subject to the making of resource capability findings and subject to the assessment of impacts (Policy #4).
- 8a,8b. These uses are only allowed subject to the making of resource capability consistency findings and impact assessments (see Policy #4a). Boat ramps for public use where no dredging or fill for navigational access is needed (see definition of "Recreation").

Activities:

- 2a.,2b. These activities are allowable for a marina if it is demonstrated to state and federal agencies during permit review that such uses are consistent with the following special implementation requirements:
- a. That there is adequate flushing in the area to protect the water quality for the surrounding oyster culture in Joe Ney Slough as well as the South Slough Sanctuary.
 - b. That there is use of only the natural channel for access, and no jetty utilizing fill.
 - c. That dredging for the purposes of establishing and maintaining the marina is the minimum necessary to accommodate the use, and that adverse impacts are minimized (see Policy #5).
 - d. That the moorage design should utilize the perimeter area for deeper draft boats to further minimize maintenance dredging needs.
 - e. The dredged material removed may be used on the uplands at Hansen's Landing to enhance its usability for industrial purposes.
 - f. That mitigation is performed as required by Policy #8.
- 5c. This activity is subject to Policy #12.
- 7b.,7c. These activities are permitted subject to the general findings required by Policy #9. Preferring nonstructural to structural solutions, and to the specific findings for riprap. Riprap may be allowed 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.
- Further, bulkheads are only allowed subject (1) to the making of resource capability consistency findings and impact assessments (see Policy #4a); (2) to a finding that adverse impacts have been minimized (see Policy #5); (3) to the findings required by Policy #6, "Fill in Conservation and Natural Management Units", and (4) to Policy #8 requiring mitigation.
- 9a. Active restoration shall be allowed only when consistent with Policy #22b.
11. This activity is only permitted subject to Policy #5a.
13. Waste water and storm water discharge, see Policy #25 and definition of "facility".
14. Subject to Policy #5d.

GENERAL LOCATION: SOUTH SLOUGH

ZONING DESIGNATION: 63C-RS

ZONING DISTRICT: 63C-RURAL SHORELANDS

SPECIFIC BOUNDARIES: Northern Boundary - On the south shore of Joe Ney Slough the northern most point of Crown Point at the mouth of the slough. Southern Boundary - The South Slough Sanctuary boundary on the south side of Day Creek.

SECTION 3.2.770. Management Objective: This area shall be managed to protect the aquatic resources and scenic upland values. Maintenance of the riparian buffer is particularly important in this area for both resource protection and scenic values.

SECTION 3.2.771. Uses, Activities and Special Conditions. Table 63C-RS sets forth the uses and activities which are permitted, which may be permitted as conditional uses, or which are prohibited in this zoning district. Table 63C-RS also sets forth special conditions which may restrict certain uses or activities, or modify the manner in which certain uses or activities may occur. Reference to “policy numbers” refers to Plan Policies set forth in the Coos Bay Estuary Management Plan.

A. Uses

- | | | |
|-----|---------------------------------|----------|
| 1. | Agriculture | P-G |
| 2. | Airports | N |
| 3. | Aquaculture | P-G |
| 4. | Commercial | N |
| 5. | Dryland moorage | N |
| 6. | Industrial and port facilities | N |
| 7. | Land transportation facilities | P-G |
| 8. | Log storage/sorting yard (land) | N |
| 9. | Marinas | N |
| 10. | Mining/mineral extraction | N |
| 11. | Recreation facilities | |
| | a. Low-intensity | P-G |
| | b. High-intensity | N |
| 12. | Residential | N |
| 13. | Solid waste disposal | ACU-S, G |
| 14. | Timber farming/harvesting | P-G |
| 15. | Utilities | |
| | a. Low-intensity | P-G |
| | b. High-intensity | N |

B. Activities

1.	Stream alteration	N
2.	Dikes	
	a. New construction	N
	b. Maintenance/repair	P-G
3.	Dredged material disposal	N
4.	Excavation to create new water surface	N
5.	Fill	ACU-S, G
6.	Shoreline stabilization	
	a. Vegetative	P-G
	b. Riprap	ACU-S, G
	c. Retaining wall	ACU-S, G
7.	Navigation aids	P-G
8.	Mitigation	P-G
9.	Restoration	
	a. Active	ACU-S, G
	b. Passive	P-G
10.	Land divisions	
	a. Partition	N
	b. Subdivision	N
	c. Planned Unit Development	N
	d. Recreation PUD	N

GENERAL CONDITIONS (The following condition applies to all uses and activities):

1. Inventoried resources requiring mandatory protection in this district are subject to Policies #17 and #18.

The following condition applies to all permitted uses:

2. Where "agricultural lands" or "forest lands" occur within this district, as identified in the "Special Considerations Map", uses in these areas shall be limited to those permitted in Policies #28 and #34.
3. Uses in this district are only permitted as stated in Policy #14, "General Policy on Uses within Rural Coastal Shorelands". Except as permitted outright, or where findings are made in this Plan, uses are only allowed subject to the findings in this policy.
4. All permitted uses shall be consistent with the respective flood regulations of local governments, as required in Policy #27.
5. All permitted uses in dune areas shall be consistent with the requirements of Policy #30.
6. All permitted uses and activities shall be consistent with Policy #23, requiring protection of riparian vegetation.

7. In rural areas (outside of UGBs) utilities, public facilities, and services shall only be provided subject to Policies #49, #50, and #51.

SPECIAL CONDITIONS

Uses:

12. Temporary disposal of shellfish shells associated with aquaculture operations shall be allowed.

Activities:

5. This activity shall not be allowed in areas of "wet meadow" wetland, as identified on the "Special Considerations Map", except as otherwise allowed in Policy #19.
- 6b.,6c. These activities are permitted subject to the findings required by Policy #9, "Solutions to Erosion and Flooding Problems".
- 9a. Active restoration shall be allowed only when consistent with Policy #22b.

SECTION 3.2.772. Land Development Standards. The requirements set forth in Table 3.2 shall govern development in the 63C-RS district.

GENERAL LOCATION: SOUTH SLOUGH

ZONING DESIGNATION: 63C-NA

ZONING DISTRICT: 63C-NATURAL AQUATIC

SPECIFIC BOUNDARIES: This district consists of the majority of the South Slough from the Sanctuary Boundary north to the south side of the Charleston Bridge. The eastern boundary is the western side of the natural channel from the bridge south until it meets Crown Point then continues south along the line of non-aquatic vegetation, to the Sanctuary boundary. The district includes the marsh aquatic area on the west shore to the west of Aquatic District 63C2.

SECTION 3.2.775. Management Objective: This aquatic area shall be managed to maintain aquatic values for the productivity of the area itself and to avoid adverse impact on the South Slough Estuarine Sanctuary. Commercial oyster culture is permitted, as compatible with the overall aquatic resource values in the area. This district also includes designated mitigation site L-1 ["high" priority] which is to be protected from pre-emptive uses (see Policy #22).

SECTION 3.2.776. Uses, Activities and Special Conditions. Table 63C-NA sets forth the uses and activities which are permitted, which may be permitted as conditional uses, or which are prohibited in this zoning district. Table 63C-NA also sets forth special conditions which may restrict certain uses or activities, or modify the manner in which certain uses or activities may occur. Reference to "policy numbers" refers to Plan Policies set forth in the Coos Bay Estuary Management Plan.

A. Uses

1.	Aquaculture	ACU-S, G
2.	Commercial	N
3.	Docks	N
4.	Industrial and port facilities	N
5.	Log dump/sort/storage (in-water)	N
6.	Marinas	N
7.	Mining/mineral extraction	N
8.	Recreation facilities	
	a. Low-intensity	N
	b. High-intensity	N
9.	Utilities	
	a. Low-intensity	P-G
	b. High-intensity	N
10.	Bridge crossing support structures and dredging necessary for installation	ACU-S, G
11.	Bridge crossings	ACU-S, G

B. Activities

1.	Dikes	
	a. New construction	N
	b. Maintenance/repair	N/A
	c. Installation of tidegates in existing functional dikes	N
2.	Dredging	
	a. New	N
	b. Maintenance dredging of existing facilities	N
	c. To repair dikes and tidegates	N/A
3.	Dredged material disposal	N
4.	Fill	N
5.	Navigational	
	a. Aides	P-G
	b. Structures	N
	c. Minor navigational improvements	N
	d. Water-dependent commercial enterprises and activities	N
6.	Piling/dolphin installation	N
7.	Shoreland stabilization	
	a. Vegetative	P-G
	b. Riprap	ACU-S, G
	c. Bulkheads	N
8.	Mitigation	P-G
9.	Restoration	
	a. Active	N
	b. Passive	P-G
10.	Temporary alterations	ACU-S, G
11.	Protection of habitat, nutrient, fish, wildlife and aesthetic	P
12.	Research and educational observations	P
13.	Waste water/storm water discharge	N
14.	Research and educational observation structures	ACU-S, G

GENERAL CONDITIONS:

1. All uses and activities: Inventoried resources requiring mandatory protection are subject to Policies #17 and #18.

SPECIAL CONDITIONS

Uses:

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.
- 10.,11. These uses may be allowed upon finding that such structures are consistent with the resource capabilities of the area.

Activities:

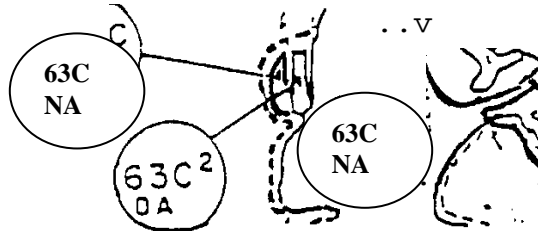
- 7b. These activities are permitted subject to the general findings required by Policy #9, "Solutions to Erosion and Flooding Problems", preferring nonstructural to structural solutions, and to the specific findings for riprap. Riprap may be allowed to a very limited extent where necessary for erosion control to protect: (A) uses existing as of 10-7-77; (B) unique natural resource and historical and archaeological values; or, (C) public facilities. Further, bulkheads are only permitted subject to subject to the findings required by Policy #6, "Fill in Conservation and Natural Management Units", and to finding that adverse impacts have been minimized (see Policy #5); and to Policy #8 requiring mitigation.
10. This activity is only permitted subject to Policy #5a.
14. Subject to Policy #5d.

GENERAL LOCATION: SOUTH SLOUGH

ZONING DESIGNATION: 63C2-DA

ZONING DISTRICT: 63C2-DEVELOPMENT AQUATIC

SPECIFIC BOUNDARIES: This district is a small finger channel on the western shore of South Slough just south of Shoreland District 65 as shown in the diagram:



SECTION 3.2.780. Management Objective: This aquatic district shall be managed for the continuation and planned expansion of oyster processing. Maintenance dredging of the channel and dredging of a "bathtub" for storage of the barges at low tide are uses consistent with the Plan and necessary to support the intended upland use. Uses and activities allowed are consistent with adjacent aquatic environments.

SECTION 3.2.781. Uses, Activities and Special Conditions. Table 63C₂-DA sets forth the uses and activities which are permitted, which may be permitted as conditional uses, or which are prohibited in this zoning district. Table 63C₂-DA also sets forth special conditions which may restrict certain uses or activities, or modify the manner in which certain uses or activities may occur. Reference to "policy numbers" refers to Plan Policies set forth in the Coos Bay Estuary Management Plan.

A. Uses

- | | | |
|-----|---|----------|
| 1. | Aquaculture | ACU-S, G |
| 2. | Commercial | N |
| 3. | Docks | ACU-S, G |
| 4. | Industrial and port facilities | N |
| 5. | Log dump/sort/storage (in-water) | N |
| 6. | Marinas | N |
| 7. | Mining/mineral extraction | N |
| 8. | Recreation facilities | |
| | a. Low-intensity | N |
| | b. High-intensity | N |
| 9. | Utilities | |
| | a. Low-intensity | P-G |
| | b. High-intensity | P-G |
| 10. | Bridge crossing support structure and dredging necessary for installation | N |

11.	Bridge crossings	N
B. Activities		
1.	Dikes	
	a. New construction	N
	b. Maintenance/repair	ACU-S, G
	c. Installation of tidegates in existing functional dikes	ACU-S, G
2.	Dredging	
	a. New	ACU-S, G
	b. Maintenance dredging of existing facilities	ACU-S, G
	c. To repair dikes and tidegates	N
3.	Dredged material disposal	N
4.	Fill	ACU-S, G
5.	Navigational	
	a. Aides	P-G
	b. Structures	N
	c. Minor navigational improvements	P-G
	d. Water-dependent commercial enterprises and activities	ACU-S, G
6.	Piling/dolphin installation	ACU-S, G
7.	Shoreline stabilization	
	a. Vegetative	P-G
	b. Riprap	ACU-S, G
	c. Bulkheads	ACU-S, G
8.	Mitigation	P-G
9.	Restoration	
	a. Active	ACU-S, G
	b. passive	P-G
10.	Research and educational observations	P
11.	Protection of habitat, nutrient, fish, wildlife and aesthetic	P
12.	Temporary alterations	ACU-S, G
13.	Waste water/storm water discharge	ACU-S, G
14.	Research and educational observation structures	ACU-S, G

GENERAL CONDITIONS:

1. All uses and activities: Inventoried resources requiring mandatory protection is subject to Policies #17 and #18.

SPECIAL CONDITIONS

Uses:

1. Aquaculture is allowed whether dredging or fill or other alteration of the estuary is required 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.
3. Dock facilities necessary to support the upland oyster shucking operation are allowed.

Activities:

1b,1c,2a,2b,4,5d. New dredging shall be allowed for purposes of creating a "bathtub" adjacent to the upland for moorage of a barge at low tide.

Maintenance dredging of the "bathtub" and the channel shall be allowed for barge operations.

Limited fill shall be allowed to create the reconfiguration of the bankline to accommodate the loading of barges.

These activities are only allowed subject to finding that adverse impacts have been minimized (see Policy #5) and to Policy #8 requiring mitigation.

- 5c. This activity is subject to Policy #12.
6. Piling/dolphins shall be allowed as necessary for facilities for unloading oysters.
- 7b.,7c. These activities are 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 riprap. Riprap may be allowed 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.

Further, bulkheads are only allowed subject (1) to the making of resource capability consistency findings and impact assessments (see Policy #4a); (2) to a finding that adverse impacts have been minimized (see Policy #5); and (3) to Policy #8 requiring mitigation.
- 9a. Active restoration shall be allowed only when consistent with Policy #22b.
12. This activity is subject to Policy #5a.
13. Waste water and storm water discharge, see Policy #25 and definition of "facility".
14. Subject to Policy #5d.

GENERAL LOCATION: SOUTH SLOUGH

ZONING DESIGNATION: 64-CS

ZONING DISTRICT: 64-CONSERVATION SHORELANDS

SPECIFIC BOUNDARIES: Northern Boundary - The line between Sections 2 and 11 in T.26S,R.14W. Southern Boundary - South Slough Sanctuary northern boundary.

SECTION 3.2.785. Management Objective: With the exception of an existing oyster processing use, (see Aquatic District 63C₂), this undeveloped western shore of South Slough shall be managed to maintain the riparian vegetation for (i) protection of wildlife habitat (such as an existing heron rookery), (ii) maintenance of the aquatic habitat, and (iii) protection of the area's scenic qualities. This district contains designated mitigation site L-5 ["high" priority] which must be protected from pre-emptive uses (see Policy #22).

The existing heron rookery shall also be preserved by protecting those trees in the rookery which are used by the birds.

SECTION 3.2.786. Uses, Activities and Special Conditions. Table 64-CS sets forth the uses and activities which are permitted, which may be permitted as conditional uses, or which are prohibited in this zoning district. Table 64-CS also sets forth special conditions which may restrict certain uses or activities, or modify the manner in which certain uses or activities may occur. Reference to "policy numbers" refers to Plan Policies set forth in the Coos Bay Estuary Management Plan.

A. Uses

- | | | |
|-----|---------------------------------|-----|
| 1. | Agriculture | P-G |
| 2. | Airports | N |
| 3. | Aquaculture | P-G |
| 4. | Commercial | N |
| 5. | Dryland moorage | N |
| 6. | Industrial and port facilities | N |
| 7. | Land transportation facilities | N |
| 8. | Log storage/sorting yard (land) | N |
| 9. | Marinas | N |
| 10. | Mining/mineral extraction | N |
| 11. | Recreation facilities | |
| | a. Low-intensity | N |
| | b. High-intensity | N |
| 12. | Residential | N |
| 13. | Solid waste disposal | N |
| 14. | Timber farming/harvesting | P-G |
| 15. | Utilities | |
| | a. Low-intensity | P-G |
| | b. High-intensity | N |

B. Activities

- | | | |
|----|---------------------------|-----|
| 1. | Stream alteration | N |
| 2. | Dikes | |
| | a. New construction | N |
| | b. Maintenance/repair | P-G |
| 3. | Dredged material disposal | N |

4.	Excavation to create new water surface	N
5.	Fill	N
6.	Shoreline stabilization	
	a. Vegetative	P-G
	b. Riprap	ACU-S, G
	c. Retaining wall	N
7.	Navigation aids	P-G
8.	Mitigation	P-G
9.	Restoration	
	a. Active	ACU-S, G
	b. Passive	P-G
10.	Land divisions	
	a. Partition	ACU-S, G
	b. Subdivision	ACU-S, G
	c. Planned Unit Development	ACU-S, G
	d. Recreation PUD	N

GENERAL CONDITIONS

1. Uses in this district are only permitted as stated in Policy #14, "General Policy on Uses within Rural Coastal Shorelands". Except as permitted outright, or where findings are made in this Plan, uses are only allowed subject to the findings in this policy.

The following condition applies to all uses and activities:

2. Inventoried resources requiring mandatory protection in this district are subject to Policies #17 and #18.

The following condition applies to all permitted uses:

3. Where "agricultural lands" or "forest lands" occur within this district, as identified in the "Special Considerations Map", uses in these areas shall be limited to those permitted in Policies #28 and #34.
4. All permitted uses shall be consistent with the respective flood regulations of local governments, as required in Policy #27.
5. All permitted uses in dune areas shall be consistent with the requirements of Policy #30.
6. On designated "medium" or "high" priority mitigation/restoration sites, all uses/activities shall only be permitted subject to the condition in Policy #22.
7. All permitted uses and activities shall be consistent with Policy #23, requiring protection of riparian vegetation.
8. In rural areas (outside of UGBs) utilities, public facilities and services shall only be provided subject to Policies #49, #50, and #51.

SPECIAL CONDITIONS

Activities:

- 6b. These activities are permitted subject to the findings required by Policy #9, "Solutions to Erosion and Flooding problems".
- 9a. Active restoration shall be allowed only when consistent with Policy #22b.
- 10. Land divisions are only permitted where they meet the conditions in Policy #15.

SECTION 3.2.787. Land Development Standards. The requirements set forth in Table 3.2 Shall govern development in the 64-CS district.

GENERAL LOCATION: SOUTH SLOUGH (CHARLESTON)

ZONING DESIGNATION: 65-UD

ZONING DISTRICT: 65-URBAN DEVELOPMENT

SPECIFIC BOUNDARIES: Northern Boundary - The Charleston Bridge and its continuation west as the Cape Arago Highway. Southern Boundary - Line between Sections 2 and 11 in T.26S,R.14W.

SECTION 3.2.790. Management Objective: This shoreland district shall be managed for continuation of residential and commercial uses and for aquaculture, as these are consistent with the adjacent natural aquatic area of South Slough.

SECTION 3.2.791. Uses, Activities and Special Conditions. Table 65-UD sets forth the uses and activities which are permitted, which may be permitted as conditional uses, or which are prohibited in this zoning district. Table 65-UD also sets forth special conditions which may restrict certain uses or activities, or modify the manner in which certain uses or activities may occur. Reference to “policy numbers” refers to Plan Policies set forth in the Coos Bay Estuary Management Plan.

A. Uses

1.	Agriculture	N
2.	Airports	N
3.	Aquaculture	P-G
4.	Commercial	ACU-S, G
5.	Dryland moorage	P-G
6.	Industrial and port facilities	ACU-S, G
7.	Land transportation facilities	P-G
8.	Log storage/sorting yard (land)	N
9.	Marinas	N
10.	Mining/mineral extraction	N
11.	Recreation facilities	
	a. Low-intensity	P-G
	b. High-intensity	N
12.	Residential	P-G
13.	Solid waste disposal	ACU-S, G
14.	Timber farming/harvesting	N/A
15.	Utilities	
	a. Low-intensity	P-G
	b. High-intensity	P-G

B. Activities

1.	Stream alteration	P-G
2.	Dikes	
	a. New construction	P-G
	b. Maintenance/repair	P-G

3.	Dredged material disposal	N
4.	Excavation to create new water surface	P-G
5.	Fill	P-G
6.	Shoreline stabilization	
	a. Vegetative	P-G
	b. Riprap	ACU-S, G
	c. Retaining wall	ACU-S, G
7.	Navigation aids	P-G
8.	Mitigation	P-G
9.	Restoration	
	a. Active	ACU-S, G
	b. Passive	P-G
10.	Land divisions	
	a. Partition	ACU-G
	b. Subdivision	ACU-G
	c. Planned Unit Development	ACU-G
	d. Recreation PUD	N

GENERAL CONDITIONS

1. All permitted uses shall be consistent with the respective flood regulations of local governments, as required in Policy #27.
2. All uses and activities: Inventoried resources requiring mandatory protection are subject to Policies #17 and #18.

SPECIAL CONDITIONS

Uses:

- 4.,6. Commercial and industrial uses within urban unincorporated communities are subject to Policy #16a.
13. Temporary disposal of shellfish shells associated with aquaculture operations shall be appropriate.

Activities:

- 6b.,6c. These activities are permitted subject to the findings required by Policy #9, "Solutions to Erosion and Flooding Problems".
- 9a. Active restoration shall be allowed only when consistent with Policy #22b.

SECTION 3.2.792. Land Development Standards. The requirements set forth in Table 3.2 shall govern development in the 65-UD district.

GENERAL LOCATION: SOUTH SLOUGH (CHARLESTON)

ZONING DESIGNATION: 66-UW

ZONING DISTRICT: 66 - URBAN WATER-DEPENDENT

SPECIFIC BOUNDARIES: Northern Boundary - A line perpendicular to the shore, 400-feet north of the Charleston Breakwater. Southern Boundary - Charleston Bridge and Cape Arago Highway as it continues west.

SECTION 3.2.795. Management Objective: The waterfront area of this shoreland district shall be managed for water-dependent and water-related uses. Temporary non-water-dependent/non-water-related uses are allowed as per Policy #16 in this area. The inland area is not well-suited for water-dependent/water-related uses. (See inventory map "Goal #16 and Goal #17 Priority Development Areas" for delineation of the area considered "suitable for water-dependent uses".)

SECTION 3.2.796. Uses, Activities and Special Conditions. Table 66-UW sets forth the uses and activities which are permitted, which may be permitted as conditional uses, or which are prohibited in this zoning district. Table 66-UW also sets forth special conditions which may restrict certain uses or activities, or modify the manner in which certain uses or activities may occur. Reference to "policy numbers" refers to Plan Policies set forth in the Coos Bay Estuary Management Plan.

A. Uses

1.	Agriculture	N
2.	Airports	N
3.	Aquaculture	P-G
4.	Commercial	ACU-S, G
5.	Dryland moorage	P-G
6.	Industrial and port facilities	ACU-S, G
7.	Land transportation facilities	P-G
8.	Log storage/sorting yard (land)	N
9.	Marinas	P-G
10.	Mining/mineral extraction	N
11.	Recreation facilities	
	a. Low-intensity	P-G
	b. High-intensity	P-G
12.	Residential	P-G
13.	Solid waste disposal	N
14.	Timber farming/harvesting	N/A
15.	Utilities	
	a. Low-intensity	P-G
	b. High-intensity	P-G
16.	Energy production	ACU-S,G
17.	Water-borne transportation	ACU-S,G

B. Activities

1.	Stream alteration	P-G
2.	Dikes	
	a. New construction	P-G
	b. Maintenance/repair	P-G
3.	Dredged material disposal	N
4.	Excavation to create new water surface	P-G
5.	Fill	P-G
6.	Shoreline stabilization	
	a. Vegetative	P-G
	b. Riprap	ACU-S, G
	c. Retaining Wall	ACU-S, G
7.	Navigation aids	P-G
8.	Mitigation	N/A
9.	Restoration	
	a. Active	ACU-S, G
	b. Passive	P-G
10.	Land divisions	
	a. Partition	ACU-G
	b. Subdivision	ACU-G
	c. Planned Unit Development	ACU-G
	d. Recreation PUD	N

GENERAL CONDITIONS

1. All permitted uses shall be consistent with the respective flood regulations of local governments, as required in Policy #27.
2. All uses shall be consistent with Policy #16, regarding protection of areas "suitable for water-dependent uses".
3. All uses and activities: Inventoried resources requiring mandatory protection are subject to Policies #17 and #18.
4. In rural areas (outside UGBs) utilities, public facilities and services shall only be provided subject to Policies #49, #50, and #51.

SPECIAL CONDITIONS

Uses:

4.,6. Commercial and industrial uses within urban unincorporated communities are subject to Policy #16a.

4.,6.,16.,17. These uses are subject to review and approval when consistent with Policy #16.

Activities:

6b.,6c. These activities are permitted subject to the findings required by Policy #9, "Solutions to Erosion and Flooding Problems".

9a. Active restoration shall be allowed only when consistent with Policy #22b.

SECTION 3.2.797. Land Development Standards. The requirements set forth in Table 3.2 shall govern development in the 66-UW district.

GENERAL LOCATION: SOUTH SLOUGH (CHARLESTON SMALL BOAT BASIN)

ZONING DESIGNATION: 66A-DA

ZONING DISTRICT: 66A-DEVELOPMENT AQUATIC

SPECIFIC BOUNDARIES: This district is the aquatic area to the west of the authorized Charleston Channel comprising the Charleston Small Boat Basin, north to the breakwater and south to the southern-most docking facility.

SECTION 3.2.800. Management Objective: This aquatic district shall be managed for expansion of the commercial fishing industry and for maintenance and expansion of recreational moorage.

SECTION 3.2.801. Uses, Activities and Special Conditions. Table 66A-DA sets forth the uses and activities which are permitted, which may be permitted as conditional uses, or which are prohibited in this zoning district. Table 66A-DA also sets forth special conditions which may restrict certain uses or activities, or modify the manner in which certain uses or activities may occur. Reference to “policy numbers” refers to Plan Policies set forth in the Coos Bay Estuary Management Plan.

A. Uses

- | | | |
|-----|--|----------|
| 1. | Aquaculture | ACU-S, G |
| 2. | Commercial | ACU-S, G |
| 3. | Docks | P-G |
| 4. | Industrial and port facilities | ACU-S, G |
| 5. | Log dump/sort/storage (in-water) | N |
| 6. | Marinas | P-G |
| 7. | Mining/mineral extraction | N |
| 8. | Recreation facilities | |
| | a. Low-intensity | P-G |
| | b. High-intensity | P-G |
| 9. | Utilities | |
| | a. Low-intensity | P-G |
| | b. High-intensity | P-G |
| 10. | Bridge crossing support structures and dredging necessary for installation | N |
| 11. | Bridge crossings | N |

B. Activities

- | | | |
|----|---|----------|
| 1. | Dikes | |
| | a. New construction | ACU-S, G |
| | b. Maintenance/repair | ACU-S, G |
| | c. Installation of tidegates in existing functional dikes | ACU-S, G |
| 2. | Dredging | |
| | a. New | ACU-S, G |

	b.	Maintenance dredging of existing facilities	ACU-S, G
	c.	To repair dikes and tidegates	N
3.		Dredged material disposal	N
4.		Fill	ACU-S, G
5.		Navigational	
	a.	Aides	P-G
	b.	Structures	ACU-S, G
	c.	Minor navigational improvements	P-G
	d.	Water-dependent commercial enterprises and activities	ACU-S, G
6.		Piling/dolphin installation	P-G
7.		Shoreline stabilization	
	a.	Vegetative	P-G
	b.	Riprap	ACU-S, G
	c.	Bulkheads	ACU-S, G
8.		Mitigation	P-G
9.		Restoration	
	a.	Active	ACU-S, G
	b.	Passive	P
10.		Research and educational observations	P
11.		Protection of habitat, nutrient, fish, wildlife and aesthetic	P
12.		Temporary alterations	ACU-S, G
13.		Waste water/storm water discharge	ACU-S, G
14.		Research and educational observation structures	ACU-S, G

GENERAL CONDITIONS:

1. All uses and activities: Inventoried resources requiring mandatory protection are subject to Policies #17 and #18.

SPECIAL CONDITIONS

Uses:

1. Aquaculture is allowed whether dredging or fill or other alteration of the estuary is required 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.,4. If the use is water-related or non-dependent/non-related and does not require fill, findings must be made that the use is consistent with the resource capabilities and purposes of the management unit. Fill is not permitted for non-water-dependent uses.

Activities:

- 1a.,1b.,1c.,2a.,2b.,4.,5b.,5d. These activities are allowed subject to finding that adverse impacts have been minimized (see Policy #5); and to Policy #8 requiring mitigation.

- 5c. This activity is subject to Policy #12.
- 7b.,7c. These activities are 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 riprap. Riprap may be allowed 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.
- Further, bulkheads are only allowed subject (1) to the making of resource capability consistency findings and impact assessments (see Policy #4a); (2) to a finding that adverse impacts have been minimized (see Policy #5); and (3) to Policy #8 requiring mitigation.
- 9a. Active restoration shall be allowed only when consistent with Policy #22b.
12. This activity is only permitted subject to Policy #5a.
13. Waste water and storm water discharge, see Policy #25 and definition of "facility".
14. Subject to Policy #5d.

GENERAL LOCATION: SOUTH SLOUGH (COASTAL ACRES)

ZONING DESIGNATION: 66B-CA

ZONING DISTRICT: 66B-CONSERVATION AQUATIC

SPECIFIC BOUNDARIES: The undeveloped triangular intertidal aquatic area south of the Charleston Boat Basin, locally known as Coastal Acres, plus the adjacent area west of the maintained channel, south to the Charleston Bridge (south side).

SECTION 3.2.805. Management Objective: This aquatic district shall be managed to conserve the easily accessible recreational clam bed. However, local governments also believe this to be an excellent site for a large in-water marina, and accordingly intend to pursue the necessary actions at the next plan update to justify marina development in this district.

SECTION 3.2.806. Uses, Activities and Special Conditions. Table 66B-CA sets forth the uses and activities which are permitted, which may be permitted as conditional uses, or which are prohibited in this zoning district. Table 66B-CA also sets forth special conditions which may restrict certain uses or activities, or modify the manner in which certain uses or activities may occur. Reference to “policy numbers” refers to Plan Policies set forth in the Coos Bay Estuary Management Plan.

A. Uses

- | | | |
|-----|--|----------|
| 1. | Aquaculture | ACU-S, G |
| 2. | Commercial | N |
| 3. | Docks | ACU-S, G |
| 4. | Industrial and port facilities | N |
| 5. | Log dump/sort/storage (in-water) | N |
| 6. | Marinas | ACU-S, G |
| 7. | Mining/mineral extraction | N |
| 8. | Recreation facilities | |
| | a. Low-intensity | ACU-S, G |
| | b. High-intensity | ACU-S, G |
| 9. | Utilities | |
| | a. Low-intensity | P-G |
| | b. High-intensity | P-G |
| 10. | Bridge crossing support structures and dredging necessary for installation | ACU-S, G |
| 11. | Bridge crossings | ACU-S, G |

B. Activities

1.	Dikes	
	a. New construction	N
	b. Maintenance/repair	ACU-S, G
	c. Installation of tidegates in existing functional dikes	ACU-S, G
2.	Dredging	
	a. New	N
	b. Maintenance dredging of existing facilities	ACU-S, G
	c. To repair dikes and tidegates	N
3.	Dredged material disposal	N
4.	Fill	N
5.	Navigational	
	a. Aids	P-G
	b. Structures	N
	c. Minor navigational improvements	P-G
	d. Water-dependent commercial enterprises and activities	N
6.	Piling/dolphin installation	P-G
7.	Shoreline stabilization	
	a. Vegetative	P-G
	b. Riprap	ACU-S, G
	c. Bulkheads	N
8.	Mitigation	P-G
9.	Restoration	
	a. Active	ACU-S, G
	b. Passive	P-G
10.	Protection of habitat, nutrient, fish, wildlife and aesthetic	P
11.	Temporary alterations	ACU-S, G
12.	Research and educational observations	P
13.	Waste water/storm water discharge	ACU-S, G
14.	Research and educational observation structures	ACU-S, G

GENERAL CONDITIONS:

1. All uses and activities: Inventoried resources requiring mandatory protection are subject to Policies #17 and #18.

SPECIAL CONDITIONS

Uses:

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 allowed; or, where aquaculture requires dredging or fill or other alteration of the estuary is subject to Policy #4a.
3. This use is only permitted if it is water-dependent and needs to occupy the water surface by means other than fill (e.g. pilings).
- 6.,8a,8b. These uses are allowed subject to the making of resource capability consistency findings and impact assessments (see Policy #4a). Boat ramps for public use where no dredging or fill for navigational access is needed (see definition of "Recreation").
- 10.,11. This use/activity is only permitted subject to the findings required by Policy #6, "Fill in Conservation and Natural Management Units".

Activities:

- 1b.,1c. This activity is permitted subject to the findings required by Policy #6, "Fill in Conservation and Natural Management Units", and subject to finding that adverse impacts have been minimized (see Policy #5) and to Policy #8 requiring mitigation.
- 2b. This activity is only allowed subject (1) to the making of resource capability consistency findings and impact assessments (see Policy #4a); (2) to a finding that adverse impacts have been minimized (see Policy #5); and (3) to Policy #8 requiring mitigation.
- 5c. This activity is subject to Policy #12.
- 7b. This activity is 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 riprap. Riprap may be allowed 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.
- 9a. Active restoration shall be allowed only when consistent with Policy #22b.
11. This activity is only permitted subject to Policy #5a.
13. Waste water and storm water discharge, see Policy #25, and definition of "facility".
14. Subject to Policy #5d.

SOUTH SLOUGH ESTUARINE SANCTUARY

INCLUDING ONLY THE AREA WITHIN THE
COASTAL SHORELANDS BOUNDARY

Shoreland Districts: 69 - 72

Aquatic Districts: 69 - 72

Districts are listed in numerical order,
Shoreland Districts first.

GENERAL LOCATION: SOUTH SLOUGH ESTUARINE SANCTUARY

ZONING DESIGNATION: 69-NS

ZONING DISTRICT: 69-NATURAL SHORELANDS

SPECIFIC BOUNDARIES: This district consists of the state-owned shoreland that borders the South Slough on the east, south and west shores and is designated part of the South Slough Estuarine Sanctuary. Eastern Boundary - The Sanctuary boundary that extends from west to east just north of Valino Island and intersects the east shore just south of Days Creek. Western Boundary - The Sanctuary boundary immediately west of Valino Island.

SECTION 3.2.810. Management Objective: This unique natural environment has been designated by the state and federal governments as the first estuarine sanctuary in the nation. As such, the Plan intends that this shoreland district be managed to maintain the integrity of the estuarine sanctuary, to protect it from internal and external sources of stress that would alter or affect the nature of the ecosystem and to preserve it for long-term scientific and educational uses, consistent with the policy established by ORS 273.553. The district also contains four designated mitigation sites, SS-1(b), SS-4, SS-7 and SS-9 (all "medium" priority). These sites shall be protected, as required by Policy #22.

SECTION 3.2.811. Uses, Activities and Special Conditions. Table 69-NS sets forth the uses and activities which are permitted, which may be permitted as conditional uses, or which are prohibited in this zoning district. Table 69-NS also sets forth special conditions which may restrict certain uses or activities, or modify the manner in which certain uses or activities may occur. Reference to "policy numbers" refers to Plan Policies set forth in the Coos Bay Estuary Management Plan.

A. Uses

1.	Agriculture	ACU-S, G
2.	Airports	N
3.	Aquaculture	ACU-S, G
4.	Commercial	N
5.	Dryland moorage	ACU-S, G
6.	Industrial and port facilities	N
7.	Land transportation facilities	ACU-S, G
8.	Log storage/sorting yard (land)	N
9.	Marinas	N
10.	Mining/mineral extraction	N
11.	Recreation facilities	
	a. Low-intensity	ACU-S, G
	b. High-intensity	N
12.	Residential	ACU-S, G
13.	Solid waste disposal	N
14.	Timber farming/harvesting	ACU-S, G
15.	Utilities	
	a. Low-intensity	ACU-S, G

b.	High-intensity	N
B.	Activities	
1.	Stream alteration	ACU-S, G
2.	Dikes	
a.	New construction	N
b.	Maintenance/repair	N
3.	Dredged material disposal	N
4.	Excavation to create new water surface	N
5.	Fill	ACU-S, G
6.	Shoreline stabilization	
a.	Vegetative	ACU-S, G
b.	Riprap	ACU-S, G
c.	Retaining wall	N
7.	Navigation aids	N
8.	Mitigation	ACU-S, G
9.	Restoration	
a.	Active	ACU-S, G
b.	Passive	P-G
10.	Land divisions	
a.	Partition	N
b.	Subdivision	N
c.	Planned Unit Development	N
d.	Recreation PUD	N

GENERAL CONDITIONS (The following condition applies to all uses and activities):

1. Inventoried resources requiring mandatory protection in this district are subject to Policies #17 and #18.
2. All permitted uses and activities shall be consistent with Policy #23, requiring protection of riparian vegetation.

The following condition applies to all permitted uses:

3. Where "agricultural lands" or "forest lands" occur within this district, as identified in the "Special Considerations Map", uses in these areas shall be limited to those permitted in Policies #28 and #34.
4. Uses in this district are only permitted as stated in Policy #14, "General Policy on Uses within Rural Coastal Shorelands". Except as permitted outright, or where findings are made in this Plan, uses are only allowed subject to the findings in this policy.
5. All permitted uses shall be consistent with the respective flood regulations of local governments, as required in Policy #27.
6. On designated "medium" priority mitigation/restoration sites, all uses/activities shall only be permitted subject to the conditions in Policy #22.

7. All permitted uses in dune areas shall be consistent with the requirements of Policy #30.
8. In rural areas (outside of UGBs) utilities, public facilities and services shall only be provided subject to Policies #49, #50, and #51.

SPECIAL CONDITIONS

Uses:

1. Agriculture uses (limited to livestock grazing only) are allowed upon a finding by the sanctuary governing body that the use furthers the scientific or educational goals and objectives of the sanctuary program and will be accomplished in a manner that adequately protects the natural resources of the area.
3. Aquaculture uses are subject to a finding by the sanctuary governing body that the use furthers the scientific or educational goals and objectives of the sanctuary program, and will be accomplished in a manner that adequately protects the natural resources of the area (subject to Policy #4a).
- 5.,14a. These uses are allowed only to meet the needs of the sanctuary governing body to assure that the use is necessary to further the scientific and educational goals of the sanctuary program.
7. Land transportation facilities are allowed subject to approval by the sanctuary governing body to assure that the use is necessary to further the scientific and educational goals of the sanctuary program.
- 11a. Low-intensity, undeveloped recreation is allowed consistent with the sanctuary management program.
13. Commercial timber harvest is prohibited; however, tree removal is permitted under specific conditions of SSES administrative rule.

Activities:

1. Stream alterations are allowed for the purposes of an educational project approved by the Management Committee and subject to design review by the sanctuary governing body.
- 5.,6a.,6b. These activities are allowed only upon a finding by the sanctuary governing body that the activities further the scientific or educational goals and objectives of the

sanctuary program. These activities are also subject to design review by the Commission. In addition, riprap is only permitted subject to the general findings required by Policy #9, "Solutions to Erosion and Flooding Problems". In addition, fill shall not be allowed in areas of "wet meadow" wetland, as identified in the "Special Considerations Map", except as otherwise allowed in Policy #14.

8.,9a., Mitigation/restoration actions are subject to approval by the sanctuary governing body.

SECTION 3.2.812. Land Development Standards. The requirements set forth in Table 3.2 shall govern development in the 69-NS district.

GENERAL LOCATION: SOUTH SLOUGH ESTUARINE SANCTUARY

ZONING DESIGNATION: 69-NA

ZONING DISTRICT: 69-NATURAL AQUATIC

SPECIFIC BOUNDARIES: This district consists of the aquatic area of the South Slough Sanctuary, south from the Sanctuary boundary just north of Valino Island. It also includes upper Winchester Slough and adjacent tidal marshes, to head-of-tide.

SECTION 3.2.815. Management Objective: This rich aquatic resource area is to be managed as a natural aquatic area to maintain the integrity of the estuarine sanctuary, to protect it from internal and external sources of stress that could alter or affect the nature of the ecosystem, and to preserve it for long-term scientific and educational uses, consistent with the policy established by ORS 273.553. This district also contains nine designated mitigation/restoration sites SS-1(a), SS-2(a) and (b), SS-3 (a) and (b), SS-10(a), (b) and (c), and SS-11 (all "medium" priority). All shall be protected, as required by Policy #22. Management of the aquatic areas, adjacent to privately owned lands, is designed to allow continuation of existing undeveloped low-intensity uses consistent with the South Slough Sanctuary program and subject to the approval of the Sanctuary governing body.

SECTION 3.2.816. Uses, Activities and Special Conditions. Table 69-NA sets forth the uses and activities which are permitted, which may be permitted as conditional uses, or which are prohibited in this zoning district. Table 69-NA also sets forth special conditions which may restrict certain uses or activities, or modify the manner in which certain uses or activities may occur. Reference to "policy numbers" refers to Plan Policies set forth in the Coos Bay Estuary Management Plan.

A. Uses

1.	Aquaculture	ACU-S, G
2.	Commercial	N
3.	Docks	ACU-S, G
4.	Industrial and port facilities	N
5.	Log dump/sort/storage (in-water)	N
6.	Marinas	N
7.	Mining/mineral extraction	N
8.	Recreation facilities	
	a. Low-intensity	N
	b. High-intensity	N
9.	Utilities	
	a. Low-intensity	ACU-S, G
	b. High-intensity	N
10.	Bridge crossing support structures and dredging necessary for installation	N
11.	Bridge crossings	N

B. Activities

1.	Dikes	
	a. New construction	N
	b. Maintenance/repair	N
	c. Installation of tidegates in existing functional dikes	N
2.	Dredging	
	a. New	N
	b. Maintenance dredging of existing facilities	N
	c. To repair dikes and tidegates	N
3.	Dredged material disposal	N
4.	Fill	N
5.	Navigational	
	a. Aids	N
	b. Structures	N
	c. Minor navigational improvements	N
	d. Water-dependent commercial enterprises and activities	N
6.	Piling/dolphin installation	N
7.	Shoreline stabilization	
	a. Vegetative	ACU-S, G
	b. Riprap	ACU-S, G
	c. Bulkheads	N
8.	Mitigation	ACU-S, G
9.	Restoration	
	a. Active	ACU-S, G
	b. Passive	P-G
10.	Temporary alterations	ACU-S, G
11.	Protection of habitat, nutrient, fish, wildlife and aesthetic	P
12.	Research and educational observations	P
13.	Waste water/storm water discharge	N
14.	Research and educational observation structures	ACU-S, G

GENERAL CONDITIONS:

1. All uses and activities: Inventoried resources requiring mandatory protection are subject to Policies #17 and #18.

SPECIAL CONDITIONS

Uses:

1. Aquaculture uses within the Sanctuary have been restricted by the governing body to a total of up to 100 acres to be conducted by either stake or bottom culture. Any future aquaculture use must be approved by the sanctuary governing body. 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.

3. Docks and launching facilities are allowed only upon a finding by the sanctuary governing body that the use is in conjunction with "research and educational observation" and is subject to review by the Commission.

- 9a. Low-intensity utilities are subject to approval by the sanctuary governing body, and must be consistent with the purpose of the Sanctuary (see Management Objective).

Activities:

- 7a.,7b. These activities are subject to approval by the sanctuary governing body. In addition, riprap is only permitted see 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 riprap. Riprap may be allowed 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.
- 10.,9a. Mitigation/restoration actions are subject to approval by the sanctuary governing body, and may be allowed only where in conjunction with scientific research, or where secondary to a scientific research activity.

Active restoration is subject to the making of resource capability consistency findings by the Sanctuary governing body (see Policy #4a) and must be consistent with Policy #22b.

10. This activity is only permitted subject to Policy #5a.
14. Subject to Policy #5d.

GENERAL LOCATION: SOUTH SLOUGH ESTUARINE SANCTUARY

ZONING DESIGNATION: 70-CS

ZONING DISTRICT: 70-CONSERVATION SHORELANDS

SPECIFIC BOUNDARIES: This shoreland district is the privately held lands that border the South Slough on the east shore of Long Island Point. Northern Boundary - A line to the east along the section line between S.24 and S.25, T.26, R.14W. Southern Boundary – Head-of-tide on John B. Creek.

SECTION 3.2.820. Management Objective: Management of these privately held lands within the designated Sanctuary is to protect the riparian buffer and allow low-intensity uses for benefits to the aquatic and upland natural resources, water quality and scenic values.

SECTION 3.2.821. Uses, Activities and Special Conditions. Table 70-CS sets forth the uses and activities which are permitted, which may be permitted as conditional uses, or which are prohibited in this zoning district. Table 70-CS also sets forth special conditions which may restrict certain uses or activities, or modify the manner in which certain uses or activities may occur. Reference to “policy numbers” refers to Plan Policies set forth in the Coos Bay Estuary Management Plan.

A. Uses

1.	Agriculture	P-G
2.	Airports	N
3.	Aquaculture	P-G
4.	Commercial	N
5.	Dryland moorage	N
6.	Industrial and port facilities	N
7.	Land transportation facilities	P-G
8.	Log storage/sorting yard (land)	ACU-S, G
9.	Marinas	N
10.	Mining/mineral extraction	N
11.	Recreation facilities	
	a. Low-intensity	P-G
	b. High-intensity	N
12.	Residential	N
13.	Solid waste disposal	N
14.	Timber farming/harvesting	P-G
15.	Utilities	
	a. Low-intensity	P-G
	b. High-intensity	N

B. Activities

1.	Stream alteration	N
2.	Dikes	
	a. New construction	N
	b. Maintenance/repair	P-G
3.	Dredged material disposal	N
4.	Excavation to create new water surface	P-G
5.	Fill	N
6.	Shoreline stabilization	
	a. Vegetative	P-G
	b. Riprap	ACU-S, G
	c. Retaining wall	N
7.	Navigation aids	P-G
8.	Mitigation	P-G
9.	Restoration	
	a. Active	ACU-S, G
	b. Passive	P-G
10.	Land divisions	
	a. Partition	ACU-S, G
	b. Subdivision	ACU-S, G
	c. Planned Unit Development	ACU-S, G
	d. Recreation PUD	N

GENERAL CONDITIONS

1. Uses in this district are only permitted as stated in Policy #14, "General Policy on Uses within Rural Coastal shorelands". Except as permitted outright, or where findings are made in this Plan, uses are only allowed subject to the findings in this policy.
2. The Sanctuary Governing Body shall be notified by Coos County of any proposed new or more intensive use or activity including timber harvest, to enable SSES review and comment on such permits prior to County approval.

The following condition applies to all uses and activities:

3. Inventoried resources requiring mandatory protection in this district are subject to Policies #17 and #18.
4. All permitted uses and activities shall be consistent with Policy #23, requiring protection of riparian vegetation.

The following condition applies to all permitted uses:

5. Where "agricultural lands" or "forest lands" occur within this district, as identified in the "Special Considerations Map", uses in these areas shall be limited to those permitted in Policies #28 and #34.

6. All permitted uses shall be consistent with the respective flood regulations of local governments, as required in Policy #27.
7. All permitted uses in dune areas shall be consistent with the requirements of Policy #30 .
8. In rural areas (outside of UGBs) utilities, public facilities and services shall only be provided subject to Policies #49, #50, and #51.

SPECIAL CONDITIONS

Uses:

8. This use is allowed subject to the approval of the use and design review by the sanctuary governing body.

Activities:

- 6b. This activity is permitted subject to the findings required by Policy #9, "Solutions to Erosion and Flooding Problems".
- 9a. Active restoration shall be allowed only when consistent with Policy #22b.
10. Land divisions are only permitted where they meet the conditions in Policy #15.

SECTION 3.2.822. Land Development Standards. The requirements set forth in Table 3.2 shall govern development in the 70-CS district.

GENERAL LOCATION: SOUTH SLOUGH ESTUARINE SANCTUARY

ZONING DESIGNATION: 71-RS

ZONING DISTRICT: 71-RURAL SHORELANDS

SPECIFIC BOUNDARIES: This shoreland district is the privately held lands on the east shore of the Winchester Creek arm of South Slough. Northern Boundary - A line to the west along the section line between S.23 and S.26, T.26, R.14W. Southern Boundary - A line to the north along the section line between S.35 and S.36, T.26, R.14W, south of Cox Creek, and thence in a westerly direction along Cox Creek to Winchester Creek.

SECTION 3.2.825. Management Objective: These privately held lands within the designated Sanctuary shall continue in both agricultural and forest production. This district also contains designated mitigation site SS-6(a), "medium" priority, which shall be protected as required by Policy #22.

SECTION 3.2.826. Uses, Activities and Special Conditions. Table 71-RS sets forth the uses and activities which are permitted, which may be permitted as conditional uses, or which are prohibited in this zoning district. Table 71-RS also sets forth special conditions which may restrict certain uses or activities, or modify the manner in which certain uses or activities may occur. Reference to "policy numbers" refers to Plan Policies set forth in the Coos Bay Estuary Management Plan.

A. Uses

1.	Agriculture	P-G
2.	Airports	N
3.	Aquaculture	P-G
4.	Commercial	N
5.	Dryland moorage	N
6.	Industrial and port facilities	N
7.	Land transportation facilities	P-G
8.	Log storage/sorting yard (land)	N
9.	Marinas	N
10.	Mining/mineral extraction	P-G
11.	Recreation facilities	
	a. Low-intensity	P-G
	b. High-intensity	N
12.	Residential	P-G
13.	Solid waste disposal	N
14.	Timber farming/harvesting	P-G
15.	Utilities	
	a. Low-intensity	P-G
	b. High-intensity	N

B. Activities

1.	Stream alteration	P-G
2.	Dikes	
	a. New construction	N
	b. Maintenance/repair	P-G
3.	Dredged material disposal	N
4.	Excavation to create new water surface	N
5.	Fill	N
6.	Shoreline stabilization	
	a. Vegetative	P-G
	b. Riprap	ACU-S, G
	c. Retaining wall	ACU-S, G
7.	Navigation aids	P-G
8.	Mitigation	P-G
9.	Restoration	
	a. Active	ACU-S, G
	b. Passive	P-G
10.	Land divisions	
	a. Partition	ACU-S, G
	b. Subdivision	ACU-S, G
	c. Planned Unit Development	ACU-S, G
	d. Recreation PUD	N

GENERAL CONDITIONS

1. All permitted uses and activities shall be consistent with Policy #23, requiring protection of riparian vegetation.

The following condition applies to all permitted uses:

2. Where "agricultural lands" or "forest lands" occur within this district as identified in the "Special Considerations Map", uses in these areas shall be limited to those permitted in Policies #28 and #34.
3. Uses in this district are only permitted as stated in Policy #14, "General Policy on Uses within Rural Coastal Shorelands" Except as permitted outright, or where findings are made in this Plan, uses are only allowed subject to the findings in this policy.
4. All permitted uses shall be consistent with the respective flood regulations of local governments, as required in Policy #27.
5. All permitted uses in dune areas shall be consistent with the requirements of Policy #30.
6. On designated "medium" or "high" priority mitigation/restoration sites, all uses/activities shall only be permitted subject to the conditions in Policy #22.

7. The Sanctuary Governing Body shall be notified by Coos County of any proposed new or more intensive use or activity, including timber harvest, to enable SSES review and comment on such permits prior to County approval.
8. In rural areas (outside of UGBs) utilities, public facilities, and services shall only be provided subject to Policies #49, #50, and #51.
9. All uses and activities: Inventoried resources requiring mandatory protection are subject to Policies #17 and #18.

SPECIAL CONDITIONS

Activities:

- 6b.,6c. These activities are permitted subject to the findings required by Policy #9, "Solutions to Erosion and Flooding Problems".
- 9a. Active restoration shall be allowed only when consistent with Policy #22b.
10. Land divisions are only permitted where they meet the conditions in Policy #15.

SECTION 3.2.827. Land Development Standards. The requirements set forth in Table 3.2 shall govern development in the 71-RS district.

GENERAL LOCATION: SOUTH SLOUGH ESTUARINE SANCTUARY

ZONING DESIGNATION: 72-RS

ZONING DISTRICT: 72-RURAL SHORELANDS

Specific Boundaries: This shoreland district consists of the privately held property on the west shore of the mouth of Winchester Creek. Northern Boundary - A line to the east along the section line between S.26 and S.35, T.26, R.14W. Southern Boundary - Hinch Road at the bridge over Winchester Creek.

SECTION 3.2.830. Management Objective: This privately held property within the South Slough Sanctuary is to be managed to continue existing low-intensity agricultural uses and to allow new uses that are found by the Sanctuary Commission to be consistent with the management objectives for the Sanctuary. This district also contains two designated mitigation sites: SS-4(part) and SS-5, both "medium" priority, which shall be protected as required by Policy #22.

SECTION 3.2.831. Uses, Activities and Special Conditions. Table 72-RS sets forth the uses and activities which are permitted, which may be permitted as conditional uses, or which are prohibited in this zoning district. Table 72-RS also sets forth special conditions which may restrict certain uses or activities, or modify the manner in which certain uses or activities may occur. Reference to "policy numbers" refers to Plan Policies set forth in the Coos Bay Estuary Management Plan.

A. Uses

1.	Agriculture	P-G
2.	Airports	N
3.	Aquaculture	P-G
4.	Commercial	N
5.	Dryland moorage	N
6.	Industrial and port facilities	N
7.	Land transportation facilities	P-G
8.	Log storage/sorting yard (land)	N
9.	Marinas	N
10.	Mining/mineral extraction	N
11.	Recreation facilities	
	a. Low-intensity	P-G
	b. High-intensity	N
12.	Residential	P-G
13.	Solid waste disposal	N
14.	Timber farming/harvesting	P-G
15.	Utilities	
	a. Low-intensity	P-G
	b. High-intensity	N

B. Activities

1.	Stream alteration	N
2.	Dikes	
	a. New construction	N
	b. Maintenance/repair	P-G
3.	Dredged material disposal	N
4.	Excavation to create new water surface	N
5.	Fill	N
6.	Shoreline stabilization	
	a. Vegetative	P-G
	b. Riprap	ACU-S, G
	c. Retaining wall	N
7.	Navigation aids	P-G
8.	Mitigation	P-G
9.	Restoration	
	a. Active	ACU-S, G
	b. Passive	P-G
10.	Land divisions	
	a. Partition	ACU-S, G
	b. Subdivision	ACU-S, G
	c. Planned Unit Development	ACU-S, G
	d. Recreation PUD	N

GENERAL CONDITIONS

1. All permitted uses and activities shall be consistent with Policy #23, requiring protection of riparian vegetation.

The following condition applies to all permitted uses:

2. Where "agricultural lands" or "forest lands" occur within this district, as identified in the "Special Considerations Map", uses in these areas shall be limited to those permitted in Policies #28 and #34.
3. Uses in this district are only permitted as stated in Policy #14, "General Policy on Uses within Rural Coastal Shorelands". Except as permitted outright, or where findings are made in this Plan, uses are only allowed subject to the findings in this policy.
4. All permitted uses shall be consistent with the respective flood regulations of local governments, as required in Policy #27.
5. On designated "medium" or "high" priority mitigation/restoration sites, all uses/activities shall only be permitted subject to the conditions in Policy #22.
6. The Sanctuary Governing Body shall be notified by Coos County of any proposed new or more intensive use or activity, including timber harvest, to enable SSES review and comment on such permits prior to County approval.
7. In rural areas (outside of UGBs) utilities, public facilities and services shall only be provided subject to Policies #49, #50, and #51.

8. All uses and activities: Inventoried resources requiring mandatory protection are subject to Policies #17 and #18.

SPECIAL CONDITIONS

Activities:

- 6b. These activities are permitted subject to the findings required by Policy #9, "Solutions to Erosion and Flooding Problems".
- 9a. Active restoration shall be allowed only when consistent with Policy #22b.
10. Land divisions are only permitted where they meet the conditions in Policy #15.

SECTION 3.2.832. Land Development Standards. The requirements set forth in Table 3.2 shall govern development in the 72-RS district.

VOLUME II – CBEMP POLICIES
APPENDIX 3

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 tidegates, 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

- c. to three (non-water-dependent to water-dependent).
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	1440.50 acres	496.52 acres	January 1, 2000
City of North Bend	5.42 acres	96.33 acres	2006 data as amended
Combined Inventory for the Coos Bay Estuary on an Estuary-wide Basis for Unincorporated Coos County and the City of North Bend	1445.92 acres	592.85 acres	September 27, 2006
*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 Site Plan Application, 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 Site Plan Application. 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, reinterring 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 conduct an administrative review of the Site Plan Application 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).

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 cannot 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

ARTICLE 3.3 – COQUILLE RIVER ESTUARY MANAGEMENT PLAN

This article lists all shoreland segments first and then the aquatic units. The policies that are referenced in the uses are found at the end of this chapter.

CREMP SHORELAND SEGMENTS – The management units are divided up by the type and then the segment number. All policies that are referenced are found at the end of this Article. Under each type of management unit, the segments each have a purpose statement. Note: Limiting Policies do not apply to all uses or all areas within units, as specifically described in each policy.

COQUILLE RIVER ESTUARY MANGEMENT - NATURAL RESOURCE MANAGEMENT SEGMENTS (CREMP-NR)

- **Shoreland Segment 11 (11-NR)** this segment shall be managed to protect the natural resources of this area (including a large fresh-water marsh), and for undeveloped outdoor recreation activities in conjunction with the Bullards Beach State Park. A designated dredged material site is located at the south end of this segment, and shall be protected from preemptory uses.
- **Shoreland Segment 29 (29-NR)** shall be managed for the protection of its natural resource values as a mitigation site which shall be protected from preemptory uses.

SECTION 3.3.100 DEVELOPMENT AND USE PERMITTED:

The following uses and activities are permitted outright in the Natural Resource Management Segment.

1. Timber farming/harvesting
2. Contaminated soil/land farming
3. Modification of historic structure
4. Home occupation is permitted subject to the provisions of CREMP Policy #5d.
5. Cottage industry is permitted subject to the provisions of CREMP Policy #5d.
6. Non-structural shoreland stabilization

SECTION 3.3.110 ADMINISTRATIVE CONDITIONAL DEVELOPMENT AND USE:

The following uses and activities are permitted under an administrative conditional use permit Natural Resource Management.

1. Farm use pursuant to ORS 215.203 for either profit or not for profit:
 - a. In CREMP Shoreland Segment 11 this use may be permitted subject to provisions of CREMP Policies #14, #17, #18 and #27.
 - b. In CREMP Shoreland Unit 29 this use may be permitted subject to provisions of CREMP Policies #14a and # 22.
2. Farm Structures:
 - a. In CREMP Shoreland Segment 11 this use may be permitted subject to provisions of CREMP Policies #14, #17, #18 and #27.
 - b. In CREMP Shoreland Segment 29 this use may be permitted subject to provisions of CREMP Policies #14a and #22.
3. Propagation, management and harvesting of a forest product:
 - a. In CREMP Shoreland Segment 11 this use may be permitted subject to provisions of CREMP Policies #14, #17, #18 and #27.
 - b. In CREMP Shoreland Segment 29 this use may be permitted subject to provisions of CREMP Policies #14a and #22.
4. Low Intensity Recreation:

- a. Low-intensity recreation shall be limited to water-dependent, and only permitted in CREMP Shoreland Segment 11. In CREMP Shoreland Segment 11 this use may be permitted subject to provisions of CREMP Policies #14, #17, #18 and # 27.
 - b. In CREMP Shoreland Segment 29 this use may be permitted subject to provisions of CREMP Policies #14a and #22.
- 5. Modification of historic structures may be permitted upon the establishment of a finding that the modification is necessary to preserve, protect or enhance the original historical character of the structure, based upon submission of a modification proposal and plot and architectural plans. The following also applies:
 - a. In CREMP Shoreland Segment 11 the use may be permitted subject to provisions of CREMP Policies #14, #17, #18 and #27.
 - b. In CREMP Shoreland Segment 29 the use may be permitted subject to provisions of CREMP Policies #14a and #22.
- 6. Land divisions (Partition/Subdivision):
 - a. This use may be permitted subject to the provisions of CREMP Policies:
 - i. CREMP Shoreland Segment 11 is subject to Policies #14, #15 #17, #19, #35 and #38.
 - ii. CREMP Shoreland Segment 29 is subject to Policies #14, #15 and #22.
 - b. Each parcel or lot shall meet the minimum lot/parcel size and development standards unless it is a residual of resource (Farm or Forest) land division.
 - c. Must comply with the requirements of Chapter VI for land divisions.
 - d. Notice will be sent as required by Article 5.0.
 - e. Final Plat is a ministerial review.
- 7. Service lines:
 - a. In CREMP Shoreland Segment 11 this use may be permitted subject to provisions of CREMP Policies #14, #17, #18 and #27.
 - b. In CREMP Shoreland Segment 29 this use may be permitted subject to provisions of CREMP Policies #14a and #22.
- 8. Dikes:
 - a. Dredge material disposal
 - i. In designated site only.
 - ii. DMD to include stabilization measure to control run-off and prevent sloughing.
 - iii. This use may be permitted subject to the provisions of CREMP Policy #20.
 - iv. In CREMP Shoreland Segment 11 this use may be permitted subject to provisions of CREMP Policies #14, #17, #18 and #27.
 - v. In CREMP Shoreland Segment 29 this use may be permitted subject to provisions of CREMP Policies #14a and #22.
 - b. Fill
 - i. In designated site only.
 - ii. DMD to include stabilization measure to control run-off and prevent sloughing.
 - iii. This use may be permitted subject to the provisions of CREMP Policy #20.
 - iv. In CREMP Shoreland Segment 11 this use may be permitted subject to provisions of CREMP Policies #14, #17, #18 and #27 may apply.
 - v. In CREMP Shoreland Segment 29 this use may be permitted subject to provisions of CREMP Policies #14a and #22.

- c. Mitigation
 - i. In CREMP Shoreland Segment 11 this use may be permitted subject to provisions of CREMP Policies #14, #17, #18 and #27 may apply.
 - ii. In CREMP Shoreland Segment 29 this use may be permitted subject to provisions of CREMP Policies #14a and #22.
- 9. Structural Shoreland Stabilization. This use shall not be permitted in CREMP Shoreland Segment 29.
 - a. This use may be permitted subject to the provisions of CREMP Policy #9.
 - b. In CREMP Shoreland Segment 11 this use may be permitted subject to provisions of CREMP Policies #14, #17, #18 and #27.
- 10. Commercial kennel:
 - a. In CREMP Shoreland Segment 11 this use may be permitted subject to provisions of CREMP Policies #14, #17, #18 and #27.
 - b. In CREMP Shoreland Segment 29 this use may be permitted subject to provisions of CREMP Policies #14a and #22.

SECTION 3.3.130 DEVELOPMENT AND USE STANDARDS.

- 1. Minimum Lot size:
 - a. Refer to the lot size found on the Special Consideration Map for the CREMP.
 - b. The dimension requirements must be met.
- 2. Minimum lot width is 20 feet.
- 3. Access and parking is regulated in Chapter VII.
- 4. Riparian vegetation within 50 feet of a estuarine wetland , stream, lake or river, as identified on the Coastal Shoreland and Fish and Wildlife habitat inventory maps, shall be maintained except that:
 - a. Trees certified *as posing an erosion or safety hazard. property owner is responsible for ensuring compliance with all local, state and federal agencies for the removal of the tree.* ~~by one of the following Coos Soil and Water Conservation District, US Soil Conservation Service posing an erosion or safety hazard may be removed to minimize said hazard;~~
 - b. Riparian vegetation may be removed to provide direct access for a water-dependent use.
 - c. Riparian vegetation may be removed in order to allow establishment of authorized structural shoreline stabilization measures.
 - d. Riparian vegetation may be removed to facilitate stream or streambank clearance projects under a port district, ODFW, BLM, Soil & Water Conservation District, or USFS stream enhancement plan.
 - e. Riparian vegetation may be removed in order to site or properly maintain public utilities and road right-of-ways. or
 - f. Riparian vegetation may be removed in conjunction with existing agricultural operations (e.g., to site or maintain irrigation pumps, to limit encroaching brush, to allow harvesting farm crops customarily grown within riparian corridors, etc.) provided that such vegetation removal does not encroach further into the vegetation buffer except as needed to provide an access to the water to site or maintain irrigation pumps.
 - g. Riparian removal within the Coastal Shoreland Boundary will require a conditional use. See Special Development Considerations Coastal Shoreland Boundary.
 - h. The 50 foot riparian vegetation setback shall not apply in any instance where an existing structure was lawfully established and an addition or alteration to said structure is to be sited not closer to the estuarine wetland, stream, lake, or river than

the existing structure and said addition or alteration represents not more than 100% of the size of the existing structure's "footprint".

- i. The 50' measurement shall be taken from the closest point of the ordinary high water mark to the structure using a right angle from the ordinary high water mark.*

COQUILLE RIVER ESTUARY MANAGEMENT PLAN - RECREATION (CREMP-REC) SHORELAND SEGMENTS

- **Shoreland Segment 12 (12- REC)** This segment is part of Bullards Beach State Park and managed for outdoor recreation activities and facilities, as consistent with the plan of the State Parks Division and the recreational needs of the State and its visitors.
- **Shoreland Segments 24 (24-REC), 39 (39-REC) and 58 (58-REC)** shall be managed for recreational uses connected with the Rocky Point Boat Ramp, and other uses as permitted by the uses/activities matrix.

SECTION 3.3.200 DEVELOPMENT AND USE PERMITTED:

The following uses and activities are permitted outright in the in the CREMP-REC.

1. Farm use pursuant to ORS 215.203 for either profit or not for profit. This use is subject to the provisions of CREMP Policy #18.
2. Timber farming/harvesting is subject to the provisions of CREMP Policy #18.
3. Marinas.
4. Temporary residence such as a mobile home, travel trailer or recreational vehicle used as a dwelling temporarily during construction of a permitted structure. Duration not to exceed one (1) year, subject to renewal. This use is subject to the provisions of CREMP Policy #18.
5. Non-structural Shoreland stabilization.

SECTION 3.3.210 ADMINISTRATIVE CONDITIONAL DEVELOPMENT AND USE:

The following uses and activities are permitted under an administrative conditional use permit CREMP-REC.

1. Farm buildings
 - a. In CREMP Shoreland Segment 12 this may be permitted subject to Policies #14, #18 and #27.
 - b. In CREMP Shoreland Segment 24 may be permitted subject to Policies #14 and #17.
 - c. In CREMP Shoreland Segments 39 and 58 may be permitted subject to Policies #14, #23 and #27.
2. Propagation, management and harvesting of a forest product. This use is not permitted in CREMP Shoreland Segment 24. Forest management practices and policies for regulation of forest lands to be consistent with LCDC Goal #17 and the Oregon Forest Practices Act.
 - a. In CREMP Shoreland Segment 12 this use may be permitted subject to the provisions of CREMP Policies #14, #18, #21 and #27.
 - b. In CREMP Shoreland Segments 39 and 58 may be permitted subject to Policies #14, #21, #23 and #27.
3. Recreation:
 - a. High Intensity

- i. Non-water-dependent/related recreation is prohibited in CREMP Shoreland Segment 24. If the use is water dependent/water related then it may be permitted subject to the provisions of CREMP Policies #14 and #27.
 - ii. In CREMP Shoreland Segment 12 this use may be permitted subject to the provisions of CREMP Policies #14, #18 and #27.
 - iii. In CREMP Shoreland Segments 39 and 58 this use may be permitted subject to Policies #14, #23 and #27.
 - b. Low Intensity
 - i. Non-water-dependent/related recreation is prohibited in CREMP Shoreland Segment 24. If the use is water dependent/water related then it may be permitted subject to the provisions of CREMP Policies #14 and #27.
 - ii. In CREMP Shoreland Segment 12 this use may be permitted subject to the provisions of CREMP Policies #14, #18 and #27.
 - iii. In CREMP Shoreland Segments 39 and 58 may be permitted subject to Policies #14, #23 and #27.
- 4. Marina shoreside facility:
 - a. This use is not permitted in CREMP Shoreland Segment 24.
 - b. In CREMP Shoreland Segment 12 this use may be permitted subject to the provisions of CREMP Policies #14, #18 and #27.
 - c. In CREMP Shoreland Segments 39 and 58 may be permitted subject to Policies #14, #23 and #27.
- 5. Modification of historic structure:
 - a. This may be permitted upon the establishment of a finding that the modification is necessary to preserve, protect or enhance the original historical character of the structure, based upon submission of a modification proposal and site and architectural plans.
 - b. Meet all development standards in Section 3.3.230.
- 6. Residential watchman/caretaker dwelling shall be permitted in CREMP Shoreland Segments 12 and 39 subject to the following:
 - a. This use permitted only if in conjunction with a permitted or conditionally permitted use.
 - b. In CREMP Shoreland Segment 12 this use may be permitted subject to the provisions of CREMP Policies #14, #18, #21 and #27.
 - c. In CREMP Shoreland Segments 39 may be permitted subject to Policies #14, #23 and #27.
- 7. Land divisions (Partition/Subdivision) :
 - a. This use may be permitted subject to the provisions of CREMP Policies:
 - i. In CREMP Shoreland Segment 12 this may be permitted subject to Policies #14, #18 and #27.
 - ii. In CREMP Shoreland Segment 24 may be permitted subject to Policies #14 and #17.
 - iii. In CREMP Shoreland Segments 39 and 58 may be permitted subject to Policies #14, #23 and #27
 - b. Each parcel or lot shall meet the minimum lot/parcel size and development standards unless it is a residual of resource (Farm or Forest) land division.
 - c. Must comply with the requirements of Chapter VI for land divisions.
 - d. Notice will be sent as required by Article 5.0.
 - e. Final Plat is a ministerial review.

8. Dikes including new construction and maintenance/repair; however, this use shall not be permitted in CREMP Shoreland Segments 12, 24, and 39. In CREMP Shoreland Segment 58 may be permitted subject to Policies #14, #23 and #27.
9. Drainage and tide gating. This use shall not be permitted in CREMP Shoreland Segments 12, 24 and 39. In CREMP Shoreland Segment 58 may be permitted subject to Policies #14, #23 and #27.
10. Dredge material disposal (DMS) allowed only for maintenance dredging of boat ramps. DMD to include stabilization measure to control run-off and prevent sloughing.
 - a. In CREMP Shoreland Segment 12 this may be permitted subject to Policies #14, #18, #20 and #27.
 - b. In CREMP Shoreland Segment 24 may be permitted subject to Policies #14, #20 and #17.
 - c. In CREMP Shoreland Segments 39 and 58 may be permitted subject to Policies #14, #20, #23 and #27.
11. Fill shall not be permitted in CREMP Shoreland Segments 12 or 58.
 - a. In CREMP Shoreland Segment 24 may be permitted subject to Policies #14 and #17.
 - b. In CREMP Shoreland Segment 39 may be permitted subject to Policies #14, #23 and #27.
12. Mitigation shall not be permitted in CREMP Shoreland Segment 24.
 - a. In CREMP Shoreland Segment 12 this may be permitted subject to Policies #14, #18 and #27.
 - b. In CREMP Shoreland Segments 39 and 58 may be permitted subject to Policies #14, #23 and #27.
13. Structural Shoreland Stabilization:
 - a. In CREMP Shoreland Segment 12 this may be permitted subject to Policies #9, #14, #18 and #27.
 - b. In CREMP Shoreland Segment 24 may be permitted subject to Policies #9, #14 and #17.
 - c. In CREMP Shoreland Segments 39 and 58 may be permitted subject to Policies #9, #14, #23 and #27.
14. Commercial Kennel:
 - a. In CREMP Shoreland Segment 12 this may be permitted subject to Policies #14, #18 and #27.
 - b. In CREMP Shoreland Segment 24 may be permitted subject to Policies #14 and #17.
 - c. In CREMP Shoreland Segments 39 and 58 may be permitted subject to Policies #14, #23 and #27.

SECTION 3.3.230 DEVELOPMENT AND USE STANDARDS.

1. Minimum Lot size:
 - a. Refer to the lot size found on the Special Consideration Map for the CREMP.
 - b. The dimension requirements must be met.
2. Dwelling Density shall be one dwelling unit on each legally established parcel or lot. Unless otherwise allowed through grandfathering or when the zoning districts permits.
3. Minimum lot width is 20 feet.
4. Setback: All building or structures with the exception of 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 line, whichever is greater.
5. Access and parking is regulated in chapter VII.

6. Riparian vegetation within 50 feet of an estuarine wetland, stream, lake or river, as identified on the Coastal Shoreland and Fish and Wildlife habitat inventory maps, shall be maintained except that:
- a. Trees certified *as posing an erosion or safety hazard. property owner is responsible for ensuring compliance with all local, state and federal agencies for the removal of the tree.* by one of the following Coos Soil and Water Conservation District, US Soil Conservation Service posing an erosion or safety hazard ~~may be removed to minimize said hazard;~~
 - a. Riparian vegetation may be removed to provide direct access for a water-dependent use.
 - b. Riparian vegetation may be removed in order to allow establishment of authorized structural shoreline stabilization measures.
 - c. Riparian vegetation may be removed to facilitate stream or streambank clearance projects under a port district, ODFW, BLM, Soil & Water Conservation District, or USFS stream enhancement plan.
 - d. Riparian vegetation may be removed in order to site or properly maintain public utilities and road right-of-ways. or
 - e. Riparian vegetation may be removed in conjunction with existing agricultural operations (e.g., to site or maintain irrigation pumps, to limit encroaching brush, to allow harvesting farm crops customarily grown within riparian corridors, etc.) provided that such vegetation removal does not encroach further into the vegetation buffer except as needed to provide an access to the water to site or maintain irrigation pumps.
 - f. Riparian removal within the Coastal Shoreland Boundary will require a conditional use. See Special Development Considerations Coastal Shoreland Boundary.
 - g. The 50 foot riparian vegetation setback shall not apply in any instance where an existing structure was lawfully established and an addition or alteration to said structure is to be sited not closer to the estuarine wetland, stream, lake, or river than the existing structure and said addition or alteration represents not more than 100% of the size of the existing structure's "footprint".
 - h. *The 50' measurement shall be taken from the ordinary high water mark using a right angle from the ordinary high water mark.*

COQUILLE RIVER ESTUARY MANAGEMENT PLAN - RURAL SHORELAND SEGMENTS (CREMP-RS)

The Rural Shoreland Segments consist of the following:

- Coquille River Estuary Management Plan – Rural Residential-5 (CREMP-RR-5)
- Coquille River Estuary Management Plan – Rural Residential-2 (CREMP-RR-2)
- Coquille River Estuary Management Plan – Rural Center (CREMP-RC)

Coquille River Estuary Management Plan – Rural Residential (CREMP-RR)

The purpose of the Rural Shoreland Segments as listed in order by the number as follows:

- **Rural Shoreland Segment 18 (RS-18)** contains CREMP-RR-2 zoning and shall be managed to provide water access for residential lots fronting the river and for water-front residential development provided flood-protection and riparian vegetation requirements are met (see Policies 27 and 23).

- **Rural Shoreland Segment 25 (RS-25)** contains CREMP-RR-2 zoning and shall be managed for the continuation of rural residential uses, provided flood protection requirements are met. (See Policy 27)
- **Rural Shoreland Segment 30 (RS-30)** contains CREMP-RR-5 zoning and shall be managed to provide water access for residential lots fronting the river and for water-front residential development provided flood-protection and riparian vegetation requirements are met (see Policies Shoreland Segment 27 and Shoreland Segment 23).
- **Rural Shoreland Segment 50 (RS-50)** contains both CREMP-RR-2 and CREMP-RR-5 zoning and shall be managed to provide water access for residential lots fronting the river and for water-front residential developments provided flood-protection and riparian vegetation requirements are met (see Policies 27 and 23).
- **Rural Shoreland Segment 51(RS-51)** contains CREMP-RR-2 zoning and shall be managed for recreational uses connected with the Coquille Boat Ramp and other uses as permitted by the uses/activities matrix.
- **Rural Shoreland Segment 61 (RS-61)** contains CREMP-RR-5 zoning and shall be managed to provide water access for residential lots fronting the river and for water-front residential development provided flood-protection and riparian vegetation requirements are met (see Policies 27 and 23).
- **Rural Shoreland Segment 63 (RS-63)** contains both CREMP-RR-2 and CREMP-RR-5 zoning and shall be managed to provide water access for residential lots fronting the river and for water-front residential development provided flood-protection and riparian vegetation requirements are met (see Policies 27 and 23).
- **Rural Shoreland Segment 74 (RS-74)** contains both CREMP-RR-2 and CREMP-RR-5 zoning and shall be managed for the continuation of rural residential uses, provided flood-protection requirements are met (see Policy 27).

SECTION 3.3.300 DEVELOPMENT AND USE PERMITTED:

The following uses and activities are permitted outright in the in the CREMP-Rural Residential.

1. Agriculture:
 - a. Farm use pursuant to ORS 215.203 for either profit or not for profit.
 - b. Farm buildings.
2. Passive Restoration.
3. Temporary residences shall consist of a mobile home, travel trailer or recreational vehicle used as a dwelling temporarily during construction of a permitted structure. Duration not to exceed one (1) year, subject to renewal.
4. Service lines.
5. Non-structural shoreland stabilization.
6. Day care facility (12 or fewer persons).

SECTION 3.3.310 ADMINISTRATIVE CONDITIONAL DEVELOPMENT AND USE:

The following uses and activities are permitted under an administrative conditional use permit CREP-Rural Residential.

1. Propagation, management or harvesting of a forest product may be permitted subject to the following:
 - a. In CREMP Shoreland Segment 18, 30, 50, 61 and 63 may be permitted subject to Policies #14, # 21, #23 and #27.
 - b. In CREMP Shoreland Segment 25, 51 and 74 may be permitted subject to Policies #14, #21 and #27.
2. Low intensity recreation:

- a. In CREMP Shoreland Segment 18, 30, 50, 61 and 63 may be permitted subject to Policies #14, #23 and #27.
 - b. In CREMP Shoreland Segment 25, 51 and 74 may be permitted subject to Policies #14 and #27.
3. Residential:
- a. Single family dwelling
 - i. In CREMP Shoreland Segment 18, 30, 50, 61 and 63 may be permitted subject to Policies #14, #23 and #27.
 - ii. In CREMP Shoreland Segment 25, 51 and 74 may be permitted subject to Policies #14 and #27.
 - b. Family hardship dwelling
 - i. In CREMP Shoreland Segment 18, 30, 50, 61 and 63 may be permitted subject to Policies #14, #23 and #27.
 - ii. In CREMP Shoreland Segment 25, 51 and 74 may be permitted subject to Policies #14 and #27.
 - c. Two family duplex may be permitted provided the density of units do not, exceed the allowable density of the zoning district.
 - i. In CREMP Shoreland Segment 18, 30, 50, 61 and 63 may be permitted subject to Policies #14, #23 and #27.
 - ii. In CREMP Shoreland Segment 25, 51 and 74 may be permitted subject to Policies #14 and #27.
4. Land Divisions:
- a. Partition and Subdivision
 - i. This use may be permitted subject to the provisions of CREMP Policies:
 - 1) In CREMP Shoreland Segment 18, 30, 50, 61 and 63 may be permitted subject to Policies #14, #15, #23 and #27.
 - 2) In CREMP Shoreland Segment 25, 51 and 74 may be permitted subject to Policies #14, #15 and #27.
 - ii. Each parcel or lot shall meet the minimum lot/parcel size and development standards unless it is a residual of resource (Farm or Forest) land division.
 - iii. Must comply with the requirements of Chapter VI for land divisions.
 - iv. Notice will be sent as required by Article 5.0.
 - v. Final Plat is a ministerial review.
 - b. Residential PUD
 - i. This use may be permitted subject to the provisions of CREMP Policies:
 - 1) In CREMP Shoreland Segment 18, 30, 50, 61 and 63 may be permitted subject to Policies #14, #15, #23 and #27.
 - 2) In CREMP Shoreland Segment 25, 51 and 74 may be permitted subject to Policies #14, #15 and #27.
 - ii. Residential Planned Unit Development - Maintenance Standards and Principles:
 - iii. Minimum Sized Area for Developments. A Planned Unit Development shall be of sufficient size to allow the objectives and standards of this Section to be met and shall, as a minimum, comply with the following:
 - 1) The minimum size for a tract of land to be developed as a Planned Unit Development (PUD) shall be not less than five (5) contiguous acres and of such configuration as to be conducive to a Planned Unit Development.

or

- 2) A Planned Unit Development application may be filed on a tract of land less than five (5) contiguous acres but no approval shall be given to such application unless Coos County determines, upon a showing by the applicant, that the minimum size required in paragraph "1" above should be waived if one or more of the following conditions exist:
 - a) Because of unusual physical features of the property or of the neighborhood in which it is located, a substantial deviation from the regulations otherwise applicable is necessary or appropriate in order to conserve a resource or amenity, such as aesthetic vegetation, etc.
 - b) The property or its neighborhood has historical character of economic importance to the community that could be protected by use of a Planned Unit Development.
 - c) The property is adjacent to property which has been officially approved, developed or redeveloped as a Planned Unit Development on the subject property can be effectively integrated with the existing PUD.
 - d) The property is determined to be an isolated problem area that has been bypassed in the course of development and for which a Planned Unit Development is determined to be the most feasible method of developing said area.
- iv. Must comply with the requirements of Chapter VI for land divisions.
- v. Notice will be sent as required by Article 5.0.
- vi. Final Plat is a ministerial review.
5. Communication structure must be found compatible with surrounding uses or may be made compatible through the imposition of conditions.
 - a. In CREMP Shoreland Segment 18, 30, 50, 61 and 63 may be permitted subject to Policies #14, #23 and #27.
 - b. In CREMP Shoreland Segment 25, 51 and 74 may be permitted subject to Policies #14 and #27.
6. Air & water navigation aids must be found compatible with surrounding uses or may be made compatible through the imposition of conditions.
 - a. In CREMP Shoreland Segment 18, 30, 50, 61 and 63 may be permitted subject to Policies #14, #23 and #27.
 - b. In CREMP Shoreland Segment 25, 51 and 74 may be permitted subject to Policies #14 and #27.
7. Sewer/water plant/ pump station must be found compatible with surrounding uses or may be made compatible through the imposition of conditions.
 - a. In CREMP Shoreland Segment 18, 30, 50, 61 and 63 may be permitted subject to Policies #14, #23 and #27.
 - b. In CREMP Shoreland Segment 25, 51 and 74 may be permitted subject to Policies #14 and #27.
8. Dikes:
 - a. New construction is not permitted in CREMP Shoreland Segments 18 and 30.
 - i. In CREMP Shoreland Segment 50, 61 and 63 may be permitted subject to Policies #14, #23 and #27.
 - ii. In CREMP Shoreland Segment 25, 51 and 74 may be permitted subject to Policies #14 and #27.
 - b. Maintenance/repair of existing dikes.

- i. In CREMP Shoreland Segment 18, 30, 50, 61 and 63 may be permitted subject to Policies #14, #23 and #27.
 - ii. In CREMP Shoreland Segment 25, 51 and 74 may be permitted subject to Policies #14 and #27.
- 9. Drainage and tide gating may be permitted subject to the provisions of CREMP Policies:
 - a. In CREMP Shoreland Segments 18, 30, 50, 61 and 63 may be permitted subject to Policies #14, #15, #23 and #27.
 - b. In CREMP Shoreland Segments 25, 51 and 74 may be permitted subject to Policies #14, #15 and #27.
- 10. Dredge material disposal is not permitted in CREMP Shoreland Segments 18, 25, 30, 50 and 74. DMD to include stabilization measure to control run-off and prevent sloughing.
 - a. In CREMP Shoreland Segments 61 and 63 may be permitted subject to Policies #14, #20, #23 and #27.
 - b. In CREMP Shoreland Segments 51 may be permitted subject to Policies #14, #20 and #27.
- 11. Fill:
 - a. In CREMP Shoreland Segments 50, 61 and 63 may be permitted subject to Policies #14, #23 and #27.
 - b. In CREMP Shoreland Segments 51 and 74 may be permitted subject to Policies #14, and #27.
- 12. Mitigation:
 - a. In CREMP Shoreland Segments 18, 30, 50, 61 and 63 may be permitted subject to Policies #14, #23 and #27.
 - b. In CREMP Shoreland Segments 25, 51 and 74 may be permitted subject to Policies #14, and #27.
- 13. Structural Shoreland Stabilization:
 - a. In CREMP Shoreland Segments 50, 61 and 63 may be permitted subject to Policies #9, #14, #23 and #27.
 - b. In CREMP Shoreland Segments 25, 51 and 74 may be permitted subject to Policies #9, #14 and #27.
- 14. Day care facility (13 or more persons) must be found compatible with surrounding uses or may be made compatible through the imposition of conditions.
- 15. Research & education observation structure must be found compatible with surrounding uses or may be made compatible through the imposition of conditions.
 - a. In CREMP Shoreland Segments 18, 30, 50, 61 and 63 may be permitted subject to Policies #14, #23 and #27.
 - b. In CREMP Shoreland Segments 25, 51 and 74 may be permitted subject to Policies #14, and #27.

SECTION 3.3.320 HEARINGS BODY CONDITIONAL DEVELOPMENT AND USE:

The following uses and activities are permitted under a hearings body conditional use permit in the CREMP-Rural Residential.

- 1. Contaminated Soil/Land Farming must be found compatible with surrounding uses or may be made compatible through the imposition of conditions.
- 2. High intensity recreation must be found compatible with surrounding uses or may be made compatible through the imposition of conditions.
 - a. In CREMP Shoreland Segments 18, 30, 50, 61 and 63 may be permitted subject to Policies #14, #23 and #27.

- b. In CREMP Shoreland Segments 25, 51 and 74 may be permitted subject to Policies #14, and #27.
- 3. Bed & breakfast must be found compatible with surrounding uses or may be made compatible through the imposition of conditions.
 - a. In CREMP Shoreland Segments 18, 30, 50, 61 and 63 may be permitted subject to Policies #14, #23 and #27.
 - b. In CREMP Shoreland Segments 25, 51 and 74 may be permitted subject to Policies #14, and #27.
 - c. A bed and breakfast facilities shall be subject to the following conditions:
 - i. All "bed and breakfast facilities" shall be established within the primary residence.
 - ii. Breakfast shall be the only meal served to overnight paying guests.
 - iii. No cooking facilities shall be permitted in any rented room.
 - iv. The maximum number of rooms, which may be rented shall not exceed four (4).
 - v. Off-street parking shall be provided as follows:
 - 1) Two spaces for the owner/occupant, plus 1 space for each additional bedroom.
 - 2) A plot plan and a parking/traffic plan shall be submitted, to address the following:
 - a) The property boundaries.
 - b) Access to the property.
 - c) Location of all structures on the subject property.
 - d) Required parking spaces.
 - e) The parking/traffic plan shall show required parking and traffic flow. All parking/traffic plans shall be reviewed by the Roadmaster to determine traffic safety.
 - d. One (1) non-illuminated sign shall be permitted not to exceed six (6) square feet of copy area (the words "hotel or motel" shall not be used). A "bed and breakfast facility" must be conducted in such a manner so as not to give an outward appearance or outwardly manifest any characteristic of a motel, hotel, or other business
- 4. Utility Facility – generation of power for private use or sale must be found compatible with surrounding uses or may be made compatible through the imposition of conditions.
 - a. In CREMP Shoreland Segments 18, 30, 50, 61 and 63 may be permitted subject to Policies #14, #23 and #27.
 - b. In CREMP Shoreland Segments 25, 51 and 74 may be permitted subject to Policies #14, and #27.

SECTION 3.3.330 DEVELOPMENT AND USE STANDARDS.

The following are development standards for the CREMP-RR shoreland segments.

- 1. Minimum Lot Size:
 - a. Refer to the lot size found on the Special Consideration Map for the CREMP.
 - b. Exception to minimum lot sizes in Rural Residential:
 - i. Smaller parcels may be permitted in an approved residential planned unit development, provided the allowable density of the parent parcel is not exceeded.
 - ii. Any lawfully created parcel or lot created prior to January 1, 1986 that is equal to or greater than one acre. Multiple parcels or lots may be

combined to equal one acre but then a restriction shall be placed on the deed and parcels and/or lots shall be combined into one tax lot.

- iii. ***Any lawfully created parcel or lot created prior to January 1, 1986 that does not equal one acre including the combination of parcels or lots shall be subject to a conditional use in Section 4.2.210(2).***
- iv. ***Creation of parcels less than the minimum lot size of the zoning district shall be permitted provided the following circumstances exist:***
 - 1) ***The subject property is not zoned for resource use.***
 - 2) ***An existing dwelling (lawfully or grandfathered, but not for temporary purposes) sited prior to January 1, 1986 will remain sited on each proposed parcel.***
 - 3) ***A land division is submitted and approved by Coos County pursuant to the current standards. and***
 - 4) ***If the development is proposed to be located on a lot or parcel or a combination of lots and parcels less than one acre then a conditional use will be required to address Section 4.2.210(2) .***

2. Setbacks:

- a. All buildings or structures with the exception of fences shall be set back a minimum of thirty-five (35) feet from any road right-of-way centerline, or five (5) feet from the right-of-way line, whichever is greater.
 - b. Firebreak: New or replacement dwellings on lots, parcels or tracts abutting the “Forest” zone shall establish and maintain a firebreak, for a distance of at least 30 feet in all directions. Vegetation within this firebreak may include mowed grasses, low shrubs (less than ground floor window height), and trees that are spaced with more than 15 feet between the crowns and pruned to remove dead and low (less than 8 feet from the ground) branches. Accumulated needles, limbs and other dead vegetation should be removed from beneath trees. [ORD 95-05-006PL 11/29/95]
3. Fences, Hedges, and Walls: No requirement, but vision clearance provisions of Section 7.1.525 apply.
 4. Off-street Parking and Loading requirements are found in Chapter VII.
 5. Minimum road frontage/lot width unless ***waived by the Planning Director in consultation with the County Surveyor and Roadmaster due to creating an unsafe or irregular configuration will require a notice of administrative determination and notice will be provided in accordance with Article 5.2:***
 - a. ***Minimum lot width: 50 feet***
 - b. ***Minimum road frontage: 30 feet***
 6. Any applicant for a rural residential building or septic permit adjacent to a forest or agriculture zone shall sign a statement on the Zoning Clearance Letter acknowledging that: “the normal intensive management practices occurring on adjacent resource land will not conflict with the rural residential landowner’s enjoyment of his or her property.”
 7. Riparian Vegetation Protection. Riparian vegetation within 50 feet of an estuarine wetland, stream, lake or river, as identified on the Coastal Shoreland and Fish and Wildlife habitat inventory maps, shall be maintained except that:
 - a. ***Trees certified as posing an erosion or safety hazard. property owner is responsible for ensuring compliance with all local, state and federal agencies for the removal of the tree. by one of the following Coos Soil and Water Conservation District, US Soil Conservation Service posing an erosion or safety hazard may be removed to minimize said hazard;***

- b. Riparian vegetation may be removed to provide direct access for a water-dependent use. The minimal amount of vegetation should be removed.
 - c. Riparian vegetation may be removed in order to allow establishment of authorized structural shoreline stabilization measures.
 - d. Riparian vegetation may be removed to facilitate stream or stream bank clearance projects under a port district, ODFW, BLM, Soil & Water Conservation District, or USFS stream enhancement plan.
 - e. Riparian vegetation may be removed in order to site or properly maintain public utilities and road right-of-ways.
 - f. Riparian vegetation may be removed in conjunction with existing agricultural operations (e.g. to site or maintain irrigation pumps, to limit encroaching brush, to allow harvesting farm crops customarily grown within riparian corridors, etc.) provided that such vegetation removal does not encroach further into the vegetation buffer except as needed to provide an access to the water to site or maintain irrigation pumps.
 - g. The 50' riparian vegetation setback shall not apply in any instance where an existing structure was lawfully established and an addition or alteration to said structure is to be sited not closer to the estuarine wetland, stream, lake, or river than the existing structure and said addition or alteration represents not more than 100% of the size of the existing structure's "footprint".
 - h. Riparian removal within the Coastal Shoreland Boundary will require a conditional use. See Special Development Considerations Coastal Shoreland Boundary.
 - i. Riparian removal within the Coastal Shoreland Boundary will require a conditional use. See Special Development Considerations Coastal Shoreland Boundary.
 - j. *The 50' measurement shall be taken from the ordinary high water mark using a right angle from the ordinary high water mark.*
8. Access to new dwellings shall meet road and driveway standards in Chapter VII.

Coquille River Estuary Management Plan – Rural Center (CREMP-RC)

The purpose of the Rural Shoreland Segments as listed in order by the number as follows:

- **Rural Shoreland Segment 57 (RS-57)** contains CREMP-RC zoning and shall be managed for the continuation of residential and commercial uses as consistent with the rural center function of Arago, provided flood protection requirements are met. (See Policy Shoreland Segment 27)

SECTION 3.3.400 DEVELOPMENT AND USE PERMITTED:

The following uses and activities are permitted outright in the in the CREMP-RC.

1. Agriculture:
 - a. Farm use pursuant to ORS 215.203 for either profit or not for profit.
 - b. Farm buildings outside of the unincorporated community boundary.
 - c. Farm building inside the unincorporated community boundary.
2. Passive Restoration.
3. Family hardship dwelling inside the unincorporated boundary may be permitted subject to Policies #14 and #27.
4. Residential:

- a. Temporary residence can only be a mobile home, travel trailer or recreational vehicle used as a dwelling temporarily during construction of a permitted structure. Duration not to exceed one (1) year, subject to renewal.
 - b. Second floor apartment may be permitted above a commercial or industrial use.
5. Service lines.
 6. Non-structural shoreland stabilization.
 7. Day care facility (12 or fewer persons).

SECTION 3.3.410 ADMINISTRATIVE CONDITIONAL DEVELOPMENT AND USE:

The following uses and activities are permitted under an administrative conditional use permit CREMP-Rural Center.

1. Commercial activities in conjunction with farm or forest use:
 - a. Equipment sales or repair must be found compatible with surrounding uses or may be made compatible through the imposition of conditions and may be permitted subject to Policies #14 and #27.
 - b. Seasonal product sale must be found compatible with surrounding uses or may be made compatible through the imposition of conditions and may be permitted subject to Policies #14 and #27.
2. Commercial activities:
 - a. Outside of the unincorporated community boundary
 - i. Veterinary clinic:
 - 1) Must be found compatible with surrounding uses or may be made compatible through the imposition of conditions;
 - 2) May be permitted subject to Policies #14 and #27; and
 - 3) The commercial use is located in building or buildings not to exceed 2,500 square feet of floor area.
 - ii. Kennel:
 - 1) Must be found compatible with surrounding uses or may be made compatible through the imposition of conditions;
 - 2) May be permitted subject to Policies #14 and #27; and
 - 3) The commercial use is located in building or buildings not to exceed 2,500 square feet of floor area.
 - b. Inside of the unincorporated community boundary
 - i. Veterinary clinic:
 - 1) Must be found compatible with surrounding uses or may be made compatible through the imposition of conditions;
 - 2) May be permitted subject to Policies #14 and #27; and
 - 3) The commercial use is located in building or buildings not to exceed 4,000 square feet of floor area.
 - ii. Kennel:
 - 1) Must be found compatible with surrounding uses or may be made compatible through the imposition of conditions;
 - 2) May be permitted subject to Policies #14 and #27; and
 - 3) The commercial use is located in building or buildings not to exceed 4,000 square feet of floor area.
3. Propagation, management or harvesting of a forest product may be permitted subject to Policies #14, #21 and #27.
4. Low intensity recreation may be permitted subject to Policies #14 and #27.
5. Residential:
 - a. Single family dwelling may be permitted subject to Policies #14 and #27.

- b. Family hardship dwelling outside the unincorporated boundary may be permitted subject to Policies #14 and #27.
- c. Two family duplex:
 - i. May be permitted subject to Policies #14 and #27; and
 - ii. The use may be permitted provided the density of units does not, exceed the allowable density of the zoning district.

6. Land Divisions:

- a. Partition and Subdivision:
 - i. This use may be permitted subject to Policies #14, #15 and #27.
 - ii. Each parcel or lot shall meet the minimum lot/parcel size and development standards unless it is a residual of resource (Farm or Forest) land division.
 - iii. Must comply with the requirements of Chapter VI for land divisions.
 - iv. Notice will be sent as required by Article 5.0.
 - v. Final Plat is a ministerial review.
- b. Residential PUD:
 - i. This use may be permitted subject to Policies #14, #15 and #27.
 - ii. Residential Planned Unit Development - Maintenance Standards and Principles.
 - iii. Minimum Sized Area for Developments. A Planned Unit Development shall be of sufficient size to allow the objectives and standards of this Section to be met and shall, as a minimum, comply with the following:
 - 1) The minimum size for a tract of land to be developed as a Planned Unit Development (PUD) shall be not less than five (5) contiguous acres and of such configuration as to be conducive to a Planned Unit Development.
or
 - 2) A Planned Unit Development application may be filed on a tract of land less than five (5) contiguous acres but no approval shall be given to such application unless Coos County determines, upon a showing by the applicant, that the minimum size required in paragraph "1" above should be waived if one or more of the following conditions exist:
 - a) Because of unusual physical features of the property or of the neighborhood in which it is located, a substantial deviation from the regulations otherwise applicable is necessary or appropriate in order to conserve a resource or amenity, such as aesthetic vegetation, etc.
 - b) The property or its neighborhood has historical character of economic importance to the community that could be protected by use of a Planned Unit Development.
 - c) The property is adjacent to property which has been officially approved, developed or redeveloped as a Planned Unit Development on the subject property can be effectively integrated with the existing PUD.
 - d) The property is determined to be an isolated problem area that has been bypassed in the course of development and for which a Planned Unit Development is determined to be the most feasible method of developing said area.
 - iv. Must comply with the requirements of Chapter VI for land divisions.
 - v. Notice will be sent as required by Article 5.0.
 - vi. Final Plat is a ministerial review.

7. Communication structure must be found compatible with surrounding uses or may be made compatible through the imposition of conditions and may be permitted subject to Policies #14 and #27.
8. Air & water navigation aids outside the unincorporated boundary must be found compatible with surrounding uses or may be made compatible through the imposition of conditions and may be permitted subject to Policies #14 and #27.
9. Air & water navigation aids inside the unincorporated boundary must be found compatible with surrounding uses or may be made compatible through the imposition of conditions.
10. Sewer/water plant/ pump station must be found compatible with surrounding uses or may be made compatible through the imposition of conditions and may be permitted subject to Policies #14 and #27.
11. Dikes:
 - a. New construction may be permitted subject to Policies #14 and #27.
 - b. Maintenance/repair may be permitted subject to Policies #14 and #27.
12. Drainage and tidegating may be permitted subject to Policies #14, #15 and #27.
13. Mitigation may be permitted subject to Policies #14 and #27.
14. Day care facility (13 or more persons) must be found compatible with surrounding uses or may be made compatible through the imposition of conditions.
15. Research & education observation structure must be found compatible with surrounding uses or may be made compatible through the imposition of conditions and may be permitted subject to Policies #14 and #27.

SECTION 3.3.420 HEARINGS BODY CONDITIONAL DEVELOPMENT AND USE:

The following uses and activities are permitted under a hearings body conditional use permit in the CREMP-Rural Center.

1. Commercial activities inside of the unincorporated community boundary:
 - a. Water-dependent(WD) or water related outside of the urban community boundary:
 - i. Must be found compatible with surrounding uses or may be made compatible through the imposition of conditions;
 - ii. May be permitted subject to Policies #14 and #27; and
 - iii. The commercial use is located in building or buildings not to exceed 2,500 square feet of floor area.
 - b. Water-dependent (WD) or water related inside of the urban community boundary:
 - i. Must be found compatible with surrounding uses or may be made compatible through the imposition of conditions;
 - ii. May be permitted subject to Policies #14 and #27; and
 - iii. The commercial use is located in building or buildings not to exceed 4,000 square feet of floor area.
2. High intensity recreation must be found compatible with surrounding uses or may be made compatible through the imposition of conditions and may be permitted subject to Policies #14 and #27.
3. Hotel/Motel inside the unincorporated boundary only:
 - a. Must be found compatible with surrounding uses or may be made compatible through the imposition of conditions;
 - b. May be permitted subject to Policies #14 and #27; and
 - c. New hotels and motels up to 35 units are allowed only if served by a community sewer system. New hotels and motels are not allowed outside an unincorporated community.

4. Bed and Breakfast:
 - a. Must be found compatible with surrounding uses or may be made compatible through the imposition of conditions;
 - b. May be permitted subject to Policies #14 and #27; and
 - c. A bed and breakfast facilities shall be subject to the following conditions:
 - i. All "bed and breakfast facilities" shall be established within the primary residence;
 - ii. Breakfast shall be the only meal served to overnight paying guests;
 - iii. No cooking facilities shall be permitted in any rented room;
 - iv. The maximum number of rooms, which may be rented shall not exceed four (4);
 - v. Off-street parking shall be provided as follows:
 - 1) Two spaces for the owner/occupant, plus 1 space for each additional bedroom.
 - 2) A plot plan and a parking/traffic plan shall be submitted, to address the following:
 - a) The property boundaries.
 - b) Access to the property.
 - c) Location of all structures on the subject property.
 - d) Required parking spaces.
 - e) The parking/traffic plan shall show required parking and traffic flow. All parking/traffic plans shall be reviewed by the Roadmaster to determine traffic safety.
 - d. One (1) non-illuminated sign shall be permitted not to exceed six (6) square feet of copy area (the words "hotel or motel" shall not be used). A "bed and breakfast facility" must be conducted in such a manner so as not to give an outward appearance or outwardly manifest any characteristic of a motel, hotel, or other business
5. Utility facility for the generation of power for public sale or private use must be found compatible with surrounding uses or may be made compatible through the imposition of conditions and may be permitted subject to Policies #14 and #27.

SECTION 3.3.430 DEVELOPMENT AND USE STANDARDS.

The following are development standards for the CREMP-RC shoreland segments.

1. Minimum Lot Size:
 - a. Refer to the lot size found on the Special Consideration Map for the CREMP.
 - b. Exception to minimum lot sizes in Rural Residential:
 - i. Smaller parcels may be permitted in an approved residential planned unit development, provided the allowable density of the parent parcel is not exceeded.
 - ii. Any lawfully created parcel or lot created prior to January 1, 1986 that is equal to or greater than one acre. Multiple parcels or lots may be combined to equal one acre but then a restriction shall be placed on the deed and parcels and/or lots shall be combined into one tax lot.
 - iii. *Any lawfully created parcel or lot created prior to January 1, 1986 that does not equal one acre including the combination of parcels or lots shall be subject to a conditional use in Section 4.2.210(2).*
 - iv. *Creation of parcels less than the minimum lot size of the zoning district shall be permitted provided the following circumstances exist:*
 - 1) *The subject property is not zoned for resource use;*

- 2) *An existing dwelling (lawfully or grandfathered, but not for temporary purposes) sited prior to January 1, 1986 will remain sited on each proposed parcel;*
 - 3) *A land division is submitted and approved by Coos County pursuant to the current standards;*
 - 4) *If the development is proposed to be located on a lot or parcel or a combination of lots and parcels less than one acre then a conditional use will be required to address Section 4.2.210(2) .*
2. Setbacks:
- a. All buildings or structures with the exception of fences shall be set back a minimum of thirty-five (35) feet from any road right-of-way centerline, or five (5) feet from the right-of-way line, whichever is greater.
 - b. Firebreak: New or replacement dwellings on lots, parcels or tracts abutting the “Forest” zone shall establish and maintain a firebreak, for a distance of at least 30 feet in all directions. Vegetation within this firebreak may include mowed grasses, low shrubs (less than ground floor window height), and trees that are spaced with more than 15 feet between the crowns and pruned to remove dead and low (less than 8 feet from the ground) branches. Accumulated needles, limbs and other dead vegetation should be removed from beneath trees. [ORD 95-05-006PL 11/29/95]
3. Fences, Hedges, and Walls: No requirement, but vision clearance provisions of Section 7.1.525 apply.
 4. Off-street Parking and Loading requirements are found in Chapter VII.
 5. Minimum road frontage/lot width unless *waived by the Planning Director in consultation with the County Surveyor and Roadmaster due to creating an unsafe or irregular configuration will require a notice of administrative determination and notice will be provided in accordance with Article 5.2:*
 - a. *Minimum lot width: 50 feet*
 - b. *Minimum road frontage: 30 feet*
 6. Any applicant for a rural residential building or septic permit adjacent to a forest or agriculture zone shall sign a statement on the Zoning Clearance Letter acknowledging that: “the normal intensive management practices occurring on adjacent resource land will not conflict with the rural residential landowner’s enjoyment of his or her property.”
 7. Riparian Vegetation Protection. Riparian vegetation within 50 feet of a estuarine wetland, stream, lake or river, as identified on the Coastal Shoreland and Fish and Wildlife habitat inventory maps, shall be maintained except that:
 - a. Trees certified *as posing an erosion or safety hazard. property owner is responsible for ensuring compliance with all local, state and federal agencies for the removal of the tree.* ~~by one of the following Coos Soil and Water Conservation District, US Soil Conservation Service posing an erosion or safety hazard may be removed to minimize said hazard;~~
 - b. Riparian vegetation may be removed to provide direct access for a water-dependent use. The minimal amount of vegetation should be removed.
 - c. Riparian vegetation may be removed in order to allow establishment of authorized structural shoreline stabilization measures.
 - d. Riparian vegetation may be removed to facilitate stream or stream bank clearance projects under a port district, ODFW, BLM, Soil & Water Conservation District, or USFS stream enhancement plan.
 - e. Riparian vegetation may be removed in order to site or properly maintain public utilities and road right-of-ways.

- f. Riparian vegetation may be removed in conjunction with existing agricultural operations (e.g. to site or maintain irrigation pumps, to limit encroaching brush, to allow harvesting farm crops customarily grown within riparian corridors, etc.) provided that such vegetation removal does not encroach further into the vegetation buffer except as needed to provide an access to the water to site or maintain irrigation pumps.
 - g. The 50' riparian vegetation setback shall not apply in any instance where an existing structure was lawfully established and an addition or alteration to said structure is to be sited not closer to the estuarine wetland, stream, lake, or river than the existing structure and said addition or alteration represents not more than 100% of the size of the existing structure's "footprint".
 - h. Riparian removal within the Coastal Shoreland Boundary will require a conditional use. See Special Development Considerations Coastal Shoreland Boundary.
 - i. Riparian removal within the Coastal Shoreland Boundary will require a conditional use. See Special Development Considerations Coastal Shoreland Boundary.
 - j. *The 50' measurement shall be taken from the ordinary high water mark using a right angle from the ordinary high water mark.*
8. Access to new dwellings shall meet road and driveway standards in Chapter VII.

COQUILLE RIVER ESTUARY MANAGEMENT PLAN - INDUSTRIAL SHORELAND SEGMENTS (CREMP-IND)

- **Industrial Shoreland Segment 14 (14-INDS)** shall be managed for development of a dock and storage area for bulk material loading or similar low-intensity industrial use. Due consideration shall be given to minimizing noise or visual impacts on the adjacent State Park, and to protection of archaeological resources (see Policy Shoreland Segment 18).
- **Industrial Shoreland Segment 16 (16-INDS)** shall be managed to continue its use as a mill or for other industrial uses, utilizing the existing dock and water access.
- **Industrial Shoreland Segment 20 (20-INDS)** shall be managed to develop this area of historic water-front development for industrial and commercial uses connected with boat building, repair, port operations, moorage and other water-dependent or related uses.
- **Industrial Shoreland Segment 40 (40-INDS)** shall be managed for general industrial, commercial or other development particularly uses which utilize the water-frontage of the site. However, continuation and expansion of existing non-water-dependent/related uses shall be allowed.
- **Shoreland Segments 45 (45-INDS), 52 (52-INDS), 54 (54-INDS) and 59 (59-INDS)** shall be managed for the continuation of industrial use including development of water access if necessary.

SECTION 3.3.500 DEVELOPMENT AND USE PERMITTED:

The following uses and activities are permitted outright in the in the CREMP-IND.

1. Residential
 - a. Watchman/Caretaker shall not be permitted in IND Shoreland Segments 14 and 16. All other IND Shoreland Segment must comply with the following:
 - i. This use permitted only if in conjunction with a permitted or conditionally permitted use; and

- ii. This use is subject to the provisions of CREMP Policy #18.
- b. Home Occupation is subject to the provision of CREMP Policy #18.
- 2. Contaminated Soil/land farming is subject to the provision of CREMP Policy #18.
- 3. Exploration for Geo-thermal, Aggregate or Other mineral or subsurface resource is subject to the provision of CREMP Policy #18 and the following review criteria. The following conditions shall be included in any conditional use permit for exploration for subsurface mineral resource:
 - a. Exploration of geo-thermal energy, aggregate and other mineral or subsurface resources *not including water*.
 - b. All drill holes shall be filled and capped according to the following standards, and bonds to secure performance of this obligation shall be required as follows:
 - i. The applicant shall provide the Coos County Watermaster with the location of each hole by township, range, section and driller's identification number of all holes drilled.
 - ii. A plot plan showing these locations will be furnished to the Watermaster.
 - iii. The applicant shall seal all test holes from the bottom within 2 feet of land surface with cement, native clay, bentonite mixture (e.g., "Sure-Gel", Aqua Gel") of 9 pounds to 9-1/2 pounds of bentonite per gallon of water.
 - iv. If artesian flows are encountered, the test hole will be:
 - 1) Abandoned according to the following abandonment procedures:

ABANDONMENT OF ARTESIAN EXPLORATION HOLES. The flow of artesian exploration holes to be abandoned shall be confined or restricted by cement grout applied under pressure, or by the use of a suitable well packer, or a wooden or cast lead plug placed at the bottom of the confining formation immediately above the artesian water-bearing zone. Cement grout or concrete shall be used to effectively fill the exploration hole to land surface. Or

- 2) Developed for use of the artesian flow by a water well driller who is properly licensed and bonded by the State of Oregon.
- v. If unusual conditions occur at a test hole site and compliance to the above standards will not result in a satisfactorily abandoned hole, the driller shall request that special standards be prescribed by the Watermaster for the particular hole.
- vi. The applicant shall notify the County Watermaster prior to the abandonment of all test holes, drill holes, exploration holes, etc. As used in this section the term 'abandonment' shall mean the act of filling any hole with the required sealing material.
- vii. In addition to complying with the procedures outlined above, the applicant shall post a surety bond in the amount of five thousand (\$5,000.00) dollars for each hole drilled or a bond for fifty thousand (\$50,000.00) dollars to cover all test holes. The surety bond shall be filed with the Board of Commissioners, and may be written by a surety company duly licensed by and authorized to do business in the State of Oregon. The release of such bond shall be conditioned upon the successful capping of all holes according to the procedure described above.
- viii. Although it is recommended that the test hole be sealed prior to moving the drilling rig, in no case shall the drill hole be left open for more than

- five (5) days after the drilling rig is moved off the test hole without prior approval of the County's designated representative.
- b. The applicant shall be required to construct a catch basin around each drilling site to retain any possible run-off.
 - c. Abandonment procedure:
 - i. At the discretion of the County's appointed representative (usually, the district Watermaster), this representative may require that the exploration hole abandonment not begin until he is present at the site.
 - ii. In the event that paragraph "i" above, is implemented, the County's appointed representative may, if he is unable to be present during abandonment, otherwise authorize abandonment. This authorization may be given verbally by telephone.
 - iii. The County's appointed representative may require that the exploration hole be abandoned with cement grout.
4. Service Lines subject to the provisions of CREMP Policy #18.
 5. Agricultural:
 - a. Farm use for profit or not for profit pursuant to ORS 215.203. This use is subject to the provisions of CREMP Policy #18.
 - b. Farm Buildings subject to the provisions of CREMP Policy #18.
 6. Non-structural shoreland stabilization subject to the provisions of CREMP Policy #18.
 7. Passive restoration.

SECTION 3.3.510 ADMINISTRATIVE CONDITIONAL DEVELOPMENT AND USE:

The following uses and activities are permitted under an administrative conditional use permit CREMP-IND.

1. Land Division (Partition and Subdivision):
 - a. This use may be permitted subject to the provisions of CREMP Policy 18.
 - b. Each parcel or lot shall meet the minimum lot/parcel size and development standards unless it is a residual of resource (Farm or Forest) land division.
 - c. Must comply with the requirements of Chapter VI for land divisions.
 - d. Notice will be sent as required by Article 5.0.
 - e. Final Plat is a ministerial review.
2. Utility Facility – Generation of power not for public sale:
 - a. Must be found compatible with surrounding uses or may be made compatible through the imposition of conditions;
 - b. This use is prohibited in the IND Shoreland Segments 14 and 16; and
 - c. This use may be permitted subject to the provisions of CREMP Policy #18.
3. Communication structure:
 - a. Must be found compatible with surrounding uses or may be made compatible through the imposition of conditions;
 - b. This use is prohibited in the IND Shoreland Segments 14 and 16; and
 - c. This use may be permitted subject to the provisions of CREMP Policy #18.
4. Air & water navigation aids:
 - a. Must be found compatible with surrounding uses or may be made compatible through the imposition of conditions;
 - b. This use is prohibited in the IND Shoreland Segments 14 and 16; and
 - c. This use may be permitted subject to the provisions of CREMP Policy #18.
5. Sewer/water plant/pump station:

- a. Must be found compatible with surrounding uses or may be made compatible through the imposition of conditions;
 - b. This use is prohibited in the IND Shoreland Segments 14 and 16; and
 - c. This use may be permitted subject to the provisions of CREMP Policy #18.
6. Mining/mineral extraction, including dredging necessary for mineral extraction Geothermal or Aggregate:
- a. In IND Shoreland Segments 14, 20 and 40 this use may be permitted subject to the provisions of CREMP Policies #14, #18 and #27.
 - b. In IND Shoreland Segments 16 and 54 this use may be permitted subject to the provisions of CREMP Policies #14 and #27.
 - c. In IND Shoreland Segment 45 this use may be permitted subject to the provisions of CREMP Policies #23 and #27.
 - d. In IND Shoreland Segment 52 this use may be permitted subject to the provisions of CREMP Policy #27.
7. Propagation, management, harvesting, or primary processing of forest products including sawmills, manufacture and storage of logs and lumber. Forest management practices and policies for regulation of forest lands to be consistent with LCDC Goal #17 and the Oregon Forest Practices Act.
- a. In IND Shoreland Segments 14, 20 and 40 this use may be permitted subject to the provisions of CREMP Policies #14, #18, #21 and #27.
 - b. In IND Shoreland Segments 16 and 54 this use may be permitted subject to the provisions of CREMP Policies #14, #21 and #27.
 - c. In IND Shoreland Segment 45 this use may be permitted subject to the provisions of CREMP Policies #21, #23 and #27.
 - d. In IND Shoreland Segment 52 this use may be permitted subject to the provisions of CREMP Policy #21 and #27.
8. Dikes:
- a. Construction & maintenance is prohibited in IND Shoreland Segments 14 and 16 all other IND Shoreland Segments shall address the applicable standards as follows:
 - i. In IND Shoreland Segments 20 and 40 this use may be permitted subject to the provisions of CREMP Policies #14, #18 and #27.
 - ii. In IND Shoreland Segment 54 this use may be permitted subject to the provisions of CREMP Policies #14 and #27.
 - iii. In IND Shoreland Segment 45 this use may be permitted subject to the provisions of CREMP Policies #23 and #27.
 - iv. In IND Shoreland Segment 52 this use may be permitted subject to the provisions of CREMP Policy #27.
 - b. New construction is prohibited in IND Shoreland Segments 14 and 20. All other IND Shoreland Segments shall address the applicable standards as follows:
 - i. In IND Shoreland Segments 20 and 40 this use may be permitted subject to the provisions of CREMP Policies #14, #18 and #27.
 - ii. In IND Shoreland Segment 54 this use may be permitted subject to the provisions of CREMP Policies #14 and #27.
 - iii. In IND Shoreland Segment 45 this use may be permitted subject to the provisions of CREMP Policies #23 and #27.
 - iv. In IND Shoreland Segment 52 this use may be permitted subject to the provisions of CREMP Policy #27.
9. Drainage & tide gates is prohibited in IND Shoreland Segments 14, 16 and 20. All other IND Shoreland Segments shall address the applicable standards as follows:

- a. In IND Shoreland Segment 40 this use may be permitted subject to the provisions of CREMP Policies #14, #18 and #27.
 - b. In IND Shoreland Segment 54 this use may be permitted subject to the provisions of CREMP Policies #14 and #27.
 - c. In IND Shoreland Segment 45 this use may be permitted subject to the provisions of CREMP Policies #23 and #27.
 - d. In IND Shoreland Segment 52 this use may be permitted subject to the provisions of CREMP Policy #27.
10. Dredge material disposal to include stabilization measure to control run-off and prevent sloughing:
- a. In IND Shoreland Segments 14, 20 and 40 this use may be permitted subject to the provisions of CREMP Policies #14, #18, #20 and #27.
 - b. In IND Shoreland Segments 16 and 54 this use may be permitted subject to the provisions of CREMP Policies #14, #20 and #27.
 - c. In IND Shoreland Segment 45 this use may be permitted subject to the provisions of CREMP Policies #20, #23 and #27.
 - d. In IND Shoreland Segment 52 this use may be permitted subject to the provisions of CREMP Policies #20 and #27.
11. Fill:
- a. In IND Shoreland Segments 14, 20 and 40 this use may be permitted subject to the provisions of CREMP Policies #14, #18 and #27.
 - b. In IND Shoreland Segments 16 and 54 this use may be permitted subject to the provisions of CREMP Policies #14 and #27.
 - c. In IND Shoreland Segment 45 this use may be permitted subject to the provisions of CREMP Policies #23 and #27.
 - d. In IND Shoreland Segment 52 this use may be permitted subject to the provisions of CREMP Policy #27.
12. Mitigation:
- a. In IND Shoreland Segments 14, 20 and 40 this use may be permitted subject to the provisions of CREMP Policies #14, #18 and #27.
 - b. In IND Shoreland Segments 16 and 54 this use may be permitted subject to the provisions of CREMP Policies #14 and #27.
 - c. In IND Shoreland Segment 45 this use may be permitted subject to the provisions of CREMP Policies #23 and #27.
 - d. In IND Shoreland Segment 52 this use may be permitted subject to the provisions of CREMP Policy #27.
13. Shoreland Stabilization:
- a. In IND Shoreland Segments 14, 20 and 40 this use may be permitted subject to the provisions of CREMP Policies #9, #14, #18 and #27.
 - b. In IND Shoreland Segments 16 and 54 this use may be permitted subject to the provisions of CREMP Policies #9, #14 and #27.
 - c. In IND Shoreland Segment 45 this use may be permitted subject to the provisions of CREMP Policies #9, #23 and #27.
 - d. In IND Shoreland Segment 52 this use may be permitted subject to the provisions of CREMP Policies #9 and #27.
14. High-intensity recreation:
- a. In IND Shoreland Segments 14, 20 and 40 this use may be permitted subject to the provisions of CREMP Policies #14, #18 and #27.

- b. In IND Shoreland Segments 16 and 54 this use may be permitted subject to the provisions of CREMP Policies #14 and #27.
 - c. In IND Shoreland Segment 45 this use may be permitted subject to the provisions of CREMP Policies #23 and #27.
 - d. In IND Shoreland Segment 52 this use may be permitted subject to the provisions of CREMP Policy #27.
15. Modification of historic structures may be permitted upon the establishment of a finding that the modification is necessary to preserve, protect or enhance the original historical character of the structure, based upon submission of a modification proposal and site and architectural plans. This use is subject to CREMP Policy #18.
16. Commercial:
- a. Water-dependent - The commercial use is located in building or buildings not to exceed the floor area standards set forth in OAR 660-022-0030(10). New commercial structures authorized outside a UCB or UGB shall not exceed 3,500 square feet of floor area.
 - i. In IND Shoreland Segments 14, 20 and 40 this use may be permitted subject to the provisions of CREMP Policies #14, #18 and #27.
 - ii. In IND Shoreland Segments 16 and 54 this use may be permitted subject to the provisions of CREMP Policies #14 and #27.
 - iii. In IND Shoreland Segment 45 this use may be permitted subject to the provisions of CREMP Policies #23 and #27.
 - iv. In IND Shoreland Segment 52 this use may be permitted subject to the provisions of CREMP Policy #27.
 - b. Water-related - The commercial use is located in building or buildings not to exceed the floor area standards set forth in OAR 660-022-0030(10). New commercial structures authorized outside a UCB or UGB shall not exceed 3,500 square feet of floor area.
 - i. In IND Shoreland Segments 14, 20 and 40 this use may be permitted subject to the provisions of CREMP Policies #14, #18 and #27.
 - ii. In IND Shoreland Segments 16 and 54 this use may be permitted subject to the provisions of CREMP Policies #14 and #27.
 - iii. In IND Shoreland Segment 45 this use may be permitted subject to the provisions of CREMP Policies #23 and #27.
 - iv. In IND Shoreland Segment 52 this use may be permitted subject to the provisions of CREMP Policy #27.
 - c. Non-water-dependent/related is prohibited in IND Shoreland Segments 14, 16 and 40 all other IND Shoreland Segments shall address the applicable standards as follows:
 - i. In IND Shoreland Segment 20 this use may be permitted subject to the provisions of CREMP Policies #14, #18 and #27.
 - ii. In IND Shoreland Segment 54 this use may be permitted subject to the provisions of CREMP Policies #14 and #27.
 - iii. In IND Shoreland Segment 45 this use may be permitted subject to the provisions of CREMP Policies #23 and #27.
 - iv. In IND Shoreland Segment 52 this use may be permitted subject to the provisions of CREMP Policy #27.
 - v. The commercial use is located in building or buildings not to exceed the floor area standards set forth in OAR 660-022-0030(10). New commercial structures authorized outside a UCB or UGB shall not exceed 3,500 square feet of floor area.

17. Industrial uses shall be limited to water-dependent/water-related:

a. Water-dependent

- i. Industrial uses in IND Shoreland Segment 14 shall be limited to storage, bulk loading and associated activities. Existing trees in IND Shoreland Segment 14 at the boundary of state park shall be retained as screen. This segment is subject to the provisions of CREMP Policies #14, #18 and #27.
- ii. In IND Shoreland Segments 20 and 40 this use may be permitted subject to the provisions of CREMP Policies #14, #18 and #27.
- iii. In IND Shoreland Segments 16 and 54 this use may be permitted subject to the provisions of CREMP Policies #14 and #27.
- iv. In IND Shoreland Segment 45 this use may be permitted subject to the provisions of CREMP Policies #23 and #27.
- v. In IND Shoreland Segment 52 this use may be permitted subject to the provisions of CREMP Policy #27.
- vi. The industrial use is located in building or buildings not to exceed the floor area standards set forth in OAR 660-022-0030(11). New industrial structures authorized outside of a UCB or UGB shall not exceed 40,000 square feet of floor area unless:
 - 1) The industrial use involves the primary processing of raw material(s) produced in the area or from ocean resources;
 - 2) The industrial use is located on an abandoned or diminished mill site as defined by statute;
 - 3) The industrial use is located in an area where an exception to Goal 14 has been taken; or
 - 4) As authorized by Goals 3 and/or 4. (04-04-005PL 9/1/04)
 - 5) Alternatively, the industrial use satisfies the standards for home occupations under ORS 215.448.

b. Water-related

- i. Industrial uses in IND Shoreland Segment 14 shall be limited to storage, bulk loading and associated activities. Existing trees in IND Shoreland Segment 14 at the boundary of state park shall be retained as screen. This segment is subject to the provisions of CREMP Policies #14, #18 and #27.
- ii. In IND Shoreland Segments 20 and 40 this use may be permitted subject to the provisions of CREMP Policies #14, #18 and #27.
- iii. In IND Shoreland Segments 16 and 54 this use may be permitted subject to the provisions of CREMP Policies #14 and #27.
- iv. In IND Shoreland Segment 45 this use may be permitted subject to the provisions of CREMP Policies #23 and #27.
- v. In IND Shoreland Segment 52 this use may be permitted subject to the provisions of CREMP Policy #27.
- vi. The industrial use is located in building or buildings not to exceed the floor area standards set forth in OAR 660-022-0030(11). New industrial structures authorized outside of a UCB or UGB shall not exceed 40,000 square feet of floor area unless:
 - 1) The industrial use involves the primary processing of raw material(s) produced in the area or from ocean resources;
 - 2) The industrial use is located on an abandoned or diminished mill site as defined by statute;
 - 3) The industrial use is located in an area where an exception to Goal 14 has been taken; or

- 4) As authorized by Goals 3 and/or 4. (04-04-005PL 9/1/04)
 - 5) Alternatively, the industrial use satisfies the standards for home occupations under ORS 215.448.
- c. Water-borne transportation
- i. In IND Shoreland Segments 14, 20 and 40 this use may be permitted subject to the provisions of CREMP Policies #14, #18 and #27.
 - ii. In IND Shoreland Segments 16 and 54 this use may be permitted subject to the provisions of CREMP Policies #14 and #27.
 - iii. In IND Shoreland Segment 45 this use may be permitted subject to the provisions of CREMP Policies #23 and #27.
 - iv. In IND Shoreland Segment 52 this use may be permitted subject to the provisions of CREMP Policy #27.

SECTION 3.3.520 HEARINGS BODY CONDITIONAL DEVELOPMENT AND USE:

The following uses and their accessory uses may be allowed as hearings body conditional uses in the CREMP-IND zone.

1. Generation of Power for public sale:
 - a. Non-water-dependent/related uses shall not be permitted in CREMP Shoreland Segments 14 and 16;
 - b. Must be found compatible with surrounding uses or may be made compatible through the imposition of conditions; and
 - c. This use may be permitted subject to the provisions of CREMP Policy 18.

SECTION 3.3.530 DEVELOPMENT AND USE STANDARDS.

The following are development standards for the CREMP-RC shoreland segments.

1. Minimum Lot size:
 - a. Refer to CREMP lot size Special Consideration Map.
 - b. The dimension requirements must be meet.
2. Minimum Street frontage and minimum lot width is 20 feet.
3. Front setback is 20 feet.
4. Building height does not have any requirement, except those sites abutting a residential or controlled development zone shall have a max height of 35 feet plus one (1) additional foot in height for each foot of setback exceeding 5 feet (i.e. if the setback is 10, the maximum building height would be 40 feet). However, spires, towers, domes, steeples, flag poles, antennae, chimneys, solar collectors, smokestacks, ventilators or other similar objects may be erected above the prescribed height limitations, provided no usable floor space above the height limits is thereby added. Such over height object shall not be used for advertising of any kind.
5. Access and parking is regulated in chapter VII.
6. Riparian Vegetation Protection. Riparian vegetation within 50 feet of a estuarine wetland, stream, lake or river, as identified on the Coastal Shoreland and Fish and Wildlife habitat inventory maps, shall be maintained except that:
 - a. Trees certified *as posing an erosion or safety hazard. property owner is responsible for ensuring compliance with all local, state and federal agencies for the removal of the tree.* ~~by one of the following Coos Soil and Water Conservation District, US Soil Conservation Service posing an erosion or safety hazard may be removed to minimize said hazard;~~

- b. Riparian vegetation may be removed to provide direct access for a water-dependent use.
- c. Riparian vegetation may be removed in order to allow establishment of authorized structural shoreline stabilization measures.
- d. Riparian vegetation may be removed to facilitate stream or streambank clearance projects under a port district, ODFW, BLM, Soil & Water Conservation District, or USFS stream enhancement plan.
- e. Riparian vegetation may be removed in order to site or properly maintain public utilities and road right-of-ways. or
- f. Riparian vegetation may be removed in conjunction with existing agricultural operations (e.g. to site or maintain irrigation pumps, to limit encroaching brush, to allow harvesting farm crops customarily grown within riparian corridors, etc.) provided that such vegetation removal does not encroach further into the vegetation buffer except as needed to provide an access to the water to site or maintain irrigation pumps.
- g. The 50 foot riparian vegetation setback shall not apply in any instance where an existing structure was lawfully established and an addition or alteration to said structure is to be sited not closer to the estuarine wetland, stream, lake, or river than the existing structure and said addition or alteration represents not more than 100% of the size of the existing structure's "footprint".
- h. Riparian removal within the Coastal Shoreland Boundary will require a conditional use. See Special Development Considerations Coastal Shoreland Boundary.
- i. *The 50' measurement shall be taken from the closest point of the ordinary high water mark to the structure using a right angle from the ordinary high water mark.*

COQUILLE RIVER ESTUARY MANGMENT PLAN - FOREST (CREMP-F)
SHORELAND SEGMENTS

- **Forest Shoreland Segment 13 (13-FS)** shall be managed for forest uses, with special attention being given to protecting riparian vegetation.
- **Forest Shoreland Segment 15 (15-FS)** shall be managed to conserve the natural resources of this low-lying forested wetland area with special attention being given to protecting the riparian vegetation adjacent to the Bandon Marsh.
- **Forest Shoreland Segment 17 (17-FS)** shall be managed to conserve the natural resources of this low-lying forested wetland area, with special attention being given to protecting the riparian vegetation adjacent to the tidal marsh in Aquatic Segment Shoreland Segment 16.
- **Forest Shoreland Segment 19 (19-FS)** shall be managed to conserve this forested area, with special attention being given to protecting riparian vegetation.
- **Forest Shoreland Segment 22 (22-FS)** shall be managed to conserve this area of forested wetland for forest use, with special attention being given to protecting the riparian vegetation adjacent to the marsh in Aquatic Segment Shoreland Segment 20.
- **Forest Shoreland Segments 35 (35-FS) and 38 (38-FS)** shall be managed for forest uses and practices, subject to any special regulations the Oregon Department of Forestry may adopt for forest lands in the coastal shorelands area. Any development shall be subject to Policy Shoreland Segment 27a, addressing mass movement hazards.

SECTION 3.3.600 DEVELOPMENT AND USE PERMITTED:

The following uses and activities are permitted outright in the in the CREMP-Forest.

1. Forest operations or forest practices including, but not limited to, reforestation of forest land, road construction and maintenance, harvesting of a forest tree species, application of chemicals, and disposal of slash.
2. Fish and wildlife habitat management. This use is subject to Policies 14, 17, 23, and 27 in CREMP F segments.
3. Agricultural:
 - a. Farm use as defined in ORS 215.203.
 - b. Farm buildings.
4. Explorations for mineral and aggregate resources as defined in ORS Chapter 517. This use is permitted in CREMP F except for segments 17 and 19.
5. Alteration, restoration or replacement of a lawfully established dwelling. A lawfully established dwelling is a single-family dwelling that:
 - a. Has intact exterior walls and roof structure;
 - b. Has indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system;
 - c. Has interior wiring for interior lights;
 - d. Has a heating system; and
 - e. In the case of replacement, the dwelling to be replaced is removed, demolished or converted to an allowable nonresidential use within three months of the completion of the replacement dwelling. Coos County does not allow conversion of mobile homes into accessory storage buildings or uses. These conditions must comply with Coastal Boundary conditional use criteria in CREMP F.
6. Shoreland stabilization, nonstructural. This activity may be allowed in CREMP F, except for Segment 15.
7. Temporary residence. Mobile home, travel trailer or recreational vehicle used as a dwelling temporarily during construction of a permitted structure. Duration not to exceed one (1) year, subject to renewal.
8. New electrical transmission lines with right-of-way widths of up to 100 feet as specified in ORS 772.210. New distribution lines (e.g., gas, oil, geo-thermal) with rights-of way 50 feet or less in width.

SECTION 3.3.610 ADMINISTRATIVE CONDITIONAL DEVELOPMENT AND USE:

The following uses and activities are permitted under an administrative conditional use permit CREMP-Forest. The following uses and their accessory uses may be allowed as administrative conditional uses in the “CREMP-Forest” zone subject to applicable requirements in Section 3.3.630 and applicable siting criteria

1. Mitigation. This is a conditional use in CREMP-F. Policies #14, #17, #23, and #27 may be applicable. This use is not permitted in Segments 35 and 38.
2. Television, microwave and radio communication facilities and transmission towers. Policies #14, #17, #23, and #27 may be applicable.
3. Aids to navigation and aviation. Policies #14, #17, #23 and #27 may be applicable.
4. Water intake facilities, related treatment facilities, pumping stations, and distribution lines. Policies #14, #17, #23 and #27 may be applicable.
5. One manufactured dwelling or the temporary residential use of an existing building in conjunction with an existing dwelling as a temporary use for the term of a **hardship**

suffered by the existing resident or a relative of the resident. As used in this section “hardship” means a medical hardship or hardship for the care of an aged or infirm person or persons. The temporary use shall use the same subsurface sewage disposal system used by the existing dwelling, if that disposal system is adequate to accommodate the additional dwelling. If a public sanitary sewer system is used, such condition will not be required.

In addition, the applicant must submit certification from a qualified physician stating what the hardship is and that the person requiring the hardship dwelling must live close to someone due to the hardship.

Within three months of the end of the hardship, the manufactured dwelling shall be removed or demolished or, in the case of an existing building, the building shall be removed, demolished, or returned to an allowed nonresidential use.

Every two years the Planning Director shall review the permit authorizing such temporary hardship dwellings. Oregon Department of Environmental Quality review and removal requirements also apply to such temporary hardship dwellings.

A temporary residence approved under this Section is not eligible for replacement under Section 4.8.200 (S) criteria. (OR 98-01-002PL 5/4/98)

As used in this Section “manufactured dwelling” means a manufactured home, mobile home, or recreational vehicle.

In order to minimize impacts to forest lands, the landowner shall acknowledge and file a Forest Management Covenant in the deed records of the County prior to final County approval.

In CREMP F, Policies #14, #17, #23 and 27 may be applicable. Policy #27a also applies in shoreland segment 13.

6. Structural shoreland stabilization. This use is subject only to Natural Hazards Policy #5 in Volume I, Part 1 of the Coos County Comprehensive Plan. ***Coos County shall promote protection of valued property from risks associated with critical stream bank and ocean front erosion through necessary erosion-control stabilization measures, preferring nonstructural solutions where practical. Coos County shall implement this strategy by making "Consistency Statements" required for State and Federal permits (necessary for structural stream bank protection measures) that support structural protection measures when the applicant establishes that non-structure measures either are not feasible or inadequate to provide the necessary degree of protection. This strategy recognizes the risks and loss of property from unabated critical stream bank erosion, and also, that state and federal agencies regulate structural solutions. A flood elevation certificate is required for a stabilization which will occur in the identified flood hazard area.*** This activity may be permitted in CREMP-F. Policies #14, #17, #23, and #27 may be applicable. Policy #9 is applicable. This activity is not permitted in Segment 15.
7. Dog kennels are subject to CREMP Policies #14, #17, #23 and #27.
8. Modification of an historic structure where:

- a. The modification is necessary to preserve, protect or enhance the original historical character of the structure;
 - b. The use must be compatible with surrounding uses or may be made compatible to surrounding uses through the imposition of conditions;
 - c. A plot plan and architectural plans must be submitted for review; and
 - d. In addition to the above, CREMP Policies #14, #17, #23 and #27 may be applicable. CREMP Policy 27a also applies in segment 13.
9. Land Divisions:
- a. Partition and Subdivision
 - i. This use may be permitted subject to Policies #14, #15 and #27.
 - ii. Each parcel or lot shall meet the minimum lot/parcel size and development standards for land division.
 - iii. Must comply with the requirements of Chapter VI for land divisions.
 - iv. Notice will be sent as required by Article 5.0.
 - v. Final Plat is a ministerial review.

SECTION 3.3.620 HEARINGS BODY CONDITIONAL DEVELOPMENT AND USE:

The following uses and their accessory uses may be allowed as hearings body conditional uses in the CREMP-Forest zone subject to the applicable requirements in Section 3.3630 and 3.3.640 set forth in this Article.

1. Mining and processing of oil, gas, or other subsurface resources, as defined in ORS Chapter 520, and not otherwise permitted under Section 4.8.200 (R) (e.g., compressors, separators and storage serving multiple wells), and mining and processing of aggregate and mineral resources as defined in ORS Chapter 517. CREMP Policies #14, #17, #23 and #27 may be applicable. This use is not permitted in Segments 17 and 19. Processing is not permitted.
 - a. Any operation that mines less than 1,000 cubic yards of aggregate is permitted outright with the following conditions:
 - i. The Planning Department must be notified at least 5 working days before commencement of the operation.
 - ii. Sloping after mining must not exceed a 3:1 slope.
 - iii. The disturbed area must be reseeded with a native grass species.
 - iv. No oil or other contaminants must be allowed in the pit.
 - v. Approval must be obtained from DEQ if there is any backfilling of the pit. This includes excavations of sand, gravel, clay, rock or other similar materials conducted by a landowner or tenant's property for the primary purpose of reconstruction or maintenance of access roads and excavation or grading operations conducted in the process of farming or cemetery operations, onsite road construction or other onsite construction or nonsurface impacts of underground mines.
 - b. Any operation that sells greater than 5,000 cubic yards of aggregate must comply with standards established by the Department of Geology and Mineral Industries.
2. Contaminated Soil Land Farming where the activity is situated less than 1000 feet from any rural-residential zone or urban growth boundary. The activity must be found to be compatible with surrounding uses or made compatible through the imposition of conditions. Contaminated soil land farming is permitted without conditional use review provided the activity is situated not less than 1,000 feet from any rural-residential or urban growth boundary.
3. **"Lot-of-Record" Dwelling.** A "lot-of-record" single-family dwelling may be allowed as a hearing's body conditional use if the following criteria are satisfied:

- a. OAR-660-006-0027(1)(a), (b), (c)(A), (d), (4), (5);
- b. ORS 215-720(1)(a), (2), (3), 215.705; and
- c. CREMP Policies 14, 17, 23, and 27 may also be applicable.

SECTION 3.3.630 ADDITIONAL CRITERIA FOR ALL ADMINISTRATIVE AND HEARINGS

BODY APPLICATION REVIEW: All Conditional Use Applications (Administrative and Hearings Body) are subject to requirements that are designed to make the use compatible with forest operations and agriculture and to conserve values found on forest lands as follows:

1. The proposed use will not force a significant change in, or significantly increase the cost of, accepted farming or forest practices on agriculture or forest lands.
2. The proposed use will not significantly increase fire hazard or significantly increase fire suppression costs or significantly increase risks to fire suppression personnel.
3. All uses must comply with applicable development standards and fires siting and safety standards.
4. A “Forest Management Covenant”, which recognized the right of adjacent and nearby landowners to conduct forest operations consistent with the Forest Practices Act and Rules, shall be recorded in the deed records of the County prior to any final County approval for uses authorized in Section any type of residential use. There may be other criteria listed that applies to individual uses.
5. The following siting criteria shall apply to all dwellings, including replacement dwellings, and structures in the Forest and Forest Mixed Use zones. Replacement dwellings may be sited in close proximity to the existing developed homesite. These criteria are designed to make such uses compatible with forest operations and agriculture, to minimize wildfire hazards and risks and to conserve values found on forest lands. These criteria may include setbacks from adjoining properties, clustering near or among existing structures, siting close to existing roads and siting on that portion of the parcel least suited for growing trees.
 - a. Dwellings and structures shall be sited on the parcel so that:
 - i. They have the least impact on nearby or adjoining forest or agricultural lands;
 - ii. The siting ensures that adverse impacts on forest operations and accepted farming practices on the tract will be minimized;
 - iii. The amount of forest lands used to site access roads, service corridors, the dwelling and structures is minimized; and
 - iv. The risks associated with wildfires are minimized.
 - b. The applicant shall provide evidence that the domestic water supply is from a source authorized in accordance with the Water Resources Department’s administrative rules for the appropriation of ground water or surface water and not from a Class II stream as defined in the Forest Practices Rules. For the purposed of this Section, evidence of a domestic water supply means:
 - i. Verification from a water purveyor that the use described in the application will be served by the purveyor under the purveyor’s rights to appropriate water.
 - ii. A water use permit issued by the Water Resources Department for the use described in the application. or
 - iii. Verification from the Water Resources Department that a water use permit is not required for the use described in the application. If the proposed water supply is from a well and is exempt from permitting requirements under ORS 537.545, the applicant shall submit the well constructor’s report to the County upon completion of the well.

6. As a condition of approval, if road access to the dwelling is by a road owned and maintained by a private party or by the Oregon Department of Forestry, the United States Bureau of Land Management, or the United States Forest Service, then the applicant shall provide proof of a long-term road access use permit or agreement. The road use permit may require the applicant to agree to accept responsibility for road maintenance.
7. Approval of a dwelling shall be subject to the following additional requirements:
 - a. Approval of a dwelling requires the owner to plant a sufficient number of trees on the tract to demonstrate that the tract is reasonably expected to meet Department of Forestry stocking requirements at the time specified in Department of Forestry administrative rules.
 - b. The Planning Department shall notify the County Assessor of the above condition at the time the dwelling is approved.
 - c. The property owner shall submit a stocking survey report to the County Assessor and the Assessor will verify that the minimum stocking requirements have been met by the time required by Department of Forestry Rules. The Assessor will inform the Department of Forestry in cases where the property owner has not submitted a stocking survey report of where the survey report indicates that minimum stocking requirements have not been met.
 - d. Upon notification by the Assessor the Department of Forestry will determine whether the tract meets minimum stocking requirements of the Forest Practices Act. If the Department of Forestry determines that the tract does not meet those requirements, it will notify the owner and Assessor that the land is not being managed as forest land. The Assessor will then remove the forest land designation pursuant to ORS 321.359 and impose the additional tax pursuant to ORS 321.372

SECTION 3.3.640 DEVELOPMENT AND SITING CRITERIA. This section contain all of the development standards for uses (unless otherwise accepted out by a use review) and all of the siting standards for development.

1. Minimum Lot Size for the creation of new parcels shall be at least 80 acres unless approved through a conditional use.
2. Setbacks: All buildings or structures with the exception of fences shall be set back a minimum of thirty-five (35) feet from any road right-of-way centerline, or five (5) feet from any right-of-way line, whichever is greater.
3. Fences, Hedges and Walls: No requirement, except for vision clearance provisions in Section 7.1.525.
4. Off-Street Parking and Loading: See Chapter VII.
5. Minimizing Impacts: In order to minimize the impact of dwellings in forest lands, all applicants requesting a single family dwelling shall acknowledge and file in the deed record of Coos County, a Forest Management Covenant. The Forest Management Covenant shall be filed prior to any final County approval for a single family dwelling.
6. Riparian Vegetation Protection. Riparian vegetation within 50 feet of a wetland, stream, lake or river, as identified on the Coastal Shoreland and Fish and Wildlife habitat inventory maps shall be maintained except that:
 - a. Trees certified *as posing an erosion or safety hazard. property owner is responsible for ensuring compliance with all local, state and federal agencies for the removal of the tree.* ~~by one of the following Coos Soil and Water Conservation District, US Soil Conservation Service posing an erosion or safety hazard may be removed to minimize said hazard;~~

- b. Riparian vegetation may be removed to provide direct access for a water-dependent use.
 - c. Riparian vegetation may be removed in order to allow establishment of authorized structural shoreline stabilization measures.
 - d. Riparian vegetation may be removed to facilitate stream or streambank clearance projects under a port district, ODFW, BLM, Soil & Water Conservation District, or USFS stream enhancement plan.
 - e. Riparian vegetation may be removed in order to site or properly maintain public utilities and road rights-of-way; or
 - f. Riparian vegetation may be removed in conjunction with existing agricultural operations (e.g. to site or maintain irrigation pumps, to limit encroaching brush, to allow harvesting farm crops customarily grown within riparian corridors, etc.) provided that such vegetation removal does not encroach further into the vegetation buffer except as needed to provide an access to the water to site or maintain irrigation pumps.
 - g. The 50' riparian vegetation setback shall not apply in any instance where an existing structure was lawfully established and an addition or alteration to said structure is to be sited not closer to the wetland, stream, lake or river than the existing structure and said addition or alteration represents not more than 100% of the size of the existing structure's "footprint".
 - h. Riparian removal within the Coastal Shoreland Boundary will require a conditional use. See Special Development Considerations Coastal Shoreland Boundary.
 - i. ***The 50' measurement shall be taken from the closest point of the ordinary high water mark to the structure using a right angle from the ordinary high water mark.***
7. All new dwellings and permanent structures and replacement dwellings and structures shall, at a minimum, meet the following standards. The Planning Director may authorize alternative forms of fire protection when it is determined that these standards are impracticable. The dwelling shall be located within a fire protection district or shall be provided with residential fire protection by contract. If the dwelling is not within a fire protection district, the applicant shall provide evidence that the applicant has asked to be included within the nearest such district. If the applicant is outside the rural fire protection district, the applicant shall provide evidence that they have contacted the Department of Forestry of the proposed development.
8. Firebreak:
- a. A firebreak shall be established and maintained around all structures, including decks, for a distance of at least 30 feet in all directions.
 - b. This firebreak will be a primary safety zone around all structures. Vegetation within this primary safety zone may include mowed grasses, low shrubs (less than ground floor window height), and trees that are spaced with more than 15 feet between the crowns and pruned to remove dead and low (less than 8 feet from the ground) branches. Accumulated needles, limbs and other dead vegetation should be removed from beneath trees.
 - c. Sufficient garden hose to reach the perimeter of the primary safety zone shall be available at all times.
 - d. A secondary fire break of at least 100 feet radius around the primary safety zone shall be established and maintained.
 - e. Vegetation should be pruned (to at least 8 feet in height) and spaced so that fire will not spread between the crowns of trees. Accumulated needles, limbs and other dead vegetation should be removed from beneath trees.
 - f. The primary fuel-free break and secondary break areas shall be provided and maintained on land surrounding the dwelling that is owned or controlled by the owner.

A variance application will not be required if the parcel's configuration (shape and/or size) does not allow the primary or secondary fire break to be met. (OR-98-01-002PL)

9. All new and replacement structures shall use non-combustible or fire resistant roofing materials, as may be approved by the certified official responsible for the building permit.
10. If a water supply exceeding 4,000 gallons is suitable and available (within 100 feet of the driveway or road) for fire suppression, then road access and turning space shall be provided for fire protection pumping units to the source during fire season. This includes water supplies such as a swimming pool, tank or natural water supply (e.g. pond).
11. The dwelling shall not be sited on a slope of greater than 40 percent.
12. If the dwelling has a chimney or chimneys, each chimney shall have a spark arrester.
13. The dwelling shall be located upon a parcel within a fire protection district or shall be provided with residential fire protection by contract. If the dwelling is not within a fire protection district, the applicant shall provide evidence that the applicant has asked to be included within the nearest such district.
14. Except for private roads and bridges accessing only commercial forest uses, public roads, bridges, private roads and driveways shall be constructed so as to provide adequate access for firefighting equipment.
15. Access to new dwellings shall meet road and driveway standards in Chapter VII.

1. Declaration of Covenants, Conditions and Restrictions Form 1

Whereas, the undersigned _____ hereinafter referred as Declarant, is owner in fee simple of the property described in Exhibit A attached hereto and incorporated by reference herein and

Whereas, the Declarant desires to declare their intention to create certain covenants, conditions and restrictions in order to effectuate and comply with the requirements of Oregon Administrative Rule (OAR 660-06-027).

Declarant hereby declares that all of the property described on Exhibit A shall be held, sold, and conveyed subject to the following covenants, conditions and restrictions:

It is not lawful to use the property described in this instrument for the construction or siting of a dwelling or to use the acreage of the tract to qualify another tract for the construction or siting of a dwelling.

These covenants, conditions and restrictions can be removed only and at such time as the property described herein is no longer protected under the statewide planning goals for agricultural and forest lands or the legislature otherwise provides by statute that these covenants, conditions and restrictions may be removed and the authorized representative of the county or counties in which the property subject to the covenants, conditions and restrictions are located executes and records a release of the covenants, conditions and restrictions created by this instrument.

In witness whereof, the undersigned, being Declarant herein, has heretofore set their hand this _____ day of _____, _____.

State of _____)

County _____)

The foregoing instrument was acknowledged before me this _____ day of _____, _____ by _____
Notary Public for Oregon
My commission expires: _____

2. For Consolidations 2

Whereas, the undersigned _____, hereinafter referred to as Declarant, is the owner in fee simple of the subject property described in Exhibit "A" attached hereto and incorporated by reference herein. and

Whereas, Oregon law required that when a "lot-of-record" dwelling is allowed for a lot or parcel that is contiguous with one or more other lots or parcels under the same ownership comprising a tract, then these contiguous lots and parcels shall be consolidated into a single lot or parcel at the time the dwelling is allowed. and

Whereas, Declarant desires to consolidate the subject property described in Exhibit "A" in order to effectuate and comply with the requirements of Oregon law and further desires to consent to the execution of this document prepared by the Coos County, Oregon, Planning Department.

Now, therefore, Declarant hereby declares that all of the property described in Exhibit "A" shall not be sold or conveyed separate and apart from any and all of the property described in Exhibit "A" in its entirety.

In witness whereof, the undersigned, being Declarant herein, has heretofore set their hand this _____ day of _____, _____.

State of _____)
County of _____)

The foregoing instrument was acknowledged before me this _____ day of _____, ____ .

By _____

Notary Public for _____

My Commission expires: _____

COQUILLE RIVER ESTUARY MANAGEMENT PLAN - EXCLUSIVE FARM USE (CREMP-EFU) SHORELAND SEGMENTS

- **Exclusive Farm Use Shoreland Segments 23 (23-EFUS) and 26 (26-EFUS)** shall be managed for the continuation of farm use as defined in ORS 215.203 (2) (a) and such other non-farm uses as are conditionally permitted in ORS 215.213. Mitigation shall also be permitted, and designated mitigation sites shall be protected against pre-emptory uses.
- **Exclusive Farm Use Shoreland Segments: 27 (27-EFUS), 28 (28-EFUS), 31(31-EFUS), 32(32-EFUS), 33 (33-EFUS), 34 (34-EFUS), 36 (36-EFUS), 37 (37-EFUS), 41 (41-EFUS), 42 (42-EFUS), 43 (43-EFUS), 44 (44-EFUS), 47(47-EFUS), 53(53-EFUS), 55 (55-EFUS), 56 (56-EFUS), 60 (60-EFUS), 62 (62-EFUS), 73 (73-EFUS), 75 (75-EFUS)** shall be managed for the continuation of farm use as defined in ORS 215.203 (2)(a) and such other farm uses as are conditionally permitted in ORS 215.213.

SECTION 3.3.700 DEVELOPMENT AND USE PERMITTED:

The following uses and activities are permitted outright in the in the CREMP-EFU.

1. Agriculture:
 - a. Farm use as defined in ORS 215.203. CREMP Policy #18 is applicable in Segments #23 and #32. CREMP Policy #22 is applicable in Segments 23 and 26;
 - b. Other buildings customarily provided in conjunction with farm use. CREMP Policy #18 is applicable in Segments 23 and 32. CREMP Policy #22 is applicable in Segments 23 and 26.
2. Alteration, restoration, or replacement of a lawfully established dwelling. A lawfully established dwelling is a single-family dwelling which:
 - a. Has intact interior walls and roof structure,
 - b. Has indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system;
 - c. Has interior wiring for interior lights; and

- d. Has a heating system.
 - e. A replacement dwelling may be sited on any part of the same lot or parcel. A dwelling established under this subsection shall comply with all applicable siting standards. However, the standards shall not be applied in a manner that prohibits the siting of the dwelling. If the dwelling to be replaced is located on a portion of the lot or parcel not zoned for exclusive farm use, the applicant shall execute and record in the deed records, a deed restriction prohibiting the siting of a dwelling on that portion of the lot or parcel. The restriction imposed shall be irrevocable unless a statement of release is placed in the deed records. The release shall be signed by the County and state the provisions of this paragraph regarding the replacement dwellings have changed to allow the siting of another dwelling. The Planning Director shall maintain a record of the lots and parcels that do not qualify for the siting of a new dwelling under the provisions of this paragraph, including a copy of the deed restrictions and release statements filed under this paragraph. (OR 98-01-002PL 5/4/98)
 - f. Coos County does not allow conversion of mobile homes into accessory storage buildings or uses.
 - g. These uses must comply with Coastal Shoreland Boundary conditional use criteria in Policy 13.
3. Utility facility including service lines for the generation of power not for public sale. This use is subject to CREMP Policy #18 in Segments 23 and 32 and to Policy #22 in Segments 23 and 26.
 4. Temporary residence which includes a mobile home, travel trailer or recreational vehicle used as a dwelling temporarily during construction of a permitted structure. Duration not to exceed one (1) year subject to renewal. This use is subject to CREMP Policy #18 in Segments 23 and 32 and to Policy #22 in Segments 23 and 26.
 5. Non-structural shoreland stabilization.
 6. Aggregate mining of less than 1,000 cubic yards of material or excavation of a surface area of less than one acre for a site inventoried by the Comprehensive Plan. This use includes excavations of sand, gravel, clay, rock or other similar materials conducted by a landowner or tenant on the landowner or tenant's property for the primary purpose of reconstruction or maintenance of access roads and excavation or grading operations conducted in the process of farming or cemetery operations, onsite road construction or other onsite construction or nonsurface impacts of underground mines. For any operation that mines less than 1,000 cubic yards of aggregate the following conditions must be met:
 - a. The Planning Department must be notified at least 5 working days before commencement of the operation.
 - b. Sloping after mining must not exceed a 3:1 slope.
 - c. The disturbed area must be reseeded with a native grass species.
 - d. No oil or other contaminants must be allowed in the pit.
 - e. Approval must be obtained from DEQ if there is any backfilling of the pit.
 7. Mining for owner/tenant use. For any operation that mines less than 1,000 cubic yards of aggregate, the conditions in Subsection 6 of this section, above, must be met. This use under these conditions is also permitted in CREMP EFU. For any operation that mines cumulatively more than 1,000 cubic yards but less than 5,000 cubic yards of aggregate, the conditions in "6", above, must be met.

SECTION 3.3.710 ADMINISTRATIVE CONDITIONAL DEVELOPMENT AND USE:

The following uses and their accessory uses may be allowed as administrative conditional uses in the “CREMP-EFU” zone subject to applicable requirements in Sections 3.3.730 and 3.3.740.

1. Diking (construction and maintenance). The applicable review criteria are CREMP Policies #14, #18, #19, #22, #23, and #27.
2. Drainage and tide-gating. The applicable review criteria are CREMP Policies #14, #18, #19, #22, #23, and #27.
3. Fill. The applicable review criteria are listed in CREMP Policies #14, #18, #19, #22, #23, and #27 may be applicable. The use is not permitted in Segment 26.
4. Mitigation. The applicable review criteria are found in CREMP Policies #14, #18, #19, #22, #23 and #27. Although mitigation may be permitted, voluntary restoration not required as mitigation would require an exception. This condition does not apply to Segment 53. This use is not permitted in Segment 47.
5. Dredge material disposal. The applicable review criteria are found in CREMP Policies #14, #18, #19, #20, #22, #23, and #27 are applicable. In addition, the DMD is to include stabilization measures to control run-off and prevent sloughing. The use is not permitted in segment 26.
6. Except on high-value farmland, dog kennels. On high-value farmland existing dog kennels may be maintained, enhanced or expanded, subject to other provisions of this ordinance. In addition CREMP Policies #14, #23, #27, #18, #19 and #22 may be applicable.
7. One manufactured dwelling or the temporary residential use of an existing building in conjunction with an existing dwelling as a temporary use for the term of a hardship suffered by the existing resident or a relative of the resident. As used in this section, "hardship" means a medical hardship or hardship for the care of an aged or infirm person(s). The temporary dwelling shall use the same subsurface sewage disposal system used by the existing dwelling, if that disposal system is adequate to accommodate the additional dwelling. If a public sanitary sewer system is used, such condition will not be required.
 - a. In addition, the applicant must submit certification from a qualified physician stating what the hardship is and that the person requiring the hardship dwelling must live close to someone due to the hardship.
 - b. Within three months of the end of the hardship, the manufactured dwelling shall be removed or demolished or, in the case of an existing building, the building shall be removed, demolished or, returned to an allowed nonresidential use.
 - c. Every two years the Planning Director shall review the permit authorizing such temporary hardship dwellings. Oregon Department of Environmental Quality review and removal requirements also apply to such temporary hardship dwellings.
 - d. A temporary residence approved under this Section is not eligible for replacement under Section 4.3.700(2) criteria.
 - e. As used in this section “manufactured dwelling” means a manufactured home, mobile home, or recreational vehicle
 - f. In addition CREMP Policies #14, #23, #27, #18, #19, and #22 may be applicable.
8. Operations for the exploration for minerals as defined by ORS 517.750. In CREMP Policies #14, #23, #27, #18, #19, and #22 may be applicable.
9. Room and board arrangements for a maximum of five unrelated persons in existing dwellings.
10. Replacement dwelling to be used in conjunction with farm use if the existing dwelling has been listed in the County inventory as historic property as defined in ORS 358.480.

- The historic dwelling shall be listed on the National Register of Historic Places. In addition to the above CREMP Policies #14, #18, #19, #22 and #27 may be applicable.
11. Air and water navigation aids. In addition to the above, CREMP Policies #14, #23, #27, #18, #19 and #22 may be applicable.
 12. Modification of historic structure where:
 - a. The modification is necessary to preserve, protect or enhance the original historical character of the structure;
 - b. The use must be compatible with surrounding uses or may be made compatible to surrounding uses through the imposition of conditions; and
 - c. A plot plan and architectural plans must be submitted for review.
 - d. In addition CREMP Policies #14, #23, #27, #18, #19 and #22 may be applicable.
 13. Shoreland structural stabilization is subject to Natural hazards Policy 5.11 as explained in this subsection. *Coos County shall promote protection of valued property from risks associated with critical stream bank and ocean front erosion through necessary erosion-control stabilization measures, preferring nonstructural solutions where practical. Coos County shall implement this strategy by making "Consistency Statements" required for State and Federal permits (necessary for structural stream bank protection measures) that support structural protection measures when the applicant establishes that non-structure measures either are not feasible or inadequate to provide the necessary degree of protection. This strategy recognizes the risks and loss of property from unabated critical stream bank erosion, and also, that state and federal agencies regulate structural solutions. A flood elevation certificate is required for a stabilization which will occur in the identified flood hazard area.* In addition CREMP Policies #9, #14, #23, #27, #18, #19, and #22 may be applicable. The use is not permitted in Segment 47.
 14. Land Divisions:
 - a. Partition and Subdivision
 - i. This use may be permitted subject to Policies #14, #15 and #27.
 - ii. Each parcel or lot shall meet the minimum lot/parcel size and development standards for land division.
 - iii. Must comply with the requirements of Chapter VI for land divisions.
 - iv. Notice will be sent as required by Article 5.0.
 - v. Final Plat is a ministerial review.

SECTION 3.3.720 HEARINGS BODY CONDITIONAL DEVELOPMENT AND USE:

The following uses and their accessory uses may be allowed as hearings body conditional uses in the CREMP-EFU zone subject to the applicable requirements in Section 3.3.730 and applicable siting criteria set forth in this Article.

1. Operations conducted for mining and processing of geo-thermal resources as defined by ORS 522.005 and oil and gas as defined by ORS 520.005 not otherwise permitted under this rule. In addition CREMP Policies #14, #18, #19, #22, #23 and #27 may be applicable.
2. Operations for the exploration for and production of geo-thermal resources as defined by ORS 522.005 and oil and gas as defined by ORS 520.005, including the placement and operation of compressors, separators and other customary production equipment for an individual well adjacent to the wellhead. In addition CREMP Policies #14, #18, #19, #22, #23 and #27 may be applicable
3. Operations conducted for mining, crushing or stockpiling of aggregate and other mineral and other subsurface resources subject to ORS 215.298. For any operation that mines

- cumulatively more than 1,000 cubic yards but less than 5,000 cubic yards of aggregate, the conditions in Section 3.3.700(6) must be met along with the hearings body conditional use. Any operation that sells greater than 5,000 cubic yards must comply with standards established by the Department of Geology and Mineral Industries. In addition CREMP Policies #14, #18, #19, #22, #23, and #27 may be applicable.
4. Transmission towers over 200 feet in height. In addition CREMP Policies #14, #18, #19, #22, #23, and #27 may be applicable.
 5. Commercial utility facilities for the purpose of generating power for public use by sale.
 - a. On other than high-value farmland a power generation facility shall not preclude more than 20 acres from use as a commercial agricultural enterprise unless an exception is taken pursuant to OAR 660, Division 4.
 - b. On high-value farmland a power generation facility shall not preclude more than 12 acres from use as a commercial agricultural enterprise unless an exception is taken pursuant to OAR 660, Division 4.
 - c. In addition, CREMP Policies #14, #18, #19, #22, #23, and #27 may be applicable.
 6. Private parks, playgrounds, hunting and fishing preserves and campgrounds, except on high-value farmland. A campground is an area devoted to overnight temporary use for vacation, recreational or emergency purposes, but not for residential purposes. A camping site may be occupied by a tent, travel trailer, yurt or recreational vehicle. Campgrounds authorized by this rule shall not include intensively developed recreational uses such as swimming pools, tennis courts, retail stores or gas stations.
 - a. A private campground may provide yurts for overnight camping. No more than one-third or a maximum of 10 campsites, whichever is smaller, may include a yurt. The yurt shall be located on the ground or on a wood floor with no permanent foundation. As used in this paragraph “yurt” means a round, domed shelter of cloth or canvas on a collapsible frame with no plumbing, sewage disposal hookup or internal cooking appliance.
 - b. On high-value farmland existing facilities may be maintained, enhanced or expanded subject to other requirements of law.
 - c. In addition, a campground may be permitted in CREMP EFU. CREMP Policies #14, #18, #19, #22, #23, and #27 may be applicable.
 - d. This use must also comply with ~~Article 9.2 of the Ordinance~~ ***the following:***
 - i. ***Campgrounds in private parks shall only be those allowed by OAR 660-006-0025.***
 - ii. ***Except on a lot or parcel contiguous to a lake or reservoir, campgrounds shall not be allowed within three miles of an urban growth boundary unless an exception is approved pursuant to ORS 197.732 and OAR Chapter 660, Division 4.***
 - iii. ***For the purpose of this section a campground is an area devoted to overnight temporary use for vacation, recreational or emergency purposes, but not for residential purposes and is established on a site or is contiguous to lands with park or other outdoor natural amenity that is accessible for recreational use by the occupants of the campground.***
 - iv. ***Campsites may be occupied by a tent, travel trailer or recreational vehicle.***
 - v. ***Separate sewer, water or electric service hookups shall not be provided to individual campsites except that electrical service may be provided to yurts allowed for by OAR 660-006-0025(4)(e)(C).***
 - vi. ***Campgrounds shall not include intensively developed recreational uses such as swimming pools, tennis courts retail stores or gas stations.***

Overnight temporary use in the same campground by a camper or camper's vehicle shall not exceed a total of 30 days during any consecutive 6 month period.

- vii. *A private campground may provide yurts for overnight camping.*
 - 1. *No more than one-third or a maximum of 10 campsites, whichever is smaller, may include a yurt.*
 - 2. *The yurt shall be located on the ground or no a wood floor with no permanent foundation.*
 - 3. *As used in this rule, "yurt" means a round, domed shelter of cloth or canvas on a collapsible frame with on plumbing, sewage disposal hook-up or internal cooking appliance.*
- viii. *If the exterior of a campground abuts a public road then screening shall be used.*
- ix. *Road and parking standards of Chapter VII shall apply.*

SECTION 3.3.730 CRITERIA AND REVIEW STANDARDS FOR CONDITIONAL USE PERMITS (BOTH ADMINISTRATIVE AND HEARINGS BODY): A use may be allowed

provided the following requirements are met:

- 1. Such uses will not force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use.
- 2. Will not significantly increase the cost of accepted farm or forest practices on lands devoted to farm or forest use.
- 3. Siting Standards for Dwellings and Structures in the EFU Zone. The following siting criteria shall apply to all dwellings, including replacement dwellings and structures in the EFU zone. Replacement dwellings may be sited in close proximity to the existing developed homesite. These criteria are designed to make such uses compatible with forest operations and agriculture, to minimize wildfire hazards and risks and to conserve values found on agricultural lands. These criteria may include setbacks from adjoining properties, clustering near or among existing structures, siting close to existing roads, and siting on that portion of the parcel least suited for agricultural uses, and shall be considered together with the requirements in Section 3.3.740 to identify the building site. Dwellings and structures shall be sited on the parcel so that:
 - a. They have the least impact on nearby or adjoining forest or agricultural lands;
 - b. The siting ensures that adverse impacts on forest operations and accepted farming practices on the tract will be minimized;
 - c. The amount of agricultural lands used to site access roads, service corridors, the dwelling and structures is minimized; and
 - d. The risks associated with wildfires are minimized.

SECTION 3.3.740 DEVELOPMENT AND USE STANDARDS

Development Standards All dwellings and structures approved pursuant to Article 4.6 shall be sited in accordance with this section.

- 1. Minimum Lot Size: The minimum parcel size shall be at least 80 acres. For land divisions where all resulting parcels are at least 80 acres, a conditional use is not required. However, the applicable standards in Chapter 6 must be met. [OR96-06-007PL 9/4/96]
- 2. Setbacks
 - a. **Road:** All buildings or structures with the exception of 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 line, whichever is greater.

- b. Firebreak: New or replacement dwellings on lots, parcels, or tracts abutting the “Forest” zone shall establish and maintain a firebreak for a distance of at least 30 in all directions. Vegetation within this firebreak may include mowed grasses, low shrubs (less than ground floor window height), and trees that are spaced with more than 15 feet between the crowns and pruned to remove dead and low (less than 8 feet from the ground) branches. Accumulated needles, limbs, and other dead vegetation should be removed from beneath trees.
- 3. Structure Height: No requirements.
- 4. Lot Coverage: No requirements.
- 5. Fences, Hedges and Walls: No requirement except for vision clearance provisions of Section 7.1.525 apply.
- 6. Off-street parking and Loading: See Chapter VII.
- 7. Minimum Road Frontage/Lot Width *unless waived by the Planning Director in consultation with the County Surveyor due to creating an unsafe or irregular configuration:*
 - a. Within UGB’s – 50 feet
 - b. Outside UGB’s – 20 feet
- 8. Access: Access to new dwellings shall meet road design standards in Chapter VII.
- 9. Minimizing Impacts: in order to minimize the impacts of dwellings in agricultural lands, all applicants requesting a nonfarm dwelling shall acknowledge and file in the deed records of Coos County, a Farm Practices Management Easement. The Farm Practices Easement shall be recorded in the deed records of the county prior to any final county approval for a single family dwelling. [OR96-06-007PL 9/4/96]
- 10. Riparian Vegetation Protection within 50 feet of a wetland, stream, lake or river, as identified on the Coastal Shoreland and Fish and Wildlife Habitat Inventory maps shall be maintained except that:
 - a. Trees certified *as posing an erosion or safety hazard. property owner is responsible for ensuring compliance with all local, state and federal agencies for the removal of the tree.* ~~by one of the following Coos Soil and Water Conservation District, US Soil Conservation Service posing an erosion or safety hazard may be removed to minimize said hazard;~~
 - b. Riparian vegetation may be removed to provide direct access for a water-dependent use.
 - c. Riparian vegetation may be removed in order to allow establishment of authorized structural shoreline stabilization measures.
 - d. Riparian vegetation may be removed to facilitate stream or streambank clearance projects under a port district, ODFW, BLM, Soil & water Conservation District, or USFS stream enhancement plan.
 - e. Riparian vegetation may be removed in order to site or properly maintain public utilities and road right-of-way. or
 - f. Riparian vegetation may be removed in conjunction with existing agricultural operations (e.g., to site or maintain irrigation pumps, to limit encroaching brush, to allow harvesting farm crops customarily grown within riparian corridors, etc.) provided that such vegetation removal does not encroach further into the vegetation buffer except as needed to provide an access to the water to site or maintain irrigation pumps.
 - g. The 50 foot riparian vegetation setback shall not apply in any instance where an existing structure was lawfully established and an addition or alteration to said structure is to be sited not closer to the wetland, stream, lake or river than the existing structure and said addition or alteration represents not more than 100% of the size of the existing structure’s “footprint”. (ORD 92-05-009PL)
 - h. Riparian removal within the Coastal Shoreland Boundary will require a conditional use. See Special Development Considerations Coastal Shoreland Boundary.

- i. *The 50' measurement shall be taken from the ordinary high water mark using a right angle from the ordinary high water mark.*
- j. Road and driveway standards found in Chapter VII shall apply to new and replacement development.

DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS

Whereas, the undersigned _____ , hereinafter referred to as Declarant, is the owner in fee simple of the subject property described in Exhibit "A" attached hereto and incorporated by reference herein. and

Whereas, pursuant to Oregon law a "lot-of-record" dwelling has been authorized for property described in Exhibit "A". and

Whereas, Oregon law requires that when a "lot-of-record is allowed for a lot or parcel that is contiguous with one or more other lots or parcels under the same ownership comprising a tract, then these contiguous lots and parcels shall be consolidated into a single lot or parcel at the time the dwelling is allowed. and

Whereas, Declarant desires to consolidate the subject property described in Exhibit "A" in order to effectuate and comply with the requirements of Oregon law and further desires to consent to the execution of this document prepared by the Coos County, Oregon, Planning Department.

Now, therefore, Declarant hereby declares that all of the property described in Exhibit "A" shall not be sold or conveyed separate and apart from any and all of the property described in Exhibit "A" in its entirety.

In witness whereof, the undersigned, being Declarant herein, has heretofore set their hand this _____ day of _____

State of _____)
County of _____)

The foregoing instrument was acknowledged before me this _____ day _____,
_____. By: _____
Notary Public for Oregon
My commission expires: _____

CREMP Aquatic Units - The CREMP zoning districts shall have the same boundaries as the Coquille River Estuary Management Plan unit boundaries and shall be so designated.

COQUILLE RIVER ESTUARY MANAGEMENT PLAN - CONSERVATION AQUATIC UNITS (CREMP-CA)

- **Conservation Aquatic Unit 8 (8-CA)** shall be managed to conserve and enhance the aquatic resources of the main river channel, while allowing such minor alterations as are necessary for shallow draft navigation.
- **Conservation Aquatic Unit 12 (8-CA)** shall be managed to conserve, and enhance the natural resources of these intertidal flats for the purposes of estuarine production.
- **Conservation Aquatic Units 15 (15-CA)** shall be managed to conserve and enhance the natural resources of this intertidal area while allowing for the development of recreational docking or a small marina, including dredging as necessary.
- **Conservation Aquatic Unit 17 (17-CA)** shall be managed to conserve and enhance the natural resources of this intertidal area while allowing for the continuation of recreational and commercial docking facilities and maintenance dredging as necessary.
- **Conservation Aquatic Unit 20 (20-CA)** shall be managed to conserve and enhance the natural resources of this intertidal marsh for the purposes of estuarine production, while allowing the continuation of existing grazing use.
- **Conservation Aquatic Unit 21 (21-CA)** shall be managed to conserve and enhance to aquatic resources of the main river channel and fringing intertidal areas, while allowing such minor alterations as are necessary for the continuation of recreational boating and other shallow draft navigation. Removal of snags, old pilings and other obstructions from the river, and bank stabilization shall also be encouraged.
- **Conservation Aquatic Unit 22 (22-CA)** shall be managed to conserve and enhance the natural resources, of these fringing intertidal marshes for the purposes of estuarine production.
- **Conservation Aquatic Unit 23 (23-CA)** shall be managed to conserve and enhance the natural resources of Randolph Slough for the purposes of estuarine production.

- **Conservation Aquatic Unit 24 (24-CA)** managed to conserve and enhance the natural resources of this small intertidal marsh for the purposes of estuarine production.
- **Conservation Aquatic Unit 25 (25-CA)** managed to conserve and enhance the natural resources of the tidal portion of Bear Creek for the purposes of estuarine production.

SECTION 3.3.800 DEVELOPMENT AND USE PERMITTED:

The following uses and activities are permitted outright in the CREMP-CA as listed below.

1. Aquaculture is permitted in all Conservation Aquatic Units subject to CREMP Policies #17 and #18 where consistent with the resource capabilities of the area and the purposes of this management unit and does not involve:
 - a. Dredge;
 - b. Fill;
 - c. Other estuarine alteration other than incidental dredging for harvest of benthic species;
 - d. Removing in-water structures such as stakes or racks (commercial, not archaeological stakes or racks) is allowed; or
 - e. Where aquaculture requires dredging or fill, or other alteration of the estuary is subject to CREMP Policy #4a.
2. Bridge support structures and dredging necessary for their installation are permitted in Conservation Aquatic Units 21 and 25 (see conditional uses for Conservation Aquatic Units 8, 15 and 17). The use and/or activity is subject to CREMP Polices #6, #17 and #18 and shall only be where consistent with the resource capabilities of the area and the purposes of this management unit. Please note new bridge crossings are not permitted.
3. Utilities – Low intensity utilities:
 - a. Aquatic Units 15, 17, 22, 23, 24 and 25 allow low intensity utilities as permitted and are not subject to any polices or review.
 - b. Aquatic Units 8, 12, 20 and 21 permit low intensity utilities subject to CREMP Policies #17 and #18 and are only permitted where consistent with the resource capabilities of the area and the purposes of the management unit.
 - c. High intensity utilities are subject to conditional use review.
4. Vegetative shoreland stabilization is permitted in Conservation Aquatic Shoreland Unit 8 only where consistent with the resource capabilities of the area and the purposes of this management unit.
5. Dikes are permitted in Conservation Aquatic Units 17 only where found consistent with the resource capabilities of the area and the purposes of the management unit. Associated new dredging only permitted as necessary for boat marinas without jetty or dredged channel. Dikes in this aquatic unit are subject to CREMP Polices #17 and #18.
6. Navigational Structures Aids are permitted in Conservation Aquatic Units 12, 15, 17, 20, 21 and 22.
7. Research and education observation is permitted in all Conservation Aquatic Units
8. Restoration:
 - a. Passive Restoration is permitted in all Conservation Aquatic Units except 8.
 - b. Active Restoration is permitted in all Conservation Aquatic Units except 8 unless the restoration is for mitigation subject to CREMP Polices #17 and #18. All other Conservation Aquatic Units permits active restoration where found consistent with the resource capabilities of the area and the purposes of the management unit. This activity is subject to CREMP Polices #17, #18 and #22b.
9. Mitigation is permitted in all Conservation Aquatic Units where found consistent with the resource capabilities of the area and the purposes of the management unit. This activity is subject to CREMP Polices #17 and #18.

10. New dredging is permitted in Conservation Aquatic Units 8, 15 and 17 where found consistent with the resource capabilities of the area and the purposes of the management unit and only as necessary for boat marinas without jetty or dredged channel. This activity is subject to CREMP Policies #17 and #18.
11. Protection of habitat nutrient, fish, wildlife and aesthetics is permitted in all Conservation Aquatic Units.

SECTION 3.3.810 ADMINISTRATIVE CONDITIONAL DEVELOPMENT AND USE:

The following uses and activities are permitted under an administrative conditional use permit CREMP-CA.

1. Commercial Water-dependent only allowed in Conservation Aquatic Units 15, 17 and 21 subject to CREMP polices #17 and #18 and the following review criteria:
 - a. Only permitted where occupying water surface by means other than fill.
 - b. Only permitted where consistent with the resource capabilities of the area and the purposes of the management unit.
2. Docks and Moorage only allowed in Conservation Aquatic Units 8, 12,15, 17, 21 and 23 subject to CREMP policies #10, #17 and #18 and the following review criteria:
 - a. Only permitted where occupying water surface by means other than fill.
 - b. Only permitted where consistent with the resource capabilities of the area and the purposes of the management unit.
3. Industrial Water-dependent only allowed in Conservation Aquatic Units 15, 17 and 21 subject to CREMP policies #17 and #18 and the following review criteria:
 - a. Only permitted where occupying water surface by means other than fill.
 - b. Only permitted where consistent with the resource capabilities of the area and the purposes of the management unit.
4. Bridge Crossing are subject are allowed in Conservation Aquatic Units 8, 17, 21, 23 and 25. The use is subject to CREMP Polices #6, #17 and #18 and shall only be where consistent with the resource capabilities of the area and the purposes of the management unit.
5. Bridge support structures and dredging necessary for their installation is permitted subject to conditional use approval only in Conservation Aquatic Units 8 and 15 (see permitted uses for units 21, 23 and 25). The use and/or activity is subject to CREMP Polices #6, #17 and #18 and shall only be where consistent with the resource capabilities of the area and the purposes of the management unit.
6. In-water log dump, storage and sorting are allowed in Conservation Aquatic Units 8, 17 and 21 only where consistent with the resource capabilities of the area and the purposes of the management unit.
7. Marinas are allowed in Conservation Aquatic Units 8, 12, 15, 17 and 21subject to CREMP Polices #17 and #18 and the following review criteria:
 - a. Where consistent with the resource capabilities of the area and the purposes of the management unit; and
 - b. Marinas only permitted without jetties or dredged channels.
8. Mining, mineral extraction, including dredging necessary for mineral extraction allowed in Conservation Aquatic Units 21subject to CREMP Polices #17 and #18. These uses are only allowed upon finding it is consistent with the resource capabilities of the area and the purposes of the management unit.
9. Recreation:
 - a. High intensity recreation is only allowed in Conservation Aquatic Units 8, 12, 15, 17, 21 and 23 subject to CREMP Polices #17 and #18 and the following criteria:

- i. Where consistent with the resource capabilities of the area and the purposes of the management unit; and
 - ii. Provided recreation is water-dependent.
 - b. Low intensity recreation is only allowed in Conservation Aquatic Units 8, 15, 17, 21 and 23 subject to CREMP Polices #17 and #18 and the following criteria:
 - i. Where consistent with the resource capabilities of the area and the purposes of the management unit; and
 - ii. Provided recreation is water-dependent.
- 10. Utilities. High intensity utilities are allowed in all Conservation Aquatic Units subject to CREMP Polices 17 and 18. The use must be found consistent with the resource capabilities of the area and the purposes of the management unit.
- 11. Shoreline Stabilization:
 - a. Riprap is allowed in Conservation Aquatic Units 8, 12, 15, 17, 21, 22, 23 and 25 subject to CREMP Policies #9, #17 and #18. This activity must be found consistent with the resource capabilities of the area and the purposes of the management unit.
 - b. Vegetative shoreline stabilization is allowed in Conservation Aquatic Units 12, 15, 17, 21, 22, 23, 24 and 25 subject to CREMP Policies #9, #17 and #18. This activity must be found consistent with the resource capabilities of the area and the purposes of the management unit. (Conservation Aquatic Units 8 permits this outright)
 - c. Bulkheads are allowed in Conservation Aquatic Units 15, 17, 21, 22, 23 and 25 when found consistent with the resource capabilities of the area and the purposes of the management unit and subject to CREMP Polices #9, #17 and #18.
- 12. Dikes:
 - a. New
 - i. Conditional permitted in Conservation Aquatic Units 8 and 12 where found consistent with the resource capabilities of the area and the purposes of the management unit. Associated new dredging only permitted as necessary for boat marinas without jetty or dredged channel. This activity is subject to CREMP Polices #5, #6, #8, #17, #18 and #20.
 - ii. Conditional permitted in Conservation Aquatic Units 21 where found consistent with the resource capabilities of the area and the purposes of the management unit. This activity is subject to CREMP Polices #5, #6, #8, #17, #18 and #20.
 - b. Repairs and maintenance are conditionally permitted in Conservation Aquatic Units 8, 12, 21 and 23 where found consistent with the resource capabilities of the area and the purposes of the management unit. This activity is subject to CREMP Polices #5, #6, #8, #17, #18 and #20.
 - c. Installation of tide gates in existing functional dikes are conditional permitted in Conservation Aquatic Units 8, 12, 17, 21 and 23 where found consistent with the resource capabilities of the area and the purposes of the management unit. This activity is subject to CREMP Polices #5, #6, #8, #17, #18 and #20.
- 13. Navigational Structures:
 - a. Aids are conditional permitted in Conservation Aquatic Unit 8 only where found consistent with the resource capabilities of the area and the purposes of the management unit.
 - b. Minor Navigation Improvements are conditional permitted in Conservation Aquatic Units 8, 15, 17 and 21 only where found consistent with the resource

- capabilities of the area and the purposes of the management unit. This activity is subject to CREMP Polices #5, #6, #8, #17, #18 and #20.
14. Pilings/dolphins are conditionally permitted in Conservation Aquatic Units 8, 15, 17, 21 and 23 where found consistent with the resource capabilities of the area and the purposes of the management unit. Pilings/dolphins shall be allowed if necessary to support recreational uses. This activity is subject to CREMP Policies #17 and #18.
 15. Dredging:
 - a. New dredging is conditional permitted in Conservation Aquatic Unit 21 where found consistent with the resource capabilities of the area and the purposes of the management unit and only as necessary for boat marinas without jetty or dredged channel. This activity is subject to CREMP Policies #5, #8, #17 and #20.
 - b. Maintenance dredging of existing functional tide gates and associated drainage channels is conditionally permitted in all Conservation Aquatic Units except management unit 20. This activity is can only be conditionally permitted where consistent with the resource capabilities of the area and the purposes of this management unit subject to CREMP Policies #17 and #18.
 - c. To repair dikes and tide gates is conditionally permitted in all Conservation Aquatic Units except management unit 20. This activity is can only be conditionally permitted where consistent with the resource capabilities of the area and the purposes of this management unit and subject to CREMP Policies #5, #8, #17, #18 and #20.
 16. Fill including for the purposes of new dikes is conditionally permitted in Conservation Aquatic Units 8, 12, 15, 17 and 21. This activity is can only be conditionally permitted where consistent with the resource capabilities of the area and the purposes of this management unit and subject to CREMP Policies #5, #6, #8, #17, #18 and #20.
 17. Temporary alterations are conditionally permitted in Conservation Aquatic Unit 8 only where consistent with the resource capabilities of the area and the purposes of this management unit and subject to CREMP Policies #5a, #17 and #18.
 18. Waste water/storm water discharge is conditionally permitted in Conservation Aquatic Units 8 and 17. This activity is can only be conditionally permitted:
 - a. Where consistent with the resource capabilities of the area and the purposes of this management unit;
 - b. Storm water/waste water outfalls only permitted subject to DEQ/EPA approval;
 - c. Meets the Coos County Zoning and Land Development Ordinance definition description of “facility”; and
 - d. Must meet CREMP Policies #17, #18 and #25.
 19. Research and educational observation structures are conditionally permitted in Conservation Aquatic Unit 8 and 12 only where consistent with the resource capabilities of the area and the purposes of this management unit. This activity is subject to CREMP Policies #5d, #17 and #18.

COQUILLE RIVER ESTUARY MANAGEMENT PLAN - NATURAL AQUATIC UNIT (CREMP-NA)

- **Aquatic Unit 10 (10-NA)** shall be managed to protect and enhance the natural resources of the Bandon Marsh as a wildlife refuge.
- **Aquatic Units 11 (11-NA), 13 (13-NA) and 16 (16-NA)** shall be managed to protect and enhance the natural resources of these intertidal marshes for the purposes of estuarine production.

SECTION 3.3.900 DEVELOPMENT AND USE PERMITTED:

The following uses and activities are permitted outright in the CREMP-NA as listed below.

1. Research and Educational Observation are permitted in all Natural Aquatic Units.
2. Passive restoration is permitted in all Natural Aquatic Units.
3. Mitigation only is permitted in Natural Aquatic Unit 10 where consistent with the resource capabilities of the area and the purposes of this management unit. Subject to CREMP Policies #17 and #18.
4. Protection of habitat, nutrient, fish, wildlife and aesthetics is permitted in all Natural Aquatic Units.

SECTION 3.3.910 ADMINISTRATIVE CONDITIONAL DEVELOPMENT AND USE:

The following uses and activities are permitted under an administrative conditional use permit CREMP-NA.

1. Aquaculture is conditionally permitted in all Natural Aquatic Units subject to CREMP Policies #17 and #18 where consistent with the resource capabilities of the area and the purposes of this management unit and does not involve:
 - a. Dredge;
 - b. Fill;
 - c. Other estuarine alteration other than incidental dredging for harvest of benthic species;
 - d. Removing in-water structures such as stakes or racks (commercial, not archaeological stakes or racks) is allowed; or
 - e. Where aquaculture requires dredging or fill, or other alteration of the estuary is subject to CREMP Policy #4a.
2. Shoreline Stabilization:
 - a. Riprap for shoreline stabilization is conditionally permitted in management unit 16 only where consistent with the resource capabilities of the area and the purposes of this management unit. This use is subject to CREMP Polices #9, #17 and #18.
 - b. Vegetative shoreline stabilization is conditionally permitted in all Natural Aquatic Units where consistent with the resource capabilities of the area and the purposes of this management unit. This activity is subject to CREMP Policies #9, #17 and #18.
 - c. Bulkheads for shoreline stabilization conditionally permitted in management unit 16 only where consistent with the resource capabilities of the area and the purposes of this management unit. This use is subject to CREMP Polices #9, #17 and #18.
3. Dikes, fill, repair and maintenance related to dikes are not permitted in Natural Aquatic Unit 16 except when a reconfigured or repaired dike is part of a restoration project. Active restoration projects that include reconfigured or repaired dikes will be permitted if related to protection of upland uses and activities.
4. Navigational structures are conditionally permitted in management unit 13 only where consistent with the resource capabilities of the area and the purposes of this management unit. This use is subject to CREMP Polices #17 and #18.
5. Active Restoration is conditionally permitted in all Natural Aquatic Units where consistent with the resource capabilities of the area and the purposes of this management unit. This use is subject to CREMP Polices #17, #18 and # 22B.
6. Fill (including New Dikes) are not permitted in Natural Aquatic Unit 16 except when a reconfigured or repaired dike is part of a restoration project. Active restoration projects that include reconfigured or repaired dikes will be permitted if related to protection of upland uses and activities.

COQUILLE RIVER ESTUARY MANAGEMENT PLAN - DEVELOPMENT AQUATIC UNIT (CREMP-DA)

- **Aquatic Unit 14 (14-DA)** shall be managed for dredging and bulk heading as necessary to develop a dock for bulk material shipping.
- **Aquatic Unit 18 (18-DA)** shall be managed for the development of docking, boat building and repair and similar water dependent uses, including dredging and fill as necessary.
- **Aquatic Unit 19 (19-DA)** shall be managed for the dredging and fill as necessary to develop a major recreational marina with ancillary services and facilities.

SECTION 3.3.1000 DEVELOPMENT AND USE PERMITTED:

The following uses and activities are permitted outright in the CREMP-DA as listed below:

1. Water-Dependent commercial:
 - a. In Development Aquatic Unit 14 this use is only permitted where consistent with the resource capabilities of the area and the purposes of this management unit.
 - b. In Development Aquatic Unit 18 this use is only permitted where occupying water surface by means other than fill and where consistent with the resource capabilities of the area and the purposes of this management unit.
 - c. In Development Aquatic Unit 19 this uses is permitted outright.
2. Water-Dependent industrial is permitted in Development Aquatic Units 14 and 18.
3. Bridge crossing support structures and dredging necessary for their installation in Development Aquatic Unit 18 this use is only permitted where consistent with the resource capabilities of the area and the purposes of this management unit. This use is subject to CREMP Policies #6, #17, and #18.
4. In-Water Log-Dump/Storage/Sorting is permitted in Development Aquatic Units 14 and 18.
5. Marinas are permitted in Development Aquatic Units 18 and 19.
6. Low-Intensity utilities are permitted in Development Aquatic Units 14 and 18. (see conditional uses for Development Aquatic Unit 19)
7. Restoration is permitted:
 - a. As passive in all Development Aquatic Units.
 - b. As activity restoration of fish and wildlife habitat or water quality and estuarine enhancement with the resource capabilities of the area and the purposes of this management unit. This use is subject to CREMP Policies #17, #18 and #22b.
8. Mitigation only is permitted in all Development Aquatic Units where consistent with the resource capabilities of the area and the purposes of this management unit. This use is subject to CREMP Policies #17, and #18.
9. Research and Educational Observation is permitted in all Development Aquatic Units.
10. Protection of habitat, nutrient, fish, wildlife and aesthetics is permitted in all Development Aquatic Units.
11. Temporary alterations are permitted in Development Aquatic Unit 14 where consistent with the resource capabilities of the area and the purposes of this management unit. This activity is subject to CREMP Policies #17, and #18.

SECTION 3.3.1000 ADMINISTRATIVE CONDITIONAL DEVELOPMENT AND USE:

The following uses and activities are permitted under an administrative conditional use permit CREMP-DA.

1. Aquaculture is conditionally permitted in all Development Aquatic Units subject to CREMP Policies #17 and #18 where consistent with the resource capabilities of the area and the purposes of this management unit and is allowed whether dredging or fill or other alteration of the estuary is required for harvest of benthic species or removable in-water structures such as stakes or racks (commercial, not archaeological stakes or racks) is subject to CREMP Policy #4a.
2. Water-Related commercial is conditionally permitted in all Development Aquatic Units where consistent with the resource capabilities of the area and the purposes of this management unit. Fill not permitted for non-water-dependent uses. This use is subject to CREMP Policies #17 and #18.
3. Non-Water Dependent/Water Related is conditional permitted in Development Aquatic Unit 19 where consistent with the resource capabilities of the area and the purposes of this management unit. Fill is not permitted for non-water-dependent uses. This use is subject to CREMP Policies #17 and #18.
4. Docks and Moorage are conditionally permitted in all Development Aquatic Units subject to CREMP Policies #17 and #18 where consistent with the resource capabilities of the area and the purposes of this management unit.
5. Water-Related Industrial is conditionally permitted in Development Aquatic Units 14 and 18 where consistent with the resource capabilities of the area and the purposes of this management unit. Fill is not permitted for non-water-dependent uses. This use is subject to CREMP Policies #17 and #18.
6. Bridge Crossings are conditionally permitted in the Development Aquatic Unit 18 where consistent with the resource capabilities of the area and the purposes of this management unit. This use is subject to CREMP Policies #36, #17, and #18.
7. Recreation both high and low intensity are conditionally permitted in all Development Aquatic Units, provided recreation is water-dependent, and where consistent with the resource capabilities of the area and the purposes of this management unit. This use is subject to CREMP Policies #17, and #18.
8. UTILITIES:
 - a. Low-Intensity utilities are conditionally permitted in Development Aquatic Unit 19 where consistent with the resource capabilities of the area and the purposes of this management unit. This use is subject to CREMP Policies #17, and #18.
 - b. High-Intensity utilities are conditionally permitted in all Development Aquatic Units where consistent with the resource capabilities of the area and the purposes of this management unit. This use is subject to CREMP Policies #17, and #18.
9. Shoreline Stabilization:
 - a. Riprap is conditionally permitted in all Development Aquatic Units where consistent with the resource capabilities of the area and the purposes of this management unit. This activity is subject to CREMP Policies #9, #17, and #18.
 - b. Vegetative shoreline stabilization is conditionally permitted in all Development Aquatic Units where consistent with the resource capabilities of the area and the purposes of this management unit. This activity is subject to CREMP Policies #9, #17, and #18.
 - c. Bulkheads are conditionally permitted:
 - i. In Development Aquatic Units 14 and 19 where consistent with the resource capabilities of the area and the purposes of this management unit. This activity is subject to CREMP Policies #9, #17, and #18.
 - ii. In Development Aquatic Unit 18 where consistent with the resource capabilities of the area and the purposes of this management unit. This activity is subject to CREMP Policies #39, #17, and #18.

10. New Dikes are conditionally permitted:
 - a. In Development Aquatic Unit 14 where consistent with the resource capabilities of the area and the purposes of this management unit. New dredging only permitted as necessary for boat marinas without jetty or dredged channel. This activity is subject to CREMP Policies #5, #6, #8, #17, #18 and #20.
 - b. In Development Aquatic Unit 18 and 19 where consistent with the resource capabilities of the area and the purposes of this management unit. This activity is subject to CREMP Policies #5, #6, #8, #17, #18 and #20.
11. Dredging is conditionally permitted:
 - a. New dredging only permitted as necessary for boat marinas without jetty or dredged channel in all Development Aquatic Units where consistent with the resource capabilities of the area and the purposes of this management unit. This activity is subject to CREMP Policies #5, #8, #17, #18 and #20.
 - b. Only maintenance dredging of tide gates is permitted in all Development Aquatic Units where consistent with the resource capabilities of the area and the purposes of this management unit. This activity is subject to CREMP Policies #17, and #18.
 - c. To repair dikes and tide gates in all Development Aquatic Units where consistent with the resource capabilities of the area and the purposes of this management unit. This activity is subject to CREMP Policies #5, #8, #17, #18 and #20.
12. Navigational Structures and Minor Navigation Improvements are conditionally permitted in all Development Aquatic Units where consistent with the resource capabilities of the area and the purposes of this management unit. This activity is subject to CREMP Policies #5, #8, #17, #18 and #20.
13. Water-dependent commercial enterprises and activities are conditionally permitted in all Development Aquatic Units where consistent with the resource capabilities of the area and the purposes of this management unit. This activity is subject to CREMP Policies #5, #8, #17, #18 and #20.
14. Pilings/dolphins shall be allowed if necessary to support recreational in all Development Aquatic Units where consistent with the resource capabilities of the area and the purposes of this management unit. This activity is subject to CREMP Policies #17 and #18.
15. Dredge material disposal (in-water) is only conditionally permitted in Development Aquatic Unit 18 where consistent with the resource capabilities of the area and the purposes of this management unit. This activity is subject to CREMP Policies #5, #8, #17, #18, and #20.
16. Fill (including New Dikes) is conditionally permitted in all Development Aquatic Unit where consistent with the resource capabilities of the area and the purposes of this management unit. This activity is subject to CREMP Policies #5, #8, #17, #18, and #20.
17. Temporary alterations are conditionally permitted in Development Aquatic Unit 19 where consistent with the resource capabilities of the area and the purposes of this management unit. This activity is subject to CREMP Policies #5a, #17, and #18.
18. Waste water/storm water discharge is conditionally permitted in Development Aquatic Units 14 and 19. This activity is can only be conditionally permitted:
 - a. Where consistent with the resource capabilities of the area and the purposes of this management unit;
 - b. Storm water/waste water outfalls only permitted subject to DEQ/EPA approval;
 - c. Meets the Coos County Zoning and Land Development Ordinance definition description of “facility”; and
 - d. Must meet CREMP Policies #17, #18 and #25.
19. Research and educational observation structure is conditionally permitted in Development Aquatic Units 14 and 19 where consistent with the resource capabilities of

the area and the purposes of this management unit. This activity is subject to CREMP Policies #17 and #18.

**VOLUME III (COQUILLE RIVER ESTUARY)
POLICIES APPENDIX 2**

APPENDIX 2- CREMP PLAN

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APPENDIX 2: CREMP PLAN POLICIES

- **Policy #1: Estuary Classification**

Local governments shall officially recognize the Coquille River Estuary as a "Shallow Draft Development Estuary", consistent with the overall Oregon Estuary Classification (OAR 660-17-010(3), as amended). Further, the estuary management plan's allowed uses and activities are, and must remain, consistent with the "shallow-draft development" designation and the estuarine management unit requirements of Goal #16.

This strategy recognizes that Statewide Planning Goals and Oregon Administrative Rules limit the maximum allowable development of Oregon estuaries.

- **Policy #2: General Schedule of Permitted Uses and General Use Priorities**

Local governments shall restrict estuarine development or alteration so as to be equal to, or less intensive than uses and activities that are allowed, or may be allowed, pursuant to Statewide Planning Goal #16 and the Oregon Administrative Rule classifying Oregon estuaries (OAR 600-17-000 as amended June, 1981).

- 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:
 - a. Ensure compatibility with the requirements of Statewide Planning Goal #16 and the Administrative Rule classifying Oregon estuaries (OAR 600-17-000 as amended June, 1981).
 - b. Maintain the integrity of the estuarine ecosystem. This policy 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 management units (Statewide Planning 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. Protection of habitat, nutrient, fish, wildlife and aesthetic
 5. Passive restoration measures

6. Bridge crossings
 7. Historical, archaeological and cultural 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 purposes of management units" (pursuant to "linkage" 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 bridges (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 (Statewide Planning 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 Units, 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 purposes of management units" (pursuant to "linkage" 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 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. Navigation and water-dependent commercial enterprises and activities
 - 2. Water-dependent commercial and industrial uses consistent with a shallow-draft estuary, as defined herein.
 - 3. Water transport channels where dredging may be necessary
 - 4. Dredge or fill as allowed elsewhere in Goal #16 (see Policies #5 and #7)
 - 5. Navigational structures other than those permitted in Natural and

Conservation Management Units

6. Marinas
 7. Water storage areas where needed for products used 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, shipment of goods, or is necessary to support water-borne transportation (ie., 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 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 non-dependent, non-related uses not requiring dredge or fill
 2. Mining and mineral extraction
 3. All uses/activities allowed in natural and conservation management units
 4. Undeveloped low-intensity, water-dependent recreation

This policy is based on the recognition that the "Use and Activity Matrices" set forth as policy elsewhere in the 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.

This policy 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.

II. 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 estuarine resources and values.

- **Policy #3: Use of "Coquille River Estuary Special Considerations Map" as the Basis for Special Policies Implementation**

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

I. The "Coquille River Estuary Special Considerations Map" shall delineate the general boundaries (plan inventory maps contain more precise boundary locations) of the following specific areas covered by the Coquille River Estuary Management Plan:

- a. Coquille River Estuary Coastal Shorelands Boundary
- b. Sensitive Beach and Dune Areas
 - 1. areas unsuitable for development
 - 2. 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 (UGB's)
- g. 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 CREMP'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 Coquille River Estuary Special

Considerations Map; such plan provisions include allowed uses and activities in each management unit, and the following specific "functional" policies set forth below:

- #13 Overall Use Priorities within Coastal Shorelands
- #14 General Policy on Uses within Rural Coastal Shorelands
- #15 Land Divisions within Rural Shorelands
- #16 Protection of Sites Suited to Water-Dependent Uses; and Special Allowance for New Non-Water-Dependent Uses in "Urban Water-Dependent (UW)" Units which are "Suitable for Water-Dependent Uses"; and Potential Sites Suited to Water-Dependent Uses; and Protection of Sites Suited to Water-Dependent Uses in Future Urbanizable Areas
- #16a Rural, Urban, and Unincorporated Communities Use Standards
- #16b Potential Sites Suitable for Water-Dependent Uses
- #16c Protection of Sites Suited to Water-Dependent Uses in Future Urbanizable Areas

- #17 Protection of "Major Marshes" and "Significant Wildlife Habitats" in Coastal Shorelands
- #18 Protection of Historical, Cultural and Archaeological Sites
- #19 Management of "Wet-Meadow" Wetlands within Coastal Shorelands
- #20 Dredged Material Disposal Sites
- #21 Mitigation and Restoration Sites
- #22 Mitigation Sites: Protection against Pre-emptory Uses
- #22a Acquisition and Protection of Mitigation/Restoration and Dredged Material Disposal Sites
- #23 Riparian Vegetation/Streambank Protection
- #24 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 allowed uses and activities - are subordinate to the special "functional" policies listed above.

III. This policy recognizes that the Coquille River Estuary Special Considerations Map:

- a. is an official policy component of this estuary management plan; and
- b. provides a mechanism for site-specific application of special management policies.

- **Policy #4: Resource Capability Consistency and Impact Assessment**

I. Local government concludes that all proposed actions (approved in this Plan), which

would alter or potentially alter, the integrity of the estuarine ecosystem have been based upon a full consideration of the impacts of the proposed alteration and a demonstration of the public's need and gain, which warrant such modification or loss, 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
- ~ Dike maintenance dredging
- ~ Minor navigational improvement requiring dredging or fill
- ~ Bulkheading
- ~ Water Intake or withdrawal and effluent discharge
- ~ Riprap
- ~ Log storage dredging

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
- ~ Bulkheading
- ~ Dredging
- ~ 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; and
- ii. An evaluation of impacts on those resources by the proposed use (see impact assessment procedure, below); and

- 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 requirements (Goal #16 Implementation Requirement #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.

- II. 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; and
 - b. the type of resource(s) affected; and
 - 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 development 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.

- **Policy #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 the permit application.

- I. This policy shall be implemented through a 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 and Wildlife (ODFW) and Department of Agriculture in writing of the request with a map of the proposed site; and
 - 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 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 Statewide Planning 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 required findings and assessments.

This policy 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.

- **Policy #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; and
 - b. a need (ie., a substantial public benefit) is demonstrated and the use or alteration does not unreasonably interfere with public trust rights; and
 - c. no feasible alternative upland locations exist; and
 - d. adverse impacts are minimized; and
 - e. effects may be mitigated by creation, restoration or enhancement of another area to ensure that the integrity of the estuarine ecosystem is maintained; and
 - f. the activity is consistent 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 tidegates, associated drainage channels and bridge crossing support structures is permitted in Natural and Conservation Management Units. 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 policy shall be implemented by the preparation of findings by local government documenting that such proposed actions are consistent with the Comprehensive Plan, and with criteria "a", "b", "c", "d", "e", and "f" above. However, where goal exceptions are included within this plan, the findings in the exception shall be sufficient to satisfy criteria "a" through "d" above. 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, 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: (i) The U.S. Army Corps of Engineers through its

Section 10 and 404 permit processes; or (ii) The Department of Environmental Quality for approvals of new aquatic log storage areas only; or (iii) The Department of Fish and Wildlife for new aquaculture proposals only.

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

- **Policy #5a: Temporary Alterations**

- I. Local government shall support as consistent with this Plan: temporary alteration 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.
- 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); and
 - 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; and
 - 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.

- **Policy #5b: Dredging to Repair Existing Functional Dikes & Tidegates**

Dredging to repair and maintain existing functional tidegates shall be permitted. Dredging (limited to subtidal areas only) shall also be permitted in 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 be permitted, and 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 Coquille River and log storage area maintenance dredging, the first consideration shall be given to side-casting materials onto adjacent agricultural lands for dike repair/maintenance.

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.

- **Policy #5c: New and Expanded Log Storage**

Where otherwise listed as an allowable use/activity 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/activity 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 degradations of estuarine natural values.

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

- **Policy #5d: Research and Educational Observations**

- I. Local government shall support research and educational observations, 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 .

- **Policy #6: Fill in Conservation and Natural 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. activity restoration if a public need is demonstrated;
- c. low water bridges if:
 - 1. an estuarine location is required; and
 - 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. Bridge crossing 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 policy 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 policy recognizes the general objectives of Statewide Planning Goals #16 and #17.

- **Policy #7: Maintenance Dredging of Authorized Channel**

Local government support maintenance dredging of the authorized navigation channel.

This policy recognizes that there are persistent problems with buildup of sediment in the Coquille channel entrance from littoral transport during late summer months, creating rough water and difficult bar crossing, which interferes with navigation.

- **Policy #8: Estuarine Mitigation Requirements (See also Policies #21, #22 and #22a)**

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

- **Policy #9: Solutions to Erosion and Flooding Problems**

Local government shall prefer non-structural solutions to problems of erosion and flooding in the Coquille River Estuary 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 respective management units, riprap may be allowed in Development Management Units upon findings that:
 - a. land use management practices and non-structural 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 may be allowed in Conservation Aquatic Management Units upon findings that:
 - a. land use management practices and non-structural 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 may be allowed in Natural Aquatic Management 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, and cultural values, or public facilities; and
 - b. land use management practices and non-structural solutions are inadequate; and
 - 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 policy shall occur through local review of and comment on state and federal permit applications for such projects.

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

- **Policy #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 by:

- a. preparation of findings by local government in response to a "request for comment" DSL (which shall seek local government's determination regarding the appropriateness of a permit to allow the proposed dock or pier) which document 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. encouraging community facilities common to several uses and interest by:
 - 1. satisfying community needs for docks and moorage facilities in this Plan; and
 - 2. encouraging easements to facilitate multi-ownership.

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

- **Policy #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 and Act and Administrative Rules, for forest lands as defined in ORS 527.620 (1991)-527.730 and Forest Lands Goal;
- The non-point source discharge water quality program administered by the Department of Environmental Quality 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 196.800-880 (renumbered 1989); and
- The programs of the State Soil and Water Conservation Commission and local districts and the Soil Conservation Service for the Agricultural Land 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 duplicatory management techniques or controls, especially as related to existing programs functioning to

maintain water quality and minimize man-induced sedimentation.

- **Policy #12: Removal of Old Pilings and Snags**

Local governments shall support removing obstructions and accumulations of debris from the Coquille River Estuary, where "minor navigational improvements" listed as an allowable use or activity within all management units, except where identified as needed for habitat.

This strategy recognizes that the Coquille River Estuary contains a large number of disused pilings, snags, other obstructions and accumulations which may interfere with boat passage and 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.

- **Policy #12a: (Reserved)**
- **Policy #12b: (Reserved)**
- **Policy #12c: Future Studies**

Local government shall encourage the Oregon Department of Fish and Wildlife to study biological resources of the Coquille Estuary, particularly the riverine section, to ascertain the effects of dredging and other river channel improvements and to determine the effects of various fish and wildlife management actions.

This strategy recognizes that the state of general knowledge about biological resources of the Coquille Estuary, particularly the riverine section is sketchy.

- **Policy #12d: (Reserved)**
- **Policy #13: Overall Use Priorities Within Coastal Shorelands**

I. Local governments 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 non-dependent, non-related uses which retain flexibility of future use and do not prematurely or inalterably commit shorelands to more intensive uses;
- e. provide for development, including non-dependent, non-related uses in urban areas compatible with existing or committed uses;
- f. permit non-dependent, non-related 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 shall include agriculture, forestry, recreation and open space and uses, which are water-dependent.

This strategy recognizes that the Coquille River 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.

- **Policy #14: General Policy on Uses within Rural Coastal Shorelands**

- I. Coos County shall manage its rural areas with the "Coquille River 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 #18:
 - a. farm uses as provided in ORS 215;
 - b. propagation and harvesting of forest products consistent with the Oregon Forest Practices Act;
 - 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 county that such uses satisfy a need which can not be accommodated on uplands or 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, or
 4. such uses do not conflict with the resource preservation and protection policies established elsewhere in this Plan;
 - g. any other uses, provided that the Board of Commissioners 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.

- **Policy #15: Land Divisions within Rural Shorelands**

Coos County shall permit subdivisions and partitions within the Coquille River Coastal Shorelands Boundary in rural areas only upon a finding by the County:

- a. that such land divisions would not otherwise conflict with the resource preservation and protection policies established elsewhere in this Plan, agricultural policies and ordinance requirements of the Coos County Comprehensive Plan; and either
- b. that the new land divisions fulfill a need that cannot otherwise be accommodated in uplands in urban and urbanizable areas; or
- c. that the new land divisions are in a documented "committed" area; or
- d. that the new land divisions have been justified through a goal exception.

This strategy shall be implemented through provisions in ordinance measures that require the above findings to be made prior to the approval of the preliminary plat of a subdivision or partition.

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.

- **Policy #16: Protection of Sites Suitable to Water-Dependent Uses; and Special Allowance for New Non-Water-Dependent Uses in "Urban Water-Dependent (UW) Units which are Suitable for Water-Dependent Uses" (WD)**

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:

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.

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.

- **Policy #16a: Rural, Urban, and Unincorporated Communities Use Standards**

- I. Commercial and Industrial uses in Unincorporated Communities 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 an 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 owners(s)/applicant(s) shall acknowledge and file in the deed records of Coos County, a "Farm and 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.

- **Policy #16b: Potential Sites Suitable for Water-Dependent Uses**

Local government shall re-evaluate available sites for water-dependent uses which would comply with the Statewide Planning Goals at the time of the first update of the Coquille Estuary Plan.

This strategy recognizes that the Coquille River Estuary suffers from a shortage of suitable and readily available sites for water-dependent uses.

- **Policy #16c: Protection of Sites Suited to Water-Dependent Uses in Future Urbanizable**

Areas

Local government shall (when considering possible future amendments to this Estuary Management Plan) protect shorelands in future urbanizable areas suited for water-dependent uses for water-dependent recreational, commercial and industrial uses.

Implementation shall be based on the local plan review and update process and the "Land Use Planning" and plan implementation strategies applicable to that review process.

This strategy recognizes that future revisions to urban growth areas may include new water-dependent areas.

- **Policy #17: Protection of "Major Marshes" and Significant "Wildlife Habitats" in**

Coastal Shorelands

Local government shall protect from development, major marshes and significant wildlife habitat, coastal headlands, and exceptional aesthetic resources located within the Coquille River Coastal Shorelands Boundary unless 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 map "Freshwater Wetlands" plus natural areas of significant importance identified on the map "Historical/Archaeological/Scientific sites"; 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 that identifies 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.

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.

- **Policy #18: Protection of "Historical, Cultural and Archaeological Sites"**

Local government shall provide special protection to historic 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 an archaeological or historical site to determine whether the project as proposed would protect the historical and archaeological values of the site.
- II. The development proposal, when submitted shall include a site development 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 Tribe in writing, together with a copy of the site development plan. The Coquille Tribe 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 historical and archaeological values of the site, or, if not, whether the project could be modified by appropriate measure to protect those values. "Appropriate measures" may include, but shall not be limited to, the following:
 - a. retaining the 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; 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 and 358.920, contracting with a qualified archaeologist to excavate the site and remove any cultural objects and human remains and reintering the human remains at the developer's expense.
 - 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 Chapter 97.990.

- III. Upon receipt of the statement by the Tribe, or upon expiration of the Tribe thirty day (30) response period, the local government shall conduct an administrative review of the development proposal 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, as well as any additional measures deemed necessary by the local government to protect the historical and archaeological values of the site. If the property owner and the Tribe cannot 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 historical and archaeological values of the site.
- c. 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 historic 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 historical and archaeological sites is not only a community's social responsibility, is also legally required by ORS 97.745. It also recognizes that historical and archaeological sites are non-renewable cultural resources.

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

- I. Coos County shall protect for agricultural purposes those 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. agricultural buildings, where no alternative site exists 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, which show whether the proposed action is consistent with the Comprehensive Plan. This strategy recognizes:
 - 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 Coquille Valley 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.

- **Policy #20: Dredged Material Disposal Sites**

Local government shall support the stockpiling and disposal of dredged materials on sites specifically designated in Plan Inventory (See Section 5.4.21, Site A, North Spit designated dredged material disposal site). This site is 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 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" matrix, this designated disposal site shall be managed so as to prevent new uses and activities, which would prevent its ultimate use for dredged material disposal. A designated site may only be released for some other use upon a finding that a suitable substitute site 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 (where permitted), maintenance dredging of existing functional facilities, minor navigational improvements or drainage improvements, provided riparian vegetation and fresh-water wetland are not affected. For any in-water (including inter-tidal 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).

- I. This policy shall be implemented by:
 - a. Designating "Selected Dredged 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 or non-temporary 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.
 - 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.

- **Policy #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.

- **Policy #20b: 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.

- **Policy #20c: 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.

- **Policy #21: Mitigation and Restoration Sites**

Local government shall support mitigation and restoration actions on the sites specifically designated in this Plan (see Section 9.10, Potential Mitigation or Restoration Sites). 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 "Use/Activities" matrix, and subject to Policy #8, Mitigation Requirements. Local governments shall also cooperate with the Oregon Department of Fish and Wildlife and the Division of State Lands 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.

- **Policy #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 drainable 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 in the plan inventory.
 - 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 all of the following criteria:
 1. The proposed use must not entail substantial structural or capital improvements (such as roads, permanent buildings or non-temporary water and sewer connections);
 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 State Lands, and
 - ii. A description of the proposed research, resource enhancement and benefits expected
 - c. Local government's review of 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 functional 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).

- **Policy #22a: Acquisition or Protection of Mitigation/Restoration and Dredged Material**

Disposal Sites

Local governments 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 "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.

- **Policy 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 of 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 site 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.

- **Policy #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 when erosion threatens roads. Otherwise, individual landowners in cooperation with the Ports of Bandon and Coquille, Coos Soil and Water Conservation District, Watershed Council, Division of State Lands and Oregon Department of Fish & Wildlife shall be responsible for bank protection.

This strategy recognizes that the banks of the Coquille Estuary are susceptible to erosion and has threatened valuable farm land, roads and other structures.

- **Policy #24: Special Forest Practice Regulations in Coastal Shorelands**

Local governments 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.

- **Policy #25: Waste Water/Storm Water Discharge**

Local government recognizes that Waste Water/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 Water/Storm Water Discharge, if such activity is allowed in the respective management unit and:
 - a. The activity is required for waste water/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 Water/Storm Water Discharge; and, recognizes the technical expertise of Department of Environmental Quality regarding resource capabilities.

- **Policy #26: Agricultural Drainage Facilities**

Local governments 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 and not otherwise designated as "significant wildlife habitat" or "major marshes", subject to Policy #17. Local governments 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 Coquille River Estuary 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.

- **Policy #27: Floodplain Protection within Coastal Shorelands**

The respective Flood Regulations of local governments 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 risk of substantial loss of stock and property damage resulting from the widespread flooding of the Coquille River Valley floor which occurs during most winters.

- **Policy #27a: Mass Movement**

Coos County shall require all development in known areas potentially subject to mass movement that lie within the Coastal Shorelands Boundary to comply with Policy #6, Natural Hazards, of the Coos County Comprehensive Plan, Volume 1.

- **Policy #28: Recognition of Statewide Planning 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 Coquille River Estuary Coastal Shorelands Boundary as being suitable for "Exclusive Farm Use" (EFU) designation consistent with the "Agricultural Uses Requirements" of ORS 215.

This policy shall be implemented by using the Special Considerations Map to identify EFU-suitable areas, and to abide by the prescriptive use and activity requirements of ORS 215 except where otherwise allowed by exceptions for needed housing and industrial sites.

All EFU zoned land within the Coastal Shoreland Boundary shall be designated as "Other Aggregate Sites" inventoried 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 the time of periodic review of the Comprehensive Plan. [OR-92-08-113PL 10/28/92]

- **Policy #28a: (Reserved)**
- **Policy #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 Coquille River 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. need for 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 salt water 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 breaching 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 Coquille River 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 Statewide Planning 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.
 - **Policy #30: Restricting Actions in Beach and Dune Areas with "Limited Development Suitability"; and Special Consideration for Sensitive Beach and Dune Resources**

- I. Coos County shall permit development within areas designated as "Beach and Dune Areas with Limited Development Suitability" on the Coquille River Estuary Special Considerations Map only upon the establishment of findings that shall include at least:

- a. type of use proposed and the adverse effects it might have on the site and adjacent areas; and
- b. temporary and permanent stabilization programs and the planned maintenance of new and existing vegetation; and
- c. need for 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 a site plan review 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. 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.
- V. This strategy shall be implemented through:
- a. the Administrative Conditional Use application process as described previously, and
 - b. review and comment by local government on state and federal permits in beach and dune areas.

This strategy recognizes that regulation of these actions is necessary to minimize potential erosion.

- **Policy #31: (Reserved)**
- **Policy #32: Boat Ramps**

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

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

- **Policy #33: Water-Based Recreation**

Local governments support increased use of the Coquille River for water-based recreation.

This strategy recognizes that water-based recreation is an opportunity for economic growth through tourism.

- **Policy #33a: Bandon Waterfront Project and Waterfront Communities**

- I. Local governments shall support the Bandon downtown revitalization project on the Bandon waterfront.

This policy recognizes that maintenance and enhancement of historic, unique and scenic waterfront communities are important cultural and economic assets.

- II. Local governments shall support the maintenance and enhancement of historic, unique and scenic waterfront communities such as downtown Bandon.

This policy recognizes the value of historic, unique and scenic waterfront communities when such are identified by local governments.

- **Policy #33b: (Reserved)**
- **Policy #34: Recognition of Statewide Planning 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 Coquille River Estuary Special Considerations Map as "Forest Lands" within the Coastal Shorelands Boundary consistent with the "Forest Uses" requirements of LCDC Goal #4.

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 to identify "Forest Lands", and to abide by the prescriptive use and activity requirements of Statewide Planning 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 Statewide Planning Goal #4 are equal and not subordinate to other management requirements of this Plan for "Forest Lands" located within the Coastal Shorelands Boundary.

- **Policy #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 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.
- 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 are the basis of this Plan, and which must be the basis for future plan revisions and modifications.

II. This Plan (including the coordinated Coquille River Estuary and Shorelands Joint

Management Agreement policies) shall be the legal basis for all land use and community development regulations lying within the unincorporated portions of the Coquille River Estuary and its shorelands as defined in this Plan.

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

- **Policy #36: Plan Update**

I. Coos County shall:

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

Coos County may rely on the formal "periodic review" of this Plan to satisfy the requirements of this policy.

This strategy is based on the recognition that a 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 Coquille River 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.

This strategy recognizes that frequent approval of major plan revisions could ruin the integrity of this Plan, but that infrequent major changes must be made when need is established.

- **Policy #37: County Plan Revisions and Amendments (Does 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 are set forth in the Coos County Zoning and Land Development Ordinance (CCZLDO) OR 92-05-009PL.

- **Policy #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:

- 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 non-conforming uses and the alteration and expansion of such uses; and
- b. more specific implementing ordinance measures.

This policy is based on the recognition that Coos County is morally and legally bound to honor the traditional provisions of the "grandfather" concept.

- **Policy #39: Citizen Involvement**

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

- **Policy #40: Conflict Resolution**

Local governments shall apply an "overall conflict resolution policy" to Estuary Plan implementation situations where one policy or set of policies is believed to conflict with another policy or set of policies.

This "overall conflict resolution policy" shall consist of the following:

To resolve perceived conflicts between policy provisions, if and when such perception may occur, long-term environmental, economic, social and energy consequences expected to result from applying one strategy in place of another, shall be considered; the strategy that results in maximum public benefit, as supported by findings of fact, shall then be applied.

This policy is based on the recognition that every possible attempt has been made in the development of these policies to balance the conflicting objectives of the respective policies, but also that perceived conflicts may nevertheless surface as this Estuary Plan is implemented.

- **Policy #41: Maintenance of Inventories and Factual Base**

The Board of Commissioners shall instruct the 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 Estuary Plan.

This strategy 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.

- I. This strategy 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 strategy recognizes that special projects, like neighborhood traffic studies, may be necessary to help resolve unanticipated, small-scale community problems. Further, the strategy recognizes:
 - a. the Planning Director may assist the Planning Commission in conducting necessary research as ordered; and
 - b. 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
 - c. state funds will likely be available to help defray the local costs of such activities.

- **Policy #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 Strategy #28;
 - b. Airports;
 - c. Aquaculture;
 - d. Commercial;
 - e. Docks and Moorage/Marinas;
 - f. Industrial;
 - g. Log Storage and Sorting Yard;
 - h. Mining and Mineral Extraction;
 - i. Recreational Uses;
 - j. Solid Waste Disposal;
 - k. Timber Farming/Harvesting, as otherwise consistent with Policy #34;
 - l. 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 watchmen and caretaker dwellings in conjunction with certain commercial, industrial and other uses.

- **Policy #43: Interpretation of Coastal Shorelands Boundary**

When a 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 the Coastal Shorelands Goal #17. 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. 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 cannot be mapped with complete accuracy at the scale of 1" = 800'.

- **Policy #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 area. 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.

- **Policy #45: (Reserved)**
- **Policy #46: (Reserved)**
- **Policy #47: Goal #5 Sites**

Goal #5 bird habitat is addressed in detail in Volume I, Part 2 of the Coos County Comprehensive Plan. This narrative is hereby adopted as part of the Coquille River Estuary Management Plan (CREMP).

Further, the Policies of Volume I, Part I of the Plan, pertaining to "5b" and "5c" Goal #5 bird

sites are hereby adopted as part of the CREMP.

This strategy shall be implemented by contacting Oregon Department of Fish and Wildlife for review and comment on proposed development within the area of a 5b or 5c bird site.

CHAPTER IV

BALANCE OF COUNTY ZONES, OVERLAYS & SPECIAL CONSIDERATION

This chapter applies to all non-estuary zoning districts. Article 2.1 has definitions listed that apply to this article. Chapter 5 contains all application process and procedures.

ZONING TABLE				
Category	Type	Zoning District	Abbreviation	Section/page
Balance of County Zoning				
Residential				
	Urban	Urban Residential-1	UR-1	
		Urban Residential-2	UR-2	
		Urban Residential Multi-Family	UR-M	
	Rural	Rural Residential-2	RR-2	
		Rural Residential-5	RR-5	
Mixed Commercial-Residential				
	Urban	Controlled Development	CD	
	Rural	Rural Center	RC	
Commercial and Industrial				
	Urban/Rural	Commercial	C-1	
		Industrial	IND	
		Airport Operation	AO	
Recreation				
		Recreation	REC	
Resource				
		Forest	F	
		Forest Mixed Use	FMU	
		Exclusive Farm Use	EFU	
South Slough				
		South Slough	SS	
Minor Estuary and Shoreland				
		Minor Estuary and Shoreland	MES	
Bandon Dunes				
		Bandon Dunes Resort	BDR	
Special Development Considerations and Overlay Zones				
Special Development Considerations				
		Mineral & Aggregate		
		Water Resources		
		Historical, Cultural and Archaeological resources. Natural Areas and Wilderness		
		Beaches and Dunes		
		Non-Estuarine Shoreland Boundary		
		Significant Wildlife Habitat		
		Natural Hazards		
Special Development Considerations				
		Floodplain		
		Airport Overlay		

ARTICLE 4.1 GENERAL INFORMATION

SECTION 4.1.100 ZONING DISTRICT MAPS: The location and boundaries of the zoning districts are shown on the *three sets of maps titled: Coos County Zoning Map (also referred to as Balance of County)*, Coquille River Estuary Zoning Map and the Coos Bay Estuary Zoning Map. These zoning maps and their explanatory information are hereby adopted as part of this Ordinance. The zoning map may consist of several sheets or pages, which shall be listed on a cover page together with the date and name of each page. The zoning map ~~were shall be~~ certified by the Board of Commissioners through adoption of Ordinance number 85-03-004PL dated April 4, 1985 and *filed at the Coos County Clerk on April 5, 1985 (Clerk's file number 85-7-1769 through 87-7-2221A)*. ~~The certification of the official zoning map shall appear on the cover page of the collection of zoning maps. There shall be only one official zoning map which shall be located in the office of the County Clerk as long as this Ordinance remains in effect.~~ *All official records shall be kept by the Coos County Planning Department. Any changes to the zone maps by interpretation or zone change shall be filed with the County Clerk's office through an ordinance or order. A copy of the segment of the map that was interpreted or rezoned will be attached to the order or ordinance.*

The original maps that were adopted in 1985 have been digitized maps and are hereby adopted as part of the Coos County Comprehensive Plan and Coos County Zoning and Land Development Ordinance as the official zone maps. If there are any questions about a mapping error staff shall provide a copy of the original Mylar map for comparison. If the digital copy is found to be in error Planning Staff shall correct the error immediately. The 1985 Mylar maps shall never be destroyed as they are the official historical documents until such time new inventory maps are adopted.

SECTION 4.1.110 AMENDMENT OF ZONING DISTRICT MAP: Whenever it is necessary to amend the zoning map to conform with an approved rezoning or with an amendment to the text of this Ordinance or as final land use actions of incorporated cities as may be required, the Planning Staff shall make the change and note it in the meta data. *When changes are made to the digitized maps they shall be exported into a shape file with the date and title and stored in an archived file. If changes are needed to align with the Assessor's tax lot data that may be done without notice.* ~~Director shall so change the map, making such changes in red ink and annotating the map and the cover sheet to show the Ordinance or other number and the date of the change. (ORD 85-08-011L)~~

SECTION 4.1.120 INTERPRETATION OF ZONING DISTRICT BOUNDARIES: *If an interpretation of the zoning district boundary is required, the official Mylar maps that were adopted as part of the 1986¹ Comprehensive Plan shall be used.* Due to the transposition of boundary lines from the Comprehensive Plan Maps (scale: 2" = 1 mile) to the Official Zoning Maps (scale: 1"=800'); zoning district boundaries were drawn to the nearest 10 acres. Whenever an uncertainty exists as to the boundary of a zone as shown on the official zoning map, the following rules of interpretation shall apply:

1. Boundaries indicated as approximately following the centerlines of streets, highways, or alleys shall be construed to follow such centerlines.

¹ *The official zone maps state Coos County Zoning Map, Date of Adoption Jan. 1983 (The official date of adoption of the zoning maps including the special development consideration maps was April 4, 1985)*

2. Boundaries indicated as approximately following platted or surveyed lines shall be construed to follow such plat or survey lines.
3. Boundaries indicated as approximately following city limits shall be construed to follow such city limits.
4. Boundaries indicated as following railroad lines or public utility easements shall be construed to follow such lines.
5. Boundaries indicated as following the centerlines of streams, rivers, canals, or other bodies of water shall be construed to follow those centerlines.
6. Boundaries indicated as approximately following the shorelines of water bodies shall be construed to follow the mean high water line (MHWL) or the line of non-aquatic vegetation, whichever is higher.
7. Boundaries indicated as approximately following ridge tops and other topographical features shall be construed to follow those features.
8. Boundaries indicated as approximately parallel to, or as extensions of features indicated in subsections 1 through 7, shall be so construed.
9. Where a public street or alley is officially vacated, the zone requirements applicable to the property in which the vacated area becomes a part shall apply.
10. Boundaries not intended to follow the above-listed features shall indicate where possible distances to reference points and other lines so they can be located on the ground.
11. Where physical features existing on the ground are at variance with those shown on the official zoning map, or in other circumstances not covered by subsections 1 through 10 above, the Planning Director shall interpret the zone boundaries, and if need be, may refer the matter to the Hearings Body for its interpretation pursuant to Section 1.1.700 of this Ordinance.

SECTION 4.1.130 INTERPRETATION OF COASTAL SHORELANDS BOUNDARY:

When a development action is proposed in the immediate vicinity of the Coastal Shorelands Boundary (CSB) and when such proposed development action relies on a precise interpretation of the CSB, the Planning Director shall establish the precise location of the CSB using the seven criteria specified in the Coastal Shorelands *Goal 17*. 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 ~~minor~~ adjustments to the maps and provide a copy of any map revision will be filed with the County Clerk's office. ***All interpretations shall be processed as an administrative decision.***

SECTION 4.1.140 UNZONED OR MULTI-ZONED LAND:

1. Any land which is unzoned or multi-zoned through inadvertence or oversight shall be reviewed by the Planning Director, and a recommendation of the appropriate zoning shall be made to the Hearings Body which shall make a recommendation to the Board of Commissioners, ~~pursuant to the provisions of Section 1.1.700 of this Ordinance.~~
2. If a zoning error is found, such as unzoned or overlapping zoning the Planning Director shall issue an interpretation to the Board of Commissioners.
3. The Board of Commissioners shall initiate an ordinance amendment.
4. ~~The Board of Commissioners, at a regular, special, or emergency meeting, shall determine the appropriate zone district pursuant to the provisions of Chapter 4 of this Ordinance.~~ The amendment process in Article 5.1 shall be followed.
5. ~~Hearings required in Section 1.2.400 shall comply with the provisions of Article 5.7 of this Ordinance.~~ The Planning Director shall amend the zoning map to conform to the

decision of the Board of Commissioners in accordance with the procedures set out in Section 4.1.100 of this Ordinance.

SECTION 4.1.150 ERRORS IN ZONING DISTRICT MAPS:

1. The Planning Director shall periodically compare zone maps on file with the official zoning map and the action taken by the Board of Commissioners or Hearings Body to assure the maps conform therewith.
2. When errors in transcription, interpretation, or clerical mistakes are found, the Planning Director shall have the authority to correct those errors pursuant to Section 4.1.300 (Amendment of Map).

SECTION 4.1.160 SPECIAL DEVELOPMENT CONSIDERATIONS AND OVERLAYS:

MAPS: ~~The location of special hazards and resources are indicated on the Coos County Special Considerations Maps prepared for each volume (I, II, and III) of the Comprehensive Plan. These Special Considerations Maps are hereby adopted as part of this Ordinance. The Special Considerations Maps may consist of several sheets or pages, which shall be listed on a cover page together with the date and name of each page. The Special Considerations Maps are not a substitute for the detailed spatial information presented on the inventory maps. The Special Considerations Maps are merely index guides designed as zoning counter implementation tools that indicate when a special policy consideration applies in a general area, thereby requiring inspection of the detailed plan inventory maps. The Special Considerations Maps must and shall at all times accurately reflect the detail presented on the inventory maps (but at a more general scale). See Articles 4.7 and 4.5.~~

Special development considerations and overlays are listed in Article 4.11. The special development considerations are map overlays that show areas of concern such as hazards or protected sites. These maps have been digitized to allow for layers to be applied to the property. The original historical Mylar map shall be used to determine if an error in exists. Each development consideration may further restrict a use. Staff will look at maps to determine if there are mapped special developed considerations that apply. If applicable the applicant must address the development consideration prior to receiving a zoning compliance letter.

Development considerations play a very important role in determining where development should be allowed. In the Estuary Plans the development considerations, also referred to as inventoried areas, have been incorporated into the site specific zoning. In the Balance of County the development considerations were applied as a broad area and the maps have to be examined in order to determine how the inventory applies to the specific site.

SECTION 4.1.170 SPLIT ZONING: Split zoning occurs when a contiguous ownership is divided into two or more zoning districts.

1. For the purpose of establishing uses, each portion of the total contiguous ownership within an individual zoning district may be used for any use permitted by the applicable zoning district. ~~subject to Section 3.3.100~~
2. When a parcel is split-zoned contains both resource and non-resource zones, the non-resource land may be partitioned from the resource land, in accordance with the partitioning application requirements of this ordinance. The non-resource parcel is considered exception land that is irrevocable committed to uses that render the practice of farming and forestry activities impracticable, and therefore such partitioning would have no discernible effect on farming or forestry practices on the adjacent resource land. The resulting parcels meet the minimum parcel sizes of ORS 215.780, or the partition

otherwise meets the statutory criteria for exceptions to minimum parcel sizes or resource goal exceptions. [OR-08-07-007PL]

SECTION 4.1.190 USES NOT LISTED: Any use not listed is prohibited unless it can be classified pursuant to this section. It is recognized that in the development of a Comprehensive Zoning and Land Development Ordinance, not all uses of land and water can be listed, nor can all future uses be anticipated. A “use” may have been inadvertently omitted from the list of those specified as permitted or conditional in each of the various districts designated. Ambiguity may arise concerning the appropriate classification of a particular use within the meaning and intent of this Ordinance.

1. The classification of a new permitted or conditional use may be approved by the Planning Director, or may be referred to the Board of Commissioners for consideration.
2. To classify and add a new permitted or conditional use to the uses already listed within a zoning district without formal amendment to the text of this Ordinance, the Planning Director must find that the proposed use to be added is similar and not more obnoxious or detrimental to the public health, safety, and welfare as other uses listed in the respective zoning district.
3. Notice of any decision to classify a new use shall be published in a newspaper of general circulation at least ten (10) days prior to the effective date of the decision, and shall be subject to appeal pursuant to Article 5.8. Decisions to classify a new use may be appealed following the procedures of Article 5.8.
4. Any decision to classify a use pursuant to this section shall be entered in a registry available to the public setting forth:
 - a. The street address or other easily understood geographic reference to the subject property;
 - b. The date of the decision; and
 - c. A description of the decision made.
5. New classified uses shall be subject to all other requirements of this Ordinance.
6. Any new use classified for an Exclusive Farm Use or Forest zone must comply with ORS 215 and requirements of applicable case law and administrative rules. [OR-92-07-012PL]

SECTION 4.1.200 NEW USE AMENDMENT: If the Planning Director determines a proposed new use is not “similar and not more obnoxious or detrimental to the public health, safety, and welfare as other uses listed in the respective zoning district”, then the proposal shall be subject to the amendment procedures of Article 5.1 of this Ordinance.

SECTION 4.1.300 USES LISTED AS PERMITTED: Buildings, structures, and land shall be used, designed, erected, structurally altered or enlarged only for the purposes listed as permitted or conditional (approved pursuant to CHAPTERS 4 and 5) in the district in which such building or land is located, and then only after applying for and securing all permits and licenses required by state and federal law and County Ordinance. Any use already established within an area and is not a permitted use or approved conditional use shall be allowed to continue as a grandfathered use subject to all conditions and restrictions relating to grandfather uses as provided in this Article.

ARTICLE 4.2 – RESIDENTIAL ZONING DISTRICTS

There are several residential zoning districts in Coos County. Article 4.2 reviews all residential zones. Definitions pertain to uses and activities are found in Article 2.1.

URBAN RESIDENTIAL (UR)

Purpose and Intent: There are three Urban Residential (UR) zoning districts: Urban Residential-1 (UR-1); Urban Residential-2 (UR-2); and Urban Residential – Multi Family (UR-M).

The purpose of the “UR-1” district is to provide for urban residential areas that are exclusively limited to conventional single family dwellings. Detached conventional single family dwellings clustered in planned unit developments are consistent with the objectives of the “UR-1” district. This district shall only be used within Urban Growth Boundaries and Urban Unincorporated Community boundaries.

The purpose of the “UR-2” district is to provide for urban residential areas that are designed to accommodate single family dwellings, mobile homes and two family dwellings. Clustered planned unit developments, including multi-family dwellings, are consistent with the objectives of the “UR-2” district. The “UR-2” district shall only be used within Urban Growth Boundaries and Urban Unincorporated Community boundaries.

The purpose of the “UR-M” district is to provide for high density urban residential areas necessary to accommodate opportunities for the construction of multiple-family dwellings, primarily necessary to meet the needs of low and moderate income families. The “UR-M” district shall only be used within Urban Growth Boundaries and Urban Unincorporated Community boundaries.

SECTION 4.2.100 DEVELOPMENT AND USE PERMITTED:

The following uses and their accessory uses are permitted outright in the Urban Residential-1 (UR-1), Urban Residential-2 (UR-2) and Urban Residential-Multi-Family (UR-M):

1. Residential
 - a. Single Family Dwelling Conventional or Manufactured.
 - b. Mobile Homes only permitted in the UR-2 and UR-M zones. Mobile Homes are prohibited in the UR-1 zone.
 - c. Manufacture Homes are permitted in all urban zones but in UR-1 the following applies:
 - i. The manufactured home shall be multi-sectional and enclose a space of not less than 1,000 feet.
 - ii. The manufactured home shall be placed on an excavated and back-filled foundation and enclosed at the perimeter such that the manufactured home is located not more than 12 inches above the grade.
 - iii. The manufactured home shall have a pitched roof, except that no standard shall require a slope of greater than a nominal three feet in height for each 12 feet in width.
 - d. Floating Home permitted in the UR-2 only. “Floating home” means a moored structure that is secured to a pier or pilings and is used primarily as a domicile and not as a boat.
 - e. Multi-family dwelling:

- i. This use is not permitted in the UR-1.
 - ii. In UR-2 multi-family dwellings are only permitted subject to an approved Planned Unit Development Plan.
 - iii. This is permitted in UR-M.
- f. Temporary residence:
 - i. Mobile home, travel trailer or recreational vehicle used as a dwelling temporarily during construction of a permitted structure. ~~Duration~~ Use not to exceed one (1) year, subject to renewal.
 - ii. This type of dwelling is not permitted in the UR-1.
- g. Accessory Structures shall be allowed outright on lots and parcels when a dwelling exists or a dwelling is proposed to be sited concurrently with the dwelling. The accessory structure must be accessory to a permitted use. Accessory structures must meet the definition as listed in Section 2.1.200. If the accessory structure is proposed without a dwelling it shall require a conditional use.
- h. Family or medical hardship dwelling:

The applicant must submit a certification from a qualified physician *or nurse practitioner* stating what the hardship is and that the person requiring the hardship dwelling must live close to someone due to the nature of the hardship. The use is subject to the following conditions:

 - i. The dwelling must be a mobile home, recreational vehicle, *or existing building* used temporarily during the medical hardship relating to the aged, infirmed, or persons incapable of maintaining a complete separate residence.
 - ii. The temporary use shall use the same subsurface sewage disposal system used by the existing dwelling, if that disposal system is adequate to accommodate the additional dwelling. If a public sanitary sewer system is used, such condition will not be required.
 - iii. Within three months of the end of the hardship, the manufactured dwelling shall be removed or demolished or, in the case of an existing building, the building shall be removed, demolished, or returned to an allowed nonresidential use.
 - iv. Every two years the Planning Director shall review the permit authorizing such temporary hardship dwellings. however, it is the applicant's responsibility to notify the Planning Director of the continuation of this use
- 2. Residential Care Home/Facility shall be allowed in any authorized dwelling.
- 3. Home occupation - The County shall review a permit allowing a home occupation ~~or cottage~~ industry every 12 months following the date the permit was issued and may continue the permit if the use continues to comply with the requirements of the use's definition.

A home occupation is defined as a business that is operated entirely within a dwelling by a member of the family residing in the dwelling. Home occupations shall not employ more than five (5) full or part-time persons. Examples of home occupations include but are not limited to: beauty shops, engravers, professional offices, etc.

Home occupations must not interfere with existing uses on nearby land or with other uses permitted in the zone in which the property is located. Home occupations shall not involve the retail sale of a product on the premises. Home occupations shall not occupy more than 30% of the useable floor area of the dwelling, nor shall home occupations use any detached accessory

building. On premise signs advertising home occupations shall not exceed six (6) square feet of copy area. [OR 04 12 013PL 2/09/05]

4. Service lines in conjunction with a utility facility.
5. Agricultural uses (farm) pursuant to ORS 215.203, but not for profit.
6. Low-Intensity Recreation uses that do not require developed facilities and can be accommodated without change to the area or resource. For example, boating hunting, hiking, wildlife photography, and beach or shore activities can be low-intensity recreation.
7. Mining for geo-thermal energy and other mineral or subsurface resource.
8. Day care facility permitted for 12 or fewer persons. If more than 12 persons this requires a conditional use (see §4.2.110).
9. ***Photovoltaic Cells. The installation and use of a solar photovoltaic energy system or a solar thermal energy system shall be allowed if:***
 - a. ***The installation of a solar energy system can be accomplished without increasing the footprint of the residential structure or the peak height of the portion of the roof on which the system is installed; and***
 - b. ***The solar energy system would be mounted so that the plane of the system is parallel to the slope of the roof (ORS 215.439)***

The solar energy system may be sited on the ground. Must comply with the same setback requirements listed in the development standards.

SECTION 4.2.110 ADMINISTRATIVE CONDITIONAL DEVELOPMENT AND USE:

The following uses and their accessory uses are permitted under an administrative conditional use permit procedure subject to applicable development standards for the Urban Residential-1, Urban Residential-2 and Urban Residential-Multi-Family.

1. Accessory structures when a dwelling does not exist on the property can only be approved if it meets the definition of "Accessory Structure" as defined in Section 2.1.200.
2. Modification of historical structure shall meet the criteria found in Section 4.11.125(3)(a) as well as any applicable development standards of the zoning district.
3. Exploration of geo-thermal energy, aggregate and other mineral or subsurface resources ***not including water***. The following conditions shall be included in any conditional use permit for exploration for subsurface mineral resource:
 - a. All drill holes shall be filled and capped according to the following standards, and bonds to secure performance of this obligation shall be required as follows:
 - i. The applicant shall provide the Coos County Watermaster with the location of each hole by township, range, section and driller's identification number of all holes drilled.
 - ii. A plot plan showing these locations will be furnished to the Watermaster.
 - iii. The applicant shall seal all test holes from the bottom within 2 feet of land surface with cement, native clay, bentonite mixture (e.g., "Sure-Gel", Aqua Gel") of 9 pounds to 9-1/2 pounds of bentonite per gallon of water.
 - iv. If artesian flows are encountered, the test hole will be:
 - 1) Abandoned according to the following abandonment procedures:

ABANDONMENT OF ARTESIAN EXPLORATION HOLES. The flow of artesian exploration holes to be abandoned shall be confined or restricted by cement grout applied under pressure, or by the use of a suitable well packer, or a wooden or cast lead plug placed at the bottom of the confining formation immediately above the artesian water-bearing zone. Cement grout or concrete shall be used to effectively fill the exploration hole to land surface. Or

- 2) Developed for use of the artesian flow by a water well driller who is properly licensed and bonded by the State of Oregon.
 - v. If unusual conditions occur at a test hole site and compliance to the above standards will not result in a satisfactorily abandoned hole, the driller shall request that special standards be prescribed by the Watermaster for the particular hole.
 - vi. The applicant shall notify the County Watermaster prior to the abandonment of all test holes, drill holes, exploration holes, etc. As used in this section the term 'abandonment' shall mean the act of filling any hole with the required sealing material.
 - vii. In addition to complying with the procedures outlined above, the applicant shall post a surety bond in the amount of five thousand (\$5,000.00) dollars for each hole drilled or a bond for fifty thousand (\$50,000.00) dollars to cover all test holes. The surety bond shall be filed with the Board of Commissioners, and may be written by a surety company duly licensed by and authorized to do business in the State of Oregon. The release of such bond shall be conditioned upon the successful capping of all holes according to the procedure described above.
 - viii. Although it is recommended that the test hole be sealed prior to moving the drilling rig, in no case shall the drill hole be left open for more than five (5) days after the drilling rig is moved off the test hole without prior approval of the County's designated representative.
- b. The applicant shall be required to construct a catch basin around each drilling site to retain any possible run-off.
- c. Abandonment procedure:
 - i. At the discretion of the County's appointed representative (usually, the district Watermaster), this representative may require that the exploration hole abandonment not begin until he is present at the site.
 - ii. In the event that paragraph "i" above, is implemented, the County's appointed representative may, if he is unable to be present during abandonment, otherwise authorize abandonment. This authorization may be given verbally by telephone.
 - iii. The County's appointed representative may require that the exploration hole be abandoned with cement grout.
4. Day care facility (13 or more persons) shall be found to be compatible with surrounding uses or may be made compatible through the imposition of conditions.
5. Communication structure shall be found to be compatible with surrounding uses or may be made compatible through the imposition of conditions.
6. Air & water navigation aids shall be found to be compatible with surrounding uses or may be made compatible through the imposition of conditions.
7. Sewer/water plant pump stations shall be found to be compatible with surrounding uses or may be made compatible through the imposition of conditions.
8. Land Divisions (Partition/Subdivision):
 - a. Each parcel or lot shall meet the minimum lot/parcel size and development standards unless it is a residual of resource (Farm or Forest) land division.
 - b. Must comply with the requirements of Chapter VI for land divisions.
 - c. Notice will be sent as required by Article 5.0.
 - d. Final Plat is a ministerial review.

9. ***A dwelling on parcel(s), lot(s) or a combination thereof that do not meet the one acre minimum development requirement of Section 4.2.130.***
 - a. ***The proposed dwelling must be found compatible with surrounding uses or may be made compatible through the imposition of conditions.***
 - b. ***For a single family dwelling a septic feasibility study must be submitted to show that an on-site system would accommodate a single family dwelling. This is not required if city services (sewer) is provided; however, the service provider must submit a letter confirming intent to connect.***
 - c. ***A plot plan showing the size of the proposed development shall be provided to show that all setbacks can be met.***
10. ***Guest House. An auxiliary residence constructed on property when the following conditions are met:***
 - a. ***The parcel on which the guest house is placed must contain 1.5 acres.***
 - b. ***Only one guest house per legal parcel.***
 - c. ***The guest house is no more than 500 square feet in size.***
 - d. ***The guest house can be a manufactured structure (park model) or conventional built.***
 - e. ***The guest house shall not be used as a rental unit.***
 - f. ***Is attached to or within 100 feet of the main residence. and***
 - g. ***Is served by the same domestic water system, sewage system and utility meters as the main residence.***
11. **Residential Planned Unit Development - Maintenance Standards and Principles:**
 - a. **Minimum Sized Area for Developments.** A Planned Unit Development shall be of sufficient size to allow the objectives and standards of this Section to be met and shall, as a minimum, comply with the following:
 - i. The minimum size for a tract of land to be developed as a Planned Unit Development (PUD) shall be not less than five (5) contiguous acres and of such configuration as to be conducive to a Planned Unit Development. or
 - ii. A Planned Unit Development application may be filed on a tract of land less than five (5) contiguous acres but no approval shall be given to such application unless Coos County determines, upon a showing by the applicant, that the minimum size required in paragraph "i" above should be waived if one or more of the following conditions exist:
 - 1) Because of unusual physical features of the property or of the neighborhood in which it is located, a substantial deviation from the regulations otherwise applicable is necessary or appropriate in order to conserve a resource or amenity, such as aesthetic vegetation, etc.
 - 2) The property or its neighborhood has historical character of economic importance to the community that could be protected by use of a Planned Unit Development.
 - 3) The property is adjacent to property which has been officially approved, developed or redeveloped as a Planned Unit Development on the subject property can be effectively integrated with the existing PUD.
 - 4) The property is determined to be an isolated problem area that has been bypassed in the course of development and for which a Planned Unit Development is determined to be the most feasible method of developing said area.
 - b. **Must comply with the requirements of Chapter VI for land divisions.**
 - c. **Notice will be sent as required by Article 5.0.**
 - d. **Final Plat is a ministerial review.**
12. **Recreational Planned Unit Development is only permitted in the UR-2 zoning.**

- a. The following criteria shall also be met prior to approval of an R-PUD:
 - i. The area proposed as a Recreation 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. That the location, design, and size are such that the development can be well integrated with its surroundings, and, in the case of a departure in character from surrounding land uses, that the location and design will reduce the impact of the development.
 - iii. That the location, design, size, and land uses are such that traffic generated by the development can be accommodated safely and without congestion on existing or planned arterial or collector streets and will, in the case of commercial developments within the PUD, avoid as much as possible traversing local streets.
 - iv. That the location, design, size, and land uses are such that the residents or establishments to be accommodated will be adequately served by existing facilities and services or by facilities and services which are planned for construction within a time period that is deemed reasonable.
 - v. The proposed R-PUD is compatible with surrounding uses or may be made compatible to surrounding uses through the imposition of conditions.
 - vi. Where the proposed R-PUD is located within an urban unincorporated area, the proposed development shall be consistent with the requirements of OAR 660-02-0030. [OR 04-09-010PL 1/19/05]
- b. Final Plat is a ministerial review.
- c. Must comply with the requirements of Chapter VI for land divisions.
- d. Notice will be sent as required by Article 5.0.

SECTION 4.2.120 HEARINGS BODY CONDITIONAL DEVELOPMENT AND USE:

The following uses and their accessory uses are permitted under a hearings body conditional use permit procedure subject to applicable development standards in the Urban Residential-1, Urban Residential -2 and Urban Residential-Multi-Family. All hearings body development and uses may be permitted if the proposed use must be found compatible with surrounding uses or may be made compatible through the imposition of conditions. Applicable additional criteria will be listed out under the individual proposed uses.

1. Mobile Home Park (new and modification of existing):
 - a. Not permitted in the UR-1.
 - b. In the UR-2 and UR-M this use may be permitted subject to compliance with:
 - i. ***Notwithstanding any other Ordinance provision, manufactured dwelling parks shall be subject to requirements set-forth in Oregon Administrative Rule (OAR) 918-600-005 through 918-600-0095, ORS Chapter 466, and “Rules and Regulations Governing the Construction and Statutory Operation of Travelers’ Accommodation and Tourist Parks,” adopted by the Oregon State Board of Health. However the provisions of this ordinance shall prevail where said provisions are more stringent than those imposed by state law, rules or regulations. A manufactured dwelling park shall be located on a lot or parcel which meets the minimum required to accommodate the density of the zoning district.***
 - ii. ***A preliminary plan to be drawn as specified by OAR Division 600. The submitted plan shall include setbacks as required by the Oregon Manufactured Dwelling Standard In-Park Fire Separation Matrix (Table 903).***

iii. Landscaping and Design

- 1. The landscape shall be such to minimize soil erosion and lessen the visual impact. Every mobile home park shall provide an ornamental, sight-obscuring fence, wall, evergreen or other suitable screening/planning along all boundaries of the park site abutting public roads or property lines that are common to other owners of property, except for points of ingress and egress. All open areas or common areas shall be landscaped. Landscaping shall consist of lawns and/or ornamental plantings;**
- 2. Any grade changes shall be in keeping with the general appearance of neighboring developed areas.**
- 3. Special attention shall be given to proper site surface drainage so that removal of surface waters will not adversely affect neighboring properties, the public storm drainage system, or create environmental problems.**
- 4. Exposed storage areas, service areas, utility buildings and structures and similar accessory areas and structures shall be subject to such setbacks, screen plantings or other screening methods as shall be reasonably required to prevent their being incompatible with the existing or contemplated environment and the surrounding properties.**
- iv. Walls or fences shall be six feet in height except in the area of ingress and egress. This area shall be subject to Section 7.1.525. Evergreen planting shall not be less than five feet in height, and shall be maintained in a healthy living condition for the life of the mobile home park. All walls, fences and evergreen planting shall be approved by the Planning Commission.**
- v. There shall be suitable landscaping provided within the all open areas.**
- vi. A parking plan must be signed off by the Roadmaster. Regulation for parking can be found in Chapter VII.**

2. Hotel/motel is only permitted in UR-M zoning pursuant to:
 - a. New hotels and motels up to 35 units are allowed only if served by community sewer system.
 - b. New hotels and motels are not allowed outside an urban unincorporated community.
3. Utility facility for the purpose of generating power.
4. High-Intensity Recreation which uses specially built facilities, or occurs in such density or form that it requires or results in a modification of the area or resource. Campgrounds, golf courses, public beaches, and marinas are examples of high-intensity recreation.
5. Golf course.
6. Fire Station.
7. School.
8. House of Worship.
9. Community center, grange or lodge hall are not allowed outside of an urban unincorporated community.
10. Medical rest home or convalescent home.
11. Personal use airport/heliport.
12. Aero club.
13. Bed & Breakfast:
 - a. A bed and breakfast facilities shall be subject to the following conditions:

- i. All "bed and breakfast facilities" shall be established within the primary residence.
 - ii. Breakfast shall be the only meal served to overnight paying guests.
 - iii. No cooking facilities shall be permitted in any rented room.
 - iv. The maximum number of rooms, which may be rented shall not exceed four (4).
 - v. Off-street parking shall be provided as follows:
 - 1) Two spaces for the owner/occupant, plus 1 space for each additional bedroom.
 - 2) A plot plan and a parking/traffic plan shall be submitted, to address the following:
 - a) The property boundaries;
 - b) Access to the property;
 - c) Location of all structures on the subject property;
 - d) Required parking spaces;
 - e) The parking/traffic plan shall show required parking and traffic flow. All parking/traffic plans shall be reviewed by the Roadmaster to determine traffic safety.
 - 3) One (1) non-illuminated sign shall be permitted not to exceed six (6) square feet of copy area (the words "hotel or motel" shall not be used). A "bed and breakfast facility" must be conducted in such a manner so as not to give an outward appearance or outwardly manifest any characteristic of a motel, hotel, or other business
14. Cottage Industry in the UR-2 zone. Cottage industries are defined as home occupations that are operated by a resident of the subject property, occupying a detached accessory building. Cottage industries should not employ more than five (5) full or part-time persons. Cottage industries must not interfere with existing uses on nearby land or with other uses permitted in the zone in which the property is located. Cottage industries shall not involve the retail sale of a product on the premises. On premise sign advertising cottage industries shall not exceed six (6) square feet of copy area. A home occupation shall comply with the following:
- a. Compatibility as explained in the opening statement;
 - b. Coos County shall review a permit allowing a ~~home occupation~~ or cottage industry every 12 months following the date the zoning compliance letter was issued and may continue the use if it continues to comply with the definition of cottage industry and/or home occupation;
 - c. A cottage industry approval shall vest exclusively with the owner of the land at the time of approval. The cottage industry shall not be conveyed or otherwise transferred to a subsequent landowner without a new conditional use permit;
 - d. A plot plan and parking/traffic plan shall be submitted, to address the following:
 - i. The property boundaries.
 - ii. Access to the property.
 - iii. Location of all structures on the subject property.
 - iv. Required parking spaces.
 - v. The parking/traffic plan shall show required parking and traffic flow. All parking/traffic plans shall be reviewed by the Roadmaster to determine traffic safety.
 - e. The industrial use is located in building or buildings not to exceed the floor area standards set forth in OAR 660-022-0030(11).
15. *Vacation rentals are subject to the following criteria:*
- a. *Must be found to be compatible with the surrounding area;*

- b. *Must be licensed by the Coos County Health Department in accordance with ORS 446.310-350;*
- c. *Approval shall vest exclusively with the owner of the land at the time of approval. The rental shall not be conveyed or otherwise transferred to a subsequent landowner without a new conditional use permit; and*
- d. *Must meet parking access, driveway and parking standards as identified in Chapter VII.*

SECTION 4.2.130 DEVELOPMENT AND USE STANDARDS:

1. **Development and use standards apply to all new development and creation of lots or parcels unless it meets the circumstances of § 5.6.130.**
2. Minimum Lot size:
 - a. The following minimum lot sizes shall apply:
 - i. Site having neither public water or public sewer – one acre.
 - ii. Sites having public water, but no public sewer – 8000 square feet.
 - iii. Sites having both public water and public sewer – 5000 square feet, except a two family duplex which requires 8000 square feet.
3. Dwelling unit density shall not exceed one unit per minimum lot size, except each additional attached dwelling unit requires 1200 additional square feet above the minimum lot size.
4. Minimum road frontage/lot width *unless waived by the Planning Director in consultation with the County Surveyor and County Roadmaster due to creating an unsafe or irregular configuration:*
 - a. Minimum Street Frontage: 50 feet
 - b. Minimum Lot Width and Depth: 50 feet
5. Front Setback: 20 feet.
6. Side and Rear Set-Back: The side and rear setback shall be a minimum of 5 feet unless the side or rear yard is adjacent to a street or road (corner lot) the minimum setback shall be 15 feet from that street or road.
7. Setback exception – Front yard setback requirements of this Ordinance shall not apply in any residential district where the average depth of existing front yards on developed lots within the same zoning district block, but no further than 250 feet from the exterior side lot lines of the lot and fronting on the same side of the street as such lot, is less than the minimum required front yard building setback. In such cases the front yard setback requirement on any such lot shall not be less than the average existing front yard building setback.
8. Maximum Building height is 35 feet. However, spires, towers, domes, steeples, flag poles, antennae, chimneys, solar collectors, smokestacks, ventilators or other similar objects may be erected above the prescribed height limitations, provided no usable floor space above the height limits is thereby added. Such over height object shall not be used for advertising of any kind.
9. Off-street access, parking and loading requirements per Chapter VII apply.
10. Riparian vegetation setback within 50 feet of a estuarine wetland, stream, lake or river, as identified on the Coastal Shoreland and Fish and Wildlife habitat inventory maps, shall be maintained except that:
 - a. Trees certified *as posing an erosion or safety hazard. Property owner is responsible for ensuring compliance with all local, state and federal agencies for the removal of the tree.* by one of the following Coos Soil and Water Conservation District, US Soil Conservation Service posing an erosion or safety hazard ~~may be removed to minimize said hazard;~~

- b. Riparian vegetation may be removed to provide direct access for a water-dependent use if it is a listed permitted within the zoning district;
- c. Riparian vegetation may be removed in order to allow establishment of authorized structural shoreline stabilization measures;
- d. Riparian vegetation may be removed to facilitate stream or stream bank clearance projects under a port district, ODFW, BLM, Soil & Water Conservation District, or USFS stream enhancement plan;
- e. Riparian vegetation may be removed in order to site or properly maintain public utilities and road right-of-ways;
- f. Riparian vegetation may be removed in conjunction with existing agricultural operations (e.g., to site or maintain irrigation pumps, to limit encroaching brush, to allow harvesting farm crops customarily grown within riparian corridors, etc.) provided that such vegetation removal does not encroach further into the vegetation buffer except as needed to provide an access to the water to site or maintain irrigation pumps; or
- g. The 50 foot riparian vegetation setback shall not apply in any instance where an existing structure was lawfully established and an addition or alteration to said structure is to be sited not closer to the estuarine wetland, stream, lake, or river than the existing structure and said addition or alteration represents not more than 100% of the size of the existing structure's "footprint".
- h. Riparian removal within the Coastal Shoreland Boundary will require a conditional use. See Special Development Considerations Coastal Shoreland Boundary.
- i. ***The 50' measurement shall be taken from the closest point of the ordinary high water mark to the structure using a right angle from the ordinary high water mark.***

RURAL RESIDENTIAL (RR)

Purpose and Intent: There are two RR zonings: Rural Residential-5 (RR-5) and Rural Residential-2 (RR-2). The only difference is the density requirements found in the development and use standards.

The purpose of the "RR-2" district is to provide for small acreage dwelling sites outside of Urban Growth Boundaries, where a moderate intensity of land development is appropriate, but where urban services and facilities may not be available or necessary. The "RR-2" district provides for continued existence of rural family life and to provide a transition of densities between urban development and exclusive agricultural and forestry uses.

The purpose of the "RR-5" district is to provide for acreage dwelling sites outside of Urban Growth Boundaries (UGB), where a moderate intensity of land development is appropriate, but where urban services and facilities may not be available. The "RR-5" district provides for the orderly development of rural land so as to encourage the continued existence of rural family life and to provide a transition of densities between urban development and exclusive agricultural or forestry uses.

SECTION 4.2.200 DEVELOPMENT AND USES PERMITTED:

The following uses and their accessory uses are permitted outright in the RR zoning:

1. Agricultural uses (farm) and buildings pursuant to ORS 215.203. Agricultural building may only be permitted on property or tract has to be at least 5 acres and has to meet the definition under Section 2.1.200.
2. Commercial seasonal product sales in conjunction with farm or forest use. Seasonal product sales for a time period not to exceed forty-five (45) days, subject to renewal.

3. Passive Restoration.
4. Forestry, including propagation, management or harvesting of a forest product.
5. Exploration, but not extraction for geo-thermal energy, aggregate and other mineral or subsurface resource, ***subject to the following:***
 - a. All drill holes shall be filled and capped according to the following standards, and bonds to secure performance of this obligation shall be required as follows:
 - i. The applicant shall provide the Coos County Watermaster with the location of each hole by township, range, section and driller's identification number of all holes drilled.
 - ii. A plot plan showing these locations will be furnished to the Watermaster.
 - iii. The applicant shall seal all test holes from the bottom within 2 feet of land surface with cement, native clay, betonies mixture (e.g., "Sure-Gel", Aqua Gel") of 9 pounds to 9-1/2 pounds of betonies per gallon of water.
 - iv. If artesian flows are encountered, the test hole will be:
 - 1) Abandoned according to the following abandonment procedures:
ABANDONMENT OF ARTESIAN EXPLORATION HOLES. The flow of artesian exploration holes to be abandoned shall be confined or restricted by cement grout applied under pressure, or by the use of a suitable well packer, or a wooden or cast lead plug placed at the bottom of the confining formation immediately above the artesian water-bearing zone. Cement grout or concrete shall be used to effectively fill the exploration hole to land surface. or
 - 2) Developed for use of the artesian flow by a water well driller who is properly licensed and bonded by the State of Oregon.
 - v. If unusual conditions occur at a test hole site and compliance to the above standards will not result in a satisfactorily abandoned hole, the driller shall request that special standards be prescribed by the Watermaster for the particular hole.
 - vi. The applicant shall notify the County Watermaster prior to the abandonment of all test holes, drill holes, exploration holes, etc. As used in this section the term 'abandonment' shall mean the act of filling any hole with the required sealing material.
 - vii. In addition to complying with the procedures outlined above, the applicant shall post a surety bond in the amount of five thousand (\$5,000.00) dollars for each hole drilled or a bond for fifty thousand (\$50,000.00) dollars to cover all test holes. The surety bond shall be filed with the Board of Commissioners, and may be written by a surety company duly licensed by and authorized to do business in the State of Oregon. The release of such bond shall be conditioned upon the successful capping of all holes according to the procedure described above.
 - viii. Although it is recommended that the test hole be sealed prior to moving the drilling rig, in no case shall the drill hole be left open for more than five (5) days after the drilling rig is moved off the test hole without prior approval of the County's designated representative.
 - b. The applicant shall be required to construct a catch basin around each drilling site to retain any possible run-off.
 - c. Abandonment procedure:
 - i. At the discretion of the County's appointed representative (usually, the district Watermaster), this representative may require that the exploration hole abandonment not begin until he is present at the site.

- ii. In the event that paragraph "i" above, is implemented, the County's appointed representative may, if he is unable to be present during abandonment, otherwise authorize abandonment. This authorization may be given verbally by telephone.
 - iii. The County's appointed representative may require that the exploration hole be abandoned with cement grout.
- 6. Low-Intensity Recreation uses that do not require developed facilities and can be accommodated without change to the area or resource. For example, boating, hunting, hiking, wildlife photography, and beach or shore activities can be low-intensity recreation.
- 7. Fish & wildlife habitat management
- 8. Residential:
 - a. Single family dwelling.
 - b. Family or medical hardship dwelling:

The applicant must submit certification from a qualified physician *or nurse practitioner* stating what the hardship is and that the person requiring the hardship dwelling must live close to someone due to the nature of the hardship. The use is subject to the following conditions:

 - i. The dwelling must be a mobile home, recreational vehicle, *or existing building* used temporarily during the medical hardship relating to the aged, infirmed, or persons incapable of maintaining a complete separate residence.
 - ii. The temporary use shall use the same subsurface sewage disposal system used by the existing dwelling, if that disposal system is adequate to accommodate the additional dwelling. If a public sanitary sewer system is used, such condition will not be required.
 - iii. Within three months of the end of the hardship, the manufactured dwelling shall be removed or demolished or, in the case of an existing building, the building shall be removed, demolished, or returned to an allowed nonresidential use.
 - iv. Every two years the Planning Director shall review the permit authorizing such temporary hardship dwellings. However, it is the applicant's responsibility to notify the Planning Director of the continuation of this use.
 - c. Temporary residence - Mobile home, travel trailer or recreational vehicle used as a dwelling temporarily during construction of a permitted structure. ~~Duration~~ Temporary use not to exceed one (1) year, subject to renewal.
 - d. Two Family duplex may be permitted, provided the density of units do not exceed the allowable density of the zoning district.
 - e. *Floating Home permitted in the Rural Residential zones that abut lakes. "Floating home" means a moored structure that is secured to a pier or pilings and is used primarily as a domicile and not as a boat. This requires a permit from Department of State Lands.*
 - f. *Recreation Vehicles may be used as a dwelling under the following circumstances:*
 - i. *Short-term guest visits on a lot or parcel containing a dwelling. The stay shall not exceed 60 days in a calendar year.*
 - ii. *While camping of up to 45 days per calendar year. The camper shall own the subject property or is a member of the immediate family or the owner of the subject property.*
- 9. Residential Care Home/Facility shall be allowed in any authorized dwelling.
- 10. Home occupation - The County shall review a permit allowing a home occupation ~~or cottage industry~~ every 12 months following the date the permit was issued and may

continue the permit if the use continues to comply with the requirements of the use's definition.

11. Fire Station
12. Service lines to support a utility facility.
 - a. A circuses and carnivals may be permitted provided they have suitable on-site capacity for vehicular parking and sanitation facilities for a temporary period, not to exceed ten (10) days.
 - b. Requires a letter of authorization from the Coos County Health Department.**
 - c. Requires a traffic/parking plan to be reviewed by the County Roadmaster. If access is off of a state facility, then ODOT must issue an access permit.**
13. Asphalt/concrete portable plant is permitted temporarily not to exceed 30 days.
14. Dikes – new and maintenance/repair, drainage & tide gates, dredge material disposal, fill, and mitigation
15. Structural stabilization – Non-structural
16. Day care facility with 12 or fewer persons. More than 12 persons require a conditional use (see Section 4.2.210).
17. **Photovoltaic Cells. The installation and use of a solar photovoltaic energy system or a solar thermal energy system shall be allowed if:**
 - a. The installation of a solar energy system can be accomplished without increasing the footprint of the residential structure or the peak height of the portion of the roof on which the system is installed; and**
 - b. The solar energy system would be mounted so that the plane of the system is parallel to the slope of the roof (ORS 215.439)**

The solar energy system may be sited on the ground. Must comply with the same setback requirements listed in the development standards.

SECTION 4.2.210 ADMINISTRATIVE CONDITIONAL DEVELOPMENT AND USE:

The following uses and their accessory uses are permitted in the RR zones as an administrative conditional use permit procedure subject to applicable development standards.

1. Cottage industry:
 - a. The proposed use must be found compatible with surrounding uses or may be made compatible through the imposition of conditions.
 - b. The County shall review a permit allowing a ~~home occupation~~ or cottage industry every 12 months following the date the permit was issued and may continue the permit if the use continues to comply with the requirements of the use's definition.
 - c. The commercial use is located in building or buildings not to exceed 2,500 square feet of floor area.
2. **Guest House. An auxiliary residence constructed on property when the following conditions are met:**
 - a. The parcel on which the guest house is placed meets the minimum lot size for the zoning district.**
 - b. Only one guest house per legal parcel.**
 - c. The guest house is no more than 500 square feet in size or 30% of the square footage of the primary dwelling.**
 - d. The guest house can be a manufactured structure (park model) or conventional built.**
 - e. Shall not be used as a rental unit.**
 - f. Is attached to or within 100 feet of the main residence. and**
 - g. Is served by the same domestic water system, sewage system and utility meters as the main residence.**
3. Land Divisions (Partition/Subdivision):

- a. Each parcel or lot shall meet the minimum lot/parcel size and development standards unless it is a residual of resource (Farm or Forest) land division.
 - b. Must comply with the requirements of Chapter VI for land divisions.
 - c. Notice will be sent as required by Chapter 5.0.
 - d. Final Plat is a ministerial review.
4. Residential Planned Unit Development:
- a. The use may be permitted provided the use conforms with the following criteria and findings:
 - i. The proposed use is compatible with surrounding uses or may be made compatible to surrounding uses through the imposition of conditions.
 - ii. That the location, size, design, and uses are consistent with the County Comprehensive Plan.
 - iii. That the location, design, and size are such that the development can be self integrated with its surroundings and, in the case of a departure in character from surrounding land uses, that the location and design will reduce the impact of the development.
 - iv. That the location, design, size, and land uses are such that the traffic generated by the development can be accommodated safely and without congestion on existing or planned arterial or collector streets and will, in the case of commercial developments within the PUD avoid as much as possible traversing local streets.
 - v. That the location, design, size, and land uses are such that the residents or establishments to be accommodated will be adequately served by existing facilities and services or by facilities and services which are planned for construction within a time period that is deemed reasonable.
 - b. Residential Planned Unit Development - Maintenance Standards and Principles Minimum Sized Area for Developments. A Planned Unit Development shall be of sufficient size to allow the objectives and standards of this Section to be met and shall, as a minimum, comply with the following:
 - i. The minimum size for a tract of land to be developed as a Planned Unit Development (PUD) shall be not less than five (5) contiguous acres and of such configuration as to be conducive to a Planned Unit Development. or
 - ii. A Planned Unit Development application may be filed on a tract of land less than five (5) contiguous acres but no approval shall be given to such application unless Coos County determines, upon a showing by the applicant, that the minimum size required in paragraph "i" above should be waived if one or more of the following conditions exist:
 - 1) Unusual physical features of the property or of the neighborhood in which it is located, a substantial deviation from the regulations otherwise applicable is necessary or appropriate in order to conserve a resource or amenity, such as aesthetic vegetation, etc.
 - 2) The property or its neighborhood has historical character of economic importance to the community that could be protected by use of a Planned Unit Development.
 - a) The property is adjacent to property which has been officially approved, developed or redeveloped as a Planned Unit Development on the subject property can be effectively integrated with the existing PUD.
 - b) The property is determined to be an isolated problem area that has been bypassed in the course of development and for which a

Planned Unit Development is determined to be the most feasible method of developing said area.

- c. Must comply with the requirements of Chapter VI for land divisions.
 - d. Notice will be sent as required by Chapter 5.0.
 - e. Final Plat is a ministerial review.
5. Modification of historical structure shall meet the criteria found in Section 4.11.125(3)(a) as well as any applicable development standards of the zoning district.
 6. Cemetery may be permitted if the proposed use ~~must~~ *can* be found compatible with surrounding uses or may be made compatible through the imposition of conditions.
 7. Utility communication structures may be permitted if the proposed use ~~must~~ *can* be found compatible with surrounding uses or may be made compatible through the imposition of conditions.
 8. Utility facility aids for air and water navigation may be permitted if the proposed use ~~must~~ *can* be found compatible with surrounding uses or may be made compatible through the imposition of conditions.
 9. Sewer, water plant and/or pump station may be permitted if the proposed use ~~must~~ *can* be found compatible with surrounding uses or may be made compatible through the imposition of conditions.
 10. Shoreland structural stabilization is subject to Natural Hazards Policy 5.11 as explained in this subsection. ***Coos County shall promote protection of valued property from risks associated with critical stream bank and ocean front erosion through necessary erosion-control stabilization measures, preferring nonstructural solutions where practical. Coos County shall implement this strategy by making "Consistency Statements" required for state and federal permits (necessary for structural stream bank protection measures) that support structural protection measures when the applicant establishes that non-structure measures either are not feasible or inadequate to provide the necessary degree of protection. This strategy recognizes the risks and loss of property from unabated critical stream bank erosion, and also, that state and federal agencies regulate structural solutions. A flood elevation certificate is required for a stabilization which will occur in the identified flood hazard area.***
 11. Day care facility (13 or more persons) may be permitted if the proposed use ~~must~~ *can* be found compatible with surrounding uses or may be made compatible through the imposition of conditions.
 12. Research & education observation structures may be permitted if the proposed use is found to be compatible with surrounding uses or may be made compatible through the imposition of conditions.
 13. Winery:
 - a. May be permitted if the proposed use ~~must~~ *can* be found compatible with surrounding uses or may be made compatible through the imposition of conditions.
 - b. This use shall be allowed only where findings establish that the use will not:
 - i. force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use.
 - ii. Significantly increase the cost of accepted farm or forest practices on surrounding lands devoted for farm or forest use.
 - iii. This review standard may be satisfied by the imposition of conditions provided that such conditions are clear and objective. [Reference: ORS 215.283(2) and 215.296 (1 & 2)] [OR-92-07-012PL].
 - c. Wineries in the rural residential zones shall allow only the sale of:
 - i. Wines produced in conjunction with the winery. and

- ii. Items directly related to wine, the sales of which are incidental to retail sale of wine on-site. Such items include those served by a limited services restaurant, as defined in ORS 624.010 (OR 04-1-002PL 6-30-04).
 - d. The commercial use is located in building or buildings not to exceed the floor area standards set forth in OAR 660-022-0030(10). New commercial structures authorized outside a UCB or UGB shall not exceed 3,500 square feet of floor area. (04-04-005PL 9/1/04)
- 14. Mining/mineral exploration, including dredging necessary for mineral extraction of geo-thermal energy, other minerals, aggregate or subsurface resources. The following conditions shall be included in any conditional use permit for exploration for subsurface mineral resource:
 - a. All drill holes shall be filled and capped according to the following standards, and bonds to secure performance of this obligation shall be required as follows:
 - i. The applicant shall provide the Coos County Watermaster with the location of each hole by township, range, section and driller's identification number of all holes drilled.
 - ii. A plot plan showing these locations will be furnished to the Watermaster.
 - iii. The applicant shall seal all test holes from the bottom within 2 feet of land surface with cement, native clay, betonies mixture (e.g., "Sure-Gel", Aqua Gel") of 9 pounds to 9-1/2 pounds of betonies per gallon of water.
 - iv. If artesian flows are encountered, the test hole will be:
 - 1) Abandoned according to the following abandonment procedures: ABANDONMENT OF ARTESIAN EXPLORATION HOLES. The flow of artesian exploration holes to be abandoned shall be confined or restricted by cement grout applied under pressure, or by the use of a suitable well packer, or a wooden or cast lead plug placed at the bottom of the confining formation immediately above the artesian water-bearing zone. Cement grout or concrete shall be used to effectively fill the exploration hole to land surface. or
 - 2) Developed for use of the artesian flow by a water well driller who is properly licensed and bonded by the State of Oregon.
 - v. If unusual conditions occur at a test hole site and compliance to the above standards will not result in a satisfactorily abandoned hole, the driller shall request that special standards be prescribed by the Watermaster for the particular hole.
 - vi. The applicant shall notify the County Watermaster prior to the abandonment of all test holes, drill holes, exploration holes, etc. As used in this section the term 'abandonment' shall mean the act of filling any hole with the required sealing material.
 - vii. In addition to complying with the procedures outlined above, the applicant shall post a surety bond in the amount of five thousand (\$5,000.00) dollars for each hole drilled or a bond for fifty thousand (\$50,000.00) dollars to cover all test holes. The surety bond shall be filed with the Board of Commissioners, and may be written by a surety company duly licensed by and authorized to do business in the State of Oregon. The release of such bond shall be conditioned upon the successful capping of all holes according to the procedure described above.
 - viii. Although it is recommended that the test hole be sealed prior to moving the drilling rig, in no case shall the drill hole be left open for more than five (5) days after the drilling rig is moved off the test hole without prior approval of the County's designated representative.

- b. The applicant shall be required to construct a catch basin around each drilling site to retain any possible run-off.
- c. Abandonment procedure:
 - i. At the discretion of the County's appointed representative (usually, the district Watermaster), this representative may require that the exploration hole abandonment not begin until he is present at the site.
 - ii. In the event that paragraph "i" above, is implemented, the County's appointed representative may, if he is unable to be present during abandonment, otherwise authorize abandonment. This authorization may be given verbally by telephone.
 - iii. The County's appointed representative may require that the exploration hole be abandoned with cement grout.

SECTION 4.2.220 HEARINGS BODY CONDITIONAL DEVELOPMENT AND USE:

The following uses and their accessory uses are permitted in the RR zones as a hearings body conditional use permit procedure subject to applicable development standards: All hearings body development and uses with the exception of recreational PUD, **may** be permitted if the proposed use ~~must~~ **can** be found compatible with surrounding uses or may be made compatible through the imposition of conditions. Additional applicable criteria will be listed out under the proposed uses.

1. Commercial veterinary clinic and/or kennel.
2. Contaminated soil/land farming in conjunction with restoration
3. Primary processing of forest products. A facility for the primary processing of forest products, provided that such facility is not found to interfere seriously with accepted farming practices and is compatible with farm uses described in ORS 215.203(2). Such a facility may be approved for a one-year period which is renewable. These facilities are intended to be only portable or temporary in nature. The primary processing of a forest product, as used in this section, means the use of a portable chipper or stud mill or other similar methods of initial treatment of a forest product in order to enable its shipment to market. Forest products, as used in this section, means timber grown upon a parcel of land or contiguous land where the primary processing facility is located.
4. Mining/mineral extraction, including dredging necessary for mineral extraction for geo-thermal energy or aggregate. Mining/mineral extraction is restricted to subsurface activity only.
5. Golf course.
6. Hunting and/or fishing preserve.
7. Recreational Vehicle Parks. Notwithstanding any other Ordinance provision, Recreational Vehicular Parks shall be subject to requirements set-forth in Oregon Administrative Rule (OAR) 918-650-0000 through 918-650-0085.
 - a. Must be a lot, parcel or tract of land upon which two (2) or more recreational vehicle sites are located, established or maintained for occupancy by recreational vehicles of the general public as temporary living quarters for recreational or vacation purposes.
 - b. The park shall contain recreational vehicle sites. Recreational vehicle sites are a plat of ground within the park designed to accommodate a recreational vehicle on a temporary basis.
 - c. ***Shall include the submittal of a preliminary plot plan drawn as specified by OAR Division 650.***
 - d. ***Every RV Park shall provide an ornamental, sight-obscuring fence, wall, evergreen or other suitable screening/planning along all boundaries of the park site abutting public roads or property lines that are common to other owners of property, except for points of ingress and egress.***
 - e. ***Walls or fences shall be six feet in height except in the area of ingress and egress. This area shall be subject to Section 7.1.525. Evergreen planting shall***

not be less than five feet in height, and shall be maintained in a healthy living condition for the life of the RV Park. All walls, fences and evergreen planting shall be approved by the Planning Commission.

- f. All open areas or common areas shall be landscaped. Landscaping shall consist of lawns and/or ornamental plantings.*
 - g. A parking plan must be signed off by the Roadmaster. Regulation for parking can be found in Chapter VII.*
8. High-Intensity Recreation uses specially built facilities, or occurs in such density or form that it requires or results in a modification of the area or resource. Campgrounds, golf courses, public beaches, and marinas are examples of high-intensity recreation.
9. Bed & Breakfast:
- a. A bed and breakfast facilities shall be subject to the following conditions:
 - i. All "bed and breakfast facilities" shall be established within the primary residence.
 - ii. Breakfast shall be the only meal served to overnight paying guests.
 - iii. No cooking facilities shall be permitted in any rented room.
 - iv. The maximum number of rooms, which may be rented shall not exceed four (4).
 - v. Off-street parking shall be provided as follows:
 - 1) Two spaces for the owner/occupant, plus 1 space for each additional bedroom.
 - 2) A plot plan and a parking/traffic plan shall be submitted, to address the following:
 - a) The property boundaries.
 - b) Access to the property.
 - c) Location of all structures on the subject property.
 - d) Required parking spaces.
 - e) The parking/traffic plan shall show required parking and traffic flow. All parking/traffic plans shall be reviewed by the Roadmaster to determine traffic safety.
 - 3) One (1) non-illuminated sign shall be permitted not to exceed six (6) square feet of copy area (the words "hotel or motel" shall not be used).
 - 4) A "bed and breakfast facility" must be conducted in such a manner so as not to give an outward appearance or outwardly manifest any characteristic of a motel, hotel, or other business.
10. *Vacation rentals are subject to the following criteria:*
- a. Must be licensed by the Coos County Health Department in accordance with ORS 446.310-350;*
 - b. Approval shall vest exclusively with the owner of the land at the time of approval. The rental shall not be conveyed or otherwise transferred to a subsequent landowner without a new conditional use permit; and*
 - c. Must meet parking access, driveway and parking standards as identified in Chapter VII.*
11. Recreational Planned Unit Development in the RR-5 (see administrative for RR-2):
- a. This application does not have to comply with the compatibility standard.
 - b. The following criteria shall also be met prior to approval of an R-PUD:
 - i. The area proposed as a Recreation 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. That the location, design, and size are such that the development can be well integrated with its surroundings, and, in the case of a departure in character

- from surrounding land uses, that the location and design will reduce the impact of the development.
- iii. That the location, design, size, and land uses are such that traffic generated by the development can be accommodated safely and without congestion on existing or planned arterial or collector streets and will, in the case of commercial developments within the PUD, avoid as much as possible traversing local streets.
 - iv. That the location, design, size, and land uses are such that the residents or establishments to be accommodated will be adequately served by existing facilities and services or by facilities and services which are planned for construction within a time period that is deemed reasonable.
 - v. The proposed R-PUD is compatible with surrounding uses or may be made compatible to surrounding uses through the imposition of conditions.
 - vi. Where the proposed R-PUD is located within an urban unincorporated area, the proposed development shall be consistent with the requirements of OAR 660-02-0030. [OR 04-09-010PL 1/19/05].
 - a. Must comply with the requirements of Chapter VI for land divisions.
 - b. Notice will be sent as required by Chapter 5.0.
 - c. Final Plat is a ministerial review.
12. Mobile home Parks (new and modifications) must comply with the following:
- a. ***Notwithstanding any other Ordinance provision, manufactured dwelling parks shall be subject to requirements set-forth in Oregon Administrative Rule (OAR) 918-600-005 through 918-600-0095, ORS Chapter 466, and “Rules and Regulations Governing the Construction and Statutory Operation of Travelers’ Accommodation and Tourist Parks,” adopted by the Oregon State Board of Health. However the provisions of this ordinance shall prevail where said provisions are more stringent than those imposed by state law, rules or regulations. A manufactured dwelling park shall be located on a lot or parcel which meets the minimum required to accommodate the density of the zoning district.***
 - b. ***A preliminary plan to be drawn as specified by OAR Division 600. The submitted plan shall include setbacks as required by the Oregon Manufactured Dwelling Standard In-Park Fire Separation Matrix (Table 903).***
 - c. ***Landscaping and Design***
 - i. ***The landscape shall be such to minimize soil erosion and lessen the visual impact. Every mobile home park shall provide an ornamental, sight-obscuring fence, wall, evergreen or other suitable screening/planning along all boundaries of the park site abutting public roads or property lines that are common to other owners of property, except for points of ingress and egress. All open areas or common areas shall be landscaped. Landscaping shall consist of lawns and/or ornamental plantings;***
 - ii. ***Any grade changes shall be in keeping with the general appearance of neighboring developed areas.***
 - iii. ***Special attention shall be given to proper site surface drainage so that removal of surface waters will not adversely affect neighboring properties, the public storm drainage system, or create environmental problems.***
 - iv. ***Exposed storage areas, service areas, utility buildings and structures and similar accessory areas and structures shall be subject to such setbacks, screen plantings or other screening methods as shall be reasonably***

required to prevent their being incompatible with the existing or contemplated environment and the surrounding properties.

- d. Walls or fences shall be six feet in height except in the area of ingress and egress. This area shall be subject to Section 7.1.525. Evergreen planting shall not be less than five feet in height, and shall be maintained in a healthy living condition for the life of the mobile home park. All walls, fences and evergreen planting shall be approved by the Planning Commission.*
- e. A parking plan must be signed off by the Roadmaster. Regulation for parking can be found in Chapter VII.*
- 13. Schools without dormitories are permitted in RR-5 zoning subject to the compatibility review standard.
- 14. Schools with dormitories are only permitted in the RR-2 within an acknowledged unincorporated community boundary subject to the compatibility review standards.
- 15. House of worship.
- 16. Utility facility for the purpose of generating power.
- 17. Community center including grange or lodge. Community centers and lodges are not allowed outside an unincorporated community.
- 18. Personal use airport/heliport.
- 19. Aero club.
- 20. Commercial parking lots.
- 21. Alcohol treatment center.
- 22. Medical – rest home.

SECTION 4.2.300 DEVELOPMENT AND USE STANDARDS FOR THE RR ZONES.

- 1. Development and use standards apply to all new development and creation of lots or parcels unless it meets the circumstances of § 5.6.130.**
- 2. Minimum Lot Size:
 - a. 5 acres in the RR-5 district
 - b. 2 acres in the RR-2 district
 - c. Exception to minimum lot sizes in Rural Residential:
 - i. Smaller parcels may be permitted in an approved residential planned unit development, provided the allowable density of the parent parcel is not exceeded.
 - ii. Any lawfully created parcel or lot created prior to January 1, 1986 that is equal to or greater than one acre. Multiple parcels or lots may be combined to equal one acre but then a restriction shall be placed on the deed and parcels and/or lots shall be combined into one tax lot.
 - iii. *Any lawfully created parcel or lot created prior to January 1, 1986 that does not equal one acre including the combination of parcels or lots shall be subject to a conditional use to address compatibility with the adjacent properties and must show how the property can support all elements of the proposed development including sanitation and water.).*
 - iv. *Creation of parcels less than the minimum lot size of the zoning district shall be permitted provided the following circumstances exist:*
 - 1) *The subject property is not zoned for resource use.*
 - 2) *An existing dwelling (lawfully or grandfathered, but not for temporary purposes) sited prior to January 1, 1986 will remain sited on each proposed parcel.*
 - 3) *A land division is submitted and approved by Coos County pursuant to the current standards. and*

4) If the development is proposed to be located on a lot or parcel or a combination of lots and parcels less than one acre then a conditional use will be required to address compatibility with the adjacent properties and it must be shown how the property can support all elements of the proposed development including sanitation and water.

3. Setbacks:
 - a. All buildings or structures with the exception of fences shall be set back a minimum of thirty-five (35) feet from any road right-of-way centerline, or five (5) feet from the right-of-way line, whichever is greater.
 - b. Firebreak: New or replacement dwellings on lots, parcels or tracts abutting the “Forest” zone shall establish and maintain a firebreak, for a distance of at least 30 feet in all directions. Vegetation within this firebreak may include mowed grasses, low shrubs (less than ground floor window height), and trees that are spaced with more than 15 feet between the crowns and pruned to remove dead and low (less than 8 feet from the ground) branches. Accumulated needles, limbs and other dead vegetation should be removed from beneath trees. [ORD 95-05-006PL 11/29/95]
4. Fences, Hedges, and Walls: No requirement, but vision clearance provisions of Section 7.1.525 apply.
5. Off-street Parking and Loading requirements are found in Chapter VI.
6. Minimum road frontage/lot width unless ***waived by the Planning Director in consultation with the County Surveyor and County Roadmaster due to creating an unsafe or irregular configuration:***
 - a. ***Minimum lot width: 50 feet***
 - b. ***Minimum road frontage: 30 feet***
7. Any applicant for a rural residential building or septic permit adjacent to a forest or agriculture zone shall sign a statement on the Zoning Clearance Letter acknowledging that: “the normal intensive management practices occurring on adjacent resource land will not conflict with the rural residential landowner’s enjoyment of his or her property.”
8. Riparian Vegetation Protection. Riparian vegetation within 50 feet of a estuarine wetland, stream, lake or river, as identified on the Coastal Shoreland and Fish and Wildlife habitat inventory maps, shall be maintained except that:
 - a. Trees certified ***as posing an erosion or safety hazard. Property owner is responsible for ensuring compliance with all local, state and federal agencies for the removal of the tree.*** ~~by one of the following Coos Soil and Water Conservation District, US Soil Conservation Service posing an erosion or safety hazard may be removed to minimize said hazard;~~
 - b. Riparian vegetation may be removed to provide direct access for a water-dependent use if it is a listed permitted within the zoning district;
 - c. Riparian vegetation may be removed in order to allow establishment of authorized structural shoreline stabilization measures;
 - d. Riparian vegetation may be removed to facilitate stream or stream bank clearance projects under a port district, ODFW, BLM, Soil & Water Conservation District, or USFS stream enhancement plan;
 - e. Riparian vegetation may be removed in order to site or properly maintain public utilities and road right-of-ways;
 - f. Riparian vegetation may be removed in conjunction with existing agricultural operations (e.g., to site or maintain irrigation pumps, to limit encroaching brush, to allow harvesting farm crops customarily grown within riparian corridors, etc.)

provided that such vegetation removal does not encroach further into the vegetation buffer except as needed to provide an access to the water to site or maintain irrigation pumps; or

- g. The 50 foot riparian vegetation setback shall not apply in any instance where an existing structure was lawfully established and an addition or alteration to said structure is to be sited not closer to the estuarine wetland, stream, lake, or river than the existing structure and said addition or alteration represents not more than 100% of the size of the existing structure's "footprint".
 - h. Riparian removal within the Coastal Shoreland Boundary will require a conditional use. See Special Development Considerations Coastal Shoreland Boundary.
9. Shall meet road and driveway standards in Chapter VII.

ARTICLE 4.3 – MIXED RESIDENTIAL/COMMERCIAL ZONING DISTRICTS

These zoning districts are mixed residential commercial zoning districts.

CONTROLLED DEVELOPMENT (CD)

Purpose and Intent: There are two different controlled development zoning districts: Controlled Development-5 (CD-5) and Controlled Development-10 (CD-10).

The purpose of the "CD-5" district is to recognize the scenic and unique quality of selected areas within Urban Growth Boundaries, to enhance and protect the unique "village atmosphere," to permit a mix of residential, commercial, and recreational uses and to exclude those uses which would be inconsistent with the purpose of this district, recognizing tourism as a major component of the County's economy.

The purpose of the "CD-10" district is to recognize the scenic and unique quality of selected areas within Urban Growth Boundaries, to enhance and protect the unique "village atmosphere," to permit a mix of residential, commercial, and recreational uses and to exclude those uses which would be inconsistent with the purpose of this district, recognizing tourism as a major component of the County's economy.

SECTION 4.3.100 DEVELOPMENT AND USE PERMITTED: The following uses and their accessory uses are permitted outright in the Controlled Development (CD) districts.

1. Residential

- a. Single family dwelling (conventional, mobile and manufactured)
- b. Two Family duplex may be permitted provided the density of units do not exceed the allowable density of the zoning district.
- c. Temporary residence - Mobile home, travel trailer or recreational vehicle used as a dwelling temporarily during construction of a permitted structure. Temporary use not to exceed one (1) year, subject to renewal.
- d. Family or medical hardship dwelling. The applicant must submit the following information certification from a qualified physician *or nurse practitioner* stating what the hardship is and that the person requiring the hardship dwelling must live close to someone due to the nature of the hardship. The use is subject to the following conditions:
 - i. The dwelling must be a mobile home, recreational vehicle, *or existing building* used temporarily during the medical hardship relating to the

aged, infirmed, or persons incapable of maintaining a complete separate residence.

- ii. The temporary use shall use the same subsurface sewage disposal system used by the existing dwelling, if that disposal system is adequate to accommodate the additional dwelling. If a public sanitary sewer system is used, such condition will not be required.
 - iii. Within three months of the end of the hardship, the manufactured dwelling shall be removed or demolished or, in the case of an existing building, the building shall be removed, demolished, or returned to an allowed nonresidential use. and
 - iv. Every two years the Planning Director shall review the permit authorizing such temporary hardship dwellings. However, it is the applicant's responsibility to notify the Planning Director of the continuation of this use.
2. Residential Care Home/Facility shall be allowed in any authorized dwelling.
 3. Home occupation - The County shall review a permit allowing a home occupation ~~or cottage industry~~ every 12 months following the date the permit was issued and may continue the permit if the use continues to comply with the requirements of the use's definition. A home occupation is defined as a business that is operated entirely within a dwelling by a member of the family residing in the dwelling. Home occupations shall not employ more than five (5) full or part-time persons. Examples of home occupations include but are not limited to: beauty shops, engravers, professional offices, etc.

Home occupations must not interfere with existing uses on nearby land or with other uses permitted in the zone in which the property is located. Home occupations shall not involve the retail sale of a product on the premises. Home occupations shall not occupy more than 30% of the useable floor area of the dwelling, nor shall home occupations use any detached accessory building. On premise signs advertising home occupations shall not exceed six (6) square feet of copy area. [OR 04 12 013PL 2/09/05]

4. Service lines in conjunction with a utility facility.
5. Communication structures.
6. Sewer/water plant/pump station.
7. Agricultural uses (farm) and buildings pursuant to ORS 215.203, but not for profit.
8. Dikes – new and maintenance/repair, drainage & tide gates, dredge material disposal, fill and mitigation
9. Shoreland Stabilization both non-structural and structural.
10. Circus/Carnival:
 - a. Circuses and carnivals may be permitted provided they have suitable on-site capacity for vehicular parking and sanitation facilities for a temporary period, not to exceed ten (10) days.
 - b. **Requires a letter of authorization from the Coos County Health Department.**
 - c. **Requires a traffic/parking plan to be reviewed by the County Roadmaster. If access is off of a state facility, then ODOT must issue an access permit.**
 - d. ~~The commercial use is located in building or buildings not to exceed the floor area standards set forth in OAR 660-022-03300(10). New commercial structures authorized outside of UCB or UGB shall not exceed 3,500 square feet of floor area.~~
11. Day care facility 12 or fewer persons. If more than 13 persons then a conditional use is required. (see Section 4.3.110)

12. Passive Restoration.
13. ***Photovoltaic Cells. The installation and use of a solar photovoltaic energy system or a solar thermal energy system shall be allowed if:***
 - a. ***The installation of a solar energy system can be accomplished without increasing the footprint of the residential structure or the peak height of the portion of the roof on which the system is installed; and***
 - b. ***The solar energy system would be mounted so that the plane of the system is parallel to the slope of the roof (ORS 215.439)***

The solar energy system may be sited on the ground. Must comply with the same setback requirements listed in the development standards.

SECTION 4.3.110 ADMINISTRATIVE CONDITIONAL DEVELOPMENT AND USE:

The following uses and their accessory uses are permitted in the CD zones as an administrative conditional use permit procedure subject to applicable development standards. All conditional development and uses may be permitted if the proposed use ~~must~~ **can** be found compatible with surrounding uses or may be made compatible through the imposition of conditions applicable additional criteria will be listed out under the individual proposed uses:

1. Eating and Drinking Establishments including bakery, catering, confectionery, delicatessen, taverns, lounges and restaurants. The commercial use is located in building or buildings not to exceed the floor area standards set forth in OAR 660-022-03300(10). New commercial structures authorized outside of UCB or UGB shall not exceed 3,500 square feet of floor area.
2. Second floor apartment shall be permitted only if in conjunction with a permitted or conditionally permitted use.
3. Financial institutions such as banks, insurance agents, real estate, loan companies and brokers. The commercial use is located in building or buildings not to exceed the floor area standards set forth in OAR 660-022-03300(10). New commercial structures authorized outside of UCB or UGB shall not exceed 3,500 square feet of floor area.
4. Personal Service Establishments including laundry, dry cleaners, barber and beauty shops, spa, massage, shoe repair, photographic studios, entertainment/dancing theaters
5. Professional Offices including governmental, medical, dental and veterinary clinic/offices which do not include boarding facilities other than for immediate critical care.
6. Retail Businesses including antiques, art, bicycle shop, books sales/repair, building supply, carpet sales/services, clothing, drug store, dry goods, electronic sales/service, equipment rental, feed store, fertilizer bulk sales, florist, furniture store, garden supply/sales, gift, glass, grocery, hardware, hobby, leather goods, locksmith, meat cutting/sales (not including slaughter house or stockyard), music, nurseries, office supply, pet shop, photography, picture frame, pottery & ceramics shop, print shop, re-upholstery shop, sales of cabinet, sales/manufacturing myrtle wood products, secondhand, sporting goods, stationery, and variety.
7. Aero sales, repair and storage, including retail commercial dependent upon air transportation, air cargo warehousing and distribution facilities, air operations facilities, aerial related offices, aero school, and aero clubs.
8. Air and water navigation aids.
9. ***Guest House. An auxiliary residence constructed on property when the following conditions are met:***
 - a. ***The parcel on which the guest house is placed contains 1.5 acres.***
 - b. ***Only one guest house per legal parcel.***

- c. *The guest house is no more than 500 square feet in size or 30% of the total square footage of the primary dwelling.*
 - d. *The guest house can be a manufactured structure (park model) or conventional built.*
 - e. *Cannot be used as a rental unit.*
 - f. *Is attached to or within 100 feet of the main residence. and*
 - g. *Is served by the same domestic water system, sewage system and utility meters as the main residence.*
10. *Vacation rentals are subject to the following criteria:*
- a. *Must be licensed by the Coos County Health Department in accordance with ORS 446.310-350;*
 - b. *Approval shall vest exclusively with the owner of the land at the time of approval. The rental shall not be conveyed or otherwise transferred to a subsequent landowner without a new conditional use permit; and*
 - c. *Must meet parking access, driveway and parking standards as identified in Chapter VII.*
11. Cottage Industry which are defined as home occupations that are operated by a resident of the subject property, occupying a detached accessory building. Cottage industries should not employ more than five (5) full or part-time persons. Cottage industries must not interfere with existing uses on nearby land or with other uses permitted in the zone in which the property is located. Cottage industries shall not involve the retail sale of a product on the premises. On premise sign advertising cottage industries shall not exceed six (6) square feet of copy area. A cottage industry shall comply with the following:
- a. Compatibility as explained in the opening statement. and
 - b. The commercial use is located in building or buildings not to exceed the floor area standards set forth in OAR 660-022-0030(10). New commercial structures authorized outside of an urban area (urban unincorporated area or urban growth boundary) shall not exceed 3,500 square feet of floor area.
12. Exploration of geo-thermal energy, aggregate and other mineral or subsurface resources. The following conditions shall be included in any conditional use permit for exploration for subsurface mineral resource:
- a. All drill holes shall be filled and capped according to the following standards, and bonds to secure performance of this obligation shall be required as follows:
 - i. The applicant shall provide the Coos County Watermaster with the location of each hole by township, range, section and driller's identification number of all holes drilled.
 - ii. A plot plan showing these locations will be furnished to the Watermaster.
 - iii. The applicant shall seal all test holes from the bottom within 2 feet of land surface with cement, native clay, betonies mixture (e.g., "Sure-Gel", Aqua Gel") of 9 pounds to 9-1/2 pounds of betonies per gallon of water.
 - iv. If artesian flows are encountered, the test hole will be:
 - 1) Abandoned according to the following abandonment procedures:
 ABANDONMENT OF ARTESIAN EXPLORATION HOLES.
 The flow of artesian exploration holes to be abandoned shall be confined or restricted by cement grout applied under pressure, or by the use of a suitable well packer, or a wooden or cast lead plug placed at the bottom of the confining formation immediately above the artesian water-bearing zone. Cement grout or concrete shall be used to effectively fill the exploration hole to land surface. or
 - 2) Developed for use of the artesian flow by a water well driller who is properly licensed and bonded by the State of Oregon.

- v. If unusual conditions occur at a test hole site and compliance to the above standards will not result in a satisfactorily abandoned hole, the driller shall request that special standards be prescribed by the Watermaster for the particular hole.
 - vi. The applicant shall notify the County Watermaster prior to the abandonment of all test holes, drill holes, exploration holes, etc. As used in this section the term 'abandonment' shall mean the act of filling any hole with the required sealing material.
 - vii. In addition to complying with the procedures outlined above, the applicant shall post a surety bond in the amount of five thousand (\$5,000.00) dollars for each hole drilled or a bond for fifty thousand (\$50,000.00) dollars to cover all test holes. The surety bond shall be filed with the Board of Commissioners, and may be written by a surety company duly licensed by and authorized to do business in the State of Oregon. The release of such bond shall be conditioned upon the successful capping of all holes according to the procedure described above.
 - viii. Although it is recommended that the test hole be sealed prior to moving the drilling rig, in no case shall the drill hole be left open for more than five (5) days after the drilling rig is moved off the test hole without prior approval of the County's designated representative.
- b. The applicant shall be required to construct a catch basin around each drilling site to retain any possible run-off.
 - c. Abandonment procedure:
 - i. At the discretion of the County's appointed representative (usually, the district Watermaster), this representative may require that the exploration hole abandonment not begin until he is present at the site.
 - ii. In the event that paragraph "i" above is implemented, the County's appointed representative may, if he is unable to be present during abandonment, otherwise authorize abandonment. This authorization may be given verbally by telephone.
 - iii. The County's appointed representative may require that the exploration hole be abandoned with cement grout.
13. Storage such as cold storage/ice plant and warehouse storage.
 14. Advertising.
 15. Non-farm (livestock) auction houses.
 16. Cemetery.
 17. Dams.
 18. Public services, emergency services and education including offices, libraries, fire station, research and education observation structure.
 19. Mobile home sales and services.
 20. Modification of historical structure shall meet the criteria found in Section 4.11.125(3)(a) as well as any applicable development standards of the zoning district.
 21. Mortuary or funeral home shall meet the compatibility standard and the use is located in building or buildings not to exceed the floor area standards set forth in OAR 660-022-0030(10). New commercial structures authorized outside of an urban area (urban unincorporated area or urban growth boundary) shall not exceed 3,500 square feet of floor area.
 22. Museums shall be directly associated with an historical event or site located on or near the subject property.

23. Service station, auto sales, auto repair, auto rental, off-road vehicle rental and/or tire sales, truck/heavy equipment sales, repair, service, and storage shall meet the compatibility standard and the use is located in building or buildings not to exceed the floor area standards set forth in OAR 660-022-0030(10). New commercial structures authorized outside of an urban area (urban unincorporated area or urban growth boundary) shall not exceed 3,500 square feet of floor area.
24. Parking lot/structure.
25. Day care facility (13 or more persons).
26. Land Divisions (Partition/Subdivision):
 - a. Each parcel or lot shall meet the minimum lot/parcel size and development standards unless it is a residual of resource (Farm or Forest) land division.
 - b. Must comply with the requirements of Chapter VI for land divisions.
 - c. Notice will be sent as required by Article 5.0.
 - d. Final Plat is a ministerial review.

SECTION 4.3.120 HEARINGS BODY CONDITIONAL DEVELOPMENT AND USE:

The following uses and their accessory uses are permitted under a hearings body conditional use permit procedure subject to applicable development standards in the CD-5 and CD-10. All hearings body development and uses may be permitted if the proposed use ~~must~~ **can** be found compatible with surrounding uses or may be made compatible through the imposition of conditions applicable. Additional criteria will be listed out under the individual proposed uses.

1. Multi-family dwelling may be permitted provided the site is served with public water and public sewer and meets the compatibility standard.
2. Watchman/caretaker dwelling. This use is permitted only if in conjunction with a permitted or conditionally permitted use and meets the compatibility standard.
3. Contaminated soil/land farming.
4. Hotels/motels up to 35 units are allowed only if served by a community sewer system. New hotels and motels are not allowed outside an unincorporated community.
5. Bed & Breakfast facilities shall be subject to the following conditions:
 - a. All "bed and breakfast facilities" shall be established within the primary residence.
 - b. Breakfast shall be the only meal served to overnight paying guests.
 - c. No cooking facilities shall be permitted in any rented room.
 - d. The maximum number of rooms, which may be rented shall not exceed four (4).
 - e. Off-street parking shall be provided as follows:
 - i. Two spaces for the owner/occupant, plus 1 space for each additional bedroom.
 - ii. A site plan shall be submitted, delineating:
 - 1) The property boundaries.
 - 2) Access to the property.
 - 3) Location of all structures on the subject property. and
 - 4) Required parking spaces.
6. Residential Planned Unit Development - Maintenance Standards and Principles
 - a. Minimum Sized Area for Developments. A Planned Unit Development shall be of sufficient size to allow the objectives and standards of this Section to be met and shall, as a minimum, comply with the following:
 - i. The minimum size for a tract of land to be developed as a Planned Unit Development (PUD) shall be not less than five (5) contiguous acres and of such configuration as to be conducive to a Planned Unit Development. or
 - ii. A Planned Unit Development application may be filed on a tract of land less than five (5) contiguous acres but no approval shall be given to such application unless Coos County determines, upon a showing by the applicant, that the minimum size

required in paragraph "i" above should be waived if one or more of the following conditions exist:

- 1) Because of unusual physical features of the property or of the neighborhood in which it is located, a substantial deviation from the regulations otherwise applicable is necessary or appropriate in order to conserve a resource or amenity, such as aesthetic vegetation, etc.
 - 2) The property or its neighborhood has historical character of economic importance to the community that could be protected by use of a Planned Unit Development.
 - 3) The property is adjacent to property which has been officially approved, developed or redeveloped as a Planned Unit Development and the subject property can be effectively integrated with the existing PUD. and
 - 4) The property is determined to be an isolated problem area that has been bypassed in the course of development and for which a Planned Unit Development is determined to be the most feasible method of developing said area.
- b. Must comply with the requirements of Chapter VI for land divisions.
 - c. Notice will be sent as required by Article 5.0.
 - d. Final Plat is a ministerial review.
7. Recreational Planned Unit Development.
- a. The following criteria shall also be met prior to approval of an R-PUD:
 - i. The area proposed as an R-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. That the location, design, and size are such that the development can be well integrated with its surroundings, and, in the case of a departure in character from surrounding land uses, that the location and design will reduce the impact of the development.
 - iii. That the location, design, size, and land uses are such that traffic generated by the development can be accommodated safely and without congestion on existing or planned arterial or collector streets and will, in the case of commercial. Developments within the PUD, avoid as much as possible traversing local streets.
 - iv. That the location, design, size, and land uses are such that the residents or establishments to be accommodated will be adequately served by existing facilities and services or by facilities and services which are planned for construction within a time period that is deemed reasonable.
 - v. The proposed R-PUD is compatible with surrounding uses or may be made compatible to surrounding uses through the imposition of conditions.
 - vi. Where the proposed R-PUD is located within an urban unincorporated area, the proposed development shall be consistent with the requirements of OAR 660-02-0030. [OR 04-09-010PL 1/19/05]
 - b. Final Plat is a ministerial review.
 - c. Must comply with the requirements of Chapter VI for land divisions.
 - d. Notice will be sent as required by Article 5.0.
8. Utility facility for the purpose of generating power.
9. Mining/mineral extraction, including dredging necessary for mineral extraction and processing for geo-thermal energy. Mining is restricted to subsurface activity only.
10. Processing of aggregate and other mineral or subsurface resources.
11. Airport/Heliport.
12. ***Private Parks and Campgrounds.***
- a. ***Campgrounds in private parks shall only be those allowed by OAR 660-006-0025.***

- b. *Except on a lot or parcel contiguous to a lake or reservoir, campgrounds shall not be allowed within three miles of an urban growth boundary unless an exception is approved pursuant to ORS 197.732 and OAR Chapter 660, Division 4.*
 - c. *For the purpose of this section a campground is an area devoted to overnight temporary use for vacation, recreational or emergency purposes, but not for residential purposes and is established on a site or is contiguous to lands with park or other outdoor natural amenity that is accessible for recreational use by the occupants of the campground.*
 - d. *Campsites may be occupied by a tent, travel trailer or recreational vehicle.*
 - e. *Separate sewer, water or electric service hookups shall not be provided to individual campsites except that electrical service may be provided to yurts allowed for by OAR 660-006-0025(4)(e)(C).*
 - f. *Campgrounds shall not include intensively developed recreational uses such as swimming pools, tennis courts, retail stores or gas stations. Overnight temporary use in the same campground by a camper or camper's vehicle shall not exceed a total of 30 days during any consecutive 6 month period.*
 - g. *Landscaping and Design*
 - i. *The landscape shall be such to minimize soil erosion and lessen the visual impact. Every park shall provide an ornamental, sight-obscuring fence, wall, evergreen or other suitable screening/planning along all boundaries of the site abutting public roads or property lines that are common to other owners of property, except for points of ingress and egress. All open areas or common areas shall be landscaped. Landscaping shall consist of lawns and/or ornamental plantings;*
 - ii. *Any grade changes shall be in keeping with the general appearance of neighboring developed areas.*
 - iii. *Special attention shall be given to proper site surface drainage so that removal of surface waters will not adversely affect neighboring properties, the public storm drainage system, or create environmental problems.*
 - iv. *Exposed storage areas, service areas, utility buildings and structures and similar accessory areas and structures shall be subject to such setbacks, screen plantings or other screening methods as shall be reasonably required to prevent their being incompatible with the existing or contemplated environment and the surrounding properties.*
 - h. *A private campground may provide yurts for overnight camping.*
 - i. *No more than one-third or a maximum of 10 campsites, whichever is smaller, may include a yurt.*
 - ii. *The yurt shall be located on the ground or on a wood floor with no permanent foundation.*
 - iii. *As used in this rule, "yurt" means a round, domed shelter of cloth or canvas on a collapsible frame with on plumbing, sewage disposal hook-up or internal cooking appliance.*
 - i. *If the exterior of a campground abuts a public road then screening shall be used.*
 - j. *Road and parking standards of Chapter VII shall apply.*
13. Correctional institution, jail, penal farm.
14. Community center/grange or lodge hall are not allowed outside an unincorporated community.
15. Golf course.

16. High-intensity recreation use-if it is located in building or buildings, they must not exceed the floor area standards set forth in OAR 660-022-0030(10). New commercial structures authorized outside a UCB or UGB shall not exceed 3,500 square feet of floor area.
17. House of worship.
18. Jewelry store-the use is located in building or buildings not to exceed the floor area standards set forth in OAR 660-022-0030(10). New commercial structures authorized outside a UCB or UGB shall not exceed 3,500 square feet of floor area.
19. Ambulance service.
20. Medical clinic, dental clinic, or medical offices. The commercial use is located in building or buildings not to exceed the floor area standards set forth in OAR 660-022-0030(10). New commercial structures authorized outside a UCB or UGB shall not exceed 3,500 square feet of floor area.
21. School or Dormitories
22. Hospital, sanitarium, rest or convalescent home
23. Recreational Vehicle Park must comply with
 - a. Must be a lot, parcel or tract of land upon which two (2) or more recreational vehicle sites are located, established or maintained for occupancy by recreational vehicles of the general public as temporary living quarters for recreational or vacation purposes.
 - b. The park shall contain recreational vehicle sites. Recreational vehicle sites are a plat of ground within the park designed to accommodate a recreational vehicle on a temporary basis.
 - c. ***Shall include the submittal of a preliminary plot plan drawn as specified by OAR Division 650.***
 - d. ***Landscaping and design:***
 - i. ***The landscape shall be such to minimize soil erosion and lessen the visual impact. Every park shall provide an ornamental, sight-obscuring fence, wall, evergreen or other suitable screening/planning along all boundaries of the park site abutting public roads or property lines that are common to other owners of property, except for points of ingress and egress. All open areas or common areas shall be landscaped. Landscaping shall consist of lawns and/or ornamental plantings;***
 - ii. ***Any grade changes shall be in keeping with the general appearance of neighboring developed areas.***
 - iii. ***Special attention shall be given to proper site surface drainage so that removal of surface waters will not adversely affect neighboring properties, the public storm drainage system, or create environmental problems.***
 - iv. ***Exposed storage areas, service areas, utility buildings and structures and similar accessory areas and structures shall be subject to such setbacks, screen plantings or other screening methods as shall be reasonably required to prevent their being incompatible with the existing or contemplated environment and the surrounding properties.***
 - e. ***Walls or fences shall be six feet in height except in the area of ingress and egress. This area shall be subject to Section 7.1.525. Evergreen planting shall not be less than five feet in height, and shall be maintained in a healthy living condition for the life of the RV Park. All walls, fences and evergreen planting shall be approved by the Planning Commission.***
 - f. ***A parking plan must be signed off by the Roadmaster. Regulation for parking can be found in Chapter VII.***

24. Tire recapping shop commercial use is located in building or buildings not to exceed the floor area standards set forth in OAR 660-022-0030(10). New commercial structures authorized outside a UCB or UGB shall not exceed 3,500 square feet of floor area.
25. Taxi, bus, or truck rental-commercial use is located in building or buildings not to exceed the floor area standards set forth in OAR 660-022-0030(10). New commercial structures authorized outside a UCB or UGB shall not exceed 3,500 square feet of floor area.
26. Veterinary clinic/kennel commercial use is located in building or buildings not to exceed the floor area standards set forth in OAR 660-022-0030(10). New commercial structures authorized outside a UCB or UGB shall not exceed 3,500 square feet of floor area.
27. Zoos commercial use is located in building or buildings not to exceed the floor area standards set forth in OAR 660-022-0030(10). New commercial structures authorized outside a UCB or UGB shall not exceed 3,500 square feet of floor area.

SECTION 4.3.130 DEVELOPMENT AND USE STANDARDS:

1. **Development and use standards apply to all new development and creation of lots or parcels unless it meets the circumstances of § 5.6.130.**
2. Minimum Lot size:
 - a. The following Controlled Development-5 minimum lot sizes shall apply:
 - i. Sites having both public water and public sewer cannot be less than 5,000 square feet.
 - ii. Sites not having both public water and public sewer cannot be less than one (1) acre.
 - iii. Dwelling unit density shall not exceed one (1) unit per minimum lot size, except each additional attached dwelling unit requires 1200 additional square feet above the minimum lot size.
 - b. The following Controlled Development-10 minimum lot sizes shall apply:
 - i. Site not having both public water and public sewer cannot be less than one (1) acre.
 - ii. Sites having both public water and public sewer cannot be less than 10,000 square feet.
 - iii. Dwelling unit density shall not exceed one (1) unit per minimum lot size, except each additional attached dwelling unit requires 1200 additional square feet above the minimum lot size. (OR-00-05-014PL)
3. Minimum road frontage/lot width ***unless waived by the Planning Director in consultation with the County Surveyor and County Roadmaster due to creating an unsafe or irregular configuration:***
 - a. ***Minimum Street frontage should be at least 30 feet***
 - b. Minimum lot width and Minimum lot depth is 50 feet
4. Front setback is 20 feet
5. Side and rear setbacks are 5 feet unless the side yard or rear yard are adjacent to a street or road (corner lot), then the setback shall require a minimum of 15 feet from the street or road.
6. Building height is 35 feet. However, spires, towers, domes, steeples, flag poles, antennae, chimneys, solar collectors, smokestacks, ventilators or other similar objects may be erected above the prescribed height limitations, provided no usable floor space above the height limits is thereby added. Such over height object shall not be used for advertising of any kind.
7. Access and parking is regulated in Chapter VII.
8. Riparian vegetation setback within 50 feet of a estuarine wetland , stream, lake or river, as identified on the Coastal Shoreland and Fish and Wildlife habitat inventory maps, shall be maintained except that:

- a. Trees certified *as posing an erosion or safety hazard. Property owner is responsible for ensuring compliance with all local, state and federal agencies for the removal of the tree.* ~~by one of the following Coos Soil and Water Conservation District, US Soil Conservation Service posing an erosion or safety hazard may be removed to minimize said hazard;~~
 - b. Riparian vegetation may be removed to provide direct access for a water-dependent use if it is a listed permitted within the zoning district;
 - c. Riparian vegetation may be removed in order to allow establishment of authorized structural shoreline stabilization measures;
 - d. Riparian vegetation may be removed to facilitate stream or stream bank clearance projects under a port district, ODFW, BLM, Soil & Water Conservation District, or USFS stream enhancement plan;
 - e. Riparian vegetation may be removed in order to site or properly maintain public utilities and road right-of-ways;
 - f. Riparian vegetation may be removed in conjunction with existing agricultural operations (e.g., to site or maintain irrigation pumps, to limit encroaching brush, to allow harvesting farm crops customarily grown within riparian corridors, etc.) provided that such vegetation removal does not encroach further into the vegetation buffer except as needed to provide an access to the water to site or maintain irrigation pumps; or
 - g. The 50 foot riparian vegetation setback shall not apply in any instance where an existing structure was lawfully established and an addition or alteration to said structure is to be sited not closer to the estuarine wetland, stream, lake, or river than the existing structure and said addition or alteration represents not more than 100% of the size of the existing structure's "footprint".
 - h. Riparian removal within the Coastal Shoreland Boundary will require a conditional use. See Special Development Considerations Coastal Shoreland Boundary.
 - i. *The 50' measurement shall be taken from the closest point of the ordinary high water mark to the structure using a right angle from the ordinary high water mark.*
9. Limitation on uses of manufactured dwellings/structures for commercial purposes pursuant to ORS 466 et seq. Manufactured dwellings shall not be used for commercial purposes except:
- a. Where use of the manufactured dwelling for commercial purposes is authorized by the Building Codes Agency;
 - b. Where used as a temporary sales office for manufactured structures; or
 - c. As part of an approved home occupation. [OR-92-07-012PL]

RURAL CENTER (RC)

Purpose and Intent: Is to provide for the development of rural commercial, tourist commercial, residential and services facilities, necessities, convenience and supplies ancillary to nearby agricultural, forestry, recreational and rural residential uses and activities and to conserve energy by providing for needed commercial outlets in rural areas already "committed" as residential/commercial nodes.

New commercial uses that are consistent with the objectives of the "RC" district are those uses which are needed for the convenient shopping needs of the nearby rural population, and are compatible, or can be made compatible, with surrounding properties.

SECTION 4.3.200 DEVELOPMENT AND USE PERMITTED:

The following uses and their accessory uses are permitted outright.

1. Agricultural uses (farm) and buildings pursuant to ORS 215.203 Agricultural uses (farm) and buildings pursuant to ORS 215.203. Agricultural building may only be permitted on property or tract has to be at least 5 acres and has to meet the definition under Section 2.1.200.
2. Commercial seasonal product sales in conjunction with farm or forest use. Seasonal product sales for a time period not to exceed forty-five (45) days, subject to renewal.
3. Passive Restoration.
4. Forestry including propagation, management or harvesting of a forest product.
5. Exploration only for geo-thermal energy, aggregate and other mineral or subsurface resource.
6. Low-Intensity Recreation uses that do not require developed facilities and can be accommodated without change to the area or resource. For example, boating hunting, hiking, wildlife photography, and beach or shore activities can be low-intensity recreation.
7. Fish & wildlife habitat management.
8. Residential
 - a. Single family dwelling.
 - b. Temporary residence - Mobile home, travel trailer or recreational vehicle used as a dwelling temporarily during construction of a permitted structure. ~~Duration~~ Temporary use not to exceed one (1) year, subject to renewal.
 - c. Family or medical hardship dwelling. The applicant must submit a certification from a qualified physician *or nurse practitioner* stating what the hardship is and that the person requiring the hardship dwelling must live close to someone due to the nature of the hardship. The use is subject to the following conditions:
 - i. The dwelling must be a mobile home, recreational vehicle, *or existing building* used temporarily during the medical hardship relating to the aged, infirmed, or persons incapable of maintaining a complete separate residence.
 - ii. The temporary use shall use the same subsurface sewage disposal system used by the existing dwelling, if that disposal system is adequate to accommodate the additional dwelling. If a public sanitary sewer system is used, such condition will not be required.
 - iii. Within three months of the end of the hardship, the manufactured dwelling shall be removed or demolished or, in the case of an existing building, the building shall be removed, demolished, or returned to an allowed nonresidential use.
 - iv. Every two years the Planning Director shall review the permit authorizing such temporary hardship dwellings. However, it is the applicant's responsibility to notify the Planning Director of the continuation of this use.
 - d. Two Family duplex may be permitted provided the density of units do not, exceed the allowable density of the zoning district.
 - e. Second floor apartment. This use is only permitted above *an approved* commercial or industrial use.
 - f. *Recreation Vehicles may be used as a dwelling under the following circumstances:*
 - i. *Short-term guest visits on a lot or parcel containing a dwelling. The stay shall not exceed 60 days in a calendar year.*
 - ii. *While camping of up to 45 days per calendar year. The camper shall own the subject property or is a member of the immediate family or the owner of the subject property.*

9. Residential Care Home/Facility shall be allowed in any authorized dwelling.
10. Home occupation - The County shall review a permit allowing a home occupation ~~or cottage industry~~ every 12 months following the date the permit was issued and may continue the permit if the use continues to comply with the requirements of the use's definition.
11. Library.
12. Museum within a unincorporated community.
13. Fire station outside of an unincorporated community only.
14. Service lines to support a utility facility.
15. Circus/Carnival may be permitted provided they have suitable on-site capacity for vehicular parking and sanitation facilities for a temporary period, not to exceed ten (10) days. This is only allowed outside a unincorporated community.
 - a. ***Requires a letter of authorization from the Coos County Health Department.***
 - b. ***Requires a traffic/parking plan to be reviewed by the County Roadmaster. If access is off of a state facility, then ODOT must issue an access permit.***
16. Asphalt/concrete portable plant is permitted temporarily, not to exceed 30 days.
17. Dikes – new and maintenance/repair, drainage & tide gates, dredge material disposal, fill, and mitigation.
18. Structural stabilization – Non-structural.
19. Day care facility (12 or fewer persons).
20. ***Photovoltaic Cells. The installation and use of a solar photovoltaic energy system or a solar thermal energy system shall be allowed if:***
 - a. ***The installation of a solar energy system can be accomplished without increasing the footprint of the residential structure or the peak height of the portion of the roof on which the system is installed; and***
 - b. ***The solar energy system would be mounted so that the plane of the system is parallel to the slope of the roof (ORS 215.439)***

The solar energy system may be sited on the ground. Must comply with the same setback requirements listed in the development standards.

SECTION 4.3.210 ADMINISTRATIVE CONDITIONAL DEVELOPMENT AND USE:

The following uses and their accessory uses are permitted under an administrative conditional use permit procedure subject to applicable development standards

1. ***Guest House. An auxiliary residence constructed on property when the following conditions are met:***
 - a. ***The parcel on which the guest house is placed must contain a minimum of 1.5 acres.***
 - b. ***Only one guest house per legal parcel.***
 - c. ***The guest house is no more than 500 square feet in size or 30% of the total square footage of the primary dwelling.***
 - d. ***The guest house can be a manufactured structure (park model) or conventional built.***
 - e. ***Cannot be used as a rental unit.***
 - f. ***Is attached to or within 100 feet of the main residence. and***
 - g. ***Is served by the same domestic water system, sewage system and utility meters as the main residence.***
2. ***Vacation rentals are subject to the following criteria:***
 - a. ***Must be found to be compatible with the surrounding area;***
 - b. ***Must be licensed by the Coos County Health Department in accordance with ORS 446.310-350;***

- c. *Approval shall vest exclusively with the owner of the land at the time of approval. The rental shall not be conveyed or otherwise transferred to a subsequent landowner without a new conditional use permit; and*
 - d. *Must meet parking access, driveway and parking standards as identified in Chapter VII.*
- 3. Cottage industry:
 - a. The proposed use must be found compatible with surrounding uses or may be made compatible through the imposition of conditions.
 - b. The County shall review a permit allowing a ~~home occupation~~ or cottage industry every 12 months following the date the permit was issued and may continue the permit if the use continues to comply with the requirements of the use's definition.
 - c. The commercial use is located in building or buildings not to exceed 2,500 square feet of floor area.
- 4. Modification of historical structure shall meet the criteria found in Section 4.11.125(3)(a) as well as any applicable development standards of the zoning district.
- 5. Land Divisions (Partition/Subdivision):
 - a. Each parcel or lot shall meet the minimum lot/parcel size and development standards unless it is a residual of resource (Farm or Forest) land division.
 - b. Must comply with the requirements of Chapter VI for land divisions.
 - c. Notice will be sent as required by Chapter 5.0.
 - d. Final Plat is a ministerial review.
- 6. Residential Planned Unit Development - Maintenance Standards and Principles:
 - a. Minimum Sized Area for Developments. A Planned Unit Development shall be of sufficient size to allow the objectives and standards of this Section to be met and shall, as a minimum, comply with the following:
 - i. The minimum size for a tract of land to be developed as a Planned Unit Development (PUD) shall be not less than five (5) contiguous acres and of such configuration as to be conducive to a Planned Unit Development. or
 - ii. A Planned Unit Development application may be filed on a tract of land less than five (5) contiguous acres, but no approval shall be given to such application unless Coos County determines, upon a showing by the applicant, that the minimum size required in paragraph "i" above should be waived if one or more of the following conditions exist:
 - 1) Because of unusual physical features of the property or of the neighborhood in which it is located, a substantial deviation from the regulations otherwise applicable is necessary or appropriate in order to conserve a resource or amenity, such as aesthetic vegetation, etc.
 - 2) The property or its neighborhood has historical character of economic importance to the community that could be protected by use of a Planned Unit Development.
 - 3) The property is adjacent to property which has been officially approved, developed or redeveloped as a Planned Unit Development and the subject property can be effectively integrated with the existing PUD.
 - 4) The property is determined to be an isolated problem area that has been bypassed in the course of development and for which a Planned Unit Development is determined to be the most feasible method of developing said area.
 - b. Must comply with the requirements of Chapter VI for land divisions.
 - c. Notice will be sent as required by Chapter 5.0.
 - d. Final Plat is a ministerial review.

7. Cemetery may be permitted if the proposed use ~~must~~ **can** be found compatible with surrounding uses or may be made compatible through the imposition of conditions.
8. Utility communication structures may be permitted if the proposed use must be found compatible with surrounding uses or may be made compatible through the imposition of conditions.
9. Sewer, water plant and/or pump station may be permitted if the proposed use ~~must~~ **can** be found compatible with surrounding uses or may be made compatible through the imposition of conditions.
10. Air and water navigation aids may be permitted if the proposed use ~~must~~ **can** be found compatible with surrounding uses or may be made compatible through the imposition of conditions.
11. ***Shoreland structural stabilization is subject to Natural Hazards Policy 5.11 as explained in this subsection. Coos County shall promote protection of valued property from risks associated with critical stream bank and ocean front erosion through necessary erosion-control stabilization measures, preferring nonstructural solutions where practical. Coos County shall implement this strategy by making "Consistency Statements" required for State and Federal permits (necessary for structural stream bank protection measures) that support structural protection measures when the applicant establishes that non-structure measures either are not feasible or inadequate to provide the necessary degree of protection. This strategy recognizes the risks and loss of property from unabated critical stream bank erosion, and also, that state and federal agencies regulate structural solutions. A flood elevation certificate is required for a stabilization which will occur in the identified flood hazard area.***
12. Day care facility (13 or more persons) may be permitted if the proposed use ~~must~~ **can** be found compatible with surrounding uses or may be made compatible through the imposition of conditions.
13. Research & education observation structures may be permitted if the proposed use is found to be compatible with surrounding uses or may be made compatible through the imposition of conditions.
14. Winery:
 - a. May be permitted if the proposed use ~~must~~ **can** be found compatible with surrounding uses or may be made compatible through the imposition of conditions.
 - b. This use shall be allowed only where findings establish that the use will not:
 - i. force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use. or
 - ii. significantly increase the cost of accepted farm or forest practices on surrounding lands devoted for farm or forest use.
 - iii. This review standard may be satisfied by the imposition of conditions provided that such conditions are clear and objective. [Reference: ORS 215.283(2) and 215.296 (1 & 2)] [OR-92-07-012PL]
 - c. Wineries in the rural residential zones shall allow only the sale of:
 - i. Wines produced in conjunction with the winery. and
 - ii. Items directly related to wine, the sales of which are incidental to retail sale of wine on-site. Such items include those served by a limited services restaurant, as defined in ORS 624.010 (OR 04-1-002PL 6-30-04)
 - d. The commercial use is located in building or buildings not to exceed the floor area standards set forth in OAR 660-022-0030(10). New commercial structures authorized outside a UCB or UGB shall not exceed 3,500 square feet of floor area. (04-04-005PL 9/1/04)

SECTION 4.3.220 HEARINGS BODY CONDITIONAL DEVELOPMENT AND USE:

The following uses and their accessory uses are permitted under a hearings body conditional use permit procedure subject to applicable development standards. All hearings body development and uses may be permitted if the proposed use ~~must~~ **can** be found compatible with surrounding uses or may be made compatible through the imposition of conditions applicable additional criteria will be listed out under the individual proposed uses.

1. Contaminated soil/land farming in conjunction with restoration.
2. Mining/mineral extraction, including dredging necessary for mineral extraction for geo-thermal energy or aggregate mining. Mining is restricted to subsurface activity only.
3. Golf course.
4. Hunting and fishing preserve.
5. Recreational vehicle Park.
 - a. Must be a lot, parcel or tract of land upon which two (2) or more recreational vehicle sites are located, established or maintained for occupancy by recreational vehicles of the general public as temporary living quarters for recreational or vacation purposes.
 - b. The park shall contain recreational vehicle sites. Recreational vehicle sites are a plat of ground within the park designed to accommodate a recreational vehicle on a temporary basis.
 - c. ***Shall include the submittal of a preliminary plot plan drawn as specified by OAR Division 650.***
 - d. ***Landscaping and Design***
 - 1) ***The landscape shall be such to minimize soil erosion and lessen the visual impact. Every park shall provide an ornamental, sight-obscuring fence, wall, evergreen or other suitable screening/planning along all boundaries of the park site abutting public roads or property lines that are common to other owners of property, except for points of ingress and egress. All open areas or common areas shall be landscaped. Landscaping shall consist of lawns and/or ornamental plantings;***
 - 2) ***Any grade changes shall be in keeping with the general appearance of neighboring developed areas.***
 - 3) ***Special attention shall be given to proper site surface drainage so that removal of surface waters will not adversely affect neighboring properties, the public storm drainage system, or create environmental problems.***
 - 4) ***Exposed storage areas, service areas, utility buildings and structures and similar accessory areas and structures shall be subject to such setbacks, screen plantings or other screening methods as shall be reasonably required to prevent their being incompatible with the existing or contemplated environment and the surrounding properties.***
 - e. ***Walls or fences shall be six feet in height except in the area of ingress and egress. This area shall be subject to Section 7.1.525. Evergreen planting shall not be less than five feet in height, and shall be maintained in a healthy living condition for the life of the RV Park. All walls, fences and evergreen planting shall be approved by the Planning Commission.***
 - f. ***A parking plan must be signed off by the Roadmaster. Regulation for parking can be found in Chapter VII.***
6. High-Intensity Recreation, which uses specially built facilities, or occurs in such density or form that it requires or results in a modification of the area or resource. Campgrounds, golf courses, public beaches, and marinas are examples of high-intensity recreation.
7. Hotels/motels inside unincorporated community only up to 35 units are allowed only if served by a community sewer system. New hotels and motels are not allowed outside an unincorporated community.

8. Bed & Breakfast facilities shall be subject to the following conditions:
 - a. All "bed and breakfast facilities" shall be established within the primary residence.
 - b. Breakfast shall be the only meal served to overnight paying guests.
 - c. No cooking facilities shall be permitted in any rented room.
 - d. The maximum number of rooms, which may be rented shall not exceed four (4).
 - e. Off-street parking shall be provided as follows:
 - i. Two spaces for the owner/occupant, plus 1 space for each additional bedroom.
 - ii. A plot plan and a parking/traffic plan shall be submitted, to address the following:
 - 1) The property boundaries.
 - 2) Access to the property.
 - 3) Location of all structures on the subject property.
 - 4) Required parking spaces.
 - 5) The parking/traffic plan shall show required parking and traffic flow. All parking/traffic plans shall be reviewed by the Roadmaster to determine traffic safety.
 - iii. One (1) non-illuminated sign shall be permitted not to exceed six (6) square feet of copy area (the words "hotel or motel" shall not be used). A "bed and breakfast facility" must be conducted in such a manner so as not to give an outward appearance or outwardly manifest any characteristic of a motel, hotel, or other business.
9. Mobile home parks (new and modifications) must meet the following criteria:
 - a. ***Notwithstanding any other Ordinance provision, manufactured dwelling parks shall be subject to requirements set-forth in Oregon Administrative Rule (OAR) 918-600-005 through 918-600-0095, ORS Chapter 466, and "Rules and Regulations Governing the Construction and Statutory Operation of Travelers' Accommodation and Tourist Parks," adopted by the Oregon State Board of Health. However the provisions of this ordinance shall prevail where said provisions are more stringent than those imposed by state law, rules or regulations. A manufactured dwelling park shall be located on a lot or parcel which meets the minimum required to accommodate the density of the zoning district.***
 - b. ***A preliminary plan to be drawn as specified by OAR Division 600. The submitted plan shall include setbacks as required by the Oregon Manufactured Dwelling Standard In-Park Fire Separation Matrix (Table 903).***
 - c. ***The landscape shall be such to minimize soil erosion and lessen the visual impact. Every mobile home park shall provide an ornamental, sight-obscuring fence, wall, evergreen or other suitable screening/planning along all boundaries of the park site abutting public roads or property lines that are common to other owners of property, except for points of ingress and egress. All open areas or common areas shall be landscaped. Landscaping shall consist of lawns and/or ornamental plantings;***
 - 1) ***Any grade changes shall be in keeping with the general appearance of neighboring developed areas.***
 - 2) ***Special attention shall be given to proper site surface drainage so that removal of surface waters will not adversely affect neighboring properties, the public storm drainage system, or create environmental problems.***
 - 3) ***Exposed storage areas, service areas, utility buildings and structures and similar accessory areas and structures shall be subject to such setbacks, screen plantings or other screening methods as shall be reasonably required***

to prevent their being incompatible with the existing or contemplated environment and the surrounding properties.

- d. *Walls or fences shall be six feet in height except in the area of ingress and egress. This area shall be subject to Section 7.1.525. Evergreen planting shall not be less than five feet in height, and shall be maintained in a healthy living condition for the life of the mobile home park. All walls, fences and evergreen planting shall be approved by the Planning Commission.*
 - e. *All open areas or common areas shall be landscaped. Landscaping shall consist of lawns and/or ornamental plantings.*
 - f. *A parking plan must be signed off by the Roadmaster. Regulation for parking can be found in Chapter VII.*
10. Museum outside of an unincorporated community must be directly associated with an historical event or site located on or near the subject property.
 11. School outside of an unincorporated community.
 12. House of worship.
 13. Utility facility for the purpose of generating power.
 14. Community center including grange or lodge. Community centers and lodges are not allowed outside an unincorporated community.
 15. Commercial Uses. *The commercial use is located in building or buildings not to exceed the floor area standards set forth in OAR 660-022-0030(10). New commercial structures authorized outside a UCB or UGB shall not exceed 3,500 square feet of floor area.*
 - a. Restaurant, café, taverns, cocktail lounges, bakery, confectionery.
 - b. Neighborhood store/grocery.
 - c. Service station.
 - d. Second hand or antique sales store.
 - e. Appliance sales and repair.
 - f. Florist/nurseries.
 - g. Gift shop.
 - h. Vehicle sales/repair.
 - i. Cabinet/myrtle wood manufacturing and/or sales.
 - j. Commercial equipment sales or repair in conjunction with a farm or forest use.
 - k. Commercial veterinary clinic and/or kennel inside or outside of an unincorporated community.
 - l. Hardware/building supply store.
 - m. Feed/grain store must be sited outside of an unincorporated area only
 - n. Fertilizer bulk sales.
 - o. Assembling, manufacturing, packaging, processing, production, storage or treatment- in addition, this use or activity must involve the primary processing of raw material produced in the area.
 16. Government Building.
 17. Zoos.

SECTION 4.3.230 DEVELOPMENT AND USE STANDARDS

1. *Development and use standards apply to all new development and creation of lots or parcels unless it meets the circumstances of § 5.6.130.*
2. Minimum lot size for the RC zoning district is one acre.
3. Setbacks:
 - a. All buildings or structures with the exception of fences shall be set back a minimum of thirty-five (35) feet from any road right-of-way centerline, or five (5) feet from the right-of-way line, whichever is greater.

- b. Firebreak: New or replacement dwellings on lots, parcels or tracts abutting the “Forest” zone shall establish and maintain a firebreak, for a distance of at least 30 feet in all directions. Vegetation within this firebreak may include mowed grasses, low shrubs (less than ground floor window height), and trees that are spaced with more than 15 feet between the crowns and pruned to remove dead and low (less than 8 feet from the ground) branches. Accumulated needles, limbs and other dead vegetation should be removed from beneath trees. [ORD 95-05-006PL 11/29/95]
4. Fences, Hedges, and Walls: No requirement, but vision clearance provisions of Section 7.1.525 apply.
5. Offstreet Parking and Loading requirements are found in Chapter VII.
6. Minimum road frontage/lot width ***unless waived by the Planning Director in consultation with the County Surveyor and County Roadmaster due to creating an unsafe or irregular configuration:***
 - a. Lot width should be - 50 feet.
 - b. Minimum road frontage – 30 feet.
7. Setback exception – Front yard setback requirements of this Ordinance shall not apply in any residential district where the average depth of existing front yards on developed lots within the same zoning district block, but no further than 250 feet from the exterior side lot lines of the lot and fronting on the same side of the street as such lot, is less than the minimum required front yard building setback. In such cases the front yard setback requirement on any such lot shall not be less than the average existing front yard building setback.
8. Any applicant for a rural residential dwelling building or septic permit adjacent to a forest or agriculture zone shall sign a statement on the Zoning Clearance Letter acknowledging that: “The normal intensive management practices occurring on adjacent resource land will not conflict with the rural residential landowner’s enjoyment of his or her property.”
9. Riparian Vegetation Protection Setback. Riparian vegetation within 50 feet of a estuarine wetland, stream, lake or river, as identified on the Coastal Shoreland and Fish and Wildlife habitat inventory maps, shall be maintained except that:
 - a. Trees certified ***as posing an erosion or safety hazard. Property owner is responsible for ensuring compliance with all local, state and federal agencies for the removal of the tree.*** ~~by one of the following Coos Soil and Water Conservation District, US Soil Conservation Service posing an erosion or safety hazard may be removed to minimize said hazard;~~
 - b. Riparian vegetation may be removed to provide direct access for a water-dependent use if permitted within the zoning district;
 - c. Riparian vegetation may be removed in order to allow establishment of authorized structural shoreline stabilization measures;
 - d. Riparian vegetation may be removed to facilitate stream or stream bank clearance projects under a port district, ODFW, BLM, Soil & Water Conservation District, or USFS stream enhancement plan;
 - e. Riparian vegetation may be removed in order to site or properly maintain public utilities and road right-of-ways;
 - f. Riparian vegetation may be removed in conjunction with existing agricultural operations (e.g., to site or maintain irrigation pumps, to limit encroaching brush, to allow harvesting farm crops customarily grown within riparian corridors, etc.) provided that such vegetation removal does not encroach further into the vegetation buffer except as needed to provide an access to the water to site or maintain irrigation pumps; or

- g. The 50 foot riparian vegetation setback shall not apply in any instance where an existing structure was lawfully established and an addition or alteration to said structure is to be sited not closer to the estuarine wetland, stream, lake, or river than the existing structure and said addition or alteration represents not more than 100% of the size of the existing structure's "footprint".
 - h. Riparian removal within the Coastal Shoreland Boundary will require a conditional use. See Special Development Considerations Coastal Shoreland Boundary.
 - i. *The 50' measurement shall be taken from the closest point of the ordinary high water mark to the structure using a right angle from the ordinary high water mark.*
10. Access to new dwellings shall meet road and driveway standards in Chapter VII.
11. Limitation on uses of manufactured dwellings/structures for commercial purposes pursuant to ORS 466 et seq. Manufactured dwellings shall not be used for commercial purposes except:
- a. Where use of the manufactured dwelling for commercial purposes is authorized by the Building Codes Agency.
 - b. Where used as a temporary sales office for manufactured structures; or
 - c. As part of an approved home occupation. [OR-92-07-012PL]

ARTICLE 4.4 – COMMERCIAL AND INDUSTRIAL ZONING DISTRICTS

Article 4.4 contains commercial and industrial zoning districts including Commercial, Industrial and Airport Operation.

COMMERCIAL (C-1)

Purpose and Intent: The purpose of the "C-1" district is:

- 1. To provide for needed commercial retail and service opportunities within Urban growth Boundaries.
- 2. To recognize existing commercial uses outside Urban Growth Boundaries.

SECTION 4.4.100 DEVELOPMENT AND USE PERMITTED: The following uses and their accessory uses are permitted outright in the Controlled Development zoning districts. Some of the permitted uses may have development standards that are required. Commercial use is located in building or buildings not to exceed the floor area standards set forth in OAR 660-022-0030(10).

- 1. Commercial Offices:
 - a. Bank, loan companies, brokers.
 - b. Public Service office.
 - c. Government office.
- 2. Commercial sales, shops and related services:
 - a. Advertising.
 - b. Antique.
 - c. Appliances.
 - d. Art.
 - e. Auction houses not including livestock.
 - f. Bicycles.
 - g. Books.
 - h. Carpet cleaning and sales.
 - i. Cleaning services and sales
 - j. Clothing.
 - k. Department store.
 - l. Dry goods, grocery.
 - m. Electronics.

- n. Equipment.
 - o. Florist and nurseries.
 - p. Furniture.
 - q. Garden supply.
 - r. Hardware store.
 - s. Jewelry, gifts.
 - t. Leather.
 - u. Locksmith shop.
 - v. Meat cutting and sales (not including slaughter house or stockyard).
 - w. Mobile/manufactured home sales.
 - x. Music store.
 - y. Office supply.
 - z. Pet shop.
 - aa. Pottery & ceramics shop.
 - bb. Print shop.
 - cc. Shoe store.
 - dd. Sporting goods store.
 - ee. Stationery.
 - ff. Toy store.
 - gg. Variety store.
3. Community Services:
- a. Community center/grange or lodge hall are not allowed outside an unincorporated community.
 - b. House of worship.
 - c. Mortuary or funeral home.
 - d. Museum, if directly associated with an historical event or site located on or near the subject property.
4. Communication structure and utility service lines.
5. Cottage industries are defined as home occupations that are operated by a resident of the subject property, occupying a detached accessory building. Cottage industries should not employ more than five (5) full or part-time persons. Cottage industries must not interfere with existing uses on nearby land or with other uses permitted in the zone in which the property is located. Cottage industries shall not involve the retail sale of a product on the premises. On premise sign advertising cottage industries shall not exceed six (6) square feet of copy area. A home occupation shall comply with the following:
- a. Compatibility as explained in the opening statement.
 - b. Coos County shall review a permit allowing a home occupation or cottage industry every 12 months following the date the zoning compliance letter was issued and may continue the use if it continues to comply with the definition of cottage industry and/or home occupation.
 - c. A cottage industry approval shall vest exclusively with the owner of the land at the time of approval. The cottage industry shall not be conveyed or otherwise transferred to a subsequent landowner without a new conditional use permit. A plot plan and parking/traffic plan shall be submitted, to address the following:
 - i. The property boundaries.
 - ii. Access to the property.
 - iii. Location of all structures on the subject property.
 - iv. Required parking spaces.
 - v. The parking/traffic plan shall show required parking and traffic flow. All parking/traffic plans shall be reviewed by the Roadmaster to determine traffic safety.
 - d. The industrial use is located in building or buildings not to exceed the floor area standards set forth in OAR 660-022-0030(11).

6. Dikes including, new construction, maintenance, drainage and tide gating, dredge material disposal, fill and mitigation.
7. Emergency services/Medical Services:
 - a. Fire station.
 - b. Ambulance service.
 - c. Hospital.
 - d. Sanitarium.
 - e. Rest or convalescent home.
 - f. Medical/dental clinic and office.
8. Manufacturing, sales and services including:
 - a. Cabinet/myrtlewood products ~~manufacturing square feet of floor area.~~
 - b. Cold storage/ice plant.
 - c. Glass blowing shop.
 - d. Re-upholstery shop.
 - e. Laundry's/launder-mat.
 - f. Millinery or dressmaking.
9. Personal Service:
 - a. Spas, massage parlors.
 - b. Barber & beauty shop.
 - c. Day care facility (13 or more persons).
10. Public Services are permitted including:
 - a. Schools.
 - b. Dormitories.
 - c. Research & education observation structure.
 - d. Sewer/water plant/pump station.
11. Residential:
 - a. Single Family Dwelling (conventional or mobile) shall only be permitted only if in conjunction with a permitted or conditionally permitted use.
 - b. Watchman/caretaker use is permitted only if in conjunction with a permitted or conditionally permitted use.
 - c. Second Floor apartment use is permitted only if in conjunction with a permitted or conditionally permitted use.
 - d. Temporary Dwelling are mobile homes, travel trailers or recreational vehicle used as a dwelling temporarily during construction of a permitted structure. ~~Duration~~ **Temporary use** not to exceed one (1) year, subject to renewal.
12. Bed & Breakfast shall be subject to the following conditions:
 - a. All "bed and breakfast facilities" shall be established within the primary residence.
 - b. Breakfast shall be the only meal served to overnight paying guests.
 - c. No cooking facilities shall be permitted in any rented room.
 - d. The maximum number of rooms, which may be rented shall not exceed four (4).
 - e. Off-street parking shall be provided as follows:
 - i. Two spaces for the owner/occupant, plus 1 space for each additional bedroom.
 - ii. A site plan shall be submitted, delineating:
 - 1) The property boundaries,
 - 2) Access to the property,
 - 3) Location of all structures on the subject property,
 - 4) Required parking spaces.
 - f. Not permitted outside an urban or rural unincorporated community.
13. Hotels/Motels up to 35 units are allowed only if served by a community sewer system. New hotels and motels are not allowed outside an urban unincorporated community.
14. Residential Care Home/Facility shall be allowed in any authorized dwelling.

15. Restaurant facility. The following commercial use is located in building or buildings not to exceed the floor area standards set forth in OAR 660-022-0030(10). New commercial structures authorized outside a UCB or UGB shall not exceed 3,500 square feet of floor area
 - a. Bakery.
 - b. Catering services.
 - c. Confectionery.
 - d. Delicatessens.
16. Shoreland stabilization, structural and nonstructural is permitted.
17. Library must be found compatible with surrounding uses or may be made compatible through the imposition of conditions.
18. Temporary Uses:
 - a. Asphalt/concrete portable plant shall be permitted for as a temporary use not to exceed 30 days.
 - b. Circus/carnival:
 - i. Circuses and carnivals may be permitted provided they have suitable on-site capacity for vehicular parking and sanitation facilities for a temporary period, not to exceed ten (10) days.
 - ii. Requires a letter of authorization from the Coos County Health Department.
 - iii. Requires a traffic/parking plan to be reviewed by the County Roadmaster. If access is off of a state facility then ODOT must issue an access permit.
19. Vehicle:
 - a. Truck/Heavy Equipment including sales, repair, rental, off-road vehicle rental, storage, commercial use is located in building or buildings not to exceed the floor area standards set forth in OAR 660-022-0030(10). New commercial structures authorized outside a UCB or UGB shall not exceed 3,500 square feet of floor area.
 - b. Parking lot/structure.
20. ***Photovoltaic Cells. The installation and use of a solar photovoltaic energy system or a solar thermal energy system shall be allowed if:***
 - a. ***The installation of a solar energy system can be accomplished without increasing the footprint of the residential structure or the peak height of the portion of the roof on which the system is installed; and***
 - b. ***The solar energy system would be mounted so that the plane of the system is parallel to the slope of the roof (ORS 215.439)***

The solar energy system may be sited on the ground. Must comply with the same setback requirements listed in the development standards.

SECTION 4.4.110 ADMINISTRATIVE CONDITIONAL DEVELOPMENT AND USE: The following uses and their accessory uses are permitted under an administrative conditional use permit procedure subject to applicable development standards for C-1 zoning. All conditional use development and uses may be permitted if the proposed use must be found compatible with surrounding uses or may be made compatible through the imposition of conditions applicable additional criteria will be listed out under the individual proposed uses with the exception of historical structures. All commercial uses shall be located in building or buildings not to exceed the floor area standards set forth in OAR 660-022-0030(10).

1. Air & water navigation aids.
2. Commercial uses - New commercial structures authorized outside a UCB or UGB shall not exceed 3,500 square feet of floor area:
 - a. Building supplies.

- b. Feed store.
 - c. Fertilizer bulk sales.
 - d. Mini-warehouse storage/Storage Warehouse.
 - e. Second hand store.
 - f. Truck/heavy equipment sales, repair, service, storage.
3. Cemetery.
 4. Dams.
 5. Day care facility (13 or more persons).
 6. Entertainment/dancing theaters.
 7. Exploration of geo-thermal energy, aggregate and other mineral or subsurface resources. The following conditions shall be included in any conditional use permit for exploration for subsurface mineral resource:
 - a. All drill holes shall be filled and capped according to the following standards, and bonds to secure performance of this obligation shall be required as follows:
 - i. The applicant shall provide the Coos County Watermaster with the location of each hole by township, range, section and driller's identification number of all holes drilled.
 - ii. A plot plan showing these locations will be furnished to the Watermaster.
 - iii. The applicant shall seal all test holes from the bottom within 2 feet of land surface with cement, native clay, bentonite mixture (e.g., "Sure-Gel", Aqua Gel") of 9 pounds to 9-1/2 pounds of bentonite per gallon of water.
 - iv. If artesian flows are encountered, the test hole will be:
 - 1) Abandoned according to the following abandonment procedures:
ABANDONMENT OF ARTESIAN EXPLORATION HOLES.
 The flow of artesian exploration holes to be abandoned shall be confined or restricted by cement grout applied under pressure, or by the use of a suitable well packer, or a wooden or cast lead plug placed at the bottom of the confining formation immediately above the artesian water-bearing zone. Cement grout or concrete shall be used to effectively fill the exploration hole to land surface. or
 - 2) Developed for use of the artesian flow by a water well driller who is properly licensed and bonded by the State of Oregon.
 - v. If unusual conditions occur at a test hole site and compliance to the above standards will not result in a satisfactorily abandoned hole, the driller shall request that special standards be prescribed by the Watermaster for the particular hole.
 - vi. The applicant shall notify the County Watermaster prior to the abandonment of all test holes, drill holes, exploration holes, etc. As used in this section the term 'abandonment' shall mean the act of filling any hole with the required sealing material.
 - vii. In addition to complying with the procedures outlined above, the applicant shall post a surety bond in the amount of five thousand (\$5,000.00) dollars for each hole drilled or a bond for fifty thousand (\$50,000.00) dollars to cover all test holes. The surety bond shall be filed with the Board of Commissioners, and may be written by a surety company duly licensed by and authorized to do business in the State of Oregon. The release of such bond shall be conditioned upon the successful capping of all holes according to the procedure described above.

- viii. Although it is recommended that the test hole be sealed prior to moving the drilling rig, in no case shall the drill hole be left open for more than five (5) days after the drilling rig is moved off the test hole without prior approval of the County's designated representative.
- b. The applicant shall be required to construct a catch basin around each drilling site to retain any possible run-off.
- c. Abandonment procedure:
 - i. At the discretion of the County's appointed representative (usually, the district Watermaster), this representative may require that the exploration hole abandonment not begin until he is present at the site.
 - ii. In the event that paragraph "i" above, is implemented, the County's appointed representative may, if he is unable to be present during abandonment, otherwise authorize abandonment. This authorization may be given verbally by telephone.
 - iii. The County's appointed representative may require that the exploration hole be abandoned with cement grout.
- 8. Land Divisions (Partition/Subdivision):
 - a. Each parcel or lot shall meet the minimum lot/parcel size and development standards unless it is a residual of resource (Farm or Forest) land division.
 - b. Must comply with the requirements of Chapter VI for land divisions.
 - c. Notice will be sent as required by Article 5.0.
 - d. Final Plat is a ministerial review.
- 9. Modification of historical structure shall meet the criteria found in Section 4.11.125(3)(a) as well as any applicable development standards of the zoning district.

SECTION 4.4.120 HEARINGS BODY CONDITIONAL DEVELOPMENT AND USE: The following uses and their accessory uses are permitted under an hearings body conditional use permit procedure subject to applicable development standards for C-1 zoning. All conditional use development and uses may be permitted if the proposed use is found compatible with surrounding uses or may be made compatible through the imposition of conditions. Applicable additional criteria will be listed out under the individual proposed uses with the exception of historical structures. All commercial uses shall be located in building or buildings not to exceed the floor area standards set forth in OAR 660-022-0030(10).

- 1. Aggregate mining is restricted to subsurface activity only.
- 2. ***Private Campgrounds and Parks.***
 - a. ***Campgrounds in private parks shall only be those allowed by OAR 660-006-0025.***
 - b. ***Except on a lot or parcel contiguous to a lake or reservoir, campgrounds shall not be allowed within three miles of an urban growth boundary unless an exception is approved pursuant to ORS 197.732 and OAR Chapter 660, Division 4.***
 - c. ***For the purpose of this section a campground is an area devoted to overnight temporary use for vacation, recreational or emergency purposes, but not for residential purposes and is established on a site or is contiguous to lands with park or other outdoor natural amenity that is accessible for recreational use by the occupants of the campground.***
 - d. ***Campsites may be occupied by a tent, travel trailer or recreational vehicle.***
 - e. ***Separate sewer, water or electric service hookups shall not be provided to individual campsites except that electrical service may be provided to yurts allowed for by OAR 660-006-0025(4)(e)(C).***

- f. *Campgrounds shall not include intensively developed recreational uses such as swimming pools, tennis courts, retail stores or gas stations. Overnight temporary use in the same campground by a camper or camper's vehicle shall not exceed a total of 30 days during any consecutive 6 month period.*
- g. *A private campground may provide yurts for overnight camping.*
 - i. *No more than one-third or a maximum of 10 campsites, whichever is smaller, may include a yurt.*
 - ii. *The yurt shall be located on the ground or on a wood floor with no permanent foundation.*
 - iii. *As used in this rule, "yurt" means a round, domed shelter of cloth or canvas on a collapsible frame with on plumbing, sewage disposal hook-up or internal cooking appliance.*
- h. *Landscaping and Design:*
 - i. *The landscape shall be such to minimize soil erosion and lessen the visual impact. Every campground or park shall provide an ornamental, sight-obscuring fence, wall, evergreen or other suitable screening/planning along all boundaries of the park site abutting public roads or property lines that are common to other owners of property, except for points of ingress and egress. All open areas or common areas shall be landscaped. Landscaping shall consist of lawns and/or ornamental plantings;*
 - ii. *Any grade changes shall be in keeping with the general appearance of neighboring developed areas.*
 - iii. *Special attention shall be given to proper site surface drainage so that removal of surface waters will not adversely affect neighboring properties, the public storm drainage system, or create environmental problems.*
 - iv. *Exposed storage areas, service areas, utility buildings and structures and similar accessory areas and structures shall be subject to such setbacks, screen plantings or other screening methods as shall be reasonably required to prevent their being incompatible with the existing or contemplated environment and the surrounding properties.*
 - i. *Road and parking standards of Chapter VII shall apply.*
- 3. Contaminated Soil/land farming.
- 4. Correctional institution, jail, penal farm.
- 5. Generation of Power for public sale.
- 6. Generation of power not for public sale.
- 7. Golf course.
- 8. High-intensity recreation.
- 9. Mining/mineral extraction, including dredging necessary for mineral extraction geo-thermal. Mining is restricted to subsurface activity only.
- 10. Race track.
- 11. Recreational vehicle park
 - a. Must be a lot, parcel or tract of land upon which two (2) or more recreational vehicle sites are located, established or maintained for occupancy by recreational vehicles of the general public as temporary living quarters for recreational or vacation purposes.
 - b. The park shall contain recreational vehicle sites. Recreational vehicle sites are a plat of ground within the park designed to accommodate a recreational vehicle on a temporary basis.
 - c. *Shall include the submittal of a preliminary plot plan drawn as specified by OAR Division 650.*

d. Landscaping and Design:

- i. The landscape shall be such to minimize soil erosion and lessen the visual impact. Every park shall provide an ornamental, sight-obscuring fence, wall, evergreen or other suitable screening/planning along all boundaries of the park site abutting public roads or property lines that are common to other owners of property, except for points of ingress and egress. All open areas or common areas shall be landscaped. Landscaping shall consist of lawns and/or ornamental plantings;**
- ii. Any grade changes shall be in keeping with the general appearance of neighboring developed areas.**
- iii. Special attention shall be given to proper site surface drainage so that removal of surface waters will not adversely affect neighboring properties, the public storm drainage system, or create environmental problems.**
- iv. Exposed storage areas, service areas, utility buildings and structures and similar accessory areas and structures shall be subject to such setbacks, screen plantings or other screening methods as shall be reasonably required to prevent their being incompatible with the existing or contemplated environment and the surrounding properties.**
- e. Walls or fences shall be six feet in height except in the area of ingress and egress. This area shall be subject to Section 7.1.525. Evergreen planting shall not be less than five feet in height, and shall be maintained in a healthy living condition for the life of the RV Park. All walls, fences and evergreen planting shall be approved by the Planning Commission.**
- f. All open areas or common areas shall be landscaped. Landscaping shall consist of lawns and/or ornamental plantings.**
- g. A parking plan must be signed off by the Roadmaster. Regulation for parking can be found in Chapter VII.**

12. Single family dwelling (conventional & mobile).

13. Taverns, lounges, etc.

14. Tire recapping shop.

SECTION 4.4.130 DEVELOPMENT AND USE STANDARDS:

- 1. Development and use standards apply to all new development and creation of lots or parcels unless it meets the circumstances of § 5.6.130.**
2. Minimum Lot size:
 - a. There is no minimum lots size standard for this zoning district.
 - b. The dimension requirements must be met.
3. Minimum Street frontage and minimum lot width is 20 feet.
4. Front, side and rear setbacks are 5 feet from abutting properties that are zoned Controlled Development or residential zoning districts. Otherwise there are no setbacks.
5. Building height does not have any requirement, except those sites abutting a residential or controlled development zone shall have a max height of 35 feet plus one (1) additional foot in height for each foot of setback exceeding 5 feet (i.e. if the setback is 10 feet, the maximum building height would be 40 feet). However, spires, towers, domes, steeples, flag poles, antennae, chimneys, solar collectors, smokestacks, ventilators or other similar objects may be erected above the prescribed height limitations, provided no usable floor space above the height limits is thereby added. Such over height object shall not be used for advertising of any kind.
6. Access and parking is regulated in Chapter VII.

7. Riparian Vegetation Protection. Riparian vegetation within 50 feet of a estuarine wetland, stream, lake or river, as identified on the Coastal Shoreland and Fish and Wildlife habitat inventory maps, shall be maintained except that:
 - a. Trees certified *as posing an erosion or safety hazard. Property owner is responsible for ensuring compliance with all local, state and federal agencies for the removal of the tree.* ~~by one of the following Coos Soil and Water Conservation District, US Soil Conservation Service posing an erosion or safety hazard may be removed to minimize said hazard;~~
 - b. Riparian vegetation may be removed to provide direct access for a water-dependent use.
 - c. Riparian vegetation may be removed in order to allow establishment of authorized structural shoreline stabilization measures.
 - d. Riparian vegetation may be removed to facilitate stream or stream bank clearance projects under a port district, ODFW, BLM, Soil & Water Conservation District, or USFS stream enhancement plan.
 - e. Riparian vegetation may be removed in order to site or properly maintain public utilities and road right-of-ways. or
 - f. Riparian vegetation may be removed in conjunction with existing agricultural operations (e.g., to site or maintain irrigation pumps, to limit encroaching brush, to allow harvesting farm crops customarily grown within riparian corridors, etc.) provided that such vegetation removal does not encroach further into the vegetation buffer except as needed to provide an access to the water to site or maintain irrigation pumps.
 - g. The 50 foot riparian vegetation setback shall not apply in any instance where an existing structure was lawfully established and an addition or alteration to said structure is to be sited not closer to the estuarine wetland , stream, lake, or river than the existing structure and said addition or alteration represents not more than 100% of the size of the existing structure's "footprint".
 - h. Riparian removal within the Coastal Shoreland Boundary will require a conditional use. See Special Development Considerations Coastal Shoreland Boundary.
8. Limitation on uses of manufactured dwellings/structures for commercial purposes pursuant to ORS 466 et seq. Manufactured dwellings shall not be used for commercial purposes except:
 - a. Where use of the manufactured dwelling for commercial purposes is authorized by the Building Codes Agency,
 - b. Where used as a temporary sales office for manufactured structures, or
 - c. As part of an approved home occupation. [OR-92-07-012PL]

INDUSTRIAL (IND)

Purpose and Intent: The purpose of the "IND" district is to provide an adequate land base necessary to meet industrial growth needs and to encourage diversification of the area's economy accordingly. The "IND" district may be located without respect to Urban Growth Boundaries, as consistent with the Comprehensive Plan. The "IND" designation is appropriate for industrial parcels that are needed for development prior to the year 2000, as consistent with the Comprehensive Plan.

SECTION 4.4.200 DEVELOPMENT AND USE PERMITTED: The following uses and their accessory uses are permitted outright in the IND zoning districts:

1. Aero sales, repair and storage including retail commercial dependent upon air transportation. Airport/Heliport, air cargo warehousing and distribution facilities, air operations facilities, aerial related offices, aero school, aircraft component manufacturing and assembly and aero clubs.
2. Aggregate-mining, processing and storage.

3. Alcohol distilling (including wineries and breweries).
4. Asphalt/concrete portable and permanent plant.
5. Auction houses (general sales no livestock).
6. Assembly, manufacturing or packaging, processing, production, storage or treatment of products such as: bone, canvas, cellophane, chemicals, clay, cork, drugs, feather, felt, fiber, fur, glass, glue, hair, horn, leather, metal, paint, paper, plastic, shell, gems, tobacco, rubber, resources, toiletries, wine or wood.
7. Ball Park.
8. Blacksmith shop and foundry.
9. Boat and ship construction and repair.
10. Cabinet/myrtle wood products manufacturing.
11. Cold storage/ice plant.
12. Cottage industries are defined as home occupations that are operated by a resident of the subject property, occupying a detached accessory building. Cottage industries should not employ more than five (5) full or part-time persons. Cottage industries must not interfere with existing uses on nearby land or with other uses permitted in the zone in which the property is located. Cottage industries shall not involve the retail sale of a product on the premises. On premise sign advertising cottage industries shall not exceed six (6) square feet of copy area. A home occupation shall comply with the following:
 - a. Compatibility as explained in the opening statement.
 - b. Coos County shall review a permit allowing a home occupation or cottage industry every 12 months following the date the zoning compliance letter was issued and may continue the use if it continues to comply with the definition of cottage industry and/or home occupation.
 - c. A cottage industry approval shall vest exclusively with the owner of the land at the time of approval. The cottage industry shall not be conveyed or otherwise transferred to a subsequent landowner without a new conditional use permit. A plot plan and parking/traffic plan shall be submitted, to address the following:
 - i. The property boundaries.
 - ii. Access to the property.
 - iii. Location of all structures on the subject property.
 - iv. Required parking spaces.
 - v. The parking/traffic plan shall show required parking and traffic flow. All parking/traffic plans shall be reviewed by the Roadmaster to determine traffic safety.
 - d. The industrial use is located in building or buildings not to exceed the floor area standards set forth in OAR 660-022-0030(11).
13. Building supplies storage and sales.
14. Circus/carnival:
 - c. A circuses and carnivals may be permitted provided they have suitable on-site capacity for vehicular parking and sanitation facilities for a temporary period, not to exceed ten (10) days.
 - d. ***Requires a letter of authorization from the Coos County Health Department.***
 - e. ***Requires a traffic/parking plan to be reviewed by the County Roadmaster. If access is off of a state facility, then ODOT must issue an access permit.***
15. Contaminated Soil/land farming.
16. Dikes – new and maintenance.
17. Equipment/Vehicle:
 - a. Rental.
 - b. Truck/heavy equipment sales, repair, service, storage.
 - c. Off-road vehicle rental.
 - d. Service station with convenience store.
 - e. Tire recapping shop.

- f. Tire sales.
- 18. Fill including Dredge material disposal.
- 19. Farm Related uses:
 - a. Farm Buildings – Shall be permitted for uses listed in 215:203 only.
 - b. Farm use pursuant to ORS 215.203 for either profit or not for profit.
 - c. Feed store.
 - d. Fertilizer bulk sales.
- 20. Fire station.
- 21. Home Occupation -The County shall review a permit allowing a home occupation ~~or cottage industry~~ every 12 months following the date the permit was issued and may continue the permit if the use continues to comply with the requirements of the use's definition.

A home occupation is defined as businesses that are operated entirely within a dwelling by a member of the family residing in the dwelling. Home occupations shall not employ more than five (5) full or part-time persons. Examples of home occupations include but are not limited to: beauty shops; engravers; professional offices; etc.

Home occupations must not interfere with existing uses on nearby land or with other uses permitted in the zone in which the property is located. Home occupations shall not involve the retail sale of a product on the premises. Home occupations shall not occupy more than 30% of the useable floor area of the dwelling, nor shall home occupations use any detached accessory building. On premise signs advertising home occupations shall not exceed six (6) square feet of copy area. [OR 04 12 013PL 2/09/05]

- 22. Junk yard/wrecking yard
- 23. Mining/mineral extraction, including dredging necessary for mineral extraction geo-thermal of other mineral or subsurface resource.
- 24. Mitigation.
- 25. Navigation aids – air and water.
- 26. Office building may be permitted only if in conjunction with a permitted or conditionally permitted use.
- 27. Parking lot/structure
- 28. Passive restoration.
- 29. Processing:
 - a. Geo-thermal.
 - b. Other Mineral or subsurface resources.
 - c. Farm use pursuant to ORS 215.203.
 - d. Propagation, management, harvesting of forest products including sawmills, manufacture and storage of logs and lumber.
- 30. Re-upholstery shop.
- 31. Residential – the following residential uses may be permitted only if in conjunction with a established permitted or conditionally permitted use:
 - a. Single family dwelling (conventional & mobile).
 - b. Watchman/Caretaker.
 - c. 2nd floor apartment.
 - d. Temporary dwelling may be permitted. A mobile home, travel trailer or recreational vehicle used as a dwelling temporarily during construction of a permitted structure. Duration not to exceed one (1) year, subject to renewal.
- 32. Shoreland stabilizations including structural and non-structural.
- 33. Storage:
 - a. Mini-warehouse storage.
 - b. Warehouse.

34. Utility facility:
 - a. Communication facilities.
 - b. Power facilities for public and private sale.
 - c. Service and utility lines.
 - d. Sewer/water plant/pump station.
35. ***High Intensity recreational uses that were approved as of October 2014 may be continued or be expanded. The expansion must comply with state requirements. However, this use is considered non-conforming and is subject to the standards in Article 5.6.***
36. ***Photovoltaic Cells. The installation and use of a solar photovoltaic energy system or a solar thermal energy system shall be allowed if:***
 - a. ***The installation of a solar energy system can be accomplished without increasing the footprint of the residential structure or the peak height of the portion of the roof on which the system is installed; and***
 - b. ***The solar energy system would be mounted so that the plane of the system is parallel to the slope of the roof (ORS 215.439)***

The solar energy system may be sited on the ground. Must comply with the same setback requirements listed in the development standards.

SECTION 4.4.210 ADMINISTRATIVE CONDITIONAL DEVELOPMENT AND USE: The following uses and their accessory uses are permitted under an administrative conditional use permit procedure subject to applicable development standards for the IND zone.

1. Exploration of geo-thermal energy, aggregate and other mineral or subsurface resources. The following conditions shall be included in any conditional use permit for exploration for subsurface mineral resource:
 - a. All drill holes shall be filled and capped according to the following standards, and bonds to secure performance of this obligation shall be required as follows:
 - i. The applicant shall provide the Coos County Watermaster with the location of each hole by township, range, section and driller's identification number of all holes drilled.
 - ii. A plot plan showing these locations will be furnished to the Watermaster.
 - iii. The applicant shall seal all test holes from the bottom within 2 feet of land surface with cement, native clay, bentonite mixture (e.g., "Sure-Gel", Aqua Gel") of 9 pounds to 9-1/2 pounds of bentonite per gallon of water.
 - iv. If artesian flows are encountered, the test hole will be:
 - 1) Abandoned according to the following abandonment procedures:
ABANDONMENT OF ARTESIAN EXPLORATION HOLES.
 The flow of artesian exploration holes to be abandoned shall be confined or restricted by cement grout applied under pressure, or by the use of a suitable well packer, or a wooden or cast lead plug placed at the bottom of the confining formation immediately above the artesian water-bearing zone. Cement grout or concrete shall be used to effectively fill the exploration hole to land surface. or
 - 2) Developed for use of the artesian flow by a water well driller who is properly licensed and bonded by the State of Oregon.
 - v. If unusual conditions occur at a test hole site and compliance to the above standards will not result in a satisfactorily abandoned hole, the driller shall request that special standards be prescribed by the Watermaster for the particular hole.

- vi. The applicant shall notify the County Watermaster prior to the abandonment of all test holes, drill holes, exploration holes, etc. As used in this section the term 'abandonment' shall mean the act of filling any hole with the required sealing material.
 - vii. In addition to complying with the procedures outlined above, the applicant shall post a surety bond in the amount of five thousand (\$5,000.00) dollars for each hole drilled or a bond for fifty thousand (\$50,000.00) dollars to cover all test holes. The surety bond shall be filed with the Board of Commissioners, and may be written by a surety company duly licensed by and authorized to do business in the State of Oregon. The release of such bond shall be conditioned upon the successful capping of all holes according to the procedure described above.
 - viii. Although it is recommended that the test hole be sealed prior to moving the drilling rig, in no case shall the drill hole be left open for more than five (5) days after the drilling rig is moved off the test hole without prior approval of the County's designated representative.
- b. The applicant shall be required to construct a catch basin around each drilling site to retain any possible run-off.
 - c. Abandonment procedure:
 - i. At the discretion of the County's appointed representative (usually, the district Watermaster), this representative may require that the exploration hole abandonment not begin until he is present at the site.
 - ii. In the event that paragraph "i" above, is implemented, the County's appointed representative may, if he is unable to be present during abandonment, otherwise authorize abandonment. This authorization may be given verbally by telephone.
 - iii. The County's appointed representative may require that the exploration hole be abandoned with cement grout.
- 2. Dam(s) must be found compatible with surrounding uses or may be made compatible through the imposition of conditions.
 - 3. Feed lot(s) must be found compatible with surrounding uses or may be made compatible through the imposition of conditions.
 - 4. Land Divisions (Partition/Subdivision):
 - a. Each parcel or lot shall meet the minimum lot/parcel size and development standards unless it is a residual of resource (Farm or Forest) land division;
 - b. Must comply with the requirements of Chapter 6 for land divisions;
 - c. Notice will be sent as required by Chapter 5.0.;
 - a. Final Plat is a ministerial review.
 - 5. Modification of historical structure shall meet the criteria found in Section 4.11.125(3)(a) as well as any applicable development standards of the zoning district.

SECTION 4.4.220 HEARINGS BODY CONDITIONAL DEVELOPMENT AND USE: The following uses and their accessory uses are permitted under a hearings body conditional use permit procedure subject to applicable development standards in the IND zone. All hearings body conditional uses must be found compatible with surrounding uses or may be made compatible through the imposition of conditions. All industrial uses shall be located in building or buildings not to exceed the floor area standards set forth in OAR 660-022-0030(11).

- 1. Solid waste disposal facility.
- 2. Tannery.
- 3. Solid waste landfill is only permitted outside of urban areas including UGB and UUC.

4. High- intensity recreation.
5. Packing plant.
6. Race track.
7. Rendering plant.
8. Taxi/bus/truck rental.
9. Truck stop.
10. Slaughter house are only permitted outside of urban areas including UGB and UUC.
11. Service station with convenience store.
12. ***New High Intensity Recreational Uses may be permitted on public dedicated or government owned property upon finding that the property is no longer needed to meet an industrial land inventory need. The property must be located adjacent to a natural recreational feature such as a sand dune or water body.***

SECTION 4.4.230 DEVELOPMENT AND USE STANDARDS.

1. ***Development and use standards apply to all new development and creation of lots or parcels unless it meets the circumstances of § 5.6.130.***
2. Minimum Lot size:
 - a. There is no minimum lots size standard for this zoning.
 - b. The dimension requirements must be meet.
3. Minimum Street frontage and minimum lot width is 20 feet.
4. Front setback is 20 feet.
5. Front, side and rear setbacks are 5 feet from abutting properties that are zoned Controlled Development or residential zoning districts.
6. Setback exception – Front yard setback requirements of this Ordinance shall not apply in any residential district where the average depth of existing front yards on developed lots within the same zoning district block, but no further than 250 feet from the exterior side lot lines of the lot and fronting on the same side of the street as such lot, is less than the minimum required front yard building setback. In such cases the front yard setback requirement on any such lot shall not be less than the average existing front yard building setback.
7. Building height does not have any requirement, except those sites abutting a residential or controlled development zone shall have a max height of 35 feet plus one (1) additional foot in height for each foot of setback exceeding 5 feet (i.e. if the setback is 10 feet, the maximum building height would be 40 feet). However, spires, towers, domes, steeples, flag poles, antennae, chimneys, solar collectors, smokestacks, ventilators or other similar objects may be erected above the prescribed height limitations, provided no usable floor space above the height limits is thereby added. Such over height object shall not be used for advertising of any kind.
8. Access and parking is regulated in chapter VII.
9. Riparian Vegetation Protection Setback. Riparian vegetation within 50 feet of a estuarine wetland, stream, lake or river, as identified on the Coastal Shoreland and Fish and Wildlife habitat inventory maps, shall be maintained except that:
 - a. ***Trees certified as posing an erosion or safety hazard. Property owner is responsible for ensuring compliance with all local, state and federal agencies for the removal of the tree. by one of the following Coos Soil and Water Conservation District, US Soil Conservation Service posing an erosion or safety hazard may be removed to minimize said hazard;***
 - b. Riparian vegetation may be removed to provide direct access for a water-dependent use if it is a listed permitted within the zoning district;
 - c. Riparian vegetation may be removed in order to allow establishment of authorized structural shoreline stabilization measures;

- d. Riparian vegetation may be removed to facilitate stream or stream bank clearance projects under a port district, ODFW, BLM, Soil & Water Conservation District, or USFS stream enhancement plan;
- e. Riparian vegetation may be removed in order to site or properly maintain public utilities and road right-of-ways;
- f. Riparian vegetation may be removed in conjunction with existing agricultural operations (e.g., to site or maintain irrigation pumps, to limit encroaching brush, to allow harvesting farm crops customarily grown within riparian corridors, etc.) provided that such vegetation removal does not encroach further into the vegetation buffer except as needed to provide an access to the water to site or maintain irrigation pumps; or
- g. The 50 foot riparian vegetation setback shall not apply in any instance where an existing structure was lawfully established and an addition or alteration to said structure is to be sited not closer to the estuarine wetland, stream, lake, or river than the existing structure and said addition or alteration represents not more than 100% of the size of the existing structure's "footprint".
- h. Riparian removal within the Coastal Shoreland Boundary will require a conditional use. See Special Development Considerations Coastal Shoreland Boundary.
- i. *The 50' measurement shall be taken from the closest point of the ordinary high water mark to the structure using a right angle from the ordinary high water mark.*

AIRPORT OPERATIONS (AO)

Purpose and Intent: The purpose of the Airport Operation "AO" district is to recognize those areas devoted to or most suitable for immediate operational facilities necessary for commercial and non-commercial aviation. It is also intended to provide areas for those activities directly supporting or dependent upon aircraft or air transportation when such activities, in order to function, require a location within or immediately adjacent to primary flight operations and passenger or cargo service facilities. In addition, the "AO" district is intended to provide areas for certain open space uses for airfield grounds maintenance and as a buffer to minimize potential dangers from, and conflicts with, the use of aircraft.

SECTION 4.4.300 DEVELOPMENT AND USE PERMITTED: The following uses and their accessory uses are permitted outright in the Controlled Development zoning districts:

1. Aero sales, repair and storage including retail commercial dependent upon air transportation. Airport/Heliport, air cargo warehousing and distribution facilities, air operations facilities, aerial related offices, aero school, aircraft component manufacturing and assembly and aero clubs.
2. Contaminated Soil/land farming.
3. Dikes including new and maintenance.
4. Fill including Dredge material disposal.
5. Farm Related uses:
 - a. Farm Buildings – Shall be permitted for uses listed in 215.203 only
 - b. Farm use pursuant to ORS 215.203 for either profit or not for profit
6. Fire station
7. Hotel/Motel
8. Home Occupation -The County shall review a permit allowing a home occupation or cottage industry every 12 months following the date the permit was issued and may continue the permit if the use continues to comply with the requirements of the use's definition.

A home occupation is defined as businesses that are operated entirely within a dwelling by a member of the family residing in the dwelling. Home occupations shall not employ more than five (5) full or part-time persons. Examples of home occupations include but are not limited to: beauty shops, engravers, professional offices, etc.

Home occupations must not interfere with existing uses on nearby land or with other uses permitted in the zone in which the property is located. Home occupations shall not involve the retail sale of a product on the premises. Home occupations shall not occupy more than 30% of the useable floor area of the dwelling, nor shall home occupations use any detached accessory building. On premise signs advertising home occupations shall not exceed six (6) square feet of copy area. [OR 04 12 013PL 2/09/05]

9. Hotel/Motel up to 35 units are allowed only if served by a community sewer system. New hotels and motels are not allowed outside an unincorporated community.
10. Mitigation.
11. Navigation aids – air and water
12. Non-structural shoreland stabilization
13. Office building may be permitted only if in conjunction with a permitted or conditionally permitted use.
14. Passive restoration
15. Structural shoreland stabilizations
16. Vehicle
 - a. Taxi
 - b. Bus
 - c. Truck rental
 - d. Parking lot
 - e. Parking Structure
17. Residential – the following residential uses may be permitted only if in conjunction with a established permitted or conditionally permitted use,
 - a. Watchman/Caretaker
 - b. Temporary dwelling may be permitted. A mobile home, travel trailer or recreational vehicle used as a dwelling temporarily during construction of a permitted structure. Duration not to exceed one (1) year, subject to renewal.
18. Restaurant
19. Utilities
 - a. Communication facilities
 - b. Power facilities for public and private sale
 - c. Service and utility lines
 - d. Sewer/water plant/pump station

SECTION 4.4.310 ADMINISTRATIVE CONDITIONAL DEVELOPMENT AND USE: The following uses and their accessory uses are permitted under an administrative conditional use permit procedure subject to applicable development standards for AO zone.

1. Land Divisions (Partition/Subdivision):
 - a. Each parcel or lot shall meet the minimum lot/parcel size and development standards unless it is a residual of resource (Farm or Forest) land division:
 - b. Must comply with the requirements of Chapter 6 for land divisions.
 - c. Notice will be sent as required by Chapter 5.0.
 - d. Final Plat is a ministerial review
2. Public service office must be found compatible with surrounding uses or may be made compatible through the imposition of conditions.

3. Research & education observation structure must be found compatible with surrounding uses or may be made compatible through the imposition of conditions.
4. **Vacation rentals are subject to the following criteria:**
 - a. **Must be found to be compatible with the surrounding area;**
 - b. ***Must be licensed by the Coos County Health Department in accordance with ORS 446.310-350;***
 - c. **Approval shall vest exclusively with the owner of the land at the time of approval. The rental shall not be conveyed or otherwise transferred to a subsequent landowner without a new conditional use permit; and**
 - d. **Must meet parking access, driveway and parking standards as identified in Chapter VII.**
5. ***Photovoltaic Cells. The installation and use of a solar photovoltaic energy system or a solar thermal energy system shall be allowed if:***
 - a. ***The installation of a solar energy system can be accomplished without increasing the footprint of the residential structure or the peak height of the portion of the roof on which the system is installed; and***
 - b. ***The solar energy system would be mounted so that the plane of the system is parallel to the slope of the roof (ORS 215.439)***

The solar energy system may be sited on the ground. Must comply with the same setback requirements listed in the development standards.

SECTION 4.4.320 HEARINGS BODY CONDITIONAL DEVELOPMENT AND USE:

The following uses and their accessory uses are permitted under a Hearings Body Conditional use permit procedure subject to applicable development standards in the AO zone. These uses must be found must be found compatible with surrounding uses or may be made compatible through the imposition of conditions.

1. Generation of Power for public sale
2. Solid waste disposal facility
3. Solid waste landfill outside of urban areas only including UGB and UUC.
4. Mining/mineral extraction, including dredging necessary for mineral extraction geo-thermal of other mineral or subsurface resource. Mining is restricted to subsurface activity only.

SECTION 4.4.330 DEVELOPMENT AND USE STANDARDS:

1. **Development and use standards apply to all new development and creation of lots or parcels unless it meets the circumstances of § 5.6.130.**
2. Minimum Lot size:
 - a. There is no minimum lots size standard for this zoning.
 - b. The dimension requirements must be meet.
3. Minimum Street frontage and minimum lot width is 50 feet.
4. Front setback is 20' feet.
5. Side and rear setbacks are 5 feet unless the side yard or rear yards are adjacent to a street or road (corner lot) then the setback shall require a minimum of 15 feet from the street or road.
6. Setback exception – Front yard setback requirements of this Ordinance shall not apply in any residential district where the average depth of existing front yards on developed lots within the same zoning district block, but no further than 250 feet from the exterior side lot lines of the lot and fronting on the same side of the street as such lot, is less than the minimum required front yard building setback. In such cases the front yard setback requirement on any such lot shall not be less than the average existing front yard building setback.

7. Access and parking is regulated in chapter VII.
8. Riparian vegetation setback within 50 feet of a estuarine wetland , stream, lake or river, as identified on the Coastal Shoreland and Fish and Wildlife habitat inventory maps, shall be maintained except that:
 - a. Trees certified *as posing an erosion or safety hazard. Property owner is responsible for ensuring compliance with all local, state and federal agencies for the removal of the tree.* ~~by one of the following Coos Soil and Water Conservation District, US Soil Conservation Service posing an erosion or safety hazard may be removed to minimize said hazard;~~
 - b. Riparian vegetation may be removed to provide direct access for a water-dependent use.
 - c. Riparian vegetation may be removed in order to allow establishment of authorized structural shoreline stabilization measures.
 - d. Riparian vegetation may be removed to facilitate stream or stream bank clearance projects under a port district, ODFW, BLM, Soil & Water Conservation District, or USFS stream enhancement plan.
 - e. Riparian vegetation may be removed in order to site or properly maintain public utilities and road right-of-ways. or
 - f. Riparian vegetation may be removed in conjunction with existing agricultural operations (e.g., to site or maintain irrigation pumps, to limit encroaching brush, to allow harvesting farm crops customarily grown within riparian corridors, etc.) provided that such vegetation removal does not encroach further into the vegetation buffer except as needed to provide an access to the water to site or maintain irrigation pumps.
 - g. Riparian removal within the Coastal Shoreland Boundary will require a conditional use. See Special Development Considerations Coastal Shoreland Boundary.
 - h. The 50 foot riparian vegetation setback shall not apply in any instance where an existing structure was lawfully established and an addition or alteration to said structure is to be sited not closer to the estuarine wetland, stream, lake, or river than the existing structure and said addition or alteration represents not more than 100% of the size of the existing structure’s “footprint”.
 - i. *The 50’ measurement shall be taken from the closest point of the ordinary high water mark to the structure using a right angle from the ordinary high water mark.*

ARTICLE 4.5 – RECREATIONAL ZONING DISTRICT

RECREATION (REC)

Purpose and Intent: The purpose of the “REC” district is to accommodate recreational uses of areas with high recreational or open space value. The district applies solely to areas designated as “Recreation” in the Comprehensive Plan, which include state, county and other municipal parks, the Oregon Dunes National Recreation Area, as well as private lands currently developed as golf courses.

New recreational developments in this district shall be oriented to the open space nature of the land. The type and intensity of recreational developments in this district must be conditioned by environmental considerations set forth in the County’s Coastal Shoreland/Dune Lands

Comprehensive Plan policies where such developments are allowed in these coastal resource areas.

SECTION 4.5.100 DEVELOPMENT AND USE PERMITTED:

The following uses and their accessory uses are permitted outright.

1. Agricultural uses (farm) and buildings pursuant to ORS 215.203
2. Circus/Carnival may be permitted provided they have suitable on-site capacity for vehicular parking and sanitation facilities for a temporary period, not to exceed ten (10) days.
 - a. ***Requires a letter of authorization from the Coos County Health Department.***
 - b. ***Requires a traffic/parking plan to be reviewed by the County Roadmaster. If access is off of a state facility, then ODOT must issue an access permit.***
3. Commercial golf course.
~~Commercial kennel~~
4. Educational-associated facilities.
5. Fish and wildlife habitat management.
6. Hunting and fishing preserve.
7. Marinas.
8. Mitigation.
9. Recreation:
 - a. Coastal Recreation – Coastal Recreation uses occur in offshore ocean waters, estuaries, and streams, along beaches and bluffs, and in adjacent shorelands. It includes a variety of activities from swimming, scuba diving, boating, fishing, hunting, and use of dune buggies, shell collecting, painting, wildlife observation, and sightseeing, to coastal resorts and water-oriented restaurants.
 - b. High-Intensity Recreation uses specially built facilities, or occurs in such density or form that it requires or results in a modification of the area or resource. Campgrounds, golf courses, public beaches, and marinas are examples of high-intensity recreation.
 - c. Low-Intensity Recreation uses that do not require developed facilities and can be accommodated without change to the area or resource. For example, boating hunting, hiking, wildlife photography, and beach or shore activities can be low-intensity recreation.
10. Research and education observation structure.
11. Restoration – Passive and active restoration of fish & wildlife habitat or water quality & estuarine enhancement.
12. Shoreline stabilization – Non-structural only.
13. Temporary Dwelling which must be either mobile home, travel trailer or recreational vehicle used as a dwelling temporarily during construction of a permitted structure. Duration not to exceed one (1) year, subject to renewal.
14. Timber farming/harvesting including propagation, management and harvesting of a forest product.
15. Watchman/caretaker is only permitted if in conjunction with a permitted or conditionally permitted use.
16. ***Photovoltaic Cells. The installation and use of a solar photovoltaic energy system or a solar thermal energy system shall be allowed if:***
 - a. ***The installation of a solar energy system can be accomplished without increasing the footprint of the residential structure or the peak height of the portion of the roof on which the system is installed; and***

- b. *The solar energy system would be mounted so that the plane of the system is parallel to the slope of the roof (ORS 215.439)*
The solar energy system may be sited on the ground. Must comply with the same setback requirements listed in the development standards.

SECTION 4.5.110 ADMINISTRATIVE CONDITIONAL DEVELOPMENT AND USE:

The following uses and their accessory uses are permitted under an administrative conditional use permit procedure subject to applicable development standards.

1. Air and water navigation aids - The proposed use must be found compatible with surrounding uses or may be made compatible through the imposition of conditions.
2. Fire Station - The proposed use must be found compatible with surrounding uses or may be made compatible through the imposition of conditions.
3. Modification of historical structure shall meet the criteria found in Section 4.11.125(3)(a) as well as any applicable development standards of the zoning district.
4. Museum - The proposed use must be found compatible with surrounding uses or may be made compatible through the imposition of conditions.
5. Shoreland structural stabilization is subject to Natural hazards Policy 5.11 as explained in this subsection. *Coos County shall promote protection of valued property from risks associated with critical stream bank and ocean front erosion through necessary erosion-control stabilization measures, preferring nonstructural solutions where practical. Coos County shall implement this strategy by making "Consistency Statements" required for State and Federal permits (necessary for structural stream bank protection measures) that support structural protection measures when the applicant establishes that non-structure measures either are not feasible or inadequate to provide the necessary degree of protection. This strategy recognizes the risks and loss of property from unabated critical stream bank erosion, and also, that state and federal agencies regulate structural solutions. A flood elevation certificate is required for a stabilization which will occur in the identified flood hazard area.*
6. Single family dwelling: On land zoned "Recreation" and privately owned on January 1, 1993, one single family dwelling or mobile home may be established on contiguous lots or parcels under the same ownership on January 1, 1993, provided:
 - a. The dwelling will not interfere with or pre-empt future or existing recreational uses on adjacent or nearby Recreational zoned land.
 - b. The dwelling is compatible with surrounding uses or could be made compatible with the imposition of conditions.
 - c. No other dwellings exist on the contiguous lots or parcels under that ownership.
 - d. Any land divisions to separate a dwelling established under this section must create a 5 acre parcel containing the dwelling. No other dwellings may be established on the remaining parcel. A land division must comply with Article 6.5 of the Ordinance [OR 92-11-018PL]
7. Special temporary uses and their accessory structures and uses may be temporarily permitted by the Planning Director as set forth in the Zoning Districts. Temporary uses may not be for more than one (1) years and the affected area must be restored to its previous condition.
8. *Recreational Vehicle Pad – A single RV pad maybe installed for private use. Water and Sewer may be hooked up to the site. If multiple RV’s are utilizing the site then an applicant will be required for an RV Park or Campground. Accessory structures may be permitted to store recreational accessory items.*
9. *Vacation rentals are subject to the following criteria:*
 - a. *Must be found to be compatible with the surrounding area;*
 - b. *Must be licensed by the Coos County Health Department in accordance with ORS 446.310-350;*

- c. *Approval shall vest exclusively with the owner of the land at the time of approval. The rental shall not be conveyed or otherwise transferred to a subsequent landowner without a new conditional use permit;*
 - d. *Shall be at least one acre; and*
 - e. *Must meet parking access, driveway and parking standards as identified in Chapter VII.*
10. Zoos - The proposed use must be found compatible with surrounding uses or may be made compatible through the imposition of conditions.

SECTION 4.5.120 HEARINGS BODY CONDITIONAL DEVELOPMENT AND USE:

The following uses and their accessory uses are permitted under an hearings body conditional use permit procedure subject to applicable development standards.

1. Campgrounds and Private Parks.

- a. *Campgrounds in private parks shall only be those allowed by OAR 660-006-0025.*
- b. *Except on a lot or parcel contiguous to a lake or reservoir, campgrounds shall not be allowed within three miles of an urban growth boundary unless an exception is approved pursuant to ORS 197.732 and OAR Chapter 660, Division 4.*
- c. *For the purpose of this section a campground is an area devoted to overnight temporary use for vacation, recreational or emergency purposes, but not for residential purposes and is established on a site or is contiguous to lands with park or other outdoor natural amenity that is accessible for recreational use by the occupants of the campground.*
- d. *Campsites may be occupied by a tent, travel trailer or recreational vehicle.*
- e. *Separate sewer, water or electric service hookups shall not be provided to individual campsites except that electrical service may be provided to yurts allowed for by OAR 660-006-0025(4)(e)(C).*
- f. *Campgrounds shall not include intensively developed recreational uses such as swimming pools, tennis courts, retail stores or gas stations. Overnight temporary use in the same campground by a camper or camper's vehicle shall not exceed a total of 30 days during any consecutive 6 month period.*
- g. *A private campground may provide yurts for overnight camping.*
 - i. *No more than one-third or a maximum of 10 campsites, whichever is smaller, may include a yurt.*
 - ii. *The yurt shall be located on the ground or on a wood floor with no permanent foundation.*
 - iii. *As used in this rule, "yurt" means a round, domed shelter of cloth or canvas on a collapsible frame with on plumbing, sewage disposal hook-up or internal cooking appliance.*
- h. **Landscaping and design:**
- i. **Landscaping and Design:**
 - i. *The landscape shall be such to minimize soil erosion and lessen the visual impact. Every campground or park shall provide an ornamental, sight-obscuring fence, wall, evergreen or other suitable screening/planning along all boundaries of the park site abutting public roads or property lines that are common to other owners of property, except for points of ingress and egress. All open areas or common areas shall be landscaped. Landscaping shall consist of lawns and/or ornamental plantings;*

- b. The park shall contain recreational vehicle sites. Recreational vehicle sites are a plat of ground within the park designed to accommodate a recreational vehicle on a temporary basis.
- c. *Shall include the submittal of a preliminary plot plan drawn as specified by OAR Division 650.*
- d. *Every RV Park shall provide an ornamental, sight-obscuring fence, wall, evergreen or other suitable screening/planning along all boundaries of the park site abutting public roads or property lines that are common to other owners of property, except for points of ingress and egress.*
- e. *Walls or fences shall be six feet in height except in the area of ingress and egress. This area shall be subject to Section 7.1.525. Evergreen planting shall not be less than five feet in height, and shall be maintained in a healthy living condition for the life of the RV Park. All walls, fences and evergreen planting shall be approved by the Planning Commission.*
- f. *Landscaping and Design:*
 - i. *The landscape shall be such to minimize soil erosion and lessen the visual impact. Every mobile home park shall provide an ornamental, sight-obscuring fence, wall, evergreen or other suitable screening/planning along all boundaries of the park site abutting public roads or property lines that are common to other owners of property, except for points of ingress and egress. All open areas or common areas shall be landscaped. Landscaping shall consist of lawns and/or ornamental plantings;*
 - ii. *Any grade changes shall be in keeping with the general appearance of neighboring developed areas.*
 - iii. *Special attention shall be given to proper site surface drainage so that removal of surface waters will not adversely affect neighboring properties, the public storm drainage system, or create environmental problems.*
 - iv. *Exposed storage areas, service areas, utility buildings and structures and similar accessory areas and structures shall be subject to such setbacks, screen plantings or other screening methods as shall be reasonably required to prevent their being incompatible with the existing or contemplated environment and the surrounding properties.*
- g. *A parking plan must be signed off by the Roadmaster. Regulation for parking can be found in Chapter VII.*

SECTION 4.5.130 DEVELOPMENT AND USE STANDARDS.

1. **Development and use standards apply to all new development and creation of lots or parcels unless it meets the circumstances of § 5.6.130.**
2. Minimum Lot Size: No requirement; however, for changes in existing types of uses, densities, or services on lots that have previously received a “physically developed” or “irrevocably committed” exception to the goals pursuant to ORS 197.732, the minimum lot size shall be 2 acres.[ORD Shoreland Segment 03-02-002PL 5/14/03]
3. Minimum road Frontage/Lot width *unless waived by the Planning Director in consultation with the County Surveyor and County Roadmaster due to creating an unsafe or irregular configuration:*
 - a. Within urban areas the minimum road frontage/lot width is 50 feet.
 - b. Outside of urban areas the minimum road frontage/lot width is 30 feet.
4. Setback exception – Front yard setback requirements of this Ordinance shall not apply in any residential district where the average depth of existing front yards on developed lots within the same zoning district block, but no further than 250 feet from the exterior side

lot lines of the lot and fronting on the same side of the street as such lot, is less than the minimum required front yard building setback. In such cases the front yard setback requirement on any such lot shall not be less than the average existing front yard building setback.

5. Riparian vegetation protection setback within 50 feet of a estuarine wetland, stream, lake or river, as identified on the Coastal Shoreland and Fish and Wildlife habitat inventory maps, shall be maintained except that:
 - a. Trees certified ***as posing an erosion or safety hazard. Property owner is responsible for ensuring compliance with all local, state and federal agencies for the removal of the tree.*** ~~by one of the following Coos Soil and Water Conservation District, US Soil Conservation Service posing an erosion or safety hazard may be removed to minimize said hazard;~~
 - b. Riparian vegetation may be removed to provide direct access for a water-dependent use if it is a listed permitted within the zoning district;
 - c. Riparian vegetation may be removed in order to allow establishment of authorized structural shoreline stabilization measures;
 - d. Riparian vegetation may be removed to facilitate stream or stream bank clearance projects under a port district, ODFW, BLM, Soil & Water Conservation District, or USFS stream enhancement plan;
 - e. Riparian vegetation may be removed in order to site or properly maintain public utilities and road right-of-ways;
 - f. Riparian vegetation may be removed in conjunction with existing agricultural operations (e.g., to site or maintain irrigation pumps, to limit encroaching brush, to allow harvesting farm crops customarily grown within riparian corridors, etc.) provided that such vegetation removal does not encroach further into the vegetation buffer except as needed to provide an access to the water to site or maintain irrigation pumps; or
 - g. The 50 foot riparian vegetation setback shall not apply in any instance where an existing structure was lawfully established and an addition or alteration to said structure is to be sited not closer to the estuarine wetland, stream, lake, or river than the existing structure and said addition or alteration represents not more than 100% of the size of the existing structure's "footprint".
 - h. Riparian removal within the Coastal Shoreland Boundary will require a conditional use. See Special Development Considerations Coastal Shoreland Boundary.
 - i. ***The 50' measurement shall be taken from the closest point of the ordinary high water mark to the structure using a right angle from the ordinary high water mark.***
6. Setbacks. All building or structures with the exception of fences shall be set back a minimum of thirty-five (35) feet from any road right-of-way centerline, or five (5) feet from the right-of-way line, whichever is greater.

ARTICLE 4.6 – RESOURCE ZONING DISTRICT

FOREST (F)

Purpose and Intent: The purpose of the Forest zone is to conserve and protect forest land for forest uses. Some of the areas covered by the “F” zone are exclusive forest lands, while other areas include a combination of mixed farm and forest uses.

FOREST MIXED USE (FMU)

Mixed Farm-Forest Areas (“MU” areas) include land which is currently or potentially in farm-forest use. Typically such lands are those with soil, aspect, topographic features and present ground cover that are best suited to a combination of forest and grazing uses. The areas generally occupy land on the periphery of large corporate and agency holdings and tend to form a buffer between more remote uplands and populated valleys. In addition, these “mixed use” areas contain ownership of smaller size than in prime forest areas. Some are generally marginal in terms of forest productivity, such as areas close to the ocean.

If land is in a zone that allows both farm and forest uses, a dwelling may be sited based on the predominate use of the tract on January 1, 1993.

If a use is only allowed in the mixed use zone it will be explained in the text. Otherwise the uses listed are allowed in both the Forest and Forest Mixed Use zones.

SECTION 4.6.100 DEVELOPMENT AND USE PERMITTED: The following uses and their accessory uses are permitted subject to applicable development standards for Forest and Forest Mixed Use zone.

1. **Non Residential Uses:**

- a. Forest operations or forest practices including, but not limited to, reforestation of forest land, road construction and maintenance, harvesting of a forest tree species, application of chemicals, and disposal of slash *and/or biomass utilization*.
- b. Temporary on-site structures which are auxiliary to and used during the term of a particular forest operation.
- c. Physical alterations to land auxiliary to forest practices including, but not limited to, those made for purposes of exploration, mining, commercial gravel extraction and processing, landfills, dams, reservoirs, road construction or recreational facilities.
- d. Uses to conserve soil, air and water quality and to provide for wildlife and fisheries resources.
- e. Fish and wildlife habitat management.
- f. Farm use as defined in ORS 215.203.
- g. Farm buildings or accessory structures. Barns and other agricultural structures accessory to farm use shall be permitted within the Forest Mixed Use Zone. Any other accessory structure shall be established only when a lawfully established dwelling exists, or is being established on the subject property.[OR 93-12-017PL 2/23/94]
- h. Local distribution lines (e.g., electric, telephone, natural gas) and accessory equipment (e.g., electric distribution transformers, poles, meter cabinets, terminal boxes pedestals), or equipment which provides service hookups, including water service hookups.
- i. Temporary portable facility for the primary processing of forest products. The facility shall be removed at the conclusion of the forest operation requiring its use.
- j. Explorations for mineral and aggregate resources as defined in ORS Chapter 517.
- k. Private hunting and fishing operations without any lodging accommodations.

- ~~l. Towers and fire stations for forest fire protection.~~ ***Fire Service facilities providing rural fire protection services including fire towers and fire stations.***
- m. Notwithstanding Section 7.4.200 widening of roads within existing right-of-way in conformance with the transportation element of the acknowledged Comprehensive Plan including public road and highway projects as described in ORS 215.213 (1) ***(j) through (m) through (p)*** and ORS 215.283 (1) ***(g) through (k) through (n)***.
- n. Water intake facilities, canals and distribution lines for farm irrigation and ponds.
- o. Uninhabitable structures accessory to fish and wildlife enhancement.
- p. Exploration for and production of geothermal, gas, oil, and other associated hydrocarbons, including the placement and operation of compressors, separators and other customary production equipment for an individual well adjacent to the well head.
- q. Diking (construction and maintenance).
- r. Drainage and tide-gating.
- s. Dredge material disposal.
- t. Fill.
- u. Mitigation.
- v. Shoreland stabilization, nonstructural.
- w. In the Forest Mixed Use zone only, farm stands if:
 - i. The structures are designed and used for sale of farm crops and livestock grown on farms in the local agricultural area, including the sale of retail incidental items, if the sales of the incidental items make up no more than 25 percent of the total sales of the farm stands. and
 - ii. The farm stand does not include structures designed for occupancy as a residence or for activities other than the sale of farm crops and livestock and does not include structures for banquets, public gatherings or public entertainment.

2. Residential Uses:

- a. Temporary residence. Mobile home, travel trailer or recreational vehicle used as a dwelling temporarily during construction of a permitted structure. The duration shall not to exceed one (1) year, unless renewed by obtaining a zoning compliance letter.
- b. Recreation Vehicles may be used as a dwelling under the following circumstances:
 - i. Short-term guest visits on a lot or parcel containing a dwelling. The stay shall not exceed 60 days in a calendar year.
 - ii. While camping of up to 45 days per calendar year. The camper shall own the subject property or is a member of the immediate family or the owner of the subject property.
- c. Temporary forest labor camps limited to the duration of the forest operation requiring its use.
- d. Alteration, restoration or replacement of a lawfully established dwelling. A lawfully established dwelling is a single-family dwelling that:
 - i. Has intact exterior walls and roof structure;
 - ii. Has indoor plumbing consisting of a kitchen sink, toilet and bathing facilities; connected to a sanitary waste disposal system;
 - iii. Has interior wiring for interior lights;
 - iv. Has a heating system; and
 - v. In the case of replacement, the dwelling to be replaced is removed, demolished or converted to an allowable nonresidential use within three months of the completion of the replacement dwelling. Coos County does not allow conversion of mobile ***or manufactured*** homes into accessory storage buildings or uses.

- d. *Photovoltaic Cells. The installation and use of a solar photovoltaic energy system or a solar thermal energy system shall be allowed if:*
 - i. *The installation of a solar energy system can be accomplished without increasing the footprint of the residential structure or the peak height of the portion of the roof on which the system is installed; and*
 - ii. *The solar energy system would be mounted so that the plane of the system is parallel to the slope of the roof (ORS 215.439)*
 - iii. *The solar energy system may be sited on the ground. Must comply with the same setback requirements listed in the development standards for the F zoning district.*

SECTION 4.6.110 ADMINISTRATIVE CONDITIONAL DEVELOPMENT AND USE:

The uses and their accessory uses listed in this section may be permitted as an administrative conditional use subject to applicable development standards for Forest and Forest Mixed Use zone and the following criteria

1. Non Residential Uses

- a. Log scaling and weigh stations.
- b. Television, microwave and radio communication facilities and transmission towers.
- c. Aids to navigation and aviation.
- d. Water intake facilities, related treatment facilities, pumping stations, and distribution lines.
- e. Cemeteries.
- f. Home occupations as defined in ORS 215.448. In order to minimize impacts to forest lands, the landowner shall acknowledge and file in the deed records of County, a Forest Management Covenant prior to final County approval.
- g. Cottage industry. The County shall review a permit allowing a cottage industry every 12 months following the date the permit was issued and may continue the permit if the use continues to comply with the requirements of the use's definition.
- h. New electrical transmission lines with right-of-way widths of up to 100 feet as specified in ORS 772.210. New distribution lines (e.g., gas, oil, geothermal) with rights-of way 50 feet or less in width.
- i. Temporary asphalt and concrete batch plants as accessory uses to specific highway projects.
- j. For the purpose of this Section, public road and highway projects as described in ORS 215.213 (2) ~~(p) through (r)~~ ~~(q) through (s)~~ and ORS 215.283 (2) ~~(p) through (r)~~ ~~(h) through (k)~~.
- k. Forest management research and experimentation facilities as defined by ORS 526.215 or where accessory to forest operations.
- l. Structural shoreland stabilization. This use is subject only to Natural Hazards Policy Shoreland Segment 5 in Volume I, Part 1 of the Coos County Comprehensive Plan.
- m. In the Forest/Mixed Use zone, commercial activities in conjunction with farm use.
- n. In the Forest/Mixed Use zone, dog kennels.
- o. Modification of an historic structure where:
 - i. The modification is necessary to preserve, protect or enhance the original historical character of the structure.
 - ii. The use must be compatible with surrounding uses or may be made compatible to surrounding uses through the imposition of conditions. and
 - iii. A plot plan and architectural plans must be submitted for review.

- p. Reservoirs and water impoundments not for municipal use. In order to minimize impacts to forest lands, the landowner shall acknowledge and file in the deed records of the County, a Forest Management Covenant prior to final County approval.’
2. **Land Divisions in the Forest Zone.** The following standards shall govern the development of new lots and parcels in the Forest zone.
- a. Any new lot or parcel shall not be less than 80 acres in size. For land divisions where all resulting parcels are at least 80 acres, an administrative land division is required subject to applicable standards in Articles VI and VII.
 - b. To allow the establishment of a parcel for a dwelling on land zoned Forest or Forest Mixed Use the following requirements apply: [OR 215.780]
 - i. A dwelling existed on the parcel prior to June 1, 1995.
 - ii. the parcel established shall not be larger than five acres, except as necessary to recognize physical factors such as roads or streams, in which case the parcel shall be no larger than 10 acres; and
 - iii. The remaining parcel not containing the dwelling must be greater than or equal to 40 acres or consolidated with another parcel and together the parcels must be greater than or equal to 40 acres.
 - iv. The applicant shall provide evidence that a restriction on the remaining parcel not containing the dwelling has been recorded with the Coos County Clerk’s office. the restrictions shall be irrevocable and shall allow no dwelling to be sited on the remaining parcel.
 - v. Evidence that a “Waiver of Right to Object” forest management covenant ensuring compatibility with neighboring forest uses and practices is recorded at the Coos County Clerk’s office.
 - c. All land divisions must meet the applicable standards of Chapter VI and Chapter VII of the CCZLDO.
3. **Residential Uses:**
- a. **Medical Hardship** - One manufactured dwelling or the temporary residential use of an existing building in conjunction with an existing dwelling as a temporary use for the term of a hardship suffered by the existing resident or ~~a relative of the resident~~ ***for someone the resident is medically responsible for.*** As used in this section “hardship” means a medical hardship or hardship for the care of an aged or infirm person or persons. The temporary use shall use the same subsurface sewage disposal system used by the existing dwelling, if that disposal system is adequate to accommodate the additional dwelling. If a public sanitary sewer system is used, such condition will not be required.
 - i. In addition, the applicant must submit certification from a qualified physician stating what the hardship is and that the person requiring the hardship dwelling must live close to someone due to the hardship.
 - ii. Within three months of the end of the hardship, the manufactured dwelling shall be removed or demolished or, in the case of an existing building, the building shall be removed, demolished, or returned to an allowed nonresidential use. As used in this Section “manufactured dwelling” means a manufactured home, mobile home, or recreational vehicle.
 - iii. An applicant must provide updates every two years for the Planning Director to determine that the permit authorizing still qualifies. Oregon Department of Environmental Quality review and removal requirements also apply to such temporary hardship dwellings.

- iv. A temporary residence approved under this Section is not eligible for replacement. (OR 98-01-002PL 5/4/98)
- v. In order to minimize impacts to forest lands, the landowner shall acknowledge and file a Forest Management Covenant in the deed records of the County prior to final County approval.
- b. **Template Dwelling** -A single-family dwelling on a lot or parcel located within a forest zone may be allowed as a conditional use if:
 - i. There are no other dwellings on the tract on which the dwelling will be sited.
 - ii. There are no deed restrictions established on the lots or parcels that make up the tract which do not allow a dwelling.
 - iii. The lot or parcel on which the dwelling is to be located is predominantly composed of soils that are capable of producing the following cubic feet per acre per year:

	CF/Ac/Yr of Growth		
	0-49	50-85	+85
Required minimum number of lots or parcels or portions thereof existing on January 1, 1993, within a 160-acre square centered on the subject tract.	3	7	11
Required minimum number of dwellings existing on January 1, 1993, on the lots or parcels	3	3	3

NOTE: Lots or parcels within urban growth boundaries shall not be used to satisfy the above requirements.

- iv. If the tract on which the dwelling is to be sited is 60 acres or larger and abuts a road or perennial stream, the measurement shall be made by using a 160-acre rectangle that is one mile long and one-fourth mile wide centered on the center of the subject tract and that is to maximum extent possible, aligned with the road or stream. If a road crosses the tract on which the dwelling will be located, at least one of the three required dwellings shall be on the same side of the road as the proposed dwelling. However, one of the three required dwellings shall be on the same side of the road or stream as the tract and:
 - 1) Be located within a 160-acre rectangle that is one mile long and one-fourth mile wide centered on the center of the subject tract and that is, to the maximum extent possible aligned with the road or stream. or
 - 2) Be within one-quarter mile from the edge of the subject tract but not outside the length of the 160-acre rectangle, and on the same side of the road or stream as the tract.
- v. If a tract abuts a road that existed on January 1, 1993, the measurement may be made by creating a 160-acre rectangle that is one mile long and one-fourth mile wide centered on the center of the subject tract and that is to the maximum extent possible, aligned with the road. **Road, as used in this subsection, means a public or private way that is created to provide ingress or egress for persons to one or more lots, parcels, areas or tracts of land. This excludes a private way that is created to provide ingress or egress to such land in conjunction with the use of such land for forestry, mining or agricultural purposes.**

- vi. The proposed dwelling is not prohibited by, and will comply with, the requirements of the acknowledged Comprehensive Plan and its implementing measures.

SECTION 4.6.120 HEARINGS BODY CONDITIONAL DEVELOPMENT AND USE:

The following uses and their accessory uses are permitted under a hearings body conditional use permit procedure subject to applicable development standards for Forest and Forest Mixed Use zone subject to the criteria listed in this section and Sections 4.6.130 and 4.6.140.

1. Non Residential Uses:

- a. Permanent facility for the primary processing of forest products.
- b. Permanent logging equipment repair and storage.
- c. Disposal site for solid waste approved by the governing body of a city or the County or both and for which the Oregon Department of Environmental Quality has granted a permit under ORS 459.245, together with equipment, facilities or buildings necessary for its operation.
- d. *Private Parks and Campgrounds.*
 - i. *Campgrounds in private parks shall only be those allowed by OAR 660-006-0025.*
 - ii. *Except on a lot or parcel contiguous to a lake or reservoir, campgrounds shall not be allowed within three miles of an urban growth boundary unless an exception is approved pursuant to ORS 197.732 and OAR Chapter 660, Division 4.*
 - iii. *For the purpose of this section a campground is an area devoted to overnight temporary use for vacation, recreational or emergency purposes, but not for residential purposes and is established on a site or is contiguous to lands with park or other outdoor natural amenity that is accessible for recreational use by the occupants of the campground.*
 - iv. *Campsites may be occupied by a tent, travel trailer or recreational vehicle.*
 - v. *Separate sewer, water or electric service hookups shall not be provided to individual campsites except that electrical service may be provided to yurts allowed for by OAR 660-006-0025(4)(e)(C).*
 - vi. *Campgrounds shall not include intensively developed recreational uses such as swimming pools, tennis courts, retail stores or gas stations. Overnight temporary use in the same campground by a camper or camper's vehicle shall not exceed a total of 30 days during any consecutive 6 month period.*
 - vii. *A private campground may provide yurts for overnight camping.*
 - 1) *No more than one-third or a maximum of 10 campsites, whichever is smaller, may include a yurt.*
 - 2) *The yurt shall be located on the ground or on a wood floor with no permanent foundation.*
 - 3) *As used in this rule, "yurt" means a round, domed shelter of cloth or canvas on a collapsible frame with on plumbing, sewage disposal hook-up or internal cooking appliance.*
 - viii. *Landscaping and Design:*
 - ix. *The landscape shall be such to minimize soil erosion and lessen the visual impact. Every park or campground shall provide an ornamental, sight-obscuring fence, wall, evergreen or other suitable screening/planning along all boundaries of the park site abutting public roads or property lines that are*

common to other owners of property, except for points of ingress and egress. All open areas or common areas shall be landscaped. Landscaping shall consist of lawns and/or ornamental plantings;

- x. Any grade changes shall be in keeping with the general appearance of neighboring developed areas.*
 - xi. Special attention shall be given to proper site surface drainage so that removal of surface waters will not adversely affect neighboring properties, the public storm drainage system, or create environmental problems.*
 - xii. Exposed storage areas, service areas, utility buildings and structures and similar accessory areas and structures shall be subject to such setbacks, screen plantings or other screening methods as shall be reasonably required to prevent their being incompatible with the existing or contemplated environment and the surrounding properties.*
 - xiii. Road and parking standards of Chapter VII shall apply.*
- e. Mining and processing of oil, gas, or other subsurface resources, as defined in ORS Chapter 520, and not otherwise permitted under Section 4.6.100 (j) (e.g., compressors, separators and storage serving multiple wells), and mining and processing of aggregate and mineral resources as defined in ORS Chapter 517.
- i. Any operation that mines less than 1,000 cubic yards of aggregate is permitted outright with the following conditions:
 - 1) The Planning Department must be notified at least 5 working days before commencement of the operation.
 - 2) Sloping after mining must not exceed a 3:1 slope.
 - 3) The disturbed area must be reseeded with a native grass species.
 - 4) No oil or other contaminants must be allowed in the pit.
 - 5) Approval must be obtained from DEQ if there is any backfilling of the pit.
 - ii. This includes excavations of sand, gravel, clay, rock or other similar materials conducted by a landowner or tenant's property for the primary purpose of reconstruction or maintenance of access roads and excavation or grading operations conducted in the process of farming or cemetery operations, onsite road construction or other onsite construction or nonsurface impacts of underground mines.
 - iii. For any operation that mines cumulatively more than 1,000 cubic yards but less than 5,000 cubic yards of aggregate, the conditions above must be met.
 - iv. Any operation that sells greater than 5,000 cubic yards of aggregate must comply with standards established by the Department of Geology and Mineral Industries.
- f. In the Forest Mixed Use zone, utility facilities for the purpose of generating power. A power generation facility shall not preclude more than 10 acres from use as a commercial forest operation unless an exception is taken pursuant to OAR 660. Division 4.
- g. Private seasonal accommodations for fee hunting operations may be allowed subject to OAR 660-06-029 and OAR 660-06-035 and the following requirements:
- i. Accommodations are limited to no more than 15 guest rooms as that term is defined in the Oregon Structural Specialty Code. and
 - ii. Only minor incidental and accessory retail sales are permitted. and

- iii. Accommodations are occupied temporarily for the purpose of hunting game bird and big game hunting seasons authorized by the Oregon Fish and Wildlife Commission.
 - h. Private accommodations for fishing occupied on a temporary basis may be allowed subject to OAR 660-06-029 and OAR 660-06-035 and the following requirements:
 - i. Accommodations limited to no more than 15 guest rooms as that term is defined in the Oregon Structural Specialty Code.
 - ii. Only minor incidental and accessory retail sales are permitted.
 - iii. Accommodations occupied temporarily for the purpose of fishing during fishing seasons authorized by the Oregon Fish and Wildlife Commission.
 - iv. Accommodations must be located within ¼ mile of fish bearing Class I waters.
 - v. In order to minimize impacts in forest lands, the landowner shall acknowledge and file a Forest Management Covenant in the deed records of the County prior to final County approval.
 - i. In the Forest/Mixed Use zone, the following uses may be allowed but shall not be approved if within 3 miles of an urban growth boundary unless an exception is approved pursuant to ORS 197.732 and OAR 660, Division 4.
 - i. Public or private schools, including all buildings essential to the operation of a school.
 - ii. Churches or cemeteries in conjunction with churches.
 - j. Firearms training facility
 - k. Community center, grange or lodge.
 - l. Contaminated Soil Land Farming where the activity is situated less than 1000 feet from any rural-residential zone or urban growth boundary. The activity must be found to be compatible with surrounding uses or made compatible through the imposition of conditions. Contaminated Soil Land farming is permitted without conditional use review provided the activity is situated not less than 1,000 feet from any rural-residential or urban growth boundary.
 - m. In the Forest/Mixed Use zone, personal use airport. Personal-use airports for airplanes and helicopter pads, including associated hangar, maintenance and service facilities. A personal use airport as used in this section means an airstrip restricted, except for aircraft emergencies, to use by the owner, and on an infrequent and occasional basis, by invited guests, and by commercial aviation activities in connection with agricultural operations. No aircraft may be based on a personal-use airport other than those owned or controlled by the owner of the airstrip. Exceptions to the activities permitted under this definition may be granted through waiver action by the Oregon Aeronautics Division in specific instances. A personal-use airport lawfully existing as of September 13, 1975, shall continue to be permitted subject to any applicable rules of the Oregon Aeronautics Division.
 - n. Expansion of existing airports.
 - o. Reservoirs and Water Impoundments for municipal use. In order to minimize Impacts to forest lands, the landowner shall acknowledge and file in the deed records of the County, a Forest Management Covenant prior to final County approval.
- 2. Residential Uses:**
- a. **Bed and breakfast** are subject to the following conditions:

- i. All “bed and breakfast facilities” shall be established within the primary residence.
- ii. Breakfast shall be the only meal served to overnight paying guests.
- iii. No cooking facilities shall be permitted in any rented room.
- iv. The maximum number of rooms which may be rented shall not exceed four (4).
- v. Off-street parking shall be provided as follows:
 - 1) Two spaces for the owner/occupant, plus 1 space for each additional bedroom.
 - 2) A plot plan shall be submitted, delineating:
 - a) the property boundaries,
 - b) access to the property,
 - c) location of all structures on the subject property,
 - d) required parking spaces.
- b. **160/200 Acre Dwelling** - A single-family dwelling may be allowed as a hearings body conditional use if the following criteria are satisfied: OAR-660-006-0027 ~~(1)(e)(B)~~ **(2)(b)&(c)**, ~~(4), (5), (6)~~, and ORS 215.740(1)(b), (2), (3).
- c. **Lot of Record Dwelling** A “lot-of-record” single-family dwelling may be allowed as a hearing’s body conditional use if the following criteria are satisfied:
 - i. OAR-660-006-0027(1)(a), (b), (c)~~(A)~~, ~~(d)~~, ~~(e)(A)~~, ~~(4)~~, ~~(5)~~, and ORS 215-720(1)(a), (2), (3), 215.705. [PL-010-005 1/12/2006]

SECTION 4.6.130 ADDITIONAL CRITERIA FOR ALL ADMINISTRATIVE AND HEARINGS BODY APPLICATION REVIEW: All Conditional Use Applications (Administrative and Hearings Body) are subject to requirements that are designed to make the use compatible with forest operations and agriculture and to conserve values found on forest lands as follows:

1. The proposed use will not force a significant change in, or significantly increase the cost of, accepted farming or forest practices on agriculture or forest lands.
2. The proposed use will not significantly increase fire hazard or significantly increase fire suppression costs or significantly increase risks to fire suppression personnel.
3. All uses must comply with applicable development standards and fires siting and safety standards.
4. A “Forest Management Covenant”, which recognized the right of adjacent and nearby landowners to conduct forest operations consistent with the Forest Practices Act and Rules, shall be recorded in the deed records of the County prior to any final County approval for uses authorized in Section any type of residential use. There may be other criteria listed that applies to individual uses.
5. The following siting criteria shall apply to all dwellings, including replacement dwellings, and structures in the Forest and Forest Mixed Use zones. Replacement dwellings may be sited in close proximity to the existing developed homesite. These criteria are designed to make such uses compatible with forest operations and agriculture, to minimize wildfire hazards and risks and to conserve values found on forest lands. These criteria may include setbacks from adjoining properties, clustering near or among existing structures, siting close to existing roads and siting on that portion of the parcel least suited for growing trees.
 - a. Dwellings and structures shall be sited on the parcel so that:
 - i. They have the least impact on nearby or adjoining forest or agricultural lands.
 - ii. The siting ensures that adverse impacts on forest operations and accepted farming practices on the tract will be minimized.

- iii. The amount of forest lands used to site access roads, service corridors, the dwelling and structures is minimized. and
 - iv. The risks associated with wildfires are minimized.
 - b. The applicant shall provide evidence that the domestic water supply is from a source authorized in accordance with the Water Resources Department's administrative rules for the appropriation of ground water or surface water and not from a Class II stream as defined in the Forest Practices Rules. For the purposes of this Section, evidence of a domestic water supply means:
 - i. Verification from a water purveyor that the use described in the application will be served by the purveyor under the purveyor's rights to appropriate water.
 - ii. A water use permit issued by the Water Resources Department for the use described in the application. or
 - iii. Verification from the Water Resources Department that a water use permit is not required for the use described in the application. If the proposed water supply is from a well and is exempt from permitting requirements under ORS 537.545, the applicant shall submit the well constructor's report to the County upon completion of the well.
- 6. As a condition of approval, if road access to the dwelling is by a road owned and maintained by a private party or by the Oregon Department of Forestry, the United States Bureau of Land Management, or the United States Forest Service, then the applicant shall provide proof of a long-term road access use permit or agreement. The road use permit may require the applicant to agree to accept responsibility for road maintenance.
- 7. Approval of a dwelling shall be subject to the following additional requirements:
 - a. Approval of a dwelling requires the owner to plant a sufficient number of trees on the tract to demonstrate that the tract is reasonably expected to meet Department of Forestry stocking requirements at the time specified in Department of Forestry administrative rules.
 - b. The Planning Department shall notify the County Assessor of the above condition at the time the dwelling is approved.
 - c. The property owner shall submit a stocking survey report to the County Assessor and the Assessor will verify that the minimum stocking requirements have been met by the time required by Department of Forestry Rules. The Assessor will inform the Department of Forestry in cases where the property owner has not submitted a stocking survey report of where the survey report indicates that minimum stocking requirements have not been met.
 - d. Upon notification by the Assessor the Department of Forestry will determine whether the tract meets minimum stocking requirements of the Forest Practices Act. If the Department of Forestry determines that the tract does not meet those requirements, it will notify the owner and Assessor that the land is not being managed as forest land. The Assessor will then remove the forest land designation pursuant to ORS 321.359 and impose the additional tax pursuant to ORS 321.372

SECTION 4.6.140 DEVELOPMENT AND SITING CRITERIA. This section contain all of the development standards for uses (unless otherwise accepted out by a use review) and all of the siting standards for development.

- I. Minimum Lot Size for the creation of new parcels shall be at least 80 acres. Minimum lot size will not affect approval for development unless specified in use. *The size of the*

parcel will not prohibit development as long as it was lawfully created or otherwise required to be a certain size in order to qualify for a use.

2. Setbacks: All buildings or structures with the exception of fences shall be set back a minimum of thirty-five (35) feet from any road right-of-way centerline, or five (5) feet from any right-of-way line, whichever is greater.
3. Fences, Hedges and Walls: No requirement, except for vision clearance provisions in Section 7.1.525.
4. Off-Street Parking and Loading: See Chapter VII.
5. Minimizing Impacts: In order to minimize the impact of dwellings in forest lands, all applicants requesting a single family dwelling shall acknowledge and file in the deed record of Coos County, a Forest Management Covenant. The Forest Management Covenant shall be filed prior to any final County approval for a single family dwelling.
6. Riparian Vegetation Protection. Riparian vegetation within 50 feet of a wetland, stream, lake or river, as identified on the Coastal Shoreland and Fish and Wildlife habitat inventory maps shall be maintained except that:
 - a. Trees certified ***as posing an erosion or safety hazard. Property owner is responsible for ensuring compliance with all local, state and federal agencies for the removal of the tree.*** ~~by one of the following Coos Soil and Water Conservation District, US Soil Conservation Service posing an erosion or safety hazard may be removed to minimize said hazard;~~
 - b. Riparian vegetation may be removed to provide direct access for a water-dependent use if it is a listed permitted within the zoning district;
 - c. Riparian vegetation may be removed in order to allow establishment of authorized structural shoreline stabilization measures;
 - d. Riparian vegetation may be removed to facilitate stream or stream bank clearance projects under a port district, ODFW, BLM, Soil & Water Conservation District, or USFS stream enhancement plan;
 - e. Riparian vegetation may be removed in order to site or properly maintain public utilities and road right-of-ways;
 - f. Riparian vegetation may be removed in conjunction with existing agricultural operations (e.g., to site or maintain irrigation pumps, to limit encroaching brush, to allow harvesting farm crops customarily grown within riparian corridors, etc.) provided that such vegetation removal does not encroach further into the vegetation buffer except as needed to provide an access to the water to site or maintain irrigation pumps; or
 - g. The 50 foot riparian vegetation setback shall not apply in any instance where an existing structure was lawfully established and an addition or alteration to said structure is to be sited not closer to the estuarine wetland, stream, lake, or river than the existing structure and said addition or alteration represents not more than 100% of the size of the existing structure's "footprint".
 - h. Riparian removal within the Coastal Shoreland Boundary will require a conditional use. See Special Development Considerations Coastal Shoreland Boundary.
 - i. ***The 50' measurement shall be taken from the closest point of the ordinary high water mark to the structure using a right angle from the ordinary high water mark.***
7. All new dwellings and permanent structures and replacement dwellings and structures shall, at a minimum, meet the following standards. The Planning Director may authorize alternative forms of fire protection when it is determined that these standards are impracticable. The dwelling shall be located within a fire protection district or shall be

- provided with residential fire protection by contract. If the dwelling is not within a fire protection district, the applicant shall provide evidence that the applicant has asked to be included within the nearest such district. If the applicant is outside the rural fire protection district, the applicant shall provide evidence that they have contacted the Department of Forestry of the proposed development.
8. Firebreak:
 - j. A firebreak shall be established and maintained around all structures, including decks, for a distance of at least 30 feet in all directions.
 - k. This firebreak will be a primary safety zone around all structures. Vegetation within this primary safety zone may include mowed grasses, low shrubs (less than ground floor window height), and trees that are spaced with more than 15 feet between the crowns and pruned to remove dead and low (less than 8 feet from the ground) branches. Accumulated needles, limbs and other dead vegetation should be removed from beneath trees.
 - l. Sufficient garden hose to reach the perimeter of the primary safety zone shall be available at all times.
 - m. A secondary fire break of at least 100 feet radius around the primary safety zone shall be established and maintained.
 - n. Vegetation should be pruned (to at least 8 feet in height) and spaced so that fire will not spread between the crowns of trees. Accumulated needles, limbs and other dead vegetation should be removed from beneath trees.
 - o. The primary fuel-free break and secondary break areas shall be provided and maintained on land surrounding the dwelling that is owned or controlled by the owner. A variance application will not be required if the parcel's configuration (shape and/or size) does not allow the primary or secondary fire break to be met. (OR-98-01-002PL)
 9. All new and replacement structures shall use non-combustible or fire resistant roofing materials, as may be approved by the certified official responsible for the building permit.
 10. If a water supply exceeding 4,000 gallons is suitable and available (within 100 feet of the driveway or road) for fire suppression, then road access and turning space shall be provided for fire protection pumping units to the source during fire season. This includes water supplies such as a swimming pool, tank or natural water supply (e.g. pond).
 11. The dwelling shall not be sited on a slope of greater than 40 percent.
 12. If the dwelling has a chimney or chimneys, each chimney shall have a spark arrester.
 13. The dwelling shall be located upon a parcel within a fire protection district or shall be provided with residential fire protection by contract. If the dwelling is not within a fire protection district, the applicant shall provide evidence that the applicant has asked to be included within the nearest such district.
 14. Except for private roads and bridges accessing only commercial forest uses, public roads, bridges, private roads and driveways shall be constructed so as to provide adequate access for firefighting equipment.
 15. Access to new dwellings shall meet road and driveway standards in Chapter VII.

FOREST FORMS

1) Declaration of Covenants, Conditions and Restrictions Form

Whereas, the undersigned _____
hereinafter referred as Declarant, is owner in fee simple of the property described in Exhibit A attached hereto and incorporated by reference herein and

Whereas, the Declarant desires to declare their intention to create certain covenants, conditions and restrictions in order to effectuate and comply with the requirements of Oregon Administrative Rule (OAR 660-06-027).

Declarant hereby declares that all of the property described on Exhibit A shall be held, sold, and conveyed subject to the following covenants, conditions and restrictions:

It is not lawful to use the property described in this instrument for the construction or siting of a dwelling or to use the acreage of the tract to qualify another tract for the construction or siting of a dwelling.

These covenants, conditions and restrictions can be removed only and at such time as the property described herein is no longer protected under the statewide planning goals for agricultural and forest lands or the legislature otherwise provides by statute that these covenants, conditions and restrictions may be removed and the authorized representative of the county or counties in which the property subject to the covenants, conditions and restrictions are located executes and records a release of the covenants, conditions and restrictions created by this instrument.

In witness whereof, the undersigned, being Declarant herein, has heretofore set their hand this _____ day of _____, _____.

State of _____)

County _____)

The foregoing instrument was acknowledged before me this _____ day of _____, _____, by _____
Notary Public for Oregon
My commission expires: _____

2) **For Consolidations**

Whereas, the undersigned _____,
hereinafter referred to as Declarant, is the owner in fee simple of the subject property described
in Exhibit "A" attached hereto and incorporated by reference herein. and

Whereas, Oregon law required that when a "lot-of-record" dwelling is allowed for a lot
or parcel that is contiguous with one or more other lots or parcels under the same ownership
comprising a tract, then these contiguous lots and parcels shall be consolidated into a single lot
or parcel at the time the dwelling is allowed. and

Whereas, Declarant desires to consolidate the subject property described in Exhibit "A"
in order to effectuate and comply with the requirements of Oregon law and further desires to
consent to the execution of this document prepared by the Coos County, Oregon, Planning
Department.

Now, therefore, Declarant hereby declares that all of the property described in Exhibit
"A" shall not be sold or conveyed separate and apart from any and all of the property described
in Exhibit "A" in its entirety.

In witness whereof, the undersigned, being Declarant herein, has heretofore set their hand
this _____ day of _____, _____.

State of _____)
County of _____)

The foregoing instrument was acknowledged before me this _____ day of _____, ____.

By _____

Notary Public for _____

My Commission expires: _____

EXCLUSIVE FARM USE (EFU)

Purpose and Intent: The purpose of the EFU district is to preserve the integrity and encourage the conservation of agricultural lands within Coos County and thereby comply with the provisions of ORS 215 and OAR 660. Division 33 to minimize conflicts between agricultural practices and non-farm uses by limiting any development to uses distinguished as dependent upon or accessory to supporting agricultural or forestry production and which qualify such farm lands for special tax relief pursuant to the provisions of Oregon Revised Statutes. This zone is also for the cultivation and marketing of specialty crops, horticultural crops and other intensive farm uses.

SECTION 4.6.200 DEVELOPMENT AND USE PERMITTED: The following uses and their accessory uses are permitted outright in the Exclusive Farm Use zone and the Forest/Mixed Use overlays subject to applicable siting and development standards set forth in Sections 4.6.240.

1. Non-residential Uses

- a. Farm use as defined in ORS 215.203.
- b. Other buildings customarily provided in conjunction with farm use.
- c. Propagation and harvesting of a forest product.
- d. Reestablishment of nonfarm use, pursuant to ORS 215.215 of ~~2005~~ 2013 edition of the Oregon Revised Statutes, to its previous nature and extent when the nonfarm use was unintentionally destroyed.
- e. Farm stands are permitted pursuant to ORS 215.283(1)(~~g~~) (o) and OAR 660-033-0130(23).
 - i. *If the structures are designed and used for the sale of farm crops or livestock grown on the farm operation or grown on the farm operation and other farm operations in the local agricultural area, including the sale of retail incidental items and fee-based activity to promote the sale of farm crops or livestock sold at the farm stand if the annual sale of incidental items and fees from promotional activity do not make up more than 25 percent of the total annual sales of the farm stand; and*
 - ii. *The farm stand does not include structures designed for occupancy as a residence or for activity other than the sale of farm crops or livestock and does not include structures for banquets, public gatherings or public entertainment.*
 - iii. *As used in this section, “farm crops or livestock” includes both fresh and processed farm crops and livestock grown on the farm operation, or grown on the farm operation and other farm operations in the local agricultural area.*
 - iv. *As used in this subsection, “processed crops and livestock” includes jams, jellies, syrups, apple cider, animal products and other similar farm crops and livestock that have been processed and converted into another product but not prepared food items.*
 - v. *As used in this section, local agricultural area includes Oregon or an adjacent county in Washington, Idaho, Nevada, or California that borders the Oregon county in which the farm stand is located.*
- f. Climbing and passing lanes within the right-of-way existing as of July 1, 1987. See also § 7.4.100.
- g. Reconstruction or modification of public roads and highways, not including the addition of travel lanes, where no removal or displacement of buildings would occur, or no new land parcels result. See also § 7.4.100.

- h. Temporary public road and highway detours that will be abandoned and restored to original condition or use at such time as no longer needed. See also Sections 7.4.100 and 7.4.200.
- i. Minor betterment of existing public road and highway related facilities such as maintenance yards, weigh stations and rest areas, within right-of-way existing as of July 1, 1987, and contiguous public-owned property utilized to support the operation and maintenance of public roads and Highways. See also Sections 7.4.100 and 7.4.200. Utility facility including service lines for the generation of power not for public sale.
- j. Dams limited in scale (e.g. reservoirs less than 1,000 acre feet) and not for use as a domestic water supply or for generating power for public sale.
- k. Diking (construction and maintenance).
- l. Drainage, tide-gating, fill, mitigation, non-structural shoreland stabilization, dredge material disposal and restoration.

2. Residential Use:

- a. Alteration, restoration, or replacement of a lawfully established dwelling.
 - i. A lawfully established dwelling is a single-family dwelling which:
 - 1) Has intact interior walls and roof structure.
 - 2) Has indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system.
 - 3) Has interior wiring for interior lights.
 - 4) Has a heating system.
 - ii. In the case of replacement, the dwelling to be replaced shall be removed, demolished, or converted to an allowable nonresidential use within three months of the completion of the replacement dwelling.
 - iii. A replacement dwelling may be sited on any part of the same lot or parcel.
 - iv. A dwelling established under this paragraph shall comply with all applicable siting standards. However, the standards shall not be applied in a manner that prohibits the siting of the dwelling.
 - v. If the dwelling to be replaced is located on a portion of the lot or parcel not zoned for exclusive farm use, the applicant shall execute and record in the deed records, a deed restriction prohibiting the siting of a dwelling on that portion of the lot or parcel. The restriction imposed shall be irrevocable unless a statement of release is placed in the deed records. The release shall be signed by the County and state the provisions of this paragraph regarding the replacement dwellings have changed to allow the siting of another dwelling. The Planning Director shall maintain a record of the lots and parcels that do not qualify for the siting of a new dwelling under the provisions of this paragraph, including a copy of the deed restrictions and release statements filed under this paragraph. (OR 98-01-002PL 5/4/98)
 - vi. Coos County does not allow conversion of mobile *or manufactured* homes into accessory storage buildings or uses.
~~These uses must comply with Coastal Shoreland Boundary conditional use criteria in CREMP EFU.~~
- b. An additional farm dwelling authorized may only be replaced with a manufactured dwelling.
- c. Temporary residence. Mobile home, travel trailer or recreational vehicle used as a dwelling temporarily during construction of a permitted structure. The duration shall not exceed one (1) year, subject to renewal with a zoning compliance letter
- e. Recreation Vehicles may be used as a dwelling under the following circumstances:

- i. Short-term guest visits on a lot or parcel containing a dwelling. The stay shall not exceed 60 days in a calendar year.
 - ii. While camping of up to 45 days per calendar year. The camper shall own the subject property or is a member of the immediate family or the owner of the subject property.
- 1) ***Photovoltaic Cells. The installation and use of a solar photovoltaic energy system or a solar thermal energy system shall be allowed if:***
- i. ***The installation of a solar energy system can be accomplished without increasing the footprint of the residential structure or the peak height of the portion of the roof on which the system is installed and***
 - ii. ***The solar energy system would be mounted so that the plane of the system is parallel to the slope of the roof (ORS 215.439)***
 - iii. ***The solar energy system may be sited on the ground. It must comply with the same setback requirements listed in the development standards for the EFU zoning district.***
- f. ***Fire Service facilities providing rural fire protection services including fire towers and fire stations.***

SECTION 4.6.210 ADMINISTRATIVE CONDITIONAL DEVELOPMENT AND USE:

The following uses and their accessory uses may be allowed as administrative conditional uses in the "Exclusive Farm Use" zone and "Mixed Use" overlay subject to the applicable requirements in and applicable siting and development requirements.

1. Non-Residential Uses

- a. Commercial activities in conjunction with farm use.
- b. Except on high-value farmland, dog kennels. On high-value farmland, existing dog kennels may be maintained, enhanced, or expanded, subject to other provisions of this ordinance. ~~This use may be permitted in CREMP EFU. In addition to the above, CREMP Policies 14, 23, 27, 18, 19, and 22 may be applicable.~~
- c. The propagation, cultivation, maintenance, and harvesting of aquatic species.
- d. Operations for the exploration for minerals as defined by ORS 517.750. ~~This use may be permitted in CREMP EFU. In addition to the above, CREMP Policies 14, 23, 27, 18, 19, and 22 may be applicable.~~
- e. Roads
 - i. Construction of additional passing and travel lanes requiring the acquisition of right-of-way but not resulting in the creation of new land parcels. ***See Article VII.***
 - ii. Reconstruction or modification of public roads and highways involving the removal or displacement of buildings but not resulting in the creation of new land parcels. ***See Article VII*** for additional requirements.
 - iii. Improvement of public road and highway related facilities, such as maintenance yards, weigh stations and rest areas, where additional property or right-of-way is required but not resulting in the creation of new land parcels.
- f. Air and water navigation aids.
- g. Shoreland structural stabilization is subject to Natural hazards Policy 5.11 as explained in this subsection. ***Coos County shall promote protection of valued property from risks associated with critical stream bank and ocean front erosion through necessary erosion-control stabilization measures, preferring nonstructural solutions where practical. Coos County shall implement this strategy by making "Consistency Statements" required for State and Federal***

permits (necessary for structural stream bank protection measures) that support structural protection measures when the applicant establishes that non-structure measures either are not feasible or inadequate to provide the necessary degree of protection. This strategy recognizes the risks and loss of property from unabated critical stream bank erosion, and also, that state and federal agencies regulate structural solutions. A flood elevation certificate is required for a stabilization which will occur in the identified flood hazard area.

- h. Home occupations as provided in ORS 215.448. On high-value farmland, a home occupation may be authorized in an existing dwelling and structures accessory to an existing dwelling. Home occupations may not be authorized in structures accessory to the resource use. A home occupation located on high-value farmland may employ only residents of the home.
- i. Modification of historical structure shall meet the criteria found in Section 4.11.125(3)(a) as well as any applicable development standards of the zoning district.
- j. Mining
 - i. Aggregate mining of less than 1,000 cubic yards of material or excavation of a surface area of less than one acre for a site inventoried by the Comprehensive Plan. For any operation that mines less than 1,000 cubic yards of aggregate the following conditions must be met:
 - 1) The Planning Department must be notified at least five (5) working days before commencement of the operation.
 - 2) Sloping after mining must not exceed a 3:1 slope.
 - 3) The disturbed area must be reseeded with a native grass species.
 - 4) No oil or other contaminants must be allowed in the pit
 - 5) Approval must be obtained from DEQ if there is any backfilling of the pit.
 - ii. This use includes excavations of sand, gravel, clay, rock or other similar materials conducted by a landowner or tenant on the landowner or tenant's property for the primary purpose of reconstruction or maintenance of access roads and excavation or grading operations conducted in the process of farming or cemetery operations, onsite road construction or other onsite construction or nonsurface impacts of underground mines.
 - iii. Mining for owner/tenant use. For any operation that mines less than 1,000 cubic yards of aggregate, the conditions in j above must be met. For any operation that mines cumulatively more than 1,000 cubic yards but less than 5,000 cubic yards of aggregate, the conditions in j above must be met.
- k. ***Creating wetlands. The removal of high value farmland from agricultural production for the purpose of creating wetlands except within 35 feet of the mean high water mark (extended riparian vegetation area). The applicant must address floodplain requirements.***

2. Residential Uses on lands with existing dwellings.

- a. Medical Hardship Dwelling. One manufactured dwelling or the temporary residential use of an existing building in conjunction with an existing dwelling as a temporary use for the term of a hardship suffered by the existing resident or a relative of the resident.
 - i. As used in this section, "hardship" means a medical hardship or hardship for the care of an aged or infirm person(s).
 - ii. The temporary dwelling shall use the same subsurface sewage disposal system used by the existing dwelling, if that disposal system is adequate to

- accommodate the additional dwelling. If a public sanitary sewer system is used, such condition will not be required.
- iii. In addition, the applicant must submit certification from a qualified physician stating what the hardship is and that the person requiring the hardship dwelling must live close to someone due to the hardship.
 - iv. Within three months of the end of the hardship, the manufactured dwelling shall be removed or demolished or, in the case of an existing building, the building shall be removed, demolished or, returned to an allowed nonresidential use.
 - v. Every two years the Planning Director shall review the permit authorizing such temporary hardship dwellings. Oregon Department of Environmental Quality review and removal requirements also apply to such temporary hardship dwellings.
 - vi. A temporary residence approved under this Section is not eligible for replacement under Section 4.6.200(2)(a) criteria. (OR 98-01-002PL 5/4/98)
 - vii. As used in this section “manufactured dwelling” means a manufactured home, mobile home, or recreational vehicle.
- b. Residential home or facility as defined in ORS 197.660, in existing dwellings.
 - c. Room and board arrangements for a maximum of five unrelated persons in existing dwellings.
 - d. Replacement dwelling to be used in conjunction with farm use, if the existing dwelling has been listed in the County inventory as historic property as defined in ORS 358.480. The historic dwelling shall be listed on the National Register of Historic Places.
 - e. Farm Help Relative Dwelling on property used for farm use may be allowed when it is:
 - i. Located on the same lot or parcel as the dwelling of the farm operator.
 - ii. Occupied by a grandparent, grandchild, parent, child, brother or sister of the farm operator or the farm operator’s spouse.
 - iii. Whose assistance in the management of the farm is or will be required by the farm operator. The farm operator must *so* state *this* in writing ~~that the relative’s assistance in the management of the farm is or will be required by the farm operator~~ and state in writing how the farm operator will continue to have the predominate role in the farm operations. ~~To qualify, a dwelling shall be occupied by persons whose assistance in the management and farm use of the existing commercial farming operation is or will be required by the farm operator. The farm operator shall continue to play the predominant role in the management and farm use of the farm.~~
 - iv. The County shall impose a condition on the subject lot or parcel prohibiting its division or partition upon establishment of the farm help relative’s dwelling on the lot or parcel.

3. Establishing Dwellings on Non-High Value EFU lands.

- a. LOT OF RECORD DWELLING on land **not** identified as high value farm land may be allowed if:
 - i. Prior to January 1, 1985, the lot or parcel on which the dwelling will be sited was lawfully created and acquired by the present owner or inherited from a person who acquired the lot or parcel prior to January 1, 1985.
 - ii. For the purposes of this section, “owner” includes wife, husband, son, daughter, mother, mother-in-law, father, father-in-law, brother, brother-in-law, sister, sister-in-law, aunt, uncle, nephew, *niece*, stepparent, stepchild, grandparent or grandchild of the owner or a business entity owned by any one of a combination of these family members.
 - iii. The tract on which the dwelling will be sited does not include a dwelling. “Tract” means one or more contiguous lots or parcels in the same ownership.
 - iv. When the lot or parcel on which the dwelling will be sited is part of a tract, the remaining portions of the tract are consolidated into a single lot or parcel when zoning approval for the dwelling is granted. The applicant shall provide evidence that the covenants, conditions, and restrictions form has been recorded with the deed records of the County.
 - v. A lot, parcel, or tract cannot have been reconfigured after November 4, 1993, the effect of which is to qualify for the siting of a dwelling. “Reconfiguration” means any change in the boundary of the lot, parcel, or tract. The date of the reconfiguration is the *new* date of creation.
 - vi. When the lot or parcel on which the dwelling will be sited lies within an area designated as habitat of big game, the siting of the dwelling is *shall be* consistent with the limitations on *population* density upon which the acknowledged comprehensive plan and land use regulations intended to protect the habitat are based.
 - vii. The proposed dwelling is not prohibited by and will comply with the requirements of the acknowledged Comprehensive Plan and its implement measures. More specifically, if the subject property is affected by an overlay zone (e.g., flood hazard environs areas, etc.), a lot of record dwelling may be sited only after satisfying the applicable provisions of the overlay zone.
 - viii. The Assessor shall be notified of the intention to allow a dwelling.
 - ix. The lot or parcel on which the dwelling will be sited in not high value farmland.
- b. 160 ACRE DWELLING in conjunction with farm use may be allowed subject to the following requirements:
 - i. The parcel on which the dwelling will be located is at least 160 acres.
 - ii. The subject tract is currently employed for farm use, as defined in ORS 215.203.
 - iii. The dwelling will be occupied by a person or persons who will be principally engaged in the farm use of the land, such as planting, harvesting, marketing, or caring for livestock, at a commercial scale. and
 - iv. There are no other dwellings on the subject tract. “Tract” means one or more contiguous lots or parcels in the same ownership.
- c. MEDIAN SIZE DWELLING may be considered customarily provided in conjunction with farm use if:

- i. The subject tract is at least as large as the median size of those commercial farm or ranch tracts capable of generating at least \$10,000 in annual gross sales that are located within a study area which includes all tracts wholly or partially within one mile from the perimeter of the subject tract.
 - ii. The subject tract is currently employed for a farm use at a level capable of producing at least the medial level of annual gross sales of county indicator crops as the same commercial farm or ranch tracts used to calculate the tract size in 1, above. Pursuant to OAR-660-33-135(1), LCDC is required annually to provide the County with a table of the estimated potential gross sales per acre for each assessor land class.
 - iii. The subject parcel on which the dwelling is proposed is at least 10 acres in size.
 - iv. There are no other dwellings on the subject tract. "Tract" means one or more contiguous lots or parcels in the same ownership.
 - v. The land is **not** high value farmland.
- d. INCOME DWELLING may be considered customarily provided in conjunction with farm use if:
- i. The subject tract is currently employed for the farm use that produced \$40,000 in gross annual income from the sale of farm products in the last two years or three of the last five years. The cost of purchased livestock shall be deducted from the total gross income attributed to the tract. NOTE: \$40,000 satisfies OAR 660-33-135 (5) (a) (A).
 - ii. There are no other dwellings on the subject tract ~~except for seasonal farm worker dwellings, as permitted by ORS 215.283(1)(p).~~
 - iii. The dwelling will be occupied by a person or persons who produced the commodities which grossed the income in 1, above.
- e. ADDITIONAL FARM HELP DWELLING may be considered customarily provided in conjunction with farm use if:
- i. The additional farm dwelling will be occupied by a person or persons who will be principally engaged in the farm use of the land and whose assistance in the management of the farm use is or will be required by the farm operator.
 - ii. The principal farm dwelling to which the proposed dwelling would be additional is located on a farm or ranch operation that is currently employed for farm use and produced in the last two (2) years or three (3) of the last five (5) years the lower of the following:
 - 1) At least \$40,000 in gross annual income from the sale of farm products. The cost of purchased livestock shall be deducted from the total gross income attributed to the tract, or
 - 2) Gross annual income of at least the midpoint of the median income range of gross annual sales for farms in the County with the gross annual sales of \$10,000 or more according to the 1992 Census of Agriculture, Oregon. In determining the gross income, the cost of purchased livestock shall be deducted from the total gross income attributed to the tract.
 - iii. The additional dwelling shall be located
 - 1) On the same lot or parcel as the principal farm dwelling.
 - 2) On the same tract as the principal farm dwelling when the lot or parcel on which the additional dwelling will be sited is consolidated into a single parcel with all other contiguous lots and parcels in the tract. or
 - 3) On a lot or parcel on which the principal farm dwelling is not located, when the additional farm dwelling is a manufactured dwelling and a deed

restriction is filed with the County Clerk. The deed restriction shall require the manufactured dwelling to be removed when the lot or parcel is conveyed to another party. An additional farm dwelling approved pursuant to this rule may not be occupied by a person or persons who will not be principally engaged in the farm use of the land and whose assistance in the management of the farm use is not or will not be required by the farm operator. The manufactured dwelling may remain if it is reapproved under this Section.

- iv. There is no other dwelling on the subject farm or ranch that is vacant or currently occupied by persons not working on the subject farm or ranch and could reasonably be used as the requested additional farm dwelling.
- v. The County shall not approve any proposed division of a lot or parcel for an additional farm dwelling.
- vi. An additional farm dwelling approved pursuant to this Section cannot later be used to satisfy the requirements for a non-farm dwelling.

4. Establishing Dwellings on High Value EFU Lands. High Value Farmland is land composed predominately of soils 2C, 5A, 5B, 17B, 25, 33, and 36C.

- a. LOT OF RECORD DWELLING. A single family dwelling may be allowed if:
 - i. Prior to January 1, 1985, the lot or parcel on which the dwelling will be sited was lawfully created and acquired by the present owner or inherited from a person who acquired the lot or parcel prior to January 1, 1985.
 - ii. For the purposes of this section, “owner” includes wife, husband, son, daughter, mother, mother-in-law, father, father-in-law, brother, brother-in-law, sister, sister-in-law, aunt, uncle, nephew, *niece*, stepparent, stepchild, grandparent or grandchild of the owner or a business entity owned by any one of a combination of these family members.
 - iii. The tract on which the dwelling will be sited does not include a dwelling. “Tract” means one or more contiguous lots or parcels in the same ownership.
 - iv. When the lot or parcel on which the dwelling will be sited is part of a tract, the remaining portions of the tract are consolidated into a single lot or parcel when zoning approval for the dwelling is granted. The applicant shall provide evidence that the covenants, conditions, and restrictions form at the end of Article 4.6 has been recorded with the deed records of the County.
 - v. A lot, parcel, or tract cannot have been reconfigured after November 4, 1993, the effect of which is to qualify for the siting of a dwelling. “Reconfiguration” means any change in the boundary of the lot, parcel, or tract. The date of the reconfiguration is the *new* date of creation.
 - vi. When the lot or parcel on which the dwelling will be sited lies within an area designated as habitat of big game, the siting of the dwelling is *shall be* consistent with the limitations on *population* density upon which the acknowledged comprehensive plan and land use regulations intended to protect the habitat are based.
 - vii. The proposed dwelling is not prohibited by and will comply with the requirements of the acknowledged Comprehensive Plan and its implement measures. More specifically, if the subject property is affected by an overlay zone (e.g., flood hazard environs areas, etc.), a lot of record dwelling may be sited only after satisfying the applicable provisions of the overlay zone.
 - viii. The Assessor shall be notified of the intention to allow a dwelling.

- ix. The lot or parcel on which the dwelling will be sited in not high value farmland.
 - x. The lot or parcel cannot practicably be managed for farm use, by itself or in conjunction with other land, due to extraordinary circumstances inherent in the land or its physical setting that do not apply generally to other land in the vicinity.
 - xi. The dwelling will comply with the provisions of ORS 215.296(1). and
 - xii. The dwelling will not materially alter the stability of the overall land use pattern in the area.
- b. LOT OF RECORD DWELLING IN CONJUNCTION WITH A DAIRY. A single family dwelling may be allowed on a tract used in conjunction with a dairy operation on January 1, 1993, and not composed predominately of a combination of soils 37C, 40, and 12 if:
- i. Prior to January 1, 1985, the lot or parcel on which the dwelling will be sited was lawfully created, acquired by the present owner or inherited from a person who acquired the lot or parcel prior to January 1, 1985.
 - ii. For the purposes of this section, “owner” includes wife, husband, son, daughter, mother, mother-in-law, father, father-in-law, brother, brother-in-law, sister, sister-in-law, aunt, uncle, nephew, *niece*, stepparent, stepchild, grandparent or grandchild of the owner or a business entity owned by any one of a combination of these family members.
 - iii. The tract on which the dwelling will be sited does not include a dwelling. “Tract” means one or more contiguous lots or parcels in the same ownership.
 - iv. When the lot or parcel on which the dwelling will be sited is part of a tract, the remaining portions of the tract are consolidated into a single lot or parcel when zoning approval for the dwelling is granted. The applicant shall provide evidence that the covenants, conditions, and restrictions form has been recorded with the deed records of the County.
 - v. A lot, parcel, or tract cannot have been reconfigured after November 4, 1993, the effect of which is to qualify for the siting of a dwelling. “Reconfiguration” means any change in the boundary of the lot, parcel, or tract. The date of the reconfiguration is the *new* date of creation.
 - vi. The tract must be 21 acres or less in size.
 - 1) The tract is bordered on at least 67 percent of its perimeter by tracts that are smaller than 21 acres, and at least two such tracts had dwellings on January 1, 1993, or
 - 2) The tract is bordered on at least 25 percent of its perimeter by tracts that are smaller than 21 acres, and at least four dwellings existed on January 1, 1993, within one-quarter mile of the center of the subject tract. Up to two of the four dwellings may lie within an urban growth boundary, but only if the subject tract abuts an urban growth boundary.
- c. INCOME DWELLING may be considered customarily provided in conjunction with farm use if:
- i. The subject tract is currently employed for the farm use, as defined in ORS 215.203, that produced at least \$80,000 in gross annual income from the sale of farm products in the last two years or three out of the last five years. In determining the gross income required, the cost of purchased livestock shall be deducted from the total gross income attributed to the tract. [\$80,000 standard is pursuant to OAR 660-33-135(6)]

- ii. There are no other dwellings on the subject tract; and
 - iii. The dwelling will be occupied by a person or persons who produce the commodities which grossed the income in i above.
- d. **ADDITIONAL FARM HELP DWELLING.** This may be considered customarily provided in conjunction with farm use if:
- i. The additional dwelling will be occupied by a person or persons who will be principally engaged in the farm use of the land and whose assistance in the management of the farm use is or will be required by the primary farm operator.
 - ii. The principal farm dwelling is located on a farm or ranch operation that is currently employed for farm use and produced at least \$80,000 (~~in 1994 dollars~~) in gross income from the sale of farm products in the last two (2) years or three (3) out of the last five (5) years. and
 - iii. The additional dwelling shall be located on:
 - 1) The same lot or parcel as the principal farm dwelling.
 - 2) The same tract as the principal farm dwelling when the lot or parcel on which the additional dwelling will sited is consolidated into a single parcel with all other contiguous lots and parcels in the tract. or
 - 3) On a lot or parcel on which the principal farm dwelling is not located when the additional farm dwelling is a manufactured dwelling and a deed restriction is filed with the County Clerk. The deed restriction shall require the manufactured dwelling to be removed when the lot or parcel is conveyed to another party. An additional farm dwelling approved pursuant to this rule may not be occupied by a person or persons who will not be principally engaged in the farm use of the land and whose assistance in the management of the farm use is not or will not be required by the farm operator. The manufactured dwelling may remain if it is reapproved under this Section. and
 - iv. There is no other dwelling on the subject farm or ranch that is vacant or currently occupied by persons not working on the subject farm or ranch and could be reasonably used as the requested additional farm dwelling.
 - v. The County shall not approve any proposed division or a lot or parcel for additional an additional farm dwelling approved pursuant to this Section.
 - vi. An additional farm dwelling approved to this section cannot later be used to satisfy the requirements for a non-farm dwelling.
5. **Land Divisions in the EFU** zone shall contain at least 80 acres unless one of the exceptions listed below apply. A conditional use addressing the applicable provisions of Chapters VI & VII is required for all land divisions.
- ~~NON FARM USES: — In addition to any findings for a proposed use, a proposed division of land to create a parcel for nonfarm use, *except a dwelling*, may be approved as an administrative conditional use if Coos County finds that the parcel for the nonfarm use is not larger than the minimum size necessary for the use.~~
- ~~FARM USE: For divisions of land for farm use, each proposed parcel must contain at least 80 acres. A conditional use is not required. however, the land division must meet the standards in Articles 6.1 and 6.5. or~~
- a. **ESTABLISH A PARCEL FOR A DWELLING:** To allow the establishment of a parcel for a dwelling on land zoned EFU, the following requirements apply (ORS 215.780):
 - i. A dwelling existed on the parcel prior to June 1, 1995.

- ii. The parcel established shall not be larger than 5 acres except as necessary to recognize physical factors such as roads or streams, in which the parcel shall be no larger than 10 acres.
 - iii. The applicant shall provide evidence that a restriction on the remaining parcel not containing the dwelling has been recorded with the Coos County Clerk's office. the restriction shall be irrevocable and shall allow no dwelling to be sited on the remaining parcel.
 - iv. ~~Evidence that a "Waiver of Right to Object" Farm Management Covenant ensuring the compatibility with neighboring farm uses is recorded at the Coos County Clerk's office.~~ ***The owner of any parcel not containing a dwelling shall sign and record in the deed records of Coos County, an irrevocable deed restriction prohibiting the owner and the owner's successors in interest from pursuing a cause of action or claim of relief alleging an injury from farming or forest practices for which no claim or action is allowed under ORS 30.936 or 03.937 (ORS 215.265).***and
 - v. All land divisions must meet the applicable standards of Articles VI and VII of the Coos County Zoning and Land Development Ordinance (OR 00-05-014PL).
- b. CEMETERIES: The minimum lot size of 80 acres shall not apply to the creation of cemetery lots if a cemetery is within the boundaries designated for a farm use zone at the time the zone is established.
 - c. HOUSES OF WORSHIP: The minimum lot size of 80 acres shall not apply to the creation of a parcel for a House of Worship if the following requirements are met:
 - i. The land division is for the establishment of a house of worship, including cemeteries in conjunction with the house of worship.
 - ii. The house of worship has been approved by the County.
 - iii. The newly created lot is not more than 5 acres.
 - iv. The remaining parcel, not containing the house of worship, meets the minimum lot or parcel size of 80 acres, either by itself or after it is consolidated with another lot or parcel.
 - d. HISTORIC DWELLINGS: A division of land shall be permitted for the purpose of separating an existing dwelling which has been listed on the National Register of Historic Places and in a County inventory as historic property as defined in ORS 358.480.
 - e. PARKS AND OPEN SPACE PURPOSES: A land division may be allowed, subject to the approval of the County governing body for the purpose of allowing a provider of public parks or open space, or a not-for-profit land conservation organization to purchase at least one of the resulting parcels.
 - i. A parcel created by the land division that contains a dwelling is large enough to support continued residential use of that parcel.
 - ii. A parcel created pursuant to this subsection that does not contain a dwelling:
 - 1) Is not eligible for siting a dwelling, except as may be authorized under ORS 195.120.
 - 2) May not be considered in approving or denying an application for siting any other dwelling.
 - 3) May not be considered in approving a redesignation or rezoning of forestlands except for a redesignation or rezoning to allow a public park, open space, or other natural resource use.

- 4) May not be smaller than 25 acres unless the purpose of the land division is to allow a transaction in which at least one party is a public park or open space provider or a not-for-profit land conservation organization that has a cumulative ownership of at least 10,000 acres of open space or park property within Coos County (OR 00-5-014PL).
- iii. The owner of any parcel not containing a dwelling shall sign and record in the deed records of Coos County, an irrevocable deed restriction prohibiting the owner and the owner's successors in interest from pursuing a cause of action or claim of relief alleging an injury from farming or forest practices for which no claim or action is allowed under ORS 30.936 or 03.937 (ORS 215.265)

SECTION 4.6.220 HEARINGS BODY CONDITIONAL DEVELOPMENT AND USE:

The following uses and their accessory uses are permitted under an hearings body conditional use permit procedure subject to applicable development standards in the "Exclusive Farm Use" zone and "Mixed Use" overlay subject to the applicable requirements in Section 4.6.230 and applicable siting and development requirements in Sections 4.6.240

1. Non-Residential Uses

- a. Winery as described in ORS 215.452
- b. Mining
 - i. Operations conducted for mining and processing of geo-thermal resources as defined by ORS 522.005 and oil and gas as defined by ORS 420.005 not otherwise permitted under this rule.
 - ii. Operations for the exploration for and production of geo-thermal resources as defined by ORS 522.005 and oil and gas as defined by ORS 520.005, including the placement and operation of compressors, separators and other customary production equipment for an individual well adjacent to the wellhead.
 - iii. Operations conducted for mining, crushing or stockpiling of aggregate and other mineral and other subsurface resources subject to ORS 215.298.
 - 1) Any operation that mines less than 1,000 cubic yards of aggregate, Section 4.6.210(1)(j) is applicable.
 - 2) For any operation that mines cumulatively more than 1,000 cubic yards but less than 5,000 cubic yards of aggregate, the conditions in Section 4.6.210(1)(j) must be met along with the hearings body conditional use.
 - 3) Any operation that sells greater than 5,000 cubic yards must comply with standards established by the Department of Geology and Mineral Industries.
- c. Processing
 - i. As defined by ORS 517.750 of aggregate into asphalt or Portland cement. New uses that batch and blend mineral and aggregate into asphalt cement may not be authorized within two (2) miles of a planted vineyard. Planted vineyard means one or more vineyards totaling 40 acres or more that are planted as of the date the application for batching and blending is filed.
 - ii. Of other mineral resources and other subsurface resources.
- d. Transportation
 - i. Personal-use airports for airplanes and helicopter pads, including associated hangar, maintenance and service facilities. A personal use airport as used in this section means an airstrip restricted, except for aircraft emergencies, to use by the owner, and on an infrequent and occasional basis, by invited guests, and by commercial aviation activities in connection with agricultural operations. No aircraft may be based on a personal-use airport other than those owned or controlled by the owner of the airstrip.

- Exceptions to the activities permitted under this definition may be granted through waiver action by the Oregon Aeronautics Division in specific instances. A personal-use airport lawfully existing as of September 13, 1975, shall continue to be permitted subject to any applicable rules of the Oregon Aeronautics Division.
- ii. Roads, highways and other transportation facilities and improvements not otherwise allowed under the rule may be established subject to the adoption of the governing body or its designee of an exception to Goal 3, Agricultural Lands and any other applicable goal with which the facility or improvement does not comply.
- e. Solid Waste Disposal
- i. Except on high-value farmland, a site for the disposal of solid waste that has been order to be established by the Environmental Quality Commission under ORS 495.049, together with the equipment, facilities or buildings necessary for its operation. On high-value farmland, existing facilities may be maintained, enhanced, or expanded subject to other requirements of law.
 - ii. Except on high-value farmland, a site for the disposal of solid waste approved by the governing body of a city, county, or both, and for which a permit has been granted under ORS 459.245 by the Department of Environmental Quality, together with the equipment, facilities or buildings necessary for its operation. On high value farmland, existing faculties may be maintained, enhanced, or expanded subject to other requirements of law.
- f. Utilities
- i. Transmission towers over 200 feet in height.
 - ii. Commercial utility facilities for the purpose of generating power for public use by sale.
 - 1) On other than high value farmland: a power generation facility shall not preclude more than 20 acres from use as a commercial agricultural enterprise unless an exception is taken pursuant to OAR 660, Division 4.
 - 2) On high value farmland, a power generation facility shall not preclude more than 12 acres from use as a commercial agricultural enterprise unless an exception is taken pursuant to OAR 660, Division 4.
 - iii. Utility facilities necessary for public service, except for the purpose of generating power for public use by sale and transmission towers over 200 feet in height. A facility is necessary if it must be situated in an agricultural zone in order for the service to be provided. ***An associated transmission line may be allowed if it is necessary for public service and meets the following:***
 - 1) ***Not located on high value farmland or arable farmland.***
 - 2) ***Is co-located with an existing transmission line.***
 - 3) ***Parallels an existing transmission line corridor with the minimum separation necessary for safety, and applicable regulations.***
 - 4) ***Is located within an existing right of way for a linear facility, such as a transmission line, road, or railroad that is located above the surface of ground.***
or
 - 5) ***If, after an evaluation, or reasonable alternatives, the applicant demonstrates that the entire route of the associated transmission line meets two or more of the following:***
 - a) ***Technical and engineering feasibility;***
 - b) ***The associated transmission line is locationally dependent because the associated transmission line must cross high value farmland or arable land to achieve a reasonably direct route or to meet unique geographical needs that cannot be satisfied on other lands;***

- c) *Lack of an available existing right of way for a linear facility, such as a transmission line, road, or railroad that is located above the surface of the ground;*
 - d) *Public health and safety. or*
 - e) *Other requirements of state or federal agencies.*
 - f) *The applicant shall present findings to the governing body of the county or its designee on how the applicant will mitigate and minimize the impacts, if any, of the associated transmission line on surrounding lands devoted to farm use in order to prevent a significant change in accepted farm practices or a significant increase in the cost of farm practices on surrounding farmland.*
 - g) *The governing body or its designee may consider costs associated with any factors, but considerations of cost may not be the only consideration in determining whether the associated transmission line is necessary for public services.*
 - h) *Defined as: a new transmission line constructed to connect an energy facility to the first point of junction of such transmission line or lines with either a power distribution system or an interconnected primary transmission system or both or to the Northwest Power Grid.*
- g. Parks and Campgrounds
- i. On non-high value farm land private parks, playgrounds, hunting and fishing preserves, and campgrounds. The definition campground is an area devoted to overnight temporary use for vacation, recreational, or emergency purposes, but not for residential purposes.
 - a) *Campgrounds authorized by this rule shall not include intensively developed recreational uses, such as swimming pools, tennis courts, retail stores, or gas stations.*
 - b) *A camping site may be occupied by a tent, travel trailer, yurt, or recreational vehicle.*
 - c) *A private campground may provide yurts for overnight camping; however, no more than one-third (1/3) or a maximum of 10 campsites, whichever is smaller, may include a yurt. The yurt shall be located on the ground or a wooden floor with no permanent foundation. As used here, a “yurt” means a round domed shelter of cloth or canvas on a collapsible frame with no plumbing, sewage disposal hookup, or internal cooking appliance.*
 - d) *Except on a lot or parcel contiguous to a lake or reservoir, a private campground shall not be allowed within three miles of an urban growth boundary unless an exception is approved pursuant to ORS 197.732 and OAR chapter 660, division 004.*
 - e) *Landscaping and Design*
 - i. *The landscape shall be such to minimize soil erosion and lessen the visual impact. Every park or campground shall provide an ornamental, sight-obscuring fence, wall, evergreen or other suitable screening/planning along all boundaries of the park site abutting public roads or property lines that are common to other owners of property, except for points of ingress and egress. All open areas or common areas shall be landscaped. Landscaping shall consist of lawns and/or ornamental plantings;*
 - ii. *Any grade changes shall be in keeping with the general appearance of neighboring developed areas.*

~~showers, food and beverage service, pro shops, a practice or beginners course as a part of an 18 hole or larger golf course. Accessory uses to a golf course do not include: sporting facilities unrelated to golfing such as tennis courts, swimming pools, and weight rooms, wholesale or retail operations oriented to the non-golfing public, housing.~~

- j. A site for the takeoff and landing of model aircraft, including such building or facilities as may be reasonably necessary. Buildings or facilities shall not be more than 500 square feet in floor area or placed on a permanent foundation unless the building or facility pre-existed this use. The site shall not include an aggregate surface or hard surface area, unless this area pre-existed this use. "Model Aircraft" means a small scale version of an airplane, glider, helicopter, dirigible, balloon, portable unmanned aerial vehicle that is used or intended to be used for flight and is controlled by radio, lines, or design by a person on the ground.
- k. Operations for the extraction and bottling of water.
- l. The propagation, cultivation, maintenance and harvesting of insect species. Insect species shall not include any species under quarantine by the State Department of Agriculture of the United States Department of Agriculture. (OR-98-01-002PL 5-4-98).
- m. A living history museum related to resource based activities, owned and operated by a local governmental agency or a local historical society, together with limited commercial activities and facilities that are directly related to the use and enjoyment of the museum and located within authentic buildings of the depicted historic period or the museum administration building, if areas other an exclusive farm zone cannot accommodate the museum and related activities, or if the museum administration buildings and parking lot are located within one quarter mile of an urban growth boundary (UGB). Living History museum means a facility designed to depict and interpret everyday life and culture of some specific historic period, using authentic buildings, tools, equipment and people to simulate past activities and events. "Local Historical Society" means the local historical society recognized by the County governing body and organized under ORS Chapter 65 (OR-00-05-015PL).
- n. Public or private schools, including all buildings essential to the operation of a school.
 - i. Only permitted in the forest mixed use zones.
 - ii. Shall not be approved if within 3 miles of an urban growth boundary, unless an exception is approved pursuant to ORS 197.732 and OAR 660 Division 4.
- o. Churches and cemeteries in conjunction with churches.
 - i. Only permitted in the forest mixed use zones.
 - ii. Shall not be approved if within 3 miles of an urban growth boundary, unless an exception is approved pursuant to ORS 197.732 and OAR 660 Division 4.

2. Residential Uses:

- a. Non-Farm Dwellings A single-family residential dwelling, not provided in conjunction with farm use, may be allowed as a hearings body conditional use in the "Exclusive Farm Use" zone subject to the following requirements and other applicable provisions of this Ordinance:
 - i. The dwelling will be sited on a lot or parcel that was created before January 1, 1993, and
 - ii. The dwelling or activities associated with the dwelling will not force a significant change in or significantly increase the cost of accepted farming or forest practices on nearby lands devoted to farm or forest use, and
 - iii. The dwelling is situated upon a lot or parcel, or a portion of a lot or parcel, that is generally unsuitable for the production of farm crops and livestock or

- merchantable tree species, considering the terrain, adverse soil or land conditions, drainage and flooding, vegetation, location and size of the tract.
- iv. A lot or parcel shall not be considered unsuitable solely because of the size or location if it can be reasonably put to farm or forest use in conjunction with other land.
 - v. A lot or parcel is not generally unsuitable simply because it is too small to be farmed profitably by itself. If a lot or parcel can be sold, leased, rented, or otherwise managed as a part of a commercial farm or ranch, it is not generally unsuitable. A lot or parcel is presumed to be suitable if it is composed predominately of Class I-IV soils. Just because a parcel is unsuitable for one farm use does not mean it is not suitable for another farm use.
 - vi. If the parcel is under forest assessment, the dwelling shall be situated upon generally unsuitable land for the production of merchantable tree species recognized by the Forest Practices Rules, considering the terrain, adverse soil or land conditions, drainage and flooding, vegetation, location and size of the parcel. If the parcel is under forest assessment, the area is not “generally unsuitable” simply because it is too small to be managed for forest production profitably by itself. If a lot or parcel under forest assessment can be sold, leased, rented or otherwise managed as a part of a forestry operation, it is not “generally unsuitable”. If a lot or parcel is under forest assessment, it is presumed suitable if it is composed predominantly of soils capable of producing 50 cubic feet of wood fiber per acre per year. If a lot or parcel is under forest assessment, to be found compatible and not seriously interfere with forest uses on surrounding land it must not force a significant change in forest practices or significantly increase the cost of those practices on the surrounding land. and
 - vii. the dwelling will not materially alter the stability of the overall land use pattern of the area. The cumulative impact of nonfarm dwellings on other lots or parcels in the area similarly situated shall be considered. and
 - viii. If the creation of a new parcel for the nonfarm dwelling is involved, the county shall consider whether creation of the parcel will lead to creation of other nonfarm parcels, to the detriment of agriculture in the area. and
 - ix. The dwelling complies with such other conditions as considered necessary. and
 - x. If a single-family dwelling is established on a lot or parcel as a “lot-of-record” dwelling or a dwelling in the forest zone, no additional dwelling may later be sited under this section.
 - xi. Coos County shall not grant final approval for a nonfarm dwelling without evidence that the lot or parcel upon which the dwelling is proposed has been disqualified for special assessment at values for farm use under ORS 308.765, 321.352, 321.730, or 321.815 and any additional taxes imposed as a result or disqualification has been paid (OR-00-05-014PL). The owner of a lot or parcel upon which the establishment of a dwelling has been tentatively approved as provided above shall have 60 days after the date of tentative approval of the nonfarm dwelling to request disqualification for special assessment of the lot or parcel from the County Assessor, pay any additional tax imposed, and provide the Planning Department with proof that the lot or parcel upon which the dwelling is proposed has been disqualified for special assessment. A lot or parcel that has been disqualified shall not requalify for special assessment unless when combined with another contiguous parcel, it constitutes a qualifying parcel.

SECTION 4.6.230 CRITERIA AND REVIEW STANDARDS FOR CONDITIONAL USE PERMITS (BOTH ADMINISTRATIVE AND HEARINGS BODY): A use may be allowed

provided the following requirements are met:

1. Such uses will not force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use.
2. Will not significantly increase the cost of accepted farm or forest practices on lands devoted to farm or forest use
3. Siting Standards for Dwellings and Structures in the EFU Zone. The following siting criteria shall apply to all dwellings, including replacement dwellings and structures in the EFU zone. Replacement dwellings may be sited in close proximity to the existing developed homesite. These criteria are designed to make such uses compatible with forest operations and agriculture, to minimize wildfire hazards and risks and to conserve values found on agricultural lands. These criteria may include setbacks from adjoining properties, clustering near or among existing structures, siting close to existing roads, and siting on that portion of the parcel least suited for agricultural uses, and shall be considered together with the requirements in Section 4.6.240 to identify the building site. Dwellings and structures shall be sited on the parcel so that:
 - a. They have the least impact on nearby or adjoining forest or agricultural lands.
 - b. The siting ensures that adverse impacts on forest operations and accepted farming practices on the tract will be minimized.
 - c. The amount of agricultural lands used to site access roads, service corridors, the dwelling and structures is minimized. and
 - d. The risks associated with wildfires are minimized.

SECTION 4.6.240 DEVELOPMENT AND USE STANDARDS

Development Standards All dwellings and structures approved pursuant to Article 4.6 shall be sited in accordance with this section.

1. **Minimum Lot Size:** The minimum parcel size shall be at least 80 acres. Land divisions involving a house that existed prior to June 1, 1995 see Section 4.6.210(5)(a). For land divisions where all resulting parcels are at least 80 acres, a conditional use is not required. However, the applicable standards in Chapter VI must be met. [OR96-06-007PL 9/4/96]

New lots or parcels for dwellings not in conjunction with farm use may be allowed when the requirements of Section 4.6.210(3), Section 4.6.210(4)(a)(b) and Section 4.6.210(5) are met. In addition, the creation of new parcels for nonfarm uses may be allowed only when such new parcel is the minimum size needed to accommodate the use in a manner consistent with other provisions of the Ordinance.

The size of the parcel will not prohibit development as long as it was lawfully created or otherwise required to be a certain size in order to qualify for a use.

2. **Setbacks**
 - a. **Road:** All buildings or structures with the exception of 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 line, whichever is greater.
 - b. **Firebreak:** New or replacement dwellings on lots, parcels, or tracts abutting the “Forest” zone shall establish and maintain a firebreak for a distance of at least 30 in all directions. Vegetation within this firebreak may include mowed grasses, low shrubs (less than ground floor window height), and trees that are spaced with more than 15 feet between the crowns and pruned to remove dead and low (less than 8 feet from the ground)

branches. Accumulated needles, limbs, and other dead vegetation should be removed from beneath trees.

3. Structure Height: No requirements.
4. Lot Coverage: No requirements.
5. Fences, Hedges and Walls: No requirement except for vision clearance provisions of Section 7.1.525 apply.
6. Off-street parking and Loading: See Chapter VII.
7. Minimum Road Frontage/Lot Width ***unless waived by the Planning Director in consultation with the County Surveyor due to creating an unsafe or irregular configuration:***
 - a. Within UGB's – 50 feet
 - b. Outside UGB's – 20 feet
8. Access: Access to new dwellings shall meet road design standards in Chapter VII.
9. Minimizing Impacts: in order to minimize the impacts of dwellings in agricultural lands, all applicants requesting a nonfarm dwelling shall acknowledge and file in the deed records of Coos County, a Farm Practices Management Easement. The Farm Practices Easement shall be recorded in the deed records of the county prior to any final county approval for a single family dwelling. [OR96-06-007PL 9/4/96]
10. Riparian Vegetation Protection within 50 feet of a wetland, stream, lake or river, as identified on the Coastal Shoreland and Fish and Wildlife Habitat Inventory maps shall be maintained except that:
 - a. Trees certified ***as posing an erosion or safety hazard. Property owner is responsible for ensuring compliance with all local, state and federal agencies for the removal of the tree.*** ~~by one of the following Coos Soil and Water Conservation District, US Soil Conservation Service posing an erosion or safety hazard may be removed to minimize said hazard;~~
 - b. Riparian vegetation may be removed to provide direct access for a water-dependent use if it is a listed permitted within the zoning district;
 - c. Riparian vegetation may be removed in order to allow establishment of authorized structural shoreline stabilization measures;
 - d. Riparian vegetation may be removed to facilitate stream or stream bank clearance projects under a port district, ODFW, BLM, Soil & Water Conservation District, or USFS stream enhancement plan;
 - e. Riparian vegetation may be removed in order to site or properly maintain public utilities and road right-of-ways;
 - f. Riparian vegetation may be removed in conjunction with existing agricultural operations (e.g., to site or maintain irrigation pumps, to limit encroaching brush, to allow harvesting farm crops customarily grown within riparian corridors, etc.) provided that such vegetation removal does not encroach further into the vegetation buffer except as needed to provide an access to the water to site or maintain irrigation pumps; or
 - g. The 50 foot riparian vegetation setback shall not apply in any instance where an existing structure was lawfully established and an addition or alteration to said structure is to be sited not closer to the estuarine wetland, stream, lake, or river than the existing structure and said addition or alteration represents not more than 100% of the size of the existing structure's "footprint".
 - h. Riparian removal within the Coastal Shoreland Boundary will require a conditional use. See Special Development Considerations Coastal Shoreland Boundary.
 - i. ***The 50' measurement shall be taken from the closest point of the ordinary high water mark to the structure using a right angle from the ordinary high water mark.***

Article I. DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS

Whereas, the undersigned _____ , hereinafter referred to as Declarant, is the owner in fee simple of the subject property described in Exhibit "A" attached hereto and incorporated by reference herein. and

Whereas, pursuant to Oregon law a "lot-of-record" dwelling has been authorized for property described in Exhibit "A". and

Whereas, Oregon law requires that when a "lot-of-record is allowed for a lot or parcel that is contiguous with one or more other lots or parcels under the same ownership comprising a tract, then these contiguous lots and parcels shall be consolidated into a single lot or parcel at the time the dwelling is allowed. and

Whereas, Declarant desires to consolidate the subject property described in Exhibit "A" in order to effectuate and comply with the requirements of Oregon law and further desires to consent to the execution of this document prepared by the Coos County, Oregon, Planning Department.

Now, therefore, Declarant hereby declares that all of the property described in Exhibit "A" shall not be sold or conveyed separate and apart from any and all of the property described in Exhibit "A" in its entirety.

In witness whereof, the undersigned, being Declarant herein, has heretofore set their hand this _____ day of _____

State of _____)
County of _____)

The foregoing instrument was acknowledged before me this _____ day of _____
by _____

Notary Public for _____

ARTICLE 4.7 – SOUTH SLOUGH ZONING DISTRICTS

SOUTH SLOUGH (SS)

Purpose and Intent: The purpose of the “SS” district is to complement the primary management objectives and the primary scientific objectives of the South Slough *National Estuarine Research Reserve (SNERR)*. ~~Sanctuary (SSES)~~. This district is intended to maintain the integrity of the sanctuary by preserving the area for long-term scientific and educational use. This designation abuts the Coos Bay Estuary Management Plan (CBEMP). This zoning district has no development standards with the exception of road standards found in Chapter VII. Special Development considerations may apply.

SECTION 4.7.100 DEVELOPMENT AND USE PERMITTED:

The following uses and their accessory uses are permitted outright.

1. Accessory uses customarily accessory to the lawfully established principal use shall be allowed in all cases unless specifically prohibited or restricted.
2. Agricultural uses (farm) and buildings pursuant to ORS 215.203
3. Dorm facilities
4. Educational-associated facilities
5. Fish and Wildlife Habitat Management
6. Recreation:
 - a. High-Intensity Recreation uses *are uses which* require specially built facilities, or occurs in such density or form that it requires or results in a modification of the area or resource. Campgrounds, golf courses, public beaches, and marinas are examples of high-intensity recreation.
 - b. Low-Intensity Recreation uses *are uses which* do not require developed facilities and can be accommodated without change to the area or resource. For example, boating hunting, hiking, wildlife photography, and beach or shore activities can be low-intensity recreation.
7. Research & education observation structure
8. Restoration – Passive and active restoration of fish & wildlife habitat or water quality & estuarine enhancement
9. Service lines for utility facilities
10. Shoreline stabilization – non-structural
11. Timber farming/harvesting including propagation, management and harvesting of a forest product
12. Watchman/caretaker dwelling in conjunction with a permitted or conditionally permitted use.

SECTION 4.7.110 ADMINISTRATIVE CONDITIONAL DEVELOPMENT AND USE:

The following uses and their accessory uses are permitted under an administrative conditional use permit procedure subject to applicable development standards.

1. Modification of historical structure shall meet the criteria found in Section 4.11.125(3)(a) as well as any applicable development standards of the zoning district.
2. Special temporary uses and their accessory structures and uses may be temporarily permitted by the Planning Director as set forth in the Zoning Districts. Temporary uses may not be for more than one (1) year and the affected area must be restored to its previous condition.

SECTION 4.7.120 HEARINGS BODY CONDITIONAL DEVELOPMENT AND USE:

The following uses and their accessory uses are permitted under a hearings body conditional use permit procedure subject to applicable development standards.

1. Campground must be a lot, tract or parcel of land under single ownership where two or more campsites are located which provide facilities for living in other than a permanent dwelling or recreational vehicle. The proposal must comply with the following:
 - a. *An application for a Recreational Vehicular Park and Campground shall be reviewed as a Hearings Body conditional use and shall include the submittal of a preliminary plot plan drawn as specified by OAR Division 650.*
 - b. *Campgrounds authorized by this rule shall not include intensively developed recreational uses, such as swimming pools, tennis courts, retail stores, or gas stations.*
 - c. *A camping site may be occupied by a tent, travel trailer, yurt, or recreational vehicle.*
 - d. *A private campground may provide yurts for overnight camping; however, no more than one-third (1/3) or a maximum of 10 campsites, whichever is smaller, may include a yurt. The yurt shall be located on the ground or a wooden floor with no permanent foundation. As used here, a "yurt" means a round domed shelter of cloth or canvas on a collapsible frame with no plumbing, sewage disposal hookup, or internal cooking appliance.*
 - e. *Except on a lot or parcel contiguous to a lake or reservoir, a private campground shall not be allowed within three miles of an urban growth boundary unless an exception is approved pursuant to ORS 197.732 and OAR chapter 660, division 004.*
 - f. *Landscaping and Design*
 - i. *The landscape shall be such to minimize soil erosion and lessen the visual impact. Every camp site shall provide an ornamental, sight-obscuring fence, wall, evergreen or other suitable screening/planning along all boundaries of the park site abutting public roads or property lines that are common to other owners of property, except for points of ingress and egress. All open areas or common areas shall be landscaped. Landscaping shall consist of lawns and/or ornamental plantings;*
 - ii. *Any grade changes shall be in keeping with the general appearance of neighboring developed areas.*
 - iii. *Special attention shall be given to proper site surface drainage so that removal of surface waters will not adversely affect neighboring properties, the public storm drainage system, or create environmental problems.*
 - iv. *Exposed storage areas, service areas, utility buildings and structures and similar accessory areas and structures shall be subject to such setbacks, screen plantings or other screening methods as shall be reasonably required to prevent their being incompatible with the existing or contemplated environment and the surrounding properties.*

SECTION 4.7.130 DEVELOPMENT AND USE STANDARDS.

1. Riparian Vegetation Protection. Riparian vegetation within 50 feet of a estuarine wetland, stream, lake or river, as identified on the Coastal Shoreland and Fish and Wildlife habitat inventory maps, shall be maintained except that:
 - a. Trees certified *as posing an erosion or safety hazard. Property owner is responsible for ensuring compliance with all local, state and federal agencies for the removal of the tree.* by one of the following Coos Soil and Water Conservation District, US Soil Conservation Service posing an erosion or safety hazard may be removed to minimize said hazard;
 - b. Riparian vegetation may be removed to provide direct access for a water-dependent use;
 - c. Riparian vegetation may be removed in order to allow establishment of authorized structural shoreline stabilization measures;

- d. Riparian vegetation may be removed to facilitate stream or stream bank clearance projects under a port district, ODFW, BLM, Soil & Water Conservation District, or USFS stream enhancement plan;
 - e. Riparian vegetation may be removed in order to site or properly maintain public utilities and road right-of-ways; or
 - f. Riparian vegetation may be removed in conjunction with existing agricultural operations (e.g., to site or maintain irrigation pumps, to limit encroaching brush, to allow harvesting farm crops customarily grown within riparian corridors, etc.) provided that such vegetation removal does not encroach further into the vegetation buffer except as needed to provide an access to the water to site or maintain irrigation pumps.
 - g. The 50' riparian vegetation setback shall not apply in any instance where an existing structure was lawfully established and an addition or alteration to said structure is to be sited not closer to the estuarine wetland, stream, lake, or river than the existing structure and said addition or alteration represents not more than 100% of the size of the existing structure's "footprint".
 - h. Riparian removal within the Coastal Shoreland Boundary will require a conditional use. See Special Development Considerations Coastal Shoreland Boundary.
2. Setbacks: All building or structures with the exception of fences shall be set back a minimum of thirty-five (35) feet from any road right-of-way centerline, or five (5) feet from the right-of-way line, whichever is greater.

ARTICLE 4.8 –MINOR ESTUARY AND SHORELANDS ZONING DISTRICTS

MINOR ESTUARY AND SHORELANDS (MES)

Purpose and Intent: The purpose of the "MES" district is to regulate uses within the inventoried minor estuaries and adjacent shorelands within unincorporated Coos County. The estuaries within the district are treated as "natural management units" per LCDC Goal 16. There are no hearings body application or development standards with the exception of road standards found in Chapter VII.

SECTION 4.8.100 DEVELOPMENT AND USE PERMITTED:

The following uses and their accessory uses are permitted outright.

1. Agricultural uses (farm) pursuant to ORS 215.203, is permitted in the shoreland units only.
2. Fish & wildlife habitat management
3. Hunting & fishing preserve is permitted in the shoreland units only
4. Mitigation
5. Low-Intensity Recreation uses that do not require developed facilities and can be accommodated without change to the area or resource. For example, boating hunting, hiking, wildlife photography, and beach or shore activities can be low-intensity recreation.
6. Utility Service lines are permitted in the shoreland units only.
7. Utility communication structures are permitted in shoreland units only.
8. Restoration including passive restoration and active restoration of fish & wildlife habitat or water quality & estuarine enhancement.
9. Shoreline stabilization – non-structural
10. Timber farming/harvesting, propagation, management and harvesting of a forest product are permitted in the shoreland units only.

SECTION 4.8.110 ADMINISTRATIVE CONDITIONAL DEVELOPMENT AND USE:

The following uses and their accessory uses are permitted under an administrative conditional use permit procedure subject to applicable development standards.

1. Dikes – New and maintenance/repair:
 - a. This use may be permitted in Shoreland Units only.
 - b. This use shall be limited to maintenance of existing dikes.
2. Land Divisions:
 - a. Each parcel or lot shall meet the minimum lot/parcel size and development standards unless it is a residual of resource (Farm or Forest) land division:
 - b. Must comply with the requirements of Chapter VI for land divisions.
 - c. Notice will be sent as required by Article 5.0.
 - d. Final Plat is a ministerial review.
3. Shoreland structural stabilization is subject to Natural hazards *Appendix 1* Policy 5.11 as explained in this subsection. ***Coos County shall promote protection of valued property from risks associated with critical stream bank and ocean front erosion through necessary erosion-control stabilization measures, preferring nonstructural solutions where practical. Coos County shall implement this strategy by making "Consistency Statements" required for state and federal permits (necessary for structural stream bank protection measures) that support structural protection measures when the applicant establishes that non-structure measures either are not feasible or inadequate to provide the necessary degree of protection. This strategy recognizes the risks and loss of property from unabated critical stream bank erosion, and also, that state and federal agencies regulate structural solutions. A flood elevation certificate is required for a stabilization which will occur in the identified flood hazard area.***
4. Riparian removal within the Coastal Shoreland Boundary will require a conditional use. See Special Development Considerations Coastal Shoreland Boundary.

[ARTICLE 4.9 HAS BEEN RESERVED](#)

ARTICLE 4.10 BANDON DUNES RESORT ZONE (BDR)

SECTIONS:

4.10.010	Purpose
4.10.015	Applicability
4.10.020	Definitions
4.10.030	Standards
4.10.040	Use Specific Subzones
4.10.045	Uses Permitted Prior to Approval of Final Development Plan
4.10.050	Uses Permitted Under Approved Final Development Plan
4.10.060	Final Development Plan Review Procedure
4.10.065	Final Development Plan Application Content
4.10.070	Final Development Plan Approval Criteria
4.10.075	Final Development Plan Modification
4.10.080	Effect of Final Development Plan Approval
4.10.090	Land Divisions

SECTION 4.10.010 – PURPOSE - The purpose of the Bandon Dunes Resort zone is to establish a zoning district to implement the adopted Bandon Coastal Dunelands Conservation, Resort and Recreation Development Master Plan, consistent with the adopted Bandon Coastal Dunelands Goal Exception Statement.

SECTION 4.10.015 APPLICABILITY

1. The provisions of this article shall apply solely to the area to which the Bandon Dunes Resort Master Plan applies and for which the Bandon Dunes Resort Exception Statement, adopted as part of the Coos County Comprehensive Plan, approves exceptions to certain provisions of Statewide Planning Goals 3, 4, 11 and 14.
2. Where applied, the BDR zone shall be the primary zone and, except as specifically stated in this article, shall constitute the sole source of standards for approval of final development plans for any phase or element of the Bandon Dunes Destination Resort, together with all facilities, services, uses and activities related to such resort development. Use of property in the BDR zone requires approval of a final development plan, except that uses permitted outright under Section 4.8.200.A-D, F, H-N and P-S of the Forest zone are permitted prior to final development plan approval.

SECTION 4.10.020 DEFINITIONS

1. "Developed recreational facilities" means improvements constructed for the purpose of recreation and may include but is not limited to golf courses, driving ranges, gyms, game rooms, tennis courts, playing fields, interpretive centers, nature trails, wildlife observation shelters, swimming pools and areas, boat and canoe facilities, ski trails, and bicycle trails.
2. "Element" means a recreational facility, resort facility, residential cluster, infrastructure facility, or other discrete component of a destination resort or a phase thereof.

3. "Exception Statement" or "Bandon Dunes Resort Exception Statement", means the Bandon Coastal Dunelands Goal Exception Statement and Bandon Dunes Resort Expansion Goal Exception Statement, adopted as part of the Coos County Comprehensive Plan.
4. "Goal 2 Destination Resort" means development which meets the standards in Section 4.10.030 and for which a goal exception is required and has been approved through the Goal 2 exception process.
5. "Master Plan" or "Bandon Dunes Resort Master Plan", means the Bandon Coastal Dunelands Conservation, Recreation and Resort Development Master Plan (1996), as modified by the Supplemental Conservation, Recreation and Resort Master Plan (June 2003), adopted as part of the Coos County Comprehensive Plan and identified therein as providing standards for development of the Bandon Dunes Destination Resort, including but not limited to service and facilities plans, boundaries, use restrictions, locational restrictions, financial commitments, and numerical limits.
6. "Open space" means any land that is retained in a substantially natural condition, or is improved for outdoor recreational uses such as golf courses, playing fields, hiking or nature trails or equestrian or bicycle paths, or is specifically required to be protected by a conservation easement. Open spaces may include ponds, lands protected as important natural features, lands preserved for farm or forest use, required landscaped areas, and lands used as buffers. Open space does not include residential lots or yards, streets, or parking areas.
7. "Overnight lodgings" means permanent, separately rentable accommodations which are not available for residential use. Overnight lodgings include hotel rooms, lodges, cabins and time-share units. Individually owned units may be considered overnight lodgings if they are available for overnight rental use by the general public for at least 45 weeks per calendar year through a central reservation and check-in service. Tent sites, recreational vehicle parks, manufactured dwellings, dormitory rooms and similar accommodations do not qualify as overnight lodgings for the purpose of this definition.
8. "Phase" means that part of a Goal 2 destination resort for which final development plan approval is sought pursuant to Section 4.10.060 to 4.10.070.
9. "Self-contained development" means a development for which community sewer and water facilities are provided onsite and are limited to meet the needs of the development or are provided by existing public sewer or water services as long as all costs related to service extension and any capacity increases are borne by the development. A "self-contained development" shall have developed recreational facilities provided onsite.
10. "Site" means the portion of the tract that is within the boundaries of the goal exceptions adopted by the Exception Statement and to which the Master Plan applies.
11. "Tract" means a lot or parcel or more than one contiguous lot or parcel in a single ownership. A tract on which a Goal 2 destination resort is sited may include property that is not included in the destination resort if the property to be excluded adjoins the exterior boundary of the tract and constitutes less than 30 percent of the total tract.
12. "Visitor-oriented accommodations" means overnight lodging, restaurants and meeting facilities which are designed to provide mainly for the needs of resort visitors rather than area residents.

SECTION 4.10.030 - STANDARDS

1. Development shall be located on a tract that contains a site of at least 160 acres.
2. The site must have direct access onto a state or county roadway, as designated by the County or the Oregon Department of Transportation. Internal roads, streets, paths, and trails may be private.

3. Development shall include meeting rooms, restaurants with seating for at least 100 persons, and at least 150 separate rentable units of overnight lodging, oriented toward the needs of visitors rather than area residents. The rentable units may be phased in as follows:
 - a. A total of 150 units of overnight lodgings shall be provided as follows:
 - i. At least 75 units of overnight lodgings, not including any individually owned homes, lots or units, shall be constructed prior to the closure of sale of the initial individual lot or unit. "Individually owned" for purposes of this section shall mean fewer than four units of overnight lodgings in a single building or cluster of buildings and held under single ownership.
 - ii. The remainder shall be provided as individually owned lots or units subject to deed restrictions limiting their use to use as overnight lodging units. Not more than two additional unrestricted dwelling units may be sold for each additional unit of restricted or permanent overnight lodgings provided.
 - iii. Deed restrictions imposed under paragraphs a(i) and a(ii) of this subsection shall cease to exist upon the recording of an affidavit signed by the Planning Director certifying that 150 units of permanent overnight lodgings have been constructed.
 - b. The number of units approved for residential sale shall not be more than two units for each unit of permanent overnight lodgings provided for under paragraph (a) of this subsection. Thus not more than 150 such lots may be approved for residential sale under paragraph (a)(i), and not more than two additional unrestricted dwelling units above 150 may be authorized for each additional unit of permanent or restricted overnight lodgings provided under paragraph (a)(ii).
4. All required developed recreational facilities, facilities intended to serve the entire development, and visitor-oriented accommodations shall be physically provided or guaranteed through surety bonding or equivalent financial assurances prior to closure of the sale of individual residential lots or units. If development is phased, developed recreational facilities and other key facilities intended to serve a particular phase shall be constructed or guaranteed through surety bonding or equivalent financial assurances prior to sales of individual residential lots or units in that phase. Only improvements described in Paragraph E that are required to meet the expenditure minimums described in Paragraph 5 are subject to this paragraph.
5. At least \$7 million shall be spent on improvements for onsite developed recreational facilities and visitor-oriented accommodations exclusive of costs for land, sewer and water facilities and roads. Not less than one-third of this amount shall be spent on developed recreational facilities. Spending required under this subsection is stated in 1993 dollars. The spending requirement shall be adjusted to the year in which calculations are made in accordance with the United States Consumer Price Index.
6. At least 50 percent of the site, as indicated on the Open Space Map included in the Master Plan, shall be dedicated as permanent open space. Open space areas shall be maintained as such in perpetuity through deed restrictions.
7. Development shall comply with the standards for rural roads set out in Chapter VII.
8. Riparian Corridor and Wetland Protection
 - a. For the purposes of this section, the following definitions apply:
 - i. "Fish habitat" means those areas upon which fish depend in order to meet their requirements for spawning, rearing, food supply, and migration.
 - ii. "Lawn" means an area planted with ornamental grass species, such as Kentucky bluegrass or perennial rye grass, which is maintained year-round with a vibrant green color through the use of fertilizers and irrigation, for the purpose of low-level recreational use, such as walking, picnicking, and casual sporting activities.
 - iii. "Riparian area" is the area adjacent to a river, lake, or stream, consisting of the area of

- transition from an aquatic ecosystem to a terrestrial ecosystem.
- vi. "Riparian corridor" is a Goal 5 resource that includes the water areas, fish habitat, adjacent riparian areas, and wetlands within the riparian area boundary.
 - v. "Riparian corridor boundary" is an imaginary line that is a certain distance upland from the top bank, for example, as specified in paragraph (b) of this subsection.
 - vi. "Stream" is a channel such as a river or creek that carries flowing surface water, including perennial streams and intermittent streams with defined channels, and excluding man-made irrigation and drainage channels.
 - vii. "Structure" is a building or other major improvement that is built, constructed, or installed, not including minor improvements, such as fences, utility poles, flagpoles, or irrigation system components, that are not customarily regulated through zoning ordinances.
 - viii. "Top of bank" shall have the same meaning as "bankfull stage," which is defined as the stage or elevation at which water overflows the natural banks of streams or other waters of this state and begins to inundate the upland. In the absence of physical evidence, the two-year recurrence interval flood elevation may be used to approximate the bankfull stage.
 - ix. "Water area" is the area between the banks of a lake, pond, river, perennial or fish-bearing intermittent stream, excluding man-made farm ponds.
 - x. "Wetland" is an area that is inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions.
- b. The riparian corridor boundary shall be:
- i. 50 feet from the top of bank of Cut Creek, Fahy Creek, Whiskey Run Creek, and their tributaries;
 - ii. 50 feet from the upland edge of significant wetlands, as identified on the comprehensive plan Fish and Wildlife Habitat II special considerations map; and
 - iii. The Coastal Shorelands Boundary around Chrome, Round and Fahy Lakes, as identified in the Dunes and Non-Estuarine Coastal Shorelands section of the comprehensive plan, Volume I, Part 2, Section 3.8, as amended by Ordinance 96-03-003PL, Section 4, Exhibit A.
- c. Permanent alteration of the area within the riparian corridor by grading or the placement of structures or impervious surfaces is prohibited, except for the following uses, provided they are designed and constructed to minimize intrusion into the riparian area:
- i. Streets, roads, and paths;
 - ii. Drainage facilities, utilities, and irrigation pumps;
 - iii. Water-related and water-dependent uses; and
 - iv. Replacement of existing structures with structures in the same location that do not disturb additional riparian surface area.
 - v. Placement of structures or impervious surfaces or grading within the riparian corridor where it is demonstrated that equal or better protection for identified riparian resources will be ensured through restoration of riparian areas, enhanced buffer treatment, or similar measures. In no case shall such alterations occupy more than 50% of the width of the riparian area measured from the upland edge of the corridor.
- d. Lawns shall be prohibited within 50 feet of a wetland, stream or lake identified on the comprehensive plan Coastal Shoreland and Fish and Wildlife Habitat inventory maps. Removal of vegetation within the riparian corridor is subject to the following controls:
- i. Trees certified ***as posing an erosion or safety hazard. Property owner is responsible for ensuring compliance with all local, state and federal agencies for the removal of***

- ~~*the tree.* by one of the following Coos Soil and Water Conservation District, US Soil Conservation Service posing an erosion or safety hazard may be removed to minimize said hazard;~~
- ii. Riparian vegetation may be removed where necessary for development of a water-dependent or water-related use.
 - iii. Riparian vegetation may be removed to facilitate stream or streambank projects under a port district, ODFW, BLM, Soil & Water Conservation District, or USFWS stream enhancement plan.
 - iv. Riparian vegetation may be removed in order to site or properly maintain resort utilities, paths and roads, provided that the vegetation removed is the minimum necessary to accomplish the purpose.
 - v. Riparian vegetation may be removed in conjunction with existing agricultural operations (e.g., to site or maintain irrigation pumps, to limit encroaching brush, etc.), provided that such vegetation removal is the minimum necessary to provide an access to the water to site or maintain irrigation pumps.
 - vi. Riparian vegetation may be removed to facilitate a wetland or riparian edge restoration project that will increase the overall quantity and quality of riparian vegetation at the project location.
 - vii. Non-native invasive species (e.g., scotch broom, gorse) may be removed from the riparian area and replaced with native tree, native shrub-scrub, and native grass species.
 - viii. Non-hydrophytic vegetation in a forested portion of a riparian corridor may be removed for the purpose of maintaining a healthy stand of trees and understory conditions, using accepted forest maintenance practices, restoring or enhancing wildlife habitat, or managing hazardous forest fire conditions.
 - ix. Woody debris may be removed from the riparian corridor where trees left as protective buffer strips along streams by prior logging operations have blown down and caused more woody debris to fall into the waterway than is desirable for healthy fish or wildlife habitat.
 - x. Invasive-noxious aquatic species, such as spike watermilfoil (Myriophyllum exalbescens), the existence and probable spread of which poses a serious problem for the waters of the State, may be removed from water areas within the riparian corridor.
 - xi. Protected riparian vegetation shall not be removed solely for the purpose of providing enhanced views of Chrome, Round or Fahys Lake.
- e. Except as otherwise provided in the preceding paragraph, replacement vegetation planted in the riparian corridor shall consist of:
- i. Native tree, shrub, herbaceous plant or grass species; or
 - ii. A mixture of native and non-native grasses where at least 50 percent of the mix is native Red Fescue grass.
- f. Mapping Errors
- i. Any claim of error in the mapping of significant wetlands and riparian corridor boundaries, as shown in the Bandon Dunes Resort Master Plan or comprehensive plan Fish and Wildlife Habitat II special considerations map, shall be submitted as part of an application for Final Development Plan approval or modification under Section 4.10.060 through 4.10.075, or as part of an application for land division approval under Section 4.10.090.
 - ii. A claim of error in the mapping of significant wetlands or riparian corridor boundaries shall include a map showing the proposed corrected boundary and a description of how the proposed corrected boundary was identified.

- iii. A claim of error in the mapping of significant wetlands or riparian corridor boundaries shall be sustained, and the mapping of significant wetlands and riparian corridor boundaries, as shown in the Bandon Dunes Resort Master Plan or comprehensive plan Fish and Wildlife Habitat II special considerations map, shall be corrected, if the Approval Authority determines that the proposed boundary is consistent with paragraphs (a) and (b) of this subsection, and is supported by substantial evidence.
 - g. Hardship Variance
 - i. A request for a hardship variance to provisions in paragraphs (b) through (e) of this subsection shall be submitted as part of an application for Final Development Plan approval or modification under Section 4.10.060 through 4.10.075.
 - ii. A request for a hardship variance shall include identification of the provision or provisions in paragraphs b through e from which a variance is requested, a description of the extent and impacts of the variance requested, and an explanation of why the proposed variance satisfies the standards in paragraph iii below.
 - iii. The Approval Authority shall approve a request for a hardship variance if it determines that the criteria set out in Section 5.3.350(1) are satisfied.
- 9. Development within areas of “limited development suitability,” and any beach access trail located in the “not suitable” area south of the Cut Creek delta, as shown on the comprehensive plan Development Potential within Ocean Shorelands and Dunes special considerations map, shall comply with CCZLDO Appendix 1, Policy 5.10, Plan Implementation Strategy (2), provided that compliance will be demonstrated through the final development plan approval process of Section 4.10.060, rather than the administrative conditional use process.
- 10. The minimum setback from the exterior boundaries of the BDR zone for all development (including structures, roads and site-obscuring fences over three feet in height, but excepting existing buildings and uses, entry roadways, landscaping, utilities and signs) shall be:
 - a. 100 feet for commercial development listed in Section 4.10.050 (4) and (5), including all associated parking areas;
 - b. 100 feet for visitor-oriented accommodations other than single-family residences, including all associated parking areas;
 - c. 50 feet for above-grade development other than that listed in paragraphs (a) and (b);
 - d. 25 feet for internal roads;
 - e. 50 feet for golf courses and playing fields except for the special purpose, low-impact golf course authorized in the NR-3 subzone; and
 - f. 25 feet for jogging trails, nature trails and bike paths where they abut private developed lots, but no setback for where they abut public roads and public lands.
- 11. The minimum setback from the boundary of a non-BDR zoned parcel that is completely surrounded by the BDR zone, for all development (including structures, roads and site-obscuring fences over three feet in height, but excepting existing buildings and uses, entry roadways, landscaping, utilities and signs) shall be:
 - a. 50 feet for above-grade structures, including all associated parking areas;
 - b. 25 feet for internal roads;
 - c. 50 feet for golf courses and playing fields; and
 - d. 25 feet for jogging trails, nature trails and bike paths.
- 12. Eastern Boundary Woodland Buffer
 - a. A 100-foot wide woodland buffer along the eastern boundary of the BDR zone, extending from Whiskey Run Road to where the BDR zone boundary intersects the upper end of Fahy Lake, and from the South Bandon Dunes Drive resort entry point to where the BDR zone boundary intersects the southern shore of Fahy Lake, is established. Within this

100-foot buffer area, no development or other use (including structures, roads, fences, landscaping, vegetation removal, utilities or signs) shall occur, except for the following:

- i. Entry roadways, as shown on the Road Network Map in the Master Plan, or as required for access by emergency and resort maintenance vehicles;
 - ii. Hiking trails;
 - iii. Fences that are not visible from the exterior of the BDR zone boundary;
 - iv. Underground utility lines serving the resort;
 - v. Removal of invasive non-native vegetation and replacement with native species; and
 - vi. Removal of excessive understory fuel build-up and construction and maintenance of fire roads, as appropriate for sound fire management practices.
- b. Where the provisions of this section are more restrictive than the setback required by Section 4.10.030 (10), the provisions of this section shall control.

SECTION 4.10.040 – USE SPECIFIC SUBZONES

1. The BDR zone is divided into thirteen natural resource subzones (designated NR-1 through NR-13), four golf course/residential subzones (designated GR-1 through GR-4), four special residential subzones (designated SR-1 through SR-4), the Resort Village Center subzone (designated RVC), and three mixed use center subzones (designated MXC-1 through MXC-3), as identified on the BDR Use Subzones Map.
2. All uses permitted in any subzone under Sections 4.10.045 or 4.10.050 shall be designed, sited and managed in accordance with applicable provisions of the Master Plan and the standards set out in Section 4.10.030. Uses not listed in Sections 4.10.045 or 4.10.050 are prohibited except as authorized by antidiscrimination laws. Additional restrictions on listed uses may be imposed by the Master Plan, homeowner association bylaws, and private covenants, conditions, and restrictions.
3. Off-road recreational vehicle use is prohibited in all subzones, except that bicycles may be used on designated bicycle paths, as allowed under Section 4.10.050 (1)(g), (2)(a), (3)(a), (4)(a) and (5)(a).
4. Residential development is limited to certain golf course/residential, special residential, Resort Village Center and mixed use center subzones, as indicated in Section 4.10.050(2)(j-k), (3)(h-i), (4)(a) and (5)(a). However, the location and mix of residential development types may be varied within the overall numerical limits for each such subzone established by the Master Plan.
5. Commercial uses are limited to those specifically listed in Sections 4.10.045 and 4.10.050. Such uses must be internal to the resort and limited to types and levels of use necessary to meet the needs of residents of and visitors to the resort.
6. Industrial uses of any kind are prohibited in all subzones.

SECTION 4.10.045 – USES PERMITTED PRIOR TO APPROVAL OF FINAL DEVELOPMENT PLAN

Uses permitted outright under Section 4.8.200.1-4, 6, 8-14 and 16-19 shall be permitted in all BDR subzones until such land has received final development plan approval pursuant to this Article, unless specifically prohibited by the Master Plan.

SECTION 4.10.050 – USES PERMITTED UNDER APPROVED FINAL DEVELOPMENT PLAN

The following uses may be permitted in the BDR subzones identified in brackets following each listed use, pursuant to a final development plan approved under Sections 4.10.060 to 4.10.070. If a particular subzone is not noted in brackets following the listed use, the use is prohibited in that subzone, except as may be authorized by antidiscrimination laws.

1. Natural Resource Subzones
 - a. Open space. [NR-1 through NR-13]
 - b. Wildlife observation facilities. [NR-1 through NR-13]
 - c. Fish and wildlife research and rehabilitation facilities, habitat mitigation, restoration and enhancement. [NR-1 through NR-13]
 - d. Wetland and plant research and habitat mitigation, restoration and enhancement. [NR-1 through NR-13]
 - e. Nature interpretive centers and educational facilities. [NR-4, NR-5, NR-6, NR-8, NR-9, NR-11, NR-13]
 - f. Pedestrian hiking trails, nature trails, walkways, bridges and lookouts. [NR-1, NR-3 through NR-6, NR-8 through NR-13]
 - g. Bicycle paths and equestrian trails. [NR-3 through NR-6, NR-8, NR-11, NR-12]
 - h. Paved roads. [NR-6, NR-8, NR-9, NR-11]
 - i. Paved golf-cart paths. [NR-6]
 - j. Facilities necessary for public safety and utilities serving the resort. [NR-1 through NR-13]
 - k. Accepted agricultural and forestry practices other than commercial timber harvesting. [NR-2 through NR-12]
 - l. One special purpose, small-footprint golf course as authorized the to Bandon Dunes Resort Master Plan, as amended in 2010 and 2014. [NR-3].
2. Golf Course/Residential Subzones
 - a. Uses permitted in one or more natural resource subzones under subsection A of this section. [GR-1, GR-2, GR-3, GR-4]
 - b. Golf courses, clubhouses, pro shops, related services and maintenance support facilities. [GR-1, GR-2, GR-3, GR-4]
 - c. Public Restrooms. [GR-1, GR-2, GR-3, GR-4]
 - d. Physical fitness facilities. [GR-1, GR-2, GR-3]
 - e. Playing fields. [GR-1, GR-2, GR-3, GR-4]
 - f. Launching, docking and limited storage facilities for non-motorized boats on Fahy Lake. [GR-2]
 - g. Fish production and sports fishing in Round Lake and Fahy Lake. [GR-2]
 - h. Temporary or seasonal fairs, festivals, charity events and resort promotional activities. [GR-1, GR-2, GR-3]
 - i. Overnight accommodations in conjunction with golf course facilities. [GR-1, GR-2, GR-3]
 - j. Single family dwellings. [GR-1, GR-2, GR-3]
 - k. Townhouses. [GR-1, GR-2, GR-3]
 - l. Home offices. [GR-1, GR-2, GR-3]
 - m. Storage for personal and household effects. [GR-1, GR-2, GR-3].
 - n. Motor vehicle parking and storage. [GR-1, GR-2, GR-3]
 - o. Recycling and garbage collection facilities. [GR-1, GR-2, GR-3]
3. Special Residential Subzones
 - a. Uses permitted in one or more natural resource subzones under subsection A of this section. [SR-1, SR-2, SR-3, SR-4]
 - b. Public Restrooms. [SR-1, SR-4]
 - c. Launching, docking and limited storage facilities for non-motorized boats on Fahy Lake. [SR-1]
 - d. Fish production and sports fishing in Fahy Lake. [SR-1]
 - e. Concert shells, dance pavilions and theaters for live performance, limited to a size appropriate for serving residents of and visitors to the resort. [SR-1]

- f. Temporary or seasonal fairs, festivals, charity events and resort promotional activities. [SR-1]
 - g. Recreational Vehicle Park. [SR-4]
 - h. Single family dwellings. [SR-1, SR-2, SR-3, SR-4]
 - i. Townhouses. [SR-1, SR-2, SR-3, SR-4]
 - j. Home offices. [SR-1, SR-2, SR-3, SR-4]
 - k. Storage for personal and household effects. [SR-1, SR-2, SR-3, SR-4].
 - l. Motor vehicle parking and storage. [SR-1, SR-2, SR-3, SR-4]
 - m. Recycling and garbage collection facilities. [SR-1, SR-2, SR-3, SR-4]
 - n. Service employee quarters. [SR-1, SR-2, SR-3, SR-4]
 - o. Recreation facilities in support of residential development. [SR-1, SR-2, SR-3, SR-4]
4. Resort Village Center Subzone
- a. Uses permitted in one or more golf course/residential subzones under subsection (2) of this section. [RVC]
 - b. Landing site for emergency helicopter transport. [RVC]
 - c. Emergency medical facilities not exceeding 500 square feet. [RVC]
 - d. Hotels and other overnight accommodations. [RVC]
 - e. Convention and conference facilities. [RVC]
 - f. Restaurants, lounges and cafes. [RVC]
 - g. Specialty retail shops including, but not limited to, drug and sundries stores, clothing stores, bookstores, craft stores, art galleries, gift shops, snack bar and specialty food shops. [RVC]
 - h. Spas and other facilities that provide personal health or grooming services, such as barber shops, beauty salons, tanning salons, and massage studios. [RVC]
 - i. Indoor and outdoor swimming pools. [RVC]
 - j. Concert shells, dance pavilions and theaters for live performance, limited to a size appropriate for serving residents of and visitors to the resort. [RVC]
 - k. Native American cultural facilities, art studios, and educational facilities. [RVC]
 - l. Churches, community meeting halls, pre-school and day care facilities, and game rooms, limited to a size appropriate for serving residents of and visitors to the resort. [RVC]
 - m. Automated teller machines. [RVC]
 - n. Service employee quarters. [RVC]
 - o. Maintenance shops and facilities, and equipment and materials storage structures and areas. [RVC]
5. Mixed Use Center Subzones
- a. Uses permitted in one or more golf course/residential subzones under subsection 2 of this section. [MXC-1, MXC-2]
 - b. Landing site for emergency helicopter transport. [MXC-1, MXC-2]
 - c. Emergency medical facilities not exceeding 500 square feet. [MXC-1, MXC-2]
 - d. Hotels and other overnight accommodations. [MXC-1, MXC-2]
 - e. Convention and conference facilities. [MXC-1, MXC-2, MXC-3]
 - f. Restaurants, lounges and cafes. [MXC-1, MXC-2, MXC-3]
 - g. Specialty retail shops including, but not limited to, drug and sundries stores, clothing stores, bookstores, craft stores, art galleries, gift shops, snack bar and specialty food shops. [MXC-1, MXC-2, MXC-3]
 - h. Neighborhood grocery (“country”) store. [MXC-1]
 - i. Real estate offices. [MXC-1, MXC-2]
 - j. Spas and other facilities that provide personal health or grooming services, such as barber shops, beauty salons, tanning salons, and massage studios. [MXC-1, MXC-2]
 - k. Indoor and outdoor swimming pools. [MXC-1, MXC-2]

- l. Tennis courts. [MXC-1]
- m. Equestrian facilities. [MXC-1, MXC-3]
- n. Launching, docking and limited storage facilities for non-motorized boats on Madrone Reservoir. [MXC-1]
- o. Fish production and sports fishing in Madrone Reservoir. [MXC-1]
- p. Movie theater, limited to a size appropriate for serving residents of and visitors to the resort. [MXC-1]
- q. Concert shells, dance pavilions and theaters for live performance, limited to a size appropriate for serving residents of and visitors to the resort. [MXC-1, MXC-3]
- r. Native American cultural facilities, art studios, and educational facilities. [MXC-1, MXC-2, MXC-3]
- s. Museum, botanical garden, observatory, aquarium, college field station, or other educational or visitor-oriented facility related to the history, culture, economy or natural resources of the Northwest and the South Coast area. [MXC-1, MXC-3]
- t. Churches, community meeting halls, pre-school and day care facilities, and game rooms, limited to a size appropriate for serving residents of and visitors to the resort. [MXC-1, MXC-2]
- u. Automated teller machines. [MXC-1, MXC-2, MXC-3]
- v. Offices for businesses that primarily serve residents of and visitors to the resort. [MXC-1]
- w. Clubhouses, meeting rooms, libraries for resort residents. [MXC-1]
- x. Home occupations. [MXC-1, MXC-2]
- y. Boarding kennels. [MXC-1]
- z. Service employee quarters. [MXC-1]
- aa. Maintenance shops and facilities, and equipment and materials storage structures and areas. [MXC-1, MXC-2, MXC-3]
- bb. Post-secondary educational facility for subjects and training related to resort management and services. [MXC-1]

SECTION 4.10.060 – FINAL DEVELOPMENT PLAN REVIEW PROCEDURE

1. Before submitting an application for final development plan review any phase or element of the destination resort, the applicant shall participate in a pre-application conference with the Planning Department to obtain general information, guidelines, procedural requirements, advisory opinions, and technical assistance for the project concept.
2. Following a pre-application conference, the applicant shall submit an application final development plan review by the Planning Director. One (1) electronic copy and two (2) hard copies of the final development plan on a Coos County Land Use Application shall be submitted to the Planning Department along with a filing fee set by the Board of County Commissioners to defray costs incidental to the review process.
3. Application for final development plan review shall be processed in accordance with Sections 5.0.200 (Application completeness (ORS 215.427)), 5.0.250 (Timetable for Final Decisions (ORS 215.427)), 5.0.300 (Findings Required (ORS 215.416(9)-(10)), and application for final development plan review shall be deemed complete if it satisfies the requirements of Section 4.10.065.
4. If the final development plan includes areas identified as wetlands on the Statewide Wetlands Inventory, as shown in Exhibit A to this Ordinance, the Planning Department shall submit a Wetland Land Use Notification Form to the Division of State Lands within five working days after acceptance of a complete application for final development plan review.
5. The Planning Director shall approve an application for final development plan review if the final development plan meets the approval standards of Section 4.10.070. If significant

interpretation or policy issues are raised by the final development plan application, the Planning Director may submit the application to the Planning Commission for its review pursuant to applicable provisions of Article 5.7 and the approval standards of Section 4.10.70.

6. The Approval Authority may impose conditions that are necessary to enable it to approve the final development plan under the approval standards of Section 4.10.070.
7. The Approval Authority shall issue a final order setting out its decision on the application for final development plan review and shall give notice of that decision as provided in Section 5.6.500(4).
8. The decision of the Approval Authority may be appealed as provided in Article 5.8

SECTION 4.10.065 - FINAL DEVELOPMENT PLAN APPLICATION CONTENT

A final development plan shall set forth, to the extent not previously addressed in the Master Plan or Exception Statement, and only to the extent applicable to the particular phase or element of the destination resort for which final approval is sought:

1. Illustrations and graphics to scale, identifying:
 - a. The location and total number of acres to be developed in the current phase.
 - b. The subject area and all land uses adjacent to the subject area.
 - c. Types and location of proposed development and uses, including residential and commercial uses and landscaping.
 - d. A general depiction of site characteristics, including:
 - i. Existing topography;
 - ii. Water areas, including streams, lakes, ponds, County inventoried wetlands and Division of State Lands recognized wetlands;
 - iii. Vegetation types and locations;
 - iv. Areas of geologic instability; and
 - v. Beach and dune formations.
 - e. Proposed methods of access to the development, identifying the main vehicular circulation system within the resort and an indication of whether internal streets will be public or private.
 - f. Parking plan.
 - g. Major pedestrian and bicycle trail systems.
 - h. The location and number of acres proposed as open space, buffer area or common area. Areas proposed to be designated as "open space," "buffer area" or "common area" should be clearly illustrated and labeled as such.
 - i. Proposed recreational amenities and their approximate locations.
 - j. A water and sewer facilities plan for the phase consistent with the Master Plan and all other applicable regulations.
 - k. A drainage plan for the phase consistent with the Master Plan and all other applicable regulations.
2. A landscape/golf course management plan for the maintenance of landscaping around resort residential, commercial and recreational development and for the maintenance and operation of resort golf courses, including:
 - a. A detailed description of site and climatic conditions, evaluating how specific conditions will impact management strategies.
 - b. Identification of objectives and practices for mowing, pruning, irrigation and fertilization that are designed to control the rate, method and type of chemicals applied, reduce the total chemical loads, and reduce as much as possible the off-site transport of sediment, nutrients and pesticides.

- c. Integrated Pest Management strategies for identification and monitoring of potential pest populations, determination of action thresholds for pest damage, evaluation of control options, education of personnel and evaluation of results.
 - d. A description of safety measures for storage, handling, disposal and record keeping of pesticides.
 - e. The details (locations, frequency of testing, analytes to be tested for) of a program to monitor the quality of the surface and groundwater at the resort site, including protocols for periodic reporting of the results of such tests to the County and other appropriate agencies.
 - f. The location, design and management practices for nursery and bedding areas to be used to produce or acclimatize landscaping plants, including a description of the surrounding areas and any measures needed to mitigate impacts on sensitive surrounding environments.
 - g. A description of measures to be used to reduce the danger of and combat forest fires, including the firebreaks for residential development required by Forest Lands Plan Implementation Strategy 3.
3. Further information as follows:
- a. A description of any riparian vegetation to be removed within 50 feet of the upland edge of a wetland or top of bank of a stream identified on the comprehensive plan Fish and Wildlife Habitat II special considerations map, or within the Coastal Shorelands Boundary around Chrome, Round or Fahy Lake, as identified in the Dunes and Non-Estuarine Coastal Shorelands section of the comprehensive plan, Volume I, Part 2, Section 3.8, as amended by Ordinance 96-03-003PL, Section 4, Exhibit A, together with an explanation of why such removal is justified under Section 4.10.030.H.
 - b. A description of measures planned to mitigate project impacts on wetlands identified in the Master Plan, together with an assessment of the impact of the development on wetlands, taking into account such mitigation measures.
 - c. Proposed covenants and deed restrictions to assure designated open space areas are maintained as open space in perpetuity and that occupants and property owners are required to comply with the approved landscape/golf course management plan.
 - d. If the final development plan covers areas designated as “Beach and Dune Areas with Limited Development Suitability” on the comprehensive plan Development Potential within Ocean Shorelands and Dunes special considerations map, a site investigation report by an engineering geologist which addresses the requirements of CCZLDO Appendix 1, Policy 5.10, Plan Implementation Strategy (2).
 - e. A description of the proposed method of providing all utility systems, including the preliminary or schematic location and sizing of the utility systems. Copies of these items shall also be provided to relevant utility or service providers.
 - f. If the final development plan includes overnight lodging units or recreational dwellings, the total number of such overnight lodging units or recreational dwellings allowed by the subject final development plan, and the cumulative total number of overnight lodging units and recreational dwellings allowed under previously approved final development plans.
 - g. A description of the proposed order and schedule for phasing (if any) of all development, including an explanation of when facilities will be provided and how they will be secured if not completed prior to the closure of sale of individual lots or units.
 - h. Proposed findings addressing how the destination resort final development plan approval standards of section 4.10.070 are satisfied.

SECTION 4.10.070 – FINAL DEVELOPMENT PLAN APPROVAL CRITERIA

The Approval Authority shall approve a final development plan for all or an element of a destination resort if it determines that all of the following criteria are met:

1. The development is consistent with the Exception Statement.
2. The development is consistent with the Master Plan, including the boundaries, locational restrictions, use restrictions, open space dedication requirements, wetland mitigation measures, management unit guidelines, service and facilities plans, financial commitment requirement, and numerical limits set forth therein.
3. The development meets the standards established in Section 4.10.030.
4. The uses allowed under the final development plan comply with Sections 4.10.040 and 4.10.050.

SECTION 4.10.075 – FINAL DEVELOPMENT PLAN MODIFICATION

1. Following approval of a final development plan for any phase or element of the destination resort, the original applicant for final development plan approval, or its designee, may submit for review a proposed modified final development plan that addresses all changes or conditions required by the Approval Authority.
2. The Approval Authority shall review an application for modification of a final development plan as provided in Section 4.10.060, except as provided in subsection (3) of this section. The Approval Authority shall approve the requested modification if the final development plan as modified continues to conform to the Master Plan and Sections 4.10.030, 4.10.040, and 4.10.050.
3. If the Approval Authority finds that the modifications render the final development plan materially inconsistent with the Master Plan or Sections 4.10.030, 4.10.040, or 4.10.050, the Approval Authority shall:
 - a. If practicable, impose such reasonable conditions and adjustments as necessary to bring the final development plan into compliance; or
 - b. If the inconsistency cannot be so resolved, the Approval Authority shall deny the application.

SECTION 4.10.080 – EFFECT OF FINAL DEVELOPMENT PLAN APPROVAL

A final development plan approval shall, except as expressly specified therein, constitute the final land use decision for the subject phase or element and will authorize administrative issuance of further permits and approvals necessary to commence construction. Construction, site development and landscaping shall be carried out in accord with the approved final development plan.

SECTION 4.10.090 – LAND DIVISIONS

1. Purpose. This Section sets out the standards and procedures applicable to dividing smaller parcels or lots from the parent BDR zoned destination resort site. The purpose of this Section is to encourage development of the Bandon Dunes Destination Resort by providing for flexibility in the ownership and development of individual parcels or lots for residential, recreational or commercial purposes otherwise allowed by the Master Plan and Exception Statement. The intent of land divisions in the BDR zone is to promote a harmonious variety of residential and recreationally-related structures and uses, with emphasis placed on the relationships between buildings, uses, open space and natural resources, and the most efficient use of both natural and development resources, consistent with the Master Plan, rather than planning on a lot-by-lot or building-by-building basis.
2. Uses. The buildings and uses permitted on the smaller lots or parcels created from the parent destination resort site shall be governed by a final development plan approved pursuant to Sections 4.10.060 to 4.10.070.

3. Division Standards.
 - a. Final Development Plans. Land proposed to be divided into smaller lots or parcels from the parent destination resort site must be the subject of a final development plan approved under Sections 4.10.060 to 4.10.070 prior to or contemporaneously with land division approval.
 - b. Coastal Shorelands Boundary. Land within the BDR zone cannot be divided such that land within the county Coastal Shorelands Boundary is placed within smaller lots or parcels divided from the parent destination resort site.
4. Development and Maintenance Standards.
 - a. Density. The division of land to create residential lots or parcels from the parent destination resort site shall not result in exceeding the density of residential development allowed by the Master Plan and Exception Statement.
 - b. Lot Area and Dimensional Standards. There are no required minimum lot sizes or setback requirements from interior property boundaries within the BDR zone. However, the Approval Authority may require that lots or parcels created from the parent destination resort site for a particular use be of a specified minimum size, or that development on such lots and parcels comply with specified interior setbacks, where the Approval Authority determines that such lot sizes or interior setback requirements are necessary to assure compatibility with existing or prospective adjacent uses, to protect natural resource conservation areas designated by the Master Plan or to otherwise achieve the objectives of the Master Plan.
 - c. Perimeter Setback Standards. If the Approval Authority determines that the setbacks from the exterior boundaries of the BDR zone required by Section 4.10.030.10 and 11 do not provide adequate screening or privacy to properties adjacent to the BDR zone, the Approval Authority may require that:
 - i. Structures located near the exterior boundaries are designed so as to protect the privacy and amenity of adjacent existing uses and/or
 - ii. Permanent screening be established by appropriate structure or vegetation or both, along those portions of the exterior boundary requiring such screening to assure compatibility with adjacent existing or prospective uses.
 - d. Permanent Overnight Lodging. Within five years after the initial sale of a residential lot created under this section, the 150 permanent overnight lodging units required by Section 4.10.030 (3)(a) must be constructed on the resort site.
 - e. Open Space. Lots or parcels divided from the parent destination resort site shall not include land designated by the Master Plan for future dedication as permanent open space, or land previously dedicated as permanent open space pursuant to a prior final development plan approval.
 - f. Maintenance of Developer-Owned or Common Facilities. Whenever any facilities, including streets or ways, are shown on the final plat as being held by the Developer or in common, the County shall require the recording of conditions and restrictions providing for the maintenance thereof. Where facilities are to be held in common, the County shall require that an association of owners or tenants be created as a non-profit corporation under the laws of the State of Oregon, and that such corporation shall adopt articles of incorporation and by-laws and adopt and impose a declaration of covenants and restrictions on such facilities to the satisfaction of the County. Said association shall be formed and continued for the purpose of maintaining such facilities, until such time as the responsibilities of maintaining such facilities are transferred to a special district or other authorized entity. It shall be created in such a manner that owners of property shall automatically be members and shall be subject to assessment levies to maintain said facilities for the purposes intended.

- g. Dedication. The County may, as a condition of approval of the land division, require that portions of the lots or parcels be set aside, improved, conveyed or dedicated for the following uses:
 - i. Easements necessary to the orderly extension of public utilities.
 - ii. Streets and pedestrian ways necessary to development of the subject lots or parcels in accordance with the Master Plan.
- 5. Filing, Submittal and Review. The filing, submittal and review of a land division application in the BDR zone shall comply with Article 6.5, Sections 6.5.100 - 6.5.500, provided that in lieu of the approval standards set out in Section 6.5.300(4)(A) and (B), the following standards, as they exist at the time the land division application is filed, shall apply to approval of the tentative plan for a land division in the BDR zone:
 - a. Approval. If the Approval Authority approves an application, the Approval Authority shall adopt findings of fact which substantiate the following conclusions:
 - i. The tentative plan complies with the submittal requirements of Section 6.5.250.
 - ii. The tentative plan complies with the use limitations, division standards and development and maintenance standards of Section 4.10.090 (2-4).
 - iii. The tentative plan complies with the Master Plan and Exception Statement.
 - b. Conditional Approval. The Approval Authority may impose special conditions upon the approval of a tentative plan when it is established that such conditions are necessary to protect health, safety or welfare or carry out the Master Plan. Conditions may include, but are not limited to the following:
 - i. Roadway and plat design modifications;
 - ii. Utility design modifications;
 - iii. Conditions deemed necessary to provide safeguards against documented geologic hazards;
 - iv. Conditions deemed necessary to implement section 4.10.090(4)(d); and
 - v. Other conditions deemed necessary to implement the objectives of the Master Plan or Exception Statement.

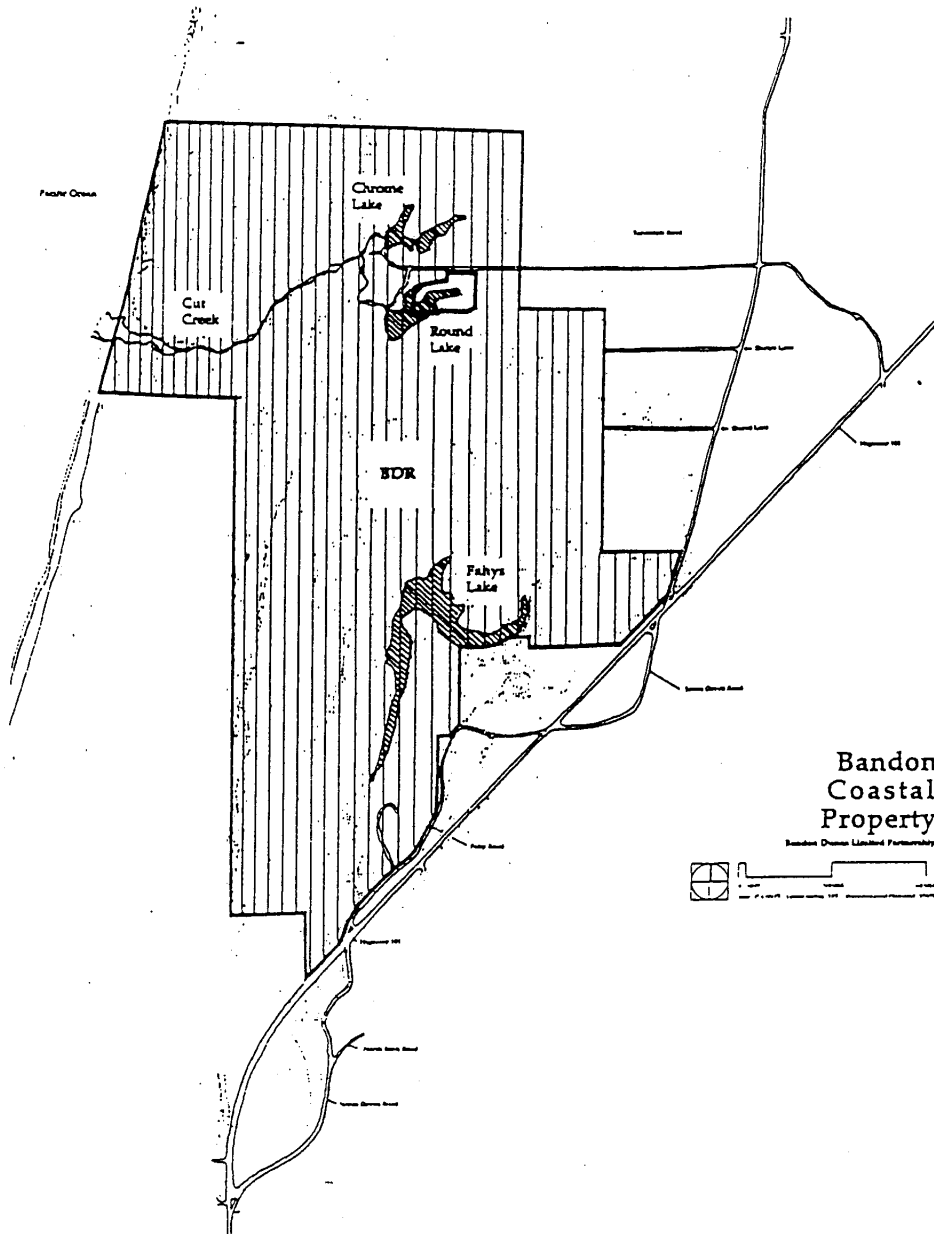
The Approval Authority may establish a specific time limit for compliance with the conditions.

- 6. Wetlands Notification. If a tentative plan includes areas identified as wetlands on the Statewide Wetlands Inventory, as shown in Exhibit A to this Ordinance, the Planning Department shall submit a Wetland Land Use Notification Form to the Division of State Lands within five working days after acceptance of a complete application for tentative plan review.

[OR-03-04-004PL, June 18, 2003]

BANDON COASTAL DUNELANDS
FINAL DECISION

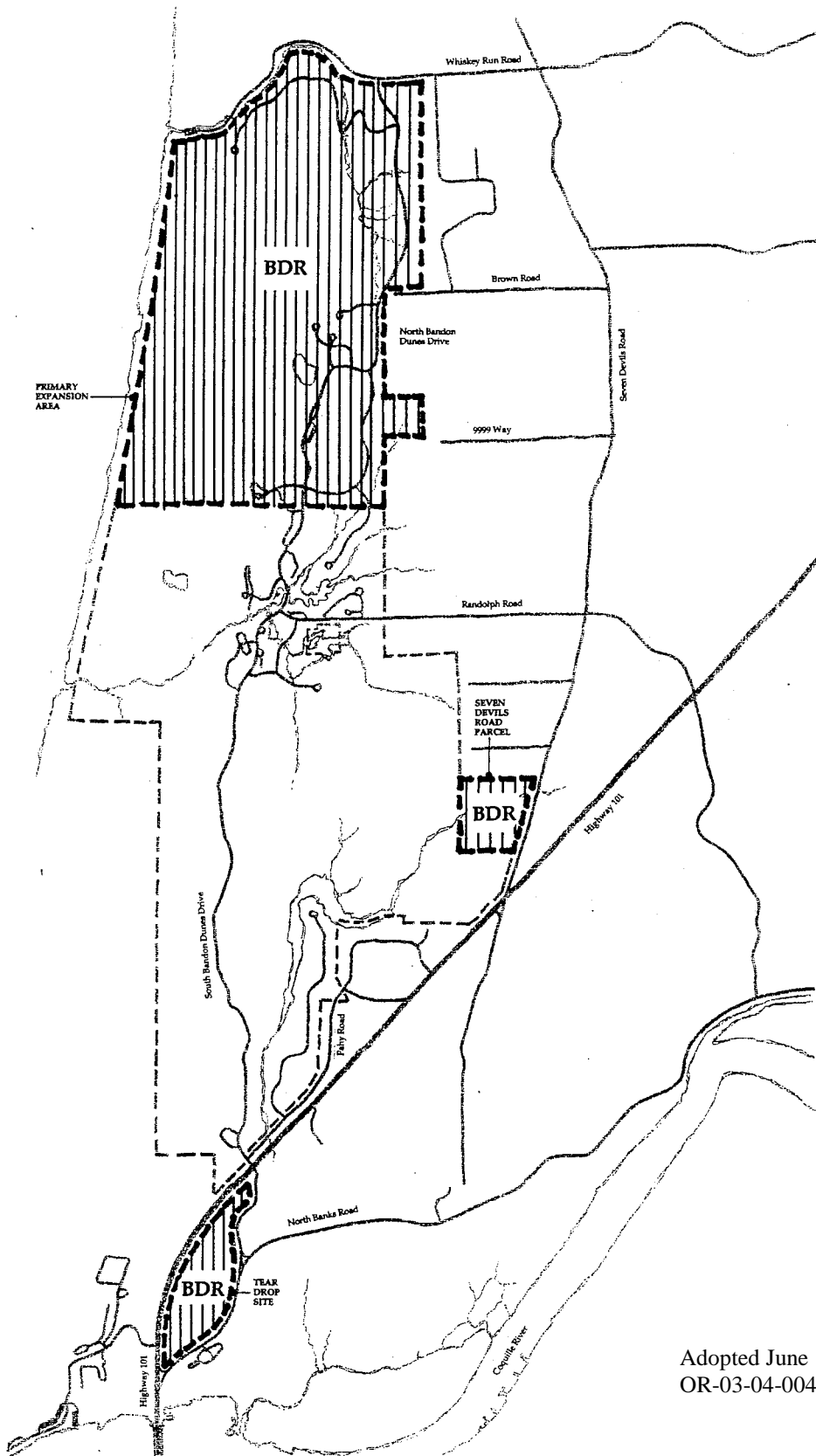
EXHIBIT H



Adopted June 18, 2003
OR-03-04-004PL

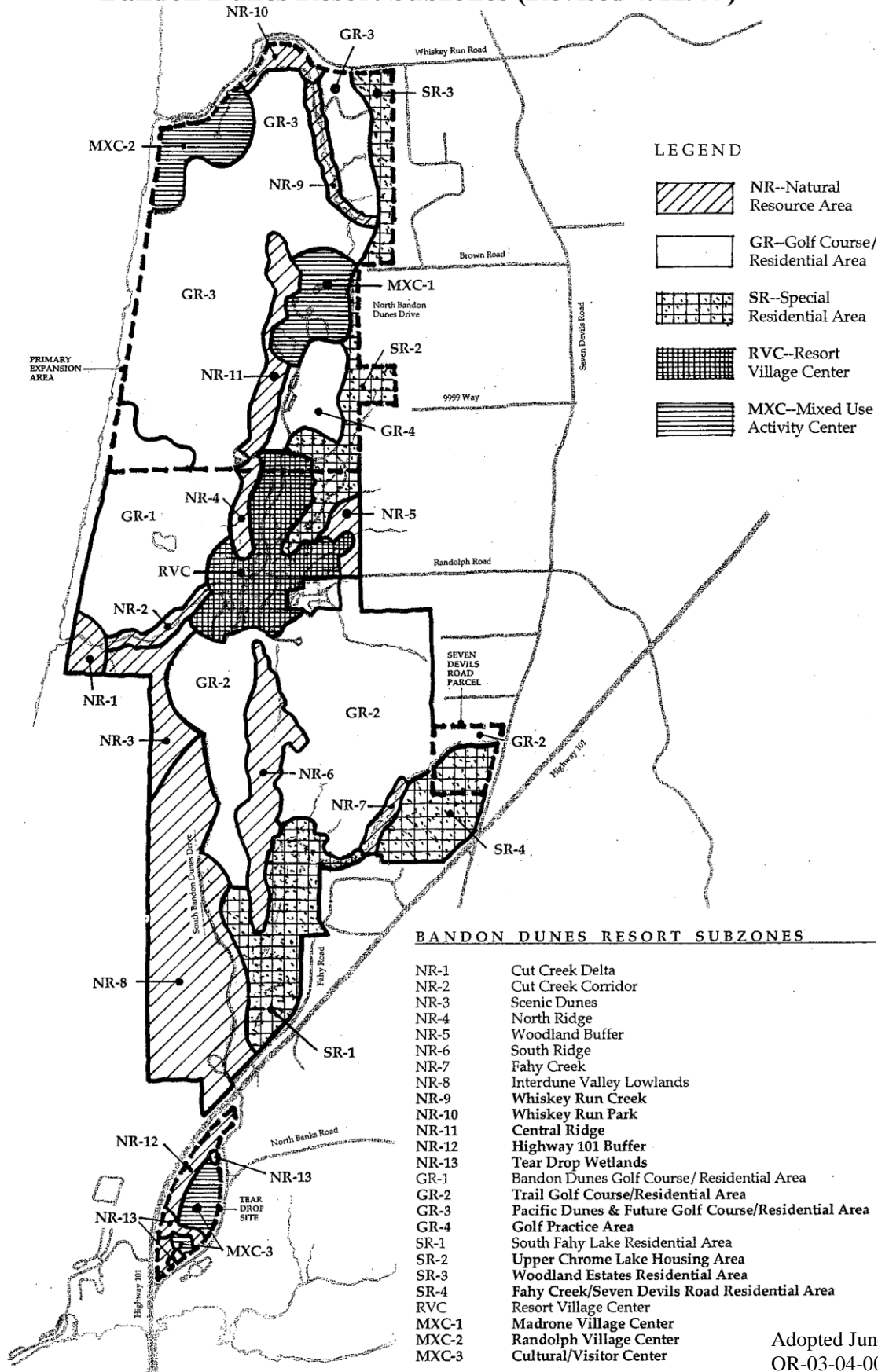
Zoning Map Amendment

Bandon Dunes Resort (June 12, 2003)



Adopted June 18, 2003
OR-03-04-004PL

Bandon Dunes Resort Subzones (Revised 6/12/03)



Adopted June 18, 2003
OR-03-04-004PL

ARTICLE 4.11 SPECIAL DEVELOPMENT CONSIDERATIONS AND OVERLAYS

SECTION 4.7.100 4.11.100 Purpose:

The purpose of this Article is to prescribe special regulations for the use and development of lands situated within resource or hazard areas identified on the ~~Special Considerations Plan Maps for Volume I (Balance of County²), Volume II (Coos Bay Estuary Management Plan), and Volume III (Coquille River Estuary Management Plan) of the Comprehensive Plan.~~ The considerations are map overlays that show areas of concern such as hazards or protected sites. Each development consideration may further restrict a use. Development considerations play a very important role in determining where development should be allowed. ~~In the Balance of County zoning the development considerations were applied as a broad area and the maps have to be examined in order to determine how the inventory applies to the specific site.~~

~~**SECTION 4.7.105. Prescribed Regulations.** Development in areas identified on the Special Considerations Map shall be limited by the regulations prescribed by the “Special Regulatory Considerations” set forth in Tables 4.7a, b, and c. Table 4.7a shall apply to the Balance of County. Table 4.7b shall apply to those lands within the Coquille River Coastal Shoreland Boundary. Table 4.7c shall apply to the Coos Bay Estuary Coastal Shoreland Boundary.~~

SECTION 4.7.110 4.11.110 Priority of Restrictions:

When the restrictions imposed by the provisions of an overlay or special development consideration pertaining to a property is found to be in conflict with the primary zone the more restrictive provisions shall govern.

~~**SECTION 4.7.115. Relation to Plan Inventory.** The Special Considerations Map is not a substitute for the detailed spatial information presented on the CCCP and CREMP 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 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).~~

SECTION 4.7.120 4.11.120 Goal #5 Conflict Resolution Process:

When in the course of implementing the *Coos County* Comprehensive Plan it becomes evident that a conflict exists concerning the use of land identified as a ~~LCDC~~ *Oregon Statewide Planning Goal #5* resource that is otherwise protected pursuant to OAR 660-16-005(1), then any proposed conflicting use may only be allowed after the an Administrative Conditional Use application has been completed based on findings that address the requirements of OAR 660-16-0005(2) and OAR 660-165-0010.

² Zoning is broke up by three comprehensive plan references which included 2 estuary plans (Coos Bay and Coquille) and then the rest of the zoning referred to as the Balance of County Zoning.

SECTION 4.7.125 4.11.125 Special Development Considerations:

The considerations are map overlays that show areas of concern such as hazards or protected sites. Each development consideration may further restrict a use. Development considerations play a very important role in determining where development should be allowed In the Balance of County zoning. The adopted plan maps and overlay maps have to be examined in order to determine how the inventory applies to the specific site.

1. Mineral &Aggregate Plan Implementation Strategies (Balance of County Policy 5.5)

The mineral & aggregate maps have inventoried the following:

- **Coal Basins**
- **Areas of Oil & Gas Exploration Leases**
- **Metal Mines & Prospects (Removed Per Ordinance 91-09-018PL 12-18-91)**
- **Crushed Rock Quarries**
- **Sand & Gravel Pits**
- **Other Aggregate Sites (Ordinance 92-05-008PL 3-7-92)**

Purpose Statement:

Coos County shall manage its identified mineral and aggregate resources (except black sand prospects) in their original character until mined, except where conflicting uses are identified during implementation of the Plan, and such uses are justified based on consideration of the economic, social, environmental and energy consequences of the conflicting uses, or where existing uses have been grandfathered. Where no conflicts are identified, agriculture, forest or similar open space zoning shall be used to implement this strategy.

- a. When a conflicting uses which includes dwellings and any other structures within 500 feet of the resource site. is proposed at a given site, the decision about allowing development of the proposed use or the development or protection of the aggregate resource shall be made through a conditional use process where findings are developed which address the economic, environmental, social and energy consequences of allowing the proposed conflicting use, development of the aggregate resource, or both at the site. The following guidelines must be considered as part of the conditional use process:
 - i. Economic consequences: payroll, jobs, taxes, economic opportunity costs associated with developing or not developing each conflicting use, and other pertinent factors.
 - ii. Environmental consequences: the impacts on air, land and water quality and on adjacent farm and forest resources associated with developing each conflicting use, and other pertinent factors.
 - iii. Social consequences: the effect of the proposed uses on public service delivery, the general compatibility of the proposed uses with surrounding cultural land uses, and other pertinent factors.
 - iv. Energy consequences: the location of the proposed resource development site in relationship to market areas, and other pertinent factors.

The decision to allow one or both of the conflicting uses shall be supported by findings which demonstrate that the decision will foster maximum public gain. Reasonable conditions may be imposed on any authorized development to ensure compatibility. Such conditions may include screening, setbacks and similar measures.

- b. Non-exploratory mining operations are conditional uses, where allowed by the zoning district.
 - i. Coos County shall regulate new recovery operations by designating such activities as conditional uses in appropriate zones, except where permitted outright in forest zones, to ensure compatibility with adjacent uses.
 - ii. Site restoration shall conform to the requirements of ORS 517.750 to 517.900, "Reclamation of Mining Lands".
 - iii. This strategy recognizes that project review by the Hearings Body is necessary to minimize the adverse impacts that are typically associated with mining operations, and which often make such recovery activities incompatible with adjacent uses.
- c. Coos County shall consider any "other aggregate sites" inventories by this plan pursuant to ORS 215.298(2) as "1B" resources in accordance with OAR 660-16-000(5)(b).
 - i. Black Sands, Coal and Other Aggregate Sites. Coos County has inventory black sand prospect areas as a "1B Resource", pursuant to OAR 660-16-000(5)(a). Accordingly, Coos County shall reconsider this decision during the scheduled update for this Plan, and shall refrain from implementing special protective measures for black sand prospect areas until such time as sufficient information on the quality and quantity of the resource merit such. The Oregon Department of Geology and Mineral Industries shall be consulted in this matter. This strategy is based on the recognition that black sand resource is available at the time of the adoption of this Plan to have an adequate understanding of the quantity and quality of the resource.
 - ii. Coos County recognizes the existence and extent of the coal deposits within the County. However, due to factors concerning the coal's quantity and quality, as well as subsurface location, the resource is not expected to be commercially extracted. Therefore, the resource is classified as a "5a" resource and will not be included as an identified Goal #5 resource. Permitted or conditionally permitted uses shall not be considered conflicting with Coal resources within a given zone. All mining activity shall remain subject to the specific Ordinance requirements of a given zone.

2. Water Resources (Balance of County Policy 5.8)

The water resources maps have inventoried the following:

- Existing municipal watersheds;
- Watersheds for potential reservoir sites;
- Dam & Reservoir sites considered suitable by the Water Resources Department;
- Possible Future Reservoir sites suggested by Coos Bay-North Bend Water Board (April 4, 1985);
- Existing wells in the Dunes Aquifer;
- Approximate extent of Dunes Aquifer; and
- Existing Water District Withdrawal Points.

- a. Coos County shall not permit further new residential and commercial development in rural areas where the Oregon State Water Resources Department (OSWRD), the Oregon State Environmental Quality Commission (EQC), or the ~~Oregon State Health Division (OSHD)~~ *Coos County Health Department* has submitted compelling evidence to Coos County that water resources within that area would be irreversibly degraded by new consumptive withdrawal or by additional septic tank or other waste discharges. Implementation measures in such areas may include a moratorium on construction

permits for new residences or new commercial uses in the identified area. If an adequate solution to resolve the problem cannot be reached, such as extension of public water to the area in conformance with this plan, the County shall initiate a process to redesignate any undeveloped land within the area to a resource designation, and shall reallocate any other plan designations on such undeveloped land to other rural areas of the County on an acreage-by-acreage basis.

- b. Coos County shall protect the following dam sites identified by the Oregon Water Policy Review Board for possible future water resource development or until alternative methods of meeting water needs are developed:
 - West Fork of the Millicoma River, site 223.
 - South Fork of Coquille River at Eden Ridge, Site 430.
 - North Fork Coquille River, Site 146A.
 - Rock Creek at Rasler Creek, Site 201.
 - Catching Creek, Site 101.
 - Fourmile Creek, Site 158.
 - Joe Ney Slough, (no site number)
 - North Fork Floras Creek at Oakietown, Site 435.

(Source: Oregon State Water Resources Department) Implementation shall occur through appropriate designation on the Water Resource Map, which is an implementation measure." Interim uses shall be limited to farm and forest uses, as these do not materially interfere with the possible use of these sites for dams. This strategy recognizes: (1) the responsibility of the State Water Policy Board under ORS 536.300 to study and formulate programs for the use and control of water resources in the state, and (2) the responsibility of the county to protect potential water resources consistent with ~~LCDC~~ *Oregon Statewide Planning* Goal #5 provisions.

3. HISTORICAL, CULTURAL AND ARCHAEOLOGICAL RESOURCES, NATURAL AREAS AND WILDERNESS (Balance of County Policy 5.7)

The Historical/Archeological maps have inventoried the following:

- **Historical;**
- **Area of Archaeological Concern;**
- **Botanical; and**
- **Geological Resources.**

Purpose Statement:

Coos County shall manage its historical, cultural and archaeological areas, sites, structures and objects so as to preserve their original resource value. This strategy recognizes that preservation of significant historical, cultural and archaeological resources is necessary to sustain the County's cultural heritage.

- a. Historical Structures: Coos County shall permit the expansion, enlargement or other modification of identified historical structures or sites provided that such expansion, enlargement or other modification is consistent with the original historical character of the structure or site:
 - i. This strategy shall be implemented by requiring Planning Director review of site and architectural plans. The proposed project shall be consistent with the original historical character of the site and structure.

- ii. This strategy recognizes that enlargement, expansion or modification of historical structures is not inconsistent with Coos County's historic preservation goal. The Planning Director shall approve the alteration or modification if the proposal is found to be compatible with the character of the resource with respect to style, scale, texture and construction materials or it is found to enhance the historical value of the resource. Further, this strategy recognizes that the site and architectural modification may be necessary to preserve, protect or enhance the original historical character of the structure.
 - iii. If there is evidence to show that the cost of repairs or restoration cost more than the value of the structure then the Planning Commission may authorize the structure to be removed and replaced with something of like value.
 - iv. Staff shall refer to the Oregon State Historical Preservation Office data for details on locations of historical structures.
- b. Areas of Archaeological Concern: Coos County shall continue to refrain from wide-spread dissemination of site-specific inventory information concerning identified archaeological sites. Rather, Coos County shall manage development in these areas so as to preserve their value as archaeological resources.
- i. This strategy shall be implemented by requiring development proposals to be accompanied by documentation that the proposed project would not adversely impact the historical and archaeological values of the project's site. "Sufficient documentation" shall be a letter from a qualified archaeologist/historian and/or a duly authorized representative of a local Indian tribe(s).
 - ii. Properties which have been determined to have an "archaeological site" location must comply with the following steps prior to issuance of a "Zoning compliance Letter" for building and/or septic permits.
 - 1) The County Planning Department shall make initial contact with the Tribe(s) for determination of an archaeological site(s). The following information shall be provided by the property owner/agent:
 - a) Plot plan showing exact location of excavation, clearing, and development, and where the access to the property is located;
 - b) Township, range, section and tax lot(s) numbers; and
 - c) Specific directions to the property.
 - 2) The Planning Department will forward the above information including a request for response to the appropriate tribe(s).
 - 3) The Tribe(s) will review the proposal and respond in writing within 30 days to the Planning Department with a copy to the property owner/agent.
 - 4) It is the responsibility of the property owner/agent to contact the Planning Department in order to proceed in obtaining a "Zoning Compliance Letter" (ZCL) or to obtain further instruction on other issues pertaining to their request.
 - iii. In cases where adverse impacts have been identified, then development shall only proceed if appropriate measures are taken to preserve the archaeological value of the site. "Appropriate measures" are deemed to be those, which do not compromise the integrity of remains, such as:
 - 1) Paving over the sites;
 - 2) Incorporating cluster-type housing design to avoid the sensitive areas;
 or

- 3) Contracting with a qualified archaeologist to remove and re-inter the cultural remains or burial(s) at the developer's expense. If an archaeological site is encountered in the process of development, which previously had been unknown to exist, then, these three appropriate measures shall still apply. Land development activities found to violate the intent of this strategy shall be subject to penalties prescribed by ORS 97.745 (Source: Coos Bay Plan).
- iv. This strategy is based on the recognition that preservation of such archaeologically sensitive areas is not only a community's social responsibility but is also a legal responsibility pursuant to Goal #5 and ORS 97.745. It also recognizes that historical and archaeological sites are non-renewable, cultural resources (Source: Coos Bay Plan).
- c. Botanical: Coos County shall protect sites of special botanical interest by use of appropriate zoning for the site inventoried on the Botanical Resources Map. Such significant Botanical Areas shall be preserved in their natural character, as consistent with the zoning established for the site. However, this is not meant to preclude the development of residences adjacent to the Yoakum Point Darlingtonia Bog; as otherwise allowed by the Coos County Comprehensive Plan, residences may be permitted adjacent to the bog provided care is taken during construction of such to ensure that the bog is not disturbed in any way.

This strategy recognizes the value of Significant Botanic Areas, and also that residential development can occur in a compatible way with the Yoakum Point Darlingtonia Bog.

- d. Geological Sites: Coos County shall protect the Geologic Sites inventories on the Geologic Resources Map through appropriate zoning that preserves the sites in their natural character. Appropriate zoning (as designated on the Official Zoning Map) and public ownership of the sites ensures that the sites will be preserved in their natural character. This strategy recognizes the value of inventoried Geologic Sites.

4. Beaches and Dunes (Policy 5.10)

The Beaches and Dunes map has inventoried the following:

- **Beaches and Dunes**
 - **Suitable for most uses; few or no constraints (Does not require a review)**
 - **Limited Suitability; special measures required for most development**
 - **Not Suitable for Residential, commercial or Industrial Structures**

Purpose Statement:

Coos County shall base policy decisions for dunes on the boundaries for these areas as identified on the plan map titled “Development Potential within Ocean Shorelands and Dunes” and the boundaries delineates following specific areas "Suitable", "Limited Suitability" and "Not Suitable" areas of development potential.

- a. Limited Suitability: “Beach and Dune Areas with Limited Development Suitability” includes all dune forms except older stabilized dunes, active foredunes, conditionally stable foredunes that are subject to ocean undercutting or wave overtopping, and interdune areas (deflation plains) subject to ocean flooding.

The measures prescribed in this policy are specifically required by Statewide Planning Goal #18 for the above-referenced dune forms; and that this strategy recognizes that designated mitigation sites must be protected from other uses.

Implementation shall occur through an Administrative Conditional Use process, which shall include submission of a site investigation report that addresses this subsection, by a qualified registered and licensed geologist or engineer.

- i. Coos County shall permit development within areas designated as "Beach and Dune Areas with Limited Development Suitability" only upon the establishment of findings that consider at least:
 - a) The type of use proposed and the adverse effects it might have on the site and adjacent areas;
 - b) The need for temporary and permanent stabilization programs and the planned maintenance of new and existing vegetation;
 - c) The need for 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.
- ii. Further, Coos County shall cooperate with affected local, state and federal agencies to protect the groundwater from drawdown, which would lead to loss of stabilizing vegetation, loss of water quality, or intrusion of saltwater into water supplies. Coos County shall cooperate with state and federal agencies in regulating the following actions in the beach and dune areas with limited development potential:
 - 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 air wave patterns leading to beach erosion; and
 - d) Any other development actions with potential adverse impacts.
- b. Unsuitable: Coos County shall prohibit residential development and commercial and industrial buildings within areas designated as "Beach and Dune Areas Unsuitable for Development". The "Beach and dune Areas Unsuitable for Development" includes: active foredunes; other foredunes which are conditionally stable and that are subject to ocean undercutting or wave overtopping; and interdune areas (deflation plains) that are subject to ocean flooding.

The measures prescribed in this policy are specifically required by Statewide Planning Goal #18 for the above referenced dune forms, and that 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.

Implementation shall occur through an Administrative Conditional Use process, which shall include submission of a site investigation report by a registered civil engineer or geologist that addresses this subsection. Coos County shall permit other developments in these areas only:

- i. When specific findings have been made that consider at least:
 - a) the type of use proposed and the adverse effects it might have on the site and adjacent areas;

- b) the need for temporary and permanent stabilization programs and the planned maintenance of new and existing vegetation;
- c) the need for 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
- ii. When it is demonstrated that the proposed development:
 - a) is adequately protected from any geologic hazards, wind erosion, undercutting, ocean flooding and storm waves; or is of minimal value; and
 - b) is designed to minimize adverse environmental effects, and
- iii. When breaching of foredunes is contemplated the following specific criteria has to be addressed:
 - a) the breaching and restoration is consistent with sound principles of conservation, and either
 - b) the breaching is necessary to replenish sand supply in interdune areas, or
 - c) the breaching is done on a temporary basis in an emergency (e.g., fire control, cleaning up oil spills, draining farm lands, and alleviating flood hazards).
- iv. Coos County shall cooperate with affected local, state and federal agencies to protect the groundwater from drawdown which would lead to loss of stabilizing vegetation, loss of water quality, or intrusion of saltwater into water supplies. Coos County shall cooperate with state and federal agencies in regulating the following actions in the beach and dune areas with limited development potential:
 - 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 air wave patterns leading to beach erosion; and
 - d) Any other development actions with potential adverse impacts.

5. Non-Estuarine Shoreland Boundary (Balance of County Policy 5.10)

The Coastal Shoreland Boundary map has inventoried the following:

- **Coastal Shoreland Boundary**
- **Beach Erosion**
- **Coastal Recreation Areas**
- **Area of Water-Dependent Uses**
- **Riparian Vegetation**
- **Fore Dunes**
- **Head of Tide**
- **Steep Bluffs over 50% Slope**
- **Significant wetland wildlife habitats**
- **Wetlands under agricultural use**
- **Areas of Exceptional Scenic Quality and Coastal Headlands**
- **Headland Erosion**

Purpose Statement:

Protection of major marshes (wetlands), habitats, headlands, aesthetics, historical and archaeological sites: Coos County shall provide special protection to major marshes, significant wildlife habitat, coastal headlands, exceptional aesthetic resources, and historic

and archaeological sites located within the Coastal Shorelands Boundary of the ocean, coastal lakes and minor estuaries. This strategy shall be implemented through plan designations and ordinance measures that limit uses in these special areas to those uses that are consistent with protection of natural values, such as propagation and selective harvesting of forest products, grazing, harvesting wild crops, and low intensity water-dependent recreation. 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.

Coos County shall consider:

- i. **"Major marshes"** to include certain extensive marshes associated with dune lakes in the Oregon Dunes National Recreation Area and wetlands associated with New River as identified in the Inventory text and maps, and on the Special Considerations Map;
 - ii. **"Significant wildlife habitat"** to include "sensitive big-game range", Snowy Plover nesting areas, Bald Eagle, and Osprey nesting areas, Salmonid spawning and rearing areas, and wetlands;
 - iii. **"Coastal headlands"** to include Yoakum Point, Gregory Point, Shore Acres, Cape Arago south to Three-Mile Creek, Five Mile Point, and Coquille Point;
 - iv. **"Exceptional aesthetic resources"** to include the coastal headlands identified above, and other areas identified in the Coastal Shorelands Inventory Map; and
 - v. **"Historical, cultural and archaeological sites"** to include those identified in the Historical, Cultural and Archaeological Sites Inventory and Assessment.
- a. Uses allowed within the Coastal Shoreland Boundary: This strategy recognizes: (1) that Coos County's rural shorelands are a valuable resource and accordingly merit special consideration; and (2) that Statewide Planning Goal #17 places strict limitations on land divisions within coastal shorelands.
- i. Uses within the Coastal Shoreland Boundary: Coos County shall manage its rural areas within the "Coastal Shorelands Boundary" of the ocean, coastal lakes and minor estuaries through implementing ordinance measures that allow the following uses:
 - a) Farm uses as provided in ORS 215;
 - b) Propagation and harvesting of forest products consistent with the Oregon Forest Practices Act.
 - c) private and public water dependent recreation developments;
 - d) aquaculture;
 - e) water-dependent commercial and industrial uses and water-related uses only upon finding by the Board of Commissioners that such uses satisfy a need, which cannot otherwise be accommodated on shorelands in urban and urbanizable areas;
 - f) single family residences on existing lots, parcels, or units of land when compatible with the objectives and implementation standards of the Coastal Shorelands goal, and as otherwise permitted by the underlying zone; or
 - g) any other uses, provided that the Board of Commissioners determines that such uses:
 1. Satisfy a need which cannot be accommodated at other upland locations or in urban or urbanizable areas;

2. Are compatible with the objectives of Statewide Planning Goal #17 to protect riparian vegetation and wildlife habitat; and
 3. The "other" use complies with the implementation standard of the underlying zone designation.
 4. 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.
- b. Land Divisions within the Coastal Shoreland Boundary: This strategy recognizes that Coos County's rural shorelands are a valuable resource and accordingly merit special consideration under Statewide Planning Goal #17. Coos County shall permit subdivisions and partitions within the "Coastal Shorelands Boundary" of the ocean, coastal lakes or minor estuaries in rural areas only upon finding by the governing body:
- i. That such land divisions will not conflict with agriculture and forest policies and ordinance provisions of the Coos County Comprehensive Plan and would be compatible with the objectives of Statewide Planning Goal #17 to protect riparian vegetation and wildlife and either;
 - ii. That the new land divisions fulfill a need that cannot otherwise be accommodated in other uplands or in urban and urbanizable areas;
 - iii. That the new land divisions are in a documented area, "committed" area; or
 - iv. That the new land divisions have been justified through a goal exception.
- d. Coastal Lakes and Minor Estuary Coastal Shorelands: Coos County shall consider the following general priorities for the overall use of ocean, coastal lake or minor estuary coastal shorelands (from highest to lowest):
- i. promote uses, which maintain the integrity of estuaries and coastal waters;
 - ii. provide for water-dependent uses;
 - iii. provide for water-related uses;
 - iv. provide for nondependent, nonrelated uses, which retain flexibility of future use and do not prematurely or inalterably commit shorelands to more intensive uses;
 - v. provide for development, including nondependent, nonrelated uses, in urban areas compatible with existing or committed uses;
 - vi. 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 shall include agriculture, forestry, recreation and open space uses, which are water-dependent. This strategy shall serve as a guide when evaluating discretionary zoning and land development actions. This strategy recognizes ~~LCDC~~ **Statewide Planning** Goal #17 requirements.

- e. Non-structural solutions for erosion control: Coos County shall prefer non-structural solutions to problems of erosion and flooding to structural solutions in ocean, coastal lake or minor estuary shorelands. Where shown to be necessary, water and erosion control structures, such as jetties, bulkheads, seawalls, and similar protective structures and fill shall be designed to minimize adverse impacts on water currents, erosion, and accretion patterns. Implementation of this strategy shall occur through county review of and comment on state and federal permit applications for such projects. This strategy is based

on the recognition that non-structural solutions are often more cost-effective as corrective measures but that carefully designed structural solutions are occasionally necessary.

- f. Riparian vegetation in Coastal Shoreland Boundary: Maintain, restore or enhancing riparian vegetation as consistent with water dependent uses requires a conditional use. Coos County shall maintain riparian vegetation within the shorelands of the ocean, coastal lakes, and minor estuaries, and when appropriate, restore or enhance it, as consistent with water-dependent uses. Variances to riparian vegetation setback shall not be permitted within the CSB unless it is to allow for a water dependent use as permitted by the zoning. If a property owner would like to remove vegetation in the Coastal Shoreland Boundary then a conditional use is required. The Planning Department will request comments from ODFW and DEQ regarding water quality and fish habitat. An applicant may provide reports from a qualified biologist.

Timber harvest, if permitted in the zoning ordinance, shall be regulated by the Oregon Forest Practices Act. Where the County's Comprehensive Plan identifies riparian vegetation on lands in the coastal shorelands subject to forest operations governed by the FPA, the Act and Forest Practices Rules administered by the Department of Forestry will be used in such a manner as to maintain, and where appropriate, restore and enhance riparian vegetation. This strategy shall be implemented by County review of and comment on state permit applications for waterfront development.

This strategy is based on the recognition that prohibiting excessive removal of vegetative cover is necessary to stabilize the shoreline and, for coastal lakes and minor estuaries, to maintain water quality and temperature necessary for the maintenance of fish habitat

6. Significant Wildlife Habitat (Balance of County Policy 5.6)

The Fish & Wildlife Habitat Map I (1985 Ordinance 85-08-011L) has inventoried the following:

- **Anadromous³ fish distribution (Salmon, Steelhead and Cutthroat Trout)**
- **1-B Resources pursuant to OAR 660-16-000(5)(b)**
 - **Spotted Owl Habitat**
 - **Osprey Nest Site**
 - **Pigeon Spring**
- **1-C Resources pursuant to OAR 660-16-000(5)(c)**
 - **Pigeon Spring**
 - **Bald Eagle Nest Sites**
 - **Blue Heron Nest Site**

The Fish & Wildlife Habitat Map II has inventoried the following:

- **Big Game Range (Elk & Deer)**
 - **Impacted – Limited or no Habitat Value**
 - **Peripheral – Supports Substantial Populations but habitat value is lessened by development**
 - **Sensitive – Supports majority of Big Game**
- **Western Limit of Elk Range**
- **Wetlands**

³ An anadromous fish, born in fresh water, spends most of its life in the sea and returns to fresh water to spawn.

- **Wetlands – Lands with hydric⁴ soils and wetland plants**
- **Wet Meadows in current agricultural use**
- **Cranberry Bogs**
- **Farm Ponds, Mill Ponds and Other Man-Made Water Bodies**
- **Wetlands Formerly in Agricultural use; Potential Reclamation**

The following shall be considered “5c” Goal #5 resources (pursuant to OAR 660-16-000) the following:

- "Sensitive Big-game Range"
- Salmonid Spawning and Rearing Areas
- Bird Habitat Sites (listed in the following table)

The following bird habitat areas that are considered Goal #5 "5c" resources:

	Township	Location		Area
		Range	Section	
Bald Eagle Nests	23S	13W	23	(Tenmile)
	23S	11W	05	(Big Creek)
	23S	12W	21	(Willow Point)
	24S	12W	04	(Palouse)
	24S	13W	36	(Mettman)
	25S	11W	29	(Bessy Cr.)
	25S	11W	33	(Dellwood)
	25S	11W	22	(Rachel Cr.)
	25S	11W	32	(Morgan Ridge)
	26S	14W	14	(So. Slough)
	27S	13W	09	
	28S	10W	09	(Brewster Gorge)
	31S	12W	16	(Baker Creek)
	29S	14W	31	(Twomile Creek)
	28S	14W	11	(Randolph)
Great Blue Heron Colonies	24S	13W	27 SW ¹ / ₄	
	25S	14W	24 SE ¹ / ₄	
	23S	13W	26	(Saunders Lake)
	24S	13W	23	(North Bay)
	25S	11W	15	(Weyerhaeuser)
	25S	12W	31 NW ¹ / ₄	(Catching Slough)
	25S	14W	24	(North Spit)
	26S	14W	11	(So. Slough)
	25S	13W	24	
	26S	14W	14NE ¹ / ₄ , SE ¹ / ₄	
	27S	14W	35 SE ¹ / ₂ ,NW ¹ / ₄	(Sevenmile)
	26S	14W	14 NW ¹ / ₄	
30S	15W	15	(Muddy Lake)	

⁴ Hydric soil is soil which is permanently or seasonally saturated by water, resulting in anaerobic conditions, as found in wetlands.

	23S	12W	28	(Templeton Arm)
Band-Tailed Pigeon	24S	13W	24&25	(Haynes)
Mineral Springs	25S	13W	24	(Cooston)
	26S	13W	01	
	28S	14W	10	(Prosper)
	29S	11W	26	
	29S	11W	35	(Blueslide)
	29S	11W	36	(Rock Quarry)

Uses and activities deemed compatible with the objective of providing adequate protection for all identified Statewide Planning Goal 5 resources are all uses and activities allowed, or conditionally allowed by the Zoning and Land Development Ordinance, except that special care must be taken when developing property adjacent to salmonid spawning and rearing areas so as to avoid to the greatest practical extent the unnecessary destruction of riparian vegetation that may exist along stream banks. The Oregon Forest Practices Act is deemed adequate protection against adverse impacts from timber management practices.

- a. 5c Bird Sites protection shall be implemented by:
 - i. County reliance upon the Oregon Department of Forestry and Oregon Department of fish and Wildlife insuring adequate protection of "5c" bird sites from possible adverse impacts of timber management practices thru the Forest Practices Act;
 - ii. Use of the Fish and Wildlife Plan Maps and detailed inventories above to identify "5c" bird sites subject to special protection;
 - iii. For "5c" bird site protection, stipulating in the Zoning and Land Development Ordinance that conflicting uses shall be reviewed by the Oregon Department of Fish and Wildlife to determine that any proposed use is not expected to produce significant and unacceptable environmental impacts on any of the "5c" bird sites; and
 - iv. Stipulating on County Zoning Clearance Letters that establishment of conflicting uses adjacent to "5c" bird sites shall be permitted only pursuant to the provisions of this policy.
 - v. Coos County shall require a location map for any development activity with the exception of grazing within its regulatory scope that is determined to be within a "5c" bird habitat. The location map shall be referred to the Oregon Department of Fish and Wildlife requesting an opinion within 10 days as to whether the development is likely to produce significant and unacceptable impacts upon the "5c" resource, and what safeguards it would recommend to protect the resource. If ODFW's determinations the development will impact the "5c" bird habitat a conditional use will be required by the applicant. ODFW's and the applicants findings will be reviewed based upon sound principles of conservation and appropriate balancing of the ESEE consequences so if conflicting uses are allowed the resource site is protected to some extent. The ACU will be processed pursuant to Article 5.0. If ODFW's determination does not show any impacts then a zoning compliance letter may be issued if the use is permitted or has completed a conditional use process.

- b. 5b Bird Sites protection shall consider the following to be "5b" resources, pursuant to the inventory information available in this Plan and OAR 660-16-000(5)(b):
 - Osprey Nesting Sites

- Snowy Plover Habitat (outside the CREMP)
- Spotted Owl Nesting Sites

This policy recognizes the requirements of OAR 660-16. Coos County's Planning Staff is unable to perform ground verification; therefore, the County relies on ODFW for the applicable information.

Coos County shall require a location map for any development activity with the exception of grazing within its regulatory scope that is determined to be within a "5b" bird habitat. The location map shall be referred to the Oregon Department of Fish and Wildlife requesting an opinion as to whether the development is likely to produce significant and unacceptable impacts upon the "5b" resource. Oregon Department of Fish and Wildlife staff shall respond prior to any development.

c. **BIG GAME RESOURCES AND HABITAT**

Roosevelt elk, black-tailed deer, black bear and cougar are the big game species found in Coos County. Their estimated populations are given below:

Estimated big game population in Coos County, 1976 ⁵	
Species	Estimated Population
Roosevelt Elk	4,953
Black-tailed Deer	10,632
Black Bear	1,066
Cougar	43

The sensitive areas are entirely on the forestlands in the County, and there is no development in these areas. Peripheral areas have value as deer and elk habitat, but the wildlife value of these areas is reduced because of the density of existing development. The habitat value of impacted areas is limited or non-existent for big game because the density of development is too great. ODFW has recommended that residential development be kept to a general minimum of one dwelling per 80 acres in areas identified as sensitive big game range. ODFW intends that these recommended minimum densities be applied over a broad area. A location map shall be provided to the Oregon Department of Fish and Wildlife requesting an opinion within 10 days as to whether the development is likely to produce significant and unacceptable impacts to the resource, and what safeguards it would recommend to protect the resource. This does not require a conditional use.

- 7. Natural Hazards (Balance of County Policy 5.11)**
The Natural Hazards map has inventoried the following:
- **Wind Erosion/Deposition**
 - **Earth flow & Slump Topography**
 - **Critical Stream Bank Erosion**
 - **Flash Flooding**
 - **Rock fall & Debris and Flow Terrain**

⁵ William W. Mines and Peter E. Perrin, Oregon Department of Fish and Wildlife, "Wildlife Protection Plan for Coos County" (1972), p.2

Purpose Statements:

Coos County shall regulate development in known areas potentially subject to natural disasters and hazards, so as to minimize possible risks to life and property. Coos County considers natural disasters and hazards to include stream and ocean flooding, wind hazards, wind erosion and deposition, *critical stream bank erosion, mass movement (earthflow and slump topography), earthquakes and weak foundation soils.

This strategy shall be implemented by enacting special protective measures through zoning and other implementing devices, designed to minimize risks to life and property.

- a. Critical Stream bank and Ocean front Erosion: Coos County shall promote protection of valued property from risks associated with critical stream bank and ocean front erosion through necessary erosion-control stabilization measures, preferring nonstructural solutions where practical. Coos County shall implement this strategy by making "Consistency Statements" required for State and Federal permits (necessary for structural stream bank protection measures) that support structural protection measures when the applicant establishes that non-structure measures either are not feasible or inadequate to provide the necessary degree of protection. This strategy recognizes the risks and loss of property from unabated critical stream bank erosion, and also, that state and federal agencies regulate structural solutions.
- b. Earth flow/slump topography/rock fall/debris flow: Coos County shall permit the construction of new ~~dwellings~~ **structures** in known areas potentially subject to mass movement (earth flow/slump topography/rock fall/debris flow) through a conditional use process only:
 - i. if ~~dwellings~~ **structures** are otherwise allowed by this comprehensive plan; and
 - ii. after the property owner or developer files with the Planning Department a report certified by a qualified geologist or civil engineer stipulating:
 - a) Their professional qualifications to perform foundation engineering and soils analysis; and
 - b) That a ~~dwelling~~ **structure or structures** can or cannot be safely constructed at the proposed site, and whether any special structural or siting measures should be imposed to safeguard the proposed building from unreasonable risk of damage to life or property.

Implementation shall occur through an administrative conditional use process, which shall include submission of a site investigation report by a registered civil engineer or geologist considerations above.

- c. Earthquake and weak foundation soils: Coos County shall: (1) support the State Building Code Division's building code enforcement program so as to provide maximum structural protection necessary to safeguard against seismic hazards (earthquakes); and (2) require that high occupancy and critical use facilities (such as schools and hospitals) to be located in the areas of stable ground conditions.
 - i. Coos County shall implement its share of this strategy through implementing ordinance provisions, while at the same time supporting the state building code program. This strategy recognizes that the above-identified safeguards are appropriate to minimize adverse life and property risks associated with seismic

* These hazards are addressed under policies for "Dunes and Ocean and Lake Shorelands."

hazards and that the State Building Codes Division is statutorily responsible for implementing this policy through its building permit process.

- ii. The State of Oregon 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 that 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 of known weak foundation soils is not of sufficient scale to mandate specific safeguards prior to a field investigation by the building codes division.

OVERLAY ZONE:

SECTION 4.11.200 PURPOSE: Overlay zones may be super-imposed over the primary zoning district and will either add further requirements or replace certain requirements of the underlying zoning district. The requirements of an overlay zone are fully described in the text of the overlay zone designations.

OVERLAY ZONE: FLOODPLAIN

DESIGNATION: /FP

SECTION 4.11.201 FLOODPLAIN: It is the purpose of this section of the ordinance to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designated:

1. To protect human life and health.
2. To minimize expenditure of public money and costly flood control projects.
3. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public.
4. To minimize prolonged business interruptions.
5. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets, and bridges located in areas of special flood hazard.
6. To ensure that potential buyers are notified that property is in an area of special flood hazard. and
7. To ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

SECTION 4.11.202 WARNING AND DISCLAIMER OF LIABILITY: The degree of flood protection from this Ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This Ordinance does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of Coos County, any officer or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made there under.

SECTION 4.11.203 MANUFACTURED HOME AND MANUFACTURED HOME PARK OR SUBDIVISION WITHIN DESIGNATED FLOOD AREAS: The following definitions shall only apply to those provisions and requirements contained within Sections 4.11.200 to 4.11.290, inclusive:

“Manufactured Home” means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes the term “manufactured home” also includes park trailers, travel trailers, recreational vehicles, and other similar vehicles placed on site for greater than 180 consecutive days. For insurance purposes the term “manufactured home” does not include park trailers, travel trailers, recreational vehicles, and other similar vehicles.

“Manufactured Home Park or Subdivision” means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

SECTION 4.11.205 INTERPRETATION: In the interpretation and application of the Flood Hazard Overlay (/FP), all provisions shall be:

1. Considered as the minimum requirements. and
2. Deemed neither to limit nor to repeal any other powers granted under state statutes, including state building codes.

SECTION 4.11.207 DESIGNATION OF FLOOD AREAS:

1. The area of Coos County that is within a special flood hazard area identified by the Federal Insurance Administration in a scientific and engineering report entitled “The Flood Insurance Study for Coos County, Oregon and Incorporated Areas”, dated March 17, 2014, with accompanying Flood Insurance Map (FIRM) is hereby adopted by reference and declared to be part of this ordinance. The Flood Insurance Study and the FIRM are on file at the Coos County Planning Department.
2. Whenever sufficient data for a portion of a watercourse have been provided to permit the designation of a regulatory floodway, Coos County shall adopt boundaries for a regulatory floodway. The floodway shall be designed to carry the waters of a base flood without increasing water surface elevation at any point more than one foot above the established base flood elevation. The area of Coos County within an adopted regulatory floodway shall be subject to the additional requirements of this Ordinance for the prevention of flood damage.
3. When base flood elevation data has not been provided in accordance with # 1 above, Coos County shall require a property development applicant to obtain base flood elevation data. Coos County shall use this “other” data to administer this Ordinance. This data may be obtained from a Federal, State or other source, including the U.S. Army Corps of Engineers, Soil Conservation Service, or Engineers. In the absence of an up-to-date engineering study, local newspapers, Regional Planning Groups and informed local witnesses can be a source of historical flooding data. The Planning Director, Planning Commission or Board of Commissioners may exercise local judgment based on historical data.
4. The base contour maps (Flood Insurance Rate Maps and Flood Boundary—Floodway maps) showing areas of special flood hazard are not detailed enough to reflect all site conditions. Where the map information clearly does not reflect actual site conditions, the Planning Director, Hearings Body or Board of Commissioners may interpret the exact

location of the special Flood Hazard Boundary and Floodway Boundary. This determination is subject to appeal subject to Article 5.8.

5. In the case of #3 or #4 above the information shall be made public so that applicants may use that information to dispute floodplain rates or proceed with a letter of map revision or letter of map amendment through FEMA.

SECTION 4.11.209 PERMITTED USES: In a district in which the /FP zone is combined, those uses permitted by the underlying district are permitted outright in the /FP Overlay Zone, subject to the provisions of this article.

SECTION 4.11.211 CONDITIONAL USES: In a district with which the /FP is combined, those uses subject to the provisions of Article 5.2 (Conditional Uses) may be permitted in the /FP Overlay Zone, subject to the provisions of this article.

SECTION 4.11.213 IDENTIFICATION OF FLOOD HAZARD ON VERIFICATION LETTER: The verification letter pursuant to Section 1.3.200 issued by the Coos County Planning Department shall identify whether the parcel of land for which a building permit is required is within any area of Special Flood Hazard established by Section 4.6.205.

SECTION 4.11.215 FLOOD ELEVATION DATA: For the purpose of determining applicable flood insurance risk premium rates Coos County shall:

1. Obtain, or require the applicant to furnish the following:
 - a. The elevation (in relation to mean sea level) of the lowest habitable floor (including basement and below-grade crawl spaces) of all new or substantially improved structures, and whether or not such structures contain a basement. The Base Floodplain Elevation (BFE) determination must be based on information from the FIS study and the FEMA maps.
 - b. If a structure is to be flood proofed, the elevation (in relation to mean sea level) to which the structure will be flood proofed shall be provided.
2. Maintaining flood proofing certifications for public inspections pertaining to provisions of the FP zone.

SECTION 4.11.217 PROCEDURAL REQUIREMENTS FOR DEVELOPMENT WITHIN SPECIAL FLOOD HAZARD AREAS: The following procedure and application requirements shall pertain to the following types of development:

1. Structures: Prior to issuance of a Zoning Compliance Letter (also refer to as a verification or clearance letter) pursuant to Section 5.5.100, a proposal for construction of a new structure or substantial improvement of an existing structure within a Special Flood Hazard Area shall be submitted with an “APPLICATION FOR DEVELOPMENT IN SPECIAL FLOOD HAZARD AREAS.”

As provided in this section, this application must provide a plan drawn to scale showing the nature, location, dimensions, and elevations of the area in question, existing and proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing. Specifically, the following information is required:

- a. Elevation in relation to mean sea level, of the lowest floor (including basement) of all structures.
- b. Elevation in relation to mean sea level of flood proofing in any structure.

- c. Certification by a registered professional engineer or architect that the flood proofing methods for any non residential structure meet the flood proofing criteria.
- d. Description of the extent to which a watercourse will be altered or relocated as a result of proposed development. No relocation or substantial alteration of a watercourse shall be permitted unless a detailed hydraulic analysis, certified by a Registered Professional Engineer, is provided which demonstrates that:
 - i. The flood carrying capacity for the altered or relocated portion of the watercourse will be maintained.
 - ii. The area subject to inundation by the base flood discharge will not be increased. and
 - iii. The alteration or relocation will cause no measurable increase in base flood levels.

If the county determines that the application complies with zoning ordinance (including the FP overlay zone), the county issues a “conditional zoning compliance letter” which enables the applicant to obtain building permits from the State Building Codes Agency.

Upon completion of construction, the applicant must submit a “post-construction elevation certification/flood proofing certificate” (FEMA) to the Coos County Planning Department. The certification must be completed by surveyor or structural engineer. Upon verification of compliance with all requirements in the FP overlay zone, Coos County shall issue to the applicant a Flood Hazard Compliance Letter. The applicant shall present the flood hazard compliance letter to the State Building Codes Agency in order to obtain an occupancy permit or certificate of inspection.

- 2. Water Systems. Coos County recognizes the State Water Resources Department as the sole permit issuing agency pertaining to individual private wells supplying water to one or two residences except as may be established in new subdivisions or planned unit developments [see Section 4.11.225(3)].
- 3. Sanitary Sewage Systems. Prior to a new installation, replacement or repair of an on-site septic system, the applicant shall request from the county a “Zoning Clearance Letter” (zoning verification). Coos County shall recognize the Department of Environmental Quality installation, replacement, and repair standards as sufficient to avoid impairment to the system or contamination from the system during flooding.
- 4. Other Development. Includes mining, dredging, filling, grading, paving, excavation or drilling operations located within the area of a special flood hazard, but does not include such uses as normal agricultural operations, fill less than 12 cubic yards, fences, road and driveway maintenance, landscaping, gardening and similar uses which are excluded from definition because it is the County’s determination that such uses are not of the type and magnitude to affect potential water surface elevations or increase the level of insurable damages.

Review and authorization of a floodplain application must be obtained from the Coos County Planning Department before “other development” may occur. Such authorization by the Planning Department shall not be issued unless it is established, based on a licensed engineer’s certification that the “other development” shall not:

- a. Result in any increase in flood levels during the occurrence of the base flood discharge if the development will occur within a designated floodway. or,
 - b. Result in a cumulative increase of more than one foot during the occurrence of the base flood discharge if the development will occur within a designated flood plain outside of a designated floodway.
5. Critical Facility. Construction of new critical facilities shall be, to the extent possible, located outside the limits of the Special Flood Hazard Area (SFHA). Construction of new critical facilities shall be permissible within the SFHA if no feasible alternative site is available. Critical facilities constructed within the SFHA shall have the lowest floor elevated three feet above BFE or to the height of the 500-year flood, whichever is higher. Access to and from the critical facility should also be protected to the height utilized above. Flood proofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters. Access routes elevated to or above the level of the base flood elevation shall be provided to all critical facilities to the extent possible.

SECTION 4.11.219 SITES WITHIN SPECIAL FLOOD HAZARD AREAS:

1. If a proposed building site is in a special flood hazard area, all new construction and substantial improvements (including placement of prefabricated buildings and mobile homes), otherwise permitted by this Ordinance, shall:
 - a. Be designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement and shall be installed using methods and practices that minimize flood damage. Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors (Reference FEMA “Manufactured Home Installation in Flood Hazard Areas” guidebook for additional techniques).
 - b. Be constructed with materials and utility equipment resistant to flood damage.
 - c. Be constructed by methods and practices that minimize flood damage. and
 - d. Electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
2. All new construction and substantial improvements of residential structures shall have the lowest habitable floor (including basement and below-grade crawl spaces) elevated a minimum of one foot above the known base flood level. Fully enclosed areas below the lowest floor that are subject to flooding shall be prohibited. or, shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of flood waters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:
 - a. A minimum of two openings having a total net area of not less than one square inch for every foot of enclosed area subject to flooding shall be provided.
 - b. The bottom of all openings shall be no higher than one foot above grade.
 - c. Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
 - d. Electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

- e. Accessory structures to a residential structure (e.g., sheds, detached garages) do not represent significant investments and therefore may be treated differently in regard to the application of flood plain management measures outside a delineated floodway. In lieu of the elevation standard above, accessory structures may be permitted provided:
 - i. Accessory structures shall not be used for human habitation.
 - ii. Accessory structures shall be designed to have low flood damage potential.
 - iii. Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters. Openings may be equipped with screens, louvers, or other covering or devices provided that they permit the automatic entry and exit of floodwaters.
 - iv. Accessory structures shall be firmly anchored to prevent flotation which may result in damage to other structures.
 - v. Service facilities such as electrical and heating equipment shall be elevated above the base flood elevation or flood proofed.

Construction under the provisions of (i) through (v) above will result in increased flood insurance premium rates, which may be prohibitive.

- 3. All new construction and substantial improvements of any commercial, industrial or other non-residential structure shall either have the lowest floor, including basement, elevated one foot above the base flood elevation. or together with attendant utility and sanitary facilities, shall:
 - a. Be floodproofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water.
 - b. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.
 - c. Be certified by a registered professional engineer or architect that the standards of this subsection are satisfied.
 - d. Meet the same standards for space below the lowest floor as described in Section 4.6.235(2) if the structure is elevated but not flood proofed. and
 - e. Electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

Applicants flood proofing nonresidential buildings shall be notified that flood insurance premiums will be based on rates that are one foot below the flood proofed level (i.e. a building flood proofed to the base flood level will be rated as one foot below).

- 4. All new construction and substantial improvements of any agricultural structure shall either have the lowest floor, including basement, elevated one foot above the base flood elevation. meet the flood proofing requirements of (3) above. or together with attendant utility and sanitary facilities shall:
 - a. Have a low potential for structural flood damage.
 - b. Be designed and oriented to allow the free passage of floodwaters through the structure in a manner affording minimum flood damage.
 - c. Ensure that all electrical and mechanical equipment subject to floodwater damage and permanently affixed to the structure be elevated above the base flood elevation. and

- d. Be certified by a registered professional engineer or architect that the standards of this subsection are satisfied.

Construction under the provisions of (a) through (d) above will result in increased flood insurance premium rates which may be prohibitive.

SECTION 4.11.221 MANUFACTURED HOMES: All manufactured homes to be placed, or substantially improved, within zones A1-30, AH, and AE shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is one foot above the base flood elevation and installed using methods and practices that minimize flood damage. Anchoring methods may include, but are not limited to use of over-the-top or frame ties to ground anchors (Reference FEMA “Manufactured Home Installation in Flood Hazard Areas” guidebook for additional techniques).

SECTION 4.11.223 RECREATIONAL VEHICLES: All recreational vehicles placed, within the A1-A30, AH, and AE zones shall be elevated on permanent foundation such that the lowest floor of the recreational vehicle is one foot above the base flood elevation and installed using methods and practices that minimize flood damage. Anchoring methods may include, but are not limited to, use of over-the-top or frames ties to ground anchors.

SECTION 4.11.225 REVIEW OF LAND SUBDIVISION APPLICATIONS: Coos County shall be responsible for receiving applications and examining plans for land divisions. Coos County shall require certification by a registered civil engineer that land subdivision proposals shall be reasonably safe from flooding. If a subdivision proposal is in a special flood hazard area, the proposal and engineer’s certification shall be reviewed to assure that:

1. The proposal is consistent with the need to minimize flood damage and to ensure that building sites will be reasonably safe from flooding [44CFR60.3(a)(3) and (4)]
2. Building lots shall have adequate buildable area outside of floodways.
3. All public utilities and facilities, such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood damage.
4. Adequate drainage is provided to reduce exposure to flood hazards.
5. Base flood elevation data shall be generated and/or provided for subdivision proposals and all other proposed development, including manufactured home parks and subdivisions greater than 50 lots or 5 acres, whichever is less [44 CFR 60.3 (a)(4) and (5)].
6. All on-site waste disposal systems shall be located and constructed to avoid functional impairment or contamination during flooding.

SECTION 4.11.227 EVALUATION OF VARIANCE APPLICATIONS:

1. In lieu of the findings required by Article 5.3, an application for a variance to the standards of this overlay zone may be approved only if the following findings are made:
 - a. materials which may be swept onto other lands would not pose a threat of undue danger or injury to others.
 - b. the proposed development will not pose a danger to life or property due to flooding or erosion damage.
 - c. failure to grant the variance would result in exceptional hardship to the applicant.
 - d. granting the variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense or create nuisances. and
 - e. the variance is the minimum necessary to afford relief.

2. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
3. A variance for historic preservation may be granted without consideration of the factors set forth above for the reconstruction, rehabilitation or restoration of a structure listed on the National Register of Historic Places or the State Inventory of Historic Places, or as otherwise identified in the Coos County Comprehensive Plan.
4. Variance applications are subject to notice and appeal pursuant to §5.0.900(B).

SECTION 4.11.229 FLOODWAYS: Located within special flood hazard areas established in Section 4.6.205 are areas designated as “floodways”. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

1. Encroachment, including fill, new construction, substantial improvements and other developments shall be prohibited, unless certification by a registered professional civil engineer is provided demonstrating through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.
2. If (1) above is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of this Article (Article 4.6).
3. Projects for stream habitat restoration may be permitted in the floodway provided:
 - a. The project qualifies for a Department of the Army, Portland District Regional General Permit for Stream Habitat Restoration (NWP-2007-1023). and
 - b. A qualified professional (a Registered Professional Engineer. or staff of NRCS. the county. or fisheries, natural resources, or water resources agencies) has provided a feasibility analysis and certification that the project was designed to keep any rise in 100-year flood levels as close to zero as practically possible given the goals of the project. and
 - c. No structures would be impacted by any potential rise in flood elevation. and
 - d. An agreement to monitor the project, correct problems, and ensure that flood carrying capacity remains unchanged is included as part of the local approval.
4. Manufactured dwellings may only be located in floodways only if the manufactured dwelling already exists in the floodway, the placement was permitted at the time of the original installation, and the continued use is not a threat to life, health, property, or the general welfare of the public.
5. Manufactured dwellings are not permitted in the floodway⁶, V⁷ or VE⁸ zones as of the date this ordinance is adopted. Even if there was some other type of dwelling permitted in the past it may only be replaced with a stick-built (conventional) dwelling only if the dwelling meets the following criteria:
 - a. The replacement dwelling will not be a threat to life, health, property, or general welfare of the public. As required, it must be demonstrated through hydrologic and hydraulic analysis performed in accordance with standard engineering practices that the manufactured dwelling and any accessory buildings, accessory structures, or any property improvements (encroachments) will not result in any increase in flood levels during the occurrence of the base flood discharge.

⁶ The Floodway is the channel of a stream plus any adjacent floodplain areas that must be kept free of encroachment so that the 1% annual chance flood can be carried without substantial increase in flood heights.

⁷ Coastal flood zone with velocity hazard (wave action). no Base Flood Elevations determined.

⁸ Coastal flood zone with velocity hazard (wave action). Base Flood Elevation determined

- b. The replacement dwelling and any accessory building or structures (encroachments) shall have the finished floor elevated to a minimum of 18 inches (46 cm) above the BFE as defined on the FIRM.
- c. The replacement dwelling must be placed and secured to a foundation support system designed by an Oregon professional engineer or architect and approved by the authority having jurisdiction (Oregon State Building Codes Division or other authority).
- d. The new dwelling and any accessory buildings or structures must not displace water to the degree that it causes a rise in the water level or diverts water in a manner that causes erosion or damage to other properties.
- e. The location of the replacement dwelling must be allowed by the Planning Department's LDO.
- f. Any other requirement deemed necessary by any authority having jurisdiction.

SECTION 4.11.231 ALTERATION OF WATER COURSES: If a development application proposes a stream, creek or other water body relocation or alteration, Coos County shall:

- 1. Notify affected cities and the State Coordinating Agency (Department of Land Conservation and Development – DLCD) and other appropriate state and federal agencies prior to any alteration or relocation of a water course, and shall submit evidence of such notification to the Federal Insurance Administration at the following address (or if the office moves, at any subsequent address):
 - Federal Insurance Administration
 - 500 C Street SW
 - Washington, DC 20472
- 2. Require that maintenance is provided within the altered or relocated portion of said water course so that the flood carrying capacity is not diminished.

SECTION 4.11.233 SHALLOW FLOODING AREAS: Shallow flooding areas appear on FIRM's as AO zones with depth designations. The base flood depths in these zones range from 1 to 3 feet where a clearly defined channel does not exist, or where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is usually characterized as sheet flow. In these areas, the following provisions apply:

- 1. New construction and substantial improvements of residential structures and manufactured homes with AO zones shall have the lowest floor elevated at least one foot above the highest adjacent grade of the building site, plus the depth number specified on the FIRM or at least two feet if no depth number is specified.
- 2. New construction and substantial improvements of non-residential structures within AO zones shall either:
 - a. Have the lowest floor elevated one foot above the highest adjacent grade of the building site plus the depth number specified on the FIRM or at least two feet if no depth number is specified. or
 - b. Together with attendant utility and sanitary facilities, be completely flood proofed to or above that level so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. If this method is used, compliance shall be certified by a registered professional engineer or architect as in Section 4.6.219.
 - c. Require adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures.

- d. Where hazardous velocities were noted on the FIRM, consideration shall be given to mitigating the effects of these velocities through proper construction techniques and methods.

SECTION 4.11.235 COASTAL HIGH HAZARD AREA: Coastal high hazard areas (V zone) appear on FIRM's. These areas have special flood hazards associated with high velocity waters from tidal surges and hurricane wave wash. Therefore, the following provisions shall apply:

1. All buildings or structures shall be located landward of the reach of the mean high tide.
2. All new construction and substantial improvements of existing development or manufactured homes in zones V1-V30 and VE (V if base flood elevation data is available) shall be elevated on pilings and columns so that:
 - a. The bottom of the lowest horizontal structural member of the lowest floor (excluding the pilings or columns) is elevated one foot or more above the base flood level. and
 - b. The pile or column foundation and structure attached thereto is anchored to resist flotation, collapse and lateral movement due to the effects of wind and water loads acting simultaneously on all building components. Wind and water loading values shall each have a one percent chance of being equaled or exceeded in any given year (100 year mean recurrence interval).

A registered professional engineer or architect shall develop or review the structural design, specifications and plans for the construction and shall certify that the design and methods of construction to be used are in accordance with accepted standards of practice for meeting the provisions of (a) and (b) of this Section.

3. Obtain the elevation (in relation to mean sea level) of the bottom of the lowest structural member of the lowest floor (excluding pilings and columns) of all new and substantially improved structures in Zones V1-30, VE, and V, and whether or not such structures contain a basement. The local administrator shall maintain a record of all such information.
4. Provide that all new construction and substantial improvements within Zones V1-30, VE, and V on the community's FIRM, have the space below the lowest floor either free of obstruction or constructed with non-supporting breakaway walls, open wood lattice-work, or insect screening intended to collapse under wind and water loads without causing collapse, displacement, or other structural damage to the elevated portion of the building or supporting foundation system. For the purpose of this section, a breakaway wall shall have a design safe loading resistance of not less than 10 and no more than 20 pounds per square foot (either by design or when so required by local or State codes) may be permitted only if a registered professional engineer or architect certifies that the designs proposed meet the following conditions:
 - a. breakaway wall collapse shall result from a water load less than that which would occur during the base flood. and
 - b. the elevated portion of the building and supporting foundation system shall not be subject to collapse, displacement, or other structural damage due to the effects of wind and water loads acting simultaneously on all building components (structural and non-structural). Maximum wind and water loading values to be used in this determination shall each have a one percent chance of being equaled or exceeded in any given year (100 year mean recurrence interval).
5. If breakaway walls are utilized, such enclosed space shall be usable solely for parking of vehicles, building access, or storage. Such space shall not be used for human habitation.

6. Prohibit the use of fill for structural support of buildings.
7. Prohibit man-made alteration of sand dunes which would increase potential flood damage.
8. All manufactured homes to be placed or substantially improved within Zones V1-30, V, and VE on the community's FIRM on sites inside of or outside of manufactured home park or subdivision. or in a new manufactured home park or subdivision. or in an expansion to an existing manufactured home park or subdivision. or in an existing manufacture home park or subdivision on which a manufactured home has incurred "substantial damage" as the result of a flood. must meet the standards of this section.
9. Recreational vehicles placed or sited within Zones V1-30, V, and VE on the community's FIRM either:
 - a. Be on the site for fewer than 180 consecutive days.
 - b. Be fully licensed and ready for highway use, on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions. or
 - c. Meet the requirements of Sections 1 through 7 above.

SECTION 4.11.237 COORDINATION: It is hereby acknowledged that state building codes contain certain provisions that apply to the design and construction of buildings and structures located in Areas of Special Flood Hazard. Therefore, the Flood Hazard Overlay Zone is intended to be administered and enforced in conjunction with the state building codes. If a permit applicant needs a local permit before obtaining permits from other agencies, the County may issue a permit on the condition that all applicable local permits are or will be obtained.

SECTION 4.11.239 RESTRICTIVENESS: Where the conditions imposed by a provision of the /FP zone are more restrictive or contrary to the primary zone, the provisions of the /FP zone shall govern.

FLOATING ZONE: AIRPORT SURFACES

DESIGNATION: /AS

BANDON, LAKESIDE AND POWERS AIRPORTS

SECTION 4.11.300 PURPOSE: The purpose of the Airport Surface Floating zone is to protect public health, safety and welfare. It is recognized that obstructions to aviation have potential for endangering the lives and property of users of selected airports, and property of occupancy of land in the airport's vicinity. An obstruction may affect future instrument approach minimums. and obstructions may reduce the area available for the landing, take-off and maneuvering of aircraft, thus tending to destroy or impair the utility of the airport and the public investment therein.

SECTION 4.11.305 DESIGNATION OF AIRPORT SURFACES: Those lands lying beneath the approach surfaces, transition surfaces, horizontal surfaces and conical surfaces as they apply to the "Bandon, Lakeside and Powers Airports Approach and Clear Zone Inventory Map" shall be subject to the requirements of this floating zone. *Southwest Regional Airport Surfaces (AKA North Bend Municipal Airport) regulations can be found in Sections 4.11.400 through 4.11.460.*

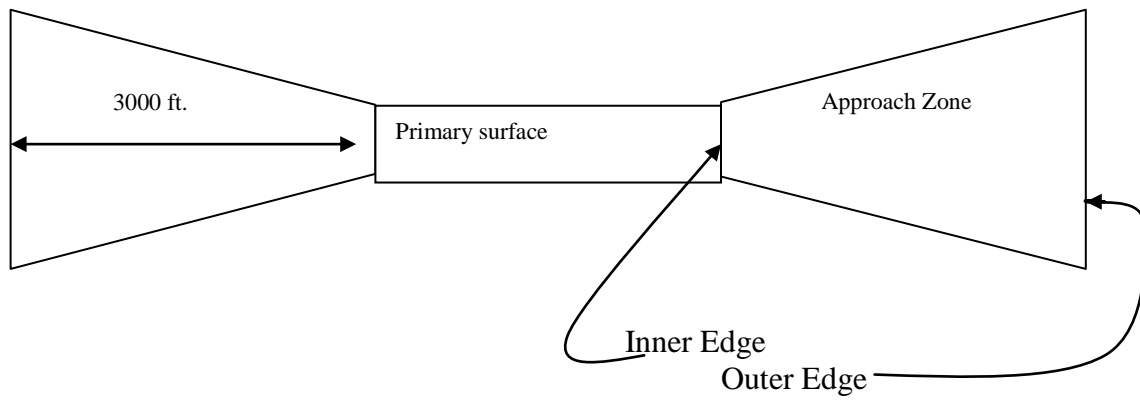
SECTION 4.11.310 AIRPORT SUB-ZONES: Sub-zones are hereby established and defined as follows:

1. Approach zone—The inner edge of the approach zone coincides with the primary surface of the runway:
 - Bandon = 500 ft. wide
 - Lakeside = 50 ft. wide
 - Powers = 100 ft. wide

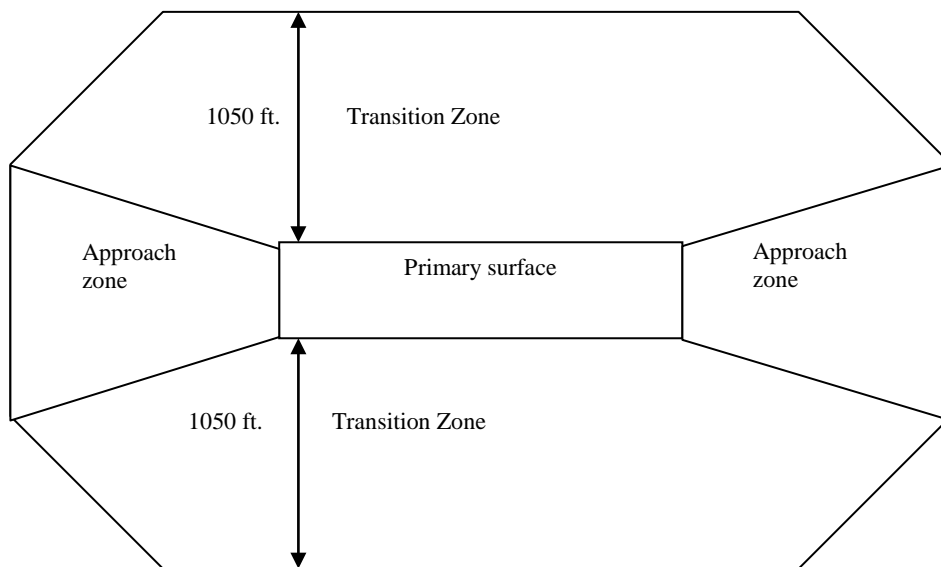
The approach zone expands outward uniformly to a width of:

- Bandon = 1400 ft. wide
- Lakeside = 900 ft. wide
- Powers = 900 ft. wide

At a horizontal distance of 3000 feet for all airports from the primary surface. Its centerline is the continuation of the runway centerline.



3. Transition Zone – The inner edge of the transition zone coincides with the outer edges of the primary surface and approach zone. The outer edge of the transition zone parallels the primary surface and is 1050 feet wide tapering to the end of the approach zone.

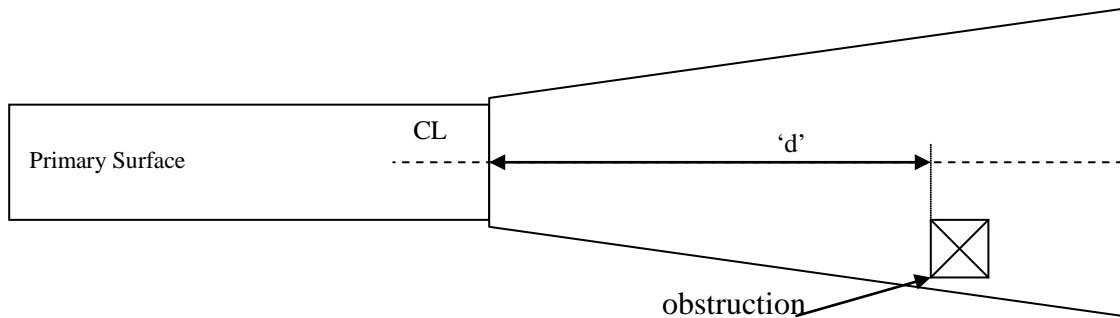


3. Horizontal Conical Zone – The horizontal conical zone is established by swinging arcs of 9,000 feet radii from the center of each end of the primary surface of each runway and connecting the adjacent arcs by drawing lines tangent to those arcs. The horizontal conical zone does not include the approach and transitional zones.
4. Primary Surface Zone – The primary surface zone overlays the runway surface:

Bandon = 500 ft. wide
 Lakeside = 50 ft. wide
 Powers = 100 ft. wide

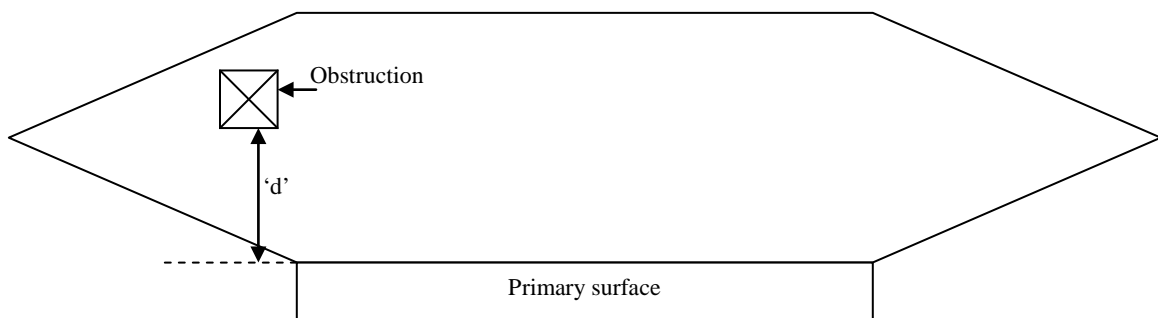
SECTION 4.11.315 AIRPORT SURFACES HEIGHT LIMITATIONS: Notwithstanding other provisions of this Ordinance, no structure shall be created or altered to a height in excess of the applicable height limits herein established. Such applicable height limitations are hereby established:

1. Approach zone – The maximum height allowed shall be 5% of the distance from the primary surface as measured along the centerline to a point, perpendicular to the obstruction, and shall not exceed 35 ft.



'd' = distance from primary surfaces allowable height = $(0.05) \times ('d')$. and not to exceed 35 ft.

2. Transition Zone – The maximum height allowed shall be 14% of the distance as measured perpendicular to the outer edge of the primary surface (or an extension of the outer edge) but shall not exceed 35 feet.



'd' = distance from the primary surface outer edge allowable height = $(0.14) \times ('d')$ and not to exceed 35 feet.

3. Horizontal Conical Zone – Maximum allowable height = 35 feet.

4. Primary Surface – Maximum allowable building height = 0 (zero) feet for structures or other improvements. Siting of structures or improvements other than navigational aides permitted by State Aeronautics is prohibited.

SECTION 4.11.320 PERMITTED USES: Except as restricted by Section 4.11.330, in a District in which the /AS zone is combined, those uses permitted by the underlying district are permitted outright in the /AS FLOATING ZONE.

SECTION 4.11.325 CONDITIONAL USES: Except as restricted by Section 4.11.330, in a District with which the /AS is combined, those uses subject to the provisions of ARTICLE 5.2 (Conditional Uses) may be permitted in the /AS FLOATING ZONE.

SECTION 4.11.330 USE RESTRICTIONS: Notwithstanding any other provision of this Ordinance, no use may be made of land or water within any zone established by this Ordinance in such a manner as to create electrical interference with navigational signals or radio communication between the airport and aircraft, make it difficult for pilots to distinguish between airport light and other, result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport, create bird strike hazards, or otherwise in any way endanger or interfere with the landing, takeoff, or maneuvering of aircraft intending to use the airport.

SECTION 4.11.335 CLARIFICATION OF GRANDFATHER USES AND RIGHTS:

1. In addition to Article 3.4, the regulations prescribed by this zone shall not be construed to require the removal, lowering, or other change or alteration of any structure not conforming to the regulations as of the effective date of this Ordinance, or otherwise interfere with the continuance of the Grandfathered Use. Nothing contained herein shall require any change in the construction, alteration, or intended use of any structure, the construction or alteration of which was begun prior to the effective date of this Ordinance, and is diligently prosecuted.

However, no permit shall be granted that would allow the establishment or creation of an obstruction or permit a Grandfathered Use or structure to become a greater hazard to air navigation than it was on the effective date of this Ordinance or any amendments thereto or than it is when the application for a permit is made.

2. Marking and Lighting – Notwithstanding the preceding provision of this Section, the owner of any existing Grandfathered structure or tree is hereby required to permit the installation, operation, and maintenance thereon of such markers and lights as shall be deemed necessary by the Airport Owner to indicate to the operators of aircraft in the vicinity of the airport the presence of such airport obstruction. Such markers and lights shall be installed, operated, and maintained at the expense of the Airport Owner.

SECTION 4.11.340 VARIANCES: Variances may be granted where consistent with the procedural and substantive requirements of Article 5.3.

SECTION 4.11.345 CONFORMANCE REQUIREMENT: All structures and uses within the Airport Operations District shall conform to the requirements of Federal Aviation Agency Regulation FAR-77 or its successor, and to other Federal and State laws as supplemented by Coos County Ordinances regulating structure height, steam or dust, and other hazards to flight, air navigation or public health, safety and welfare.

SOUTHWEST OREGON REGIONAL AIRPORT (AKA: NORTH BEND MUNICIPAL AIRPORT)

SECTION 4.11.400 SOUTHWEST OREGON REGIONAL AIRPORT: *The Southwest Oregon Regional Airport is located within the City of North Bend; however, portions of the Approach, Transitional, Conical and the Horizontal Surfaces span into the Coos County's jurisdiction. The City of North Bend has adopted airport standards and Coos County is adopting the portions of those standards that apply to the Approach, Transitional, Horizontal and Conical Surfaces. The provisions listed below apply only to the Southwest Oregon Regional Airport Transitional, Horizontal and Conical Surfaces do not apply to AO zoning districts or airports as identified Sections 4.11.300 through 4.11.460.*

SECTION 4.11.405 PURPOSE: *The purpose of this overlay zone is to encourage and support the continued operation and vitality of the Southwest Oregon Regional Airport by establishing compatibility and safety standards to promote air navigational safety at such airport and to reduce potential safety hazards for persons living, working or recreating near the airport.*

SECTION 4.11.410 PERMITTED USES: *Except as restricted by Sections 4.11.400 through 4.11.460., in a District in which the /AS zone is combined, those uses permitted by the underlying district are permitted outright in the /AS FLOATING ZONE.*

SECTION 4.11.415 CONDITIONAL USES: *Except as restricted by Sections 4.11.400 through 4.11.460, in a District with which the /AS is combined, those uses subject to the provisions of ARTICLE 5.2 (Conditional Uses) may be permitted in the /AS FLOATING ZONE.*

SECTION 4.11.420 DEFINITIONS: *These definitions only apply to Sections 4.11.400 through 4.11.450, the following words and phrases shall mean:*

1. "Airport" means the Southwest Oregon Regional Airport (also referred to as North Bend Municipal) Airport.
2. "Airport direct impact area" means the area located within 5,000 feet of an airport runway, excluding lands within the runway protection zone and approach surface.
3. "Airport elevation" The most current and approved North Bend Municipal Airport master plan, airport layout plan, defines the highest point of the airport's usable landing area. The 2002 Airport Layout Plan has established the airport elevation as 17.1 feet above mean sea level (reference datum is NAVD 88).
4. "Airport imaginary surfaces" means imaginary areas in space and on the ground that are established in relation to the airport and its runways. Imaginary areas are defined by the primary surface, runway protection zone, approach surface, horizontal surface, conical surface and transitional surface.
5. "Airport noise impact boundary" means areas located within 1,500 feet of an airport runway or within the most current, established noise contour boundaries exceeding 55 Ldn.
6. "Airport secondary impact area" means the area located between 5,000 and 10,000 feet from the airport's runways.
7. "Airport sponsor" means the owner, manager, or other person or entity designated to represent the interests of the airport.
8. "Approach surface" means a surface longitudinally centered on the extended runway

center line and extending outward and upward from each end of the primary surface.

- a. The inner edge of the approach surface is the same width as the primary surface and it expands uniformly to a width of:*
 - i. Two thousand feet for a utility runway having a nonprecision instrument approach;*
 - ii. Three thousand five hundred feet for a nonprecision instrument runway, other than utility, having visibility minimums greater than three-quarters statute mile;*
 - iii. Four thousand feet for a nonprecision instrument runway, other than utility, having visibility minimums at or below three-quarters statute mile;*
 - iv. Sixteen thousand feet for precision instrument runways.*
 - b. The approach surface extends for a horizontal distance of:*
 - i. Five thousand feet at a slope of 20 feet outward for each foot upward (20:1) for all utility runways;*
 - ii. Ten thousand feet at a slope of 34 feet outward for each foot upward (34:1) for all nonprecision instrument runways, other than utility; and*
 - iii. Ten thousand feet at a slope of 50 feet outward for each foot upward (50:1), with an additional 40,000 feet at a slope of 40 feet outward for each foot upward (40:1), for precision instrument runways.*
 - c. The outer width of an approach surface will be the width prescribed in this subsection for the most precise approach existing or planned for that runway end.*
- 9. "Conical surface" means a surface extending outward and upward from the periphery of the horizontal surface at a slope of 20:1 for a horizontal distance of 4,000 feet.*
 - 10. "Department of Aviation" means the Oregon Department of Aviation, formerly the Aeronautics Division of the Oregon Department of Transportation.*
 - 11. "FAA" means the Federal Aviation Administration.*
 - 12. "FAA's technical representative" means, as used in this chapter, the federal agency providing the FAA with expertise on wildlife and bird strike hazards as they relate to airports. This may include, but is not limited to, the USDA-APHIS-Wildlife Services.*
 - 13. "Height" means the highest point of a structure or tree, plant or other object of natural growth, measured from mean sea level (reference datum is NAVD 88).*
 - 14. "Horizontal surface" means a horizontal plane 150 feet above the established airport elevation, the perimeter of which is constructed by swinging arcs of specified radii from the center of each end of the primary surface of each runway of each airport and connecting the adjacent arcs by lines tangent to those arcs. The radius of each arc is:*
 - a. Five thousand feet for all runways designated as utility;*
 - b. Ten thousand feet for all other runways;*
 - c. The radius of the arc specified for each end of a runway will have the same arithmetical value. That value will be the highest determined for either end of the runway. When a 5,000-foot arc is encompassed by tangents connecting two adjacent 10,000-foot arcs, the 5,000-foot arc shall be disregarded on the construction of the perimeter of the horizontal surface.*
 - 15. "Nonprecision instrument runway" means a runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area type navigation equipment, for which a straight-in nonprecision instrument approach has been approved, or planned, and for which no precision approach facilities are planned or indicated on an FAA- approved airport layout plan or FAA*

- planning document.*
16. ***“Obstruction” means any structure or tree, plant or other object of natural growth that penetrates an airport imaginary surface.***
 17. ***“Other than utility runway” means a runway that is constructed for and intended to be used by turbine-driven aircraft or by propeller-driven aircraft exceeding 12,500 pounds gross weight.***
 18. ***“Precision instrument runway” means a runway having an existing instrument approach procedure utilizing air navigation facilities that provide both horizontal and vertical guidance, such as an instrument landing system (ILS) or precision approach radar (PAR). It also means a runway for which a precision approach system is planned and is so indicated by an FAA-approved airport layout plan or other FAA planning document.***
 19. ***“Primary surface” means a surface longitudinally centered on a runway. When a runway has a specially prepared hard surface, the primary surface extends 200 feet beyond each end of that runway. When the runway has no specially prepared hard surface, or planned hard surface, the primary surface ends at each end of that runway. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway center line. The width of the primary surface is:***
 - a. *Five hundred feet for utility runways having nonprecision instrument approaches;*
 - b. *Five hundred feet for other than utility runways having nonprecision instrument approaches with visibility minimums greater than three-quarters statute mile; and*
 - c. *One thousand feet for nonprecision instrument runways with visibility minimums at or below three-quarters statute mile, and for precision instrument runways.*
 20. ***“Public assembly facility” means a permanent or temporary structure or facility, place or activity where concentrations of people gather in reasonably close quarters for purposes such as deliberation, education, worship, shopping, employment, entertainment, recreation, sporting events, or similar activities. Public assembly facilities include, but are not limited to, schools, churches, conference or convention facilities, employment and shopping centers, arenas, athletic fields, stadiums, clubhouses, museums, and similar facilities and places, but do not include parks, golf courses or similar facilities unless used in a manner where people are concentrated in reasonably close quarters. Public assembly facilities also do not include air shows, structures or uses approved by the FAA in an adopted airport master plan, or places where people congregate for short periods of time such as parking lots or bus stops.***
 21. ***“Runway” means a defined area on the airport prepared for landing and takeoff of aircraft.***
 22. ***“Runway protection zone (RPZ)” means an area off the runway end used to enhance the protection of people and property on the ground. The RPZ is trapezoidal in shape and centered about the extended runway center line. The inner width of the RPZ is the same as the width of the primary surface. The outer width of the RPZ is a function of the type of aircraft and specified approach visibility minimum associated with the runway end. The RPZ extends from each end of the primary surface for a horizontal distance of:***
 - a. *One thousand feet for utility runways;*
 - b. *One thousand seven hundred feet for other than utility runways having nonprecision instrument approaches;*
 - c. *Two thousand five hundred feet for precision instrument runways.*

23. *“Significant” as it relates to bird strike hazards, means a level of increased flight activity by birds across an approach surface or runway that is more than incidental or occasional, considering the existing ambient level of flight activity by birds in the vicinity.*
24. *“Structure” means any constructed or erected object, which requires location on the ground or is attached to something located on the ground. Structures include but are not limited to buildings, decks, fences, signs, towers, cranes, flagpoles, antennas, smokestacks, earth formations and overhead transmission lines. Structures do not include paved areas.*
25. *“Transitional surface” means those surfaces that extend upward and outward at 90-degree angles to the runway center line and the runway center line extended at a slope of seven feet horizontally for each foot vertically (7:1) from the sides of the primary and approach surfaces to the point of intersection with the horizontal and conical surfaces. Transitional surfaces, for those portions of the precision approach surfaces which project through and beyond the limits of the conical surface, extend a distance of 5,000 feet measured horizontally from the edge of the approach surface and at a 90-degree angle to the extended runway center line.*
26. *“Utility runway” means a runway that is constructed for and intended to be used by propeller-driven aircraft of 12,500 pounds maximum gross weight or less.*
27. *“Visual runway” means a runway intended solely for the operation of aircraft using visual approach procedures, where no straight-in instrument approach procedures or instrument designations have been approved or planned, or are indicated on an FAA-approved airport layout plan or any other FAA planning document.*
28. *“Water impoundment” includes wastewater-treatment-related ponds, surface mining ponds, detention and retention ponds, artificial lakes and ponds, and similar water features. A new water impoundment includes an expansion of an existing water impoundment except where such expansion was previously authorized by land use action approved prior to the effective date of the ordinance codified in this chapter.*

Table: Runway Type

Runway	Type of Runway
R/W 4	Precision Instrument
R/W 22	Nonprecision Instrument
R/W 13	Visual, Other Than Utility
R/W 31	Visual, Other Than Utility
R/W 16	Utility
R/W 34	Utility

SECTION 4.11.425 IMAGINARY SURFACE AND NOISE IMPACT BOUNDARY

DELINEATION: *The airport elevation, the airport noise impact boundary, and the location and dimensions of the runway, primary surface, runway protection zone, approach surface, horizontal surface, conical surface and transitional surface is delineated for the airport by the most current, and approved North Bend Municipal Airport master plan and airport layout plan, the airport master plan along with the associated maps and documents are made part of the official zoning map of the city of North Bend and Southwest Oregon Regional Airport Surface (NB/AS) Inventory Map for Coos County. All lands, waters and airspace, or portions thereof, that are located within these boundaries or surfaces shall be subject to the*

requirements of this overlay zone.

SECTION 4.11.430 NOTICE OF LAND USE, PERMIT APPLICATIONS AND OVERLAY ZONE BOUNDARY OR SURFACE CHANGES WITHIN OVERLAY ZONE

AREA: *Except as otherwise provided herein, written notice of applications for land use decisions, including comprehensive plan or zoning amendments, in an area within this overlay zone, shall be provided to the airport sponsor and the Department of Aviation in the same manner as notice is provided to property owners entitled by law to written notice of land use applications found in Article 5.0.*

1. *Notice shall be provided to the airport sponsor and the Department of Aviation when the property, or a portion thereof, that is subject to the land use application is located within 10,000 feet of the sides or ends of a runway.*
2. *Notice of land use and limited land use applications shall be provided within the following timelines found in Article 5.0. Notice of the decision on a land use or limited land use application shall be provided to the airport sponsor and the Department of Aviation within the same timelines that such notice is provided to parties to land use or limited land use proceeding. An application is appealable and will follow the requirements of Article 5.8.*
3. *Notices are not required to be provided to the airport sponsor or the Department of Aviation where the land use or limited land use application meets all of the following criteria:*
 - a. *Would only allow structures of less than 35 feet in height;*
 - b. *Involves property located entirely outside the approach surface;*
 - c. *Does not involve industrial, mining or similar uses that emit smoke, dust or steam; sanitary landfills or water impoundments; or radio, radiotelephone, television or similar transmission facilities or electrical transmission lines; and*
 - d. *Does not involve wetland mitigation, enhancement, restoration or creation.*
4. *Changes that affect the overlay zone boundaries or surfaces defined by this rule, which are proposed by the airport, shall be subject to Coos County review, modification and approval as part of the planning process outlined in this rule. Written notice of proposed changes that affect the overlay zone boundaries or surfaces, shall be provided to the Coos County by the airport in the same manner as notice is provided to property owners entitled by law to written notice of land use or limited land use applications.*

SECTION 4.11.435 HEIGHT LIMITATIONS ON ALLOWED USES IN UNDERLYING ZONES: *All uses permitted by the underlying zone shall comply with the height limitations in this section.*

1. *A person may not construct an object or structure that constitutes a physical hazard to air navigation, as determined by the Oregon Department of Aviation in coordination with the governing body with land use jurisdiction over the property.*
2. *Subsection (1) of this section does not apply:*
 - a. *To construction of an object or structure that is utilized by a commercial mobile radio service provider; or*
 - b. *If a person received approval or submitted an application for approval from the Federal Aviation Administration or the Energy Facility Siting Council established under ORS 469.450 to construct an object or structure that constitutes a physical hazard to air navigation. A variance application will not be required if such application was made.*

SECTION 4.11.440 PROCEDURES: *An applicant seeking a land use approval in an area within this overlay zone shall provide the following information in addition to any other information required in the permit application:*

- 1. A map or drawing showing the location of the property in relation to the airport imaginary surfaces. The airport authority shall provide the applicant with appropriate base maps upon which to locate the property.*
- 2. Elevation profiles and a plot plan, both drawn to scale, including the location and height of all existing and proposed structures, measured in feet above mean sea level (reference datum NAVD 88).*

SECTION 4.11.445 LAND USE COMPATIBILITY REQUIREMENTS: *Applications for land use or building permits for properties within the boundaries of this overlay zone shall comply with the requirements of this section as provided herein:*

- 1. Noise. Within airport noise impact boundaries, land uses shall be established consistent with the levels identified in OAR 660, Division 13, Exhibit 5. A declaration of anticipated noise levels shall be attached to any subdivision or partition approval or other land use approval or building permit affecting land within airport noise impact boundaries. In areas where the noise level is anticipated to be at or above 55 Ldn, prior to issuance of a building permit for construction of a noise sensitive land use (real property normally used for sleeping or as a school, church, hospital, public library or similar use), the permit applicant shall be required to demonstrate that a noise abatement strategy will be incorporated into the building design that will achieve an indoor noise level equal to or less than 55 Ldn.*
- 2. Outdoor Lighting. No new or expanded industrial, commercial or recreational use shall project lighting directly onto an existing runway or taxiway or into existing airport approach surfaces except where necessary for safe and convenient air travel. Lighting for these uses shall incorporate shielding in their designs to reflect light away from airport approach surfaces. No use shall imitate airport lighting or impede the ability of pilots to distinguish between airport lighting and other lighting.*
- 3. Glare. No glare producing material, including but not limited to unpainted metal or reflective glass, shall be used on the exterior of structures located within an approach surface or on nearby lands where glare could impede a pilot's vision.*
- 4. Industrial Emissions. No new industrial, mining or similar use, or expansion of an existing industrial, mining or similar use, shall, as part of its regular operations, cause emissions of smoke, dust or steam that could obscure visibility within airport approach surfaces, except upon demonstration, supported by substantial evidence, that mitigation measures imposed as approval conditions will reduce the potential for safety risk or incompatibility with airport operations to an insignificant level. The review authority shall impose such conditions as necessary to ensure that the use does not obscure visibility.*
- 5. Landfills. No new sanitary landfills shall be permitted within 10,000 feet of any airport runway. Expansions of existing landfill facilities within these distances shall be permitted only upon demonstration that the landfills are designed and will operate so as not to increase the likelihood of bird/aircraft collisions. Timely notice of any proposed expansion shall be provided to the airport sponsor, the Department of Aviation and the FAA, and any approval shall be accompanied by such conditions as are necessary to ensure that an increase in bird/aircraft collisions is not likely to result.*
- 6. Communications Facilities and Electrical Interference. Proposals for the location of new or expanded radio, radiotelephone, television transmission facilities and electrical transmission lines within this overlay zone shall be coordinated with the Department of*

SECTION 4.11.450 WATER IMPOUNDMENTS WITHIN APPROACH SURFACES AND AIRPORT DIRECT AND SECONDARY IMPACT BOUNDARIES:

1. *Any use or activity that would result in the establishment or expansion of a water impoundment shall comply with the requirements of this section.*
2. *No new or expanded water impoundments of one-quarter acre in size or larger are permitted:*
 - a. *Within an approach surface and within 5,000 feet from the end of a runway; or*
 - b. *On land owned by the airport sponsor that is necessary for airport operations.*

SECTION 4.11.455 WETLAND MITIGATION, CREATION, ENHANCEMENT AND RESTORATION WITHIN APPROACH SURFACES AND AIRPORT DIRECT AND SECONDARY IMPACT BOUNDARIES:

1. *Wetland mitigation, creation, enhancement or restoration projects located within areas regulated by the Coos County Zoning and Land Development Ordinance shall be allowed upon demonstration of compliance with the requirements of this section.*
2. *Wetland mitigation, creation, enhancement or restoration projects existing or approved on the effective date of the ordinance codified in this chapter and are recognized as lawfully existing uses.*
3. *To help avoid increasing safety hazards to air navigation near public use airports, the establishment of wetland mitigation banks in the vicinity of such airports but outside approach surfaces and areas is encouraged.*
4. *Applications to expand wetland mitigation projects in existence as of the effective date of the ordinance codified in this chapter, and new wetland mitigation projects, that are proposed within areas regulated by the Coos County Zoning and Land Development Ordinance shall be considered utilizing the review process applied to applications for conditional use permits and shall be permitted upon demonstration that:*
 - a. *It is not practicable to provide off-site mitigation; or*
 - b. *The affected wetlands provide unique ecological functions, such as critical habitat for threatened or endangered species or ground water discharge, and the area proposed for mitigation is located outside an approach surface.*
5. *Wetland mitigation permitted under subsection (4) of this section shall be designed and located to avoid creating a wildlife hazard or increasing hazardous movements of birds across runways or approach surfaces.*
6. *Applications to create, enhance or restore wetlands that are proposed to be located within approach surfaces or within areas regulated by Coos County Zoning and Land Development Ordinance, and that would result in the creation of a new water impoundment or the expansion of an existing water impoundment, shall be considered utilizing the review process applied to applications for conditional use permits and shall be permitted upon demonstration that:*
 - a. *The affected wetlands provide unique ecological functions, such as critical habitat for threatened or endangered species or ground water discharge; and*
 - b. *The wetland creation, enhancement or restoration is designed and will be maintained in perpetuity in a manner that will not increase in hazardous movements of birds feeding, watering or roosting in areas across runways or approach surfaces.*
7. *Proposals for new or expanded wetland mitigation, creation, enhancement or restoration projects regulated under this section shall be coordinated with the airport sponsor, the Department of Aviation, the FAA and FAA's technical representative, the*

Oregon Department of Fish and Wildlife (ODFW), the Oregon Division of State Lands (DSL), the U.S. Fish and Wildlife Service (USFWS), and the U.S. Army Corps of Engineers (Corps) as part of the permit application.

8. *A decision approving an application under this section shall require, as conditions of approval, measures and conditions deemed appropriate and necessary to prevent in perpetuity an increase in hazardous bird movements across runways and approach surfaces.*

SECTION 4.11.460 NONCONFORMING USES THAT APPLY TO THE SOUTHWEST OREGON REGIONAL AIRPORT OVERLAY:

1. *These regulations shall not be construed to require the removal, lowering or alteration of any structure existing at the time the ordinance codified in this chapter is adopted and not conforming to these regulations. These regulations shall not require any change in the construction, alteration or intended use of any structure, the construction or alteration of which was begun prior to the effective date of the ordinance codified in this section.*
2. *Notwithstanding subsection (1) of this section, the owner of any existing structure that has an adverse effect on air navigational safety as determined by the Department of Aviation shall install or allow the installation of obstruction markers as deemed necessary by the Department of Aviation, so that the structures become more visible to pilots.*
3. *No land use or limited land use approval or other permit shall be granted that would allow a nonconforming use or structure to become a greater hazard to air navigation than it was on the effective date of this overlay zone.*

ARTICLE 6.3 PROPERTY LINE ADJUSTMENTS

SECTION 6.3.100 PROPERTY LINE ADJUSTMENTS:

As set forth in ORS 92.190(3), the common boundary line between lots or parcels may be adjusted in accordance with this section without the replatting procedures in ORS 92.180 and 92.185 or the vacation procedures in ORS Ch. 368. Once a lot or parcel line has been adjusted, the adjusted line shall be the boundary or property line, not the original line. The Director has authority to approve a line adjustment as an ~~Ministerial~~ **Administrative** Action.

SECTION 6.3.125 PROCEDURE:

1. An application for a line adjustment or elimination shall be filed by the owners of all lots or parcels affected. The application shall be accompanied by an appropriate fee and contain the following information:
 - a. Reason for the line adjustment;
 - b. Vicinity map locating the proposed line adjustment or elimination in relation to adjacent subdivisions, partitions, other units of land and roadways;
 - c. A plot plan showing the existing boundary lines of the lots or parcels affected by the line adjustment and the approximate location for the proposed adjustment line. The plot plan shall also show the approximate location of all structures within ten (10) feet of the proposed adjusted line;
 - d. A current property report (less than 6 months old) indicating any taxes, assessment or other liens against the property, easements, restrictive covenants and rights-of-way, and ownerships of the property of the proposed development. A title report is acceptable.
 - e. **A notice of application and decision will be provided to any and all lien holders of record for the property that will be affected by the proposed adjustment. Applicants should consult with any and all such lienholders prior to submittal of an application.**
2. A line adjustment is permitted only where an additional unit of land is not created and where the lot or parcel reduced in size by the adjustment complies with the requirements of the applicable zone except that a line adjustment for the purpose of exchange or transfer of land between resource land owners shall be allowed so long as:
 - a. No parcel is reduced in size contrary to a condition under which it was formed;
 - b. The resulting parcel sizes do not change the existing land use pattern (e.g. two conforming parcels must remain conforming; and
 - c. Two non-conforming parcels may remain non-conforming; and, two parcels, one conforming and one non-conforming, may remain as such regardless of which parcel is non-conforming after the exchange or transfer).
3. An encroachment of existing or planned structures will not be created within required setbacks as a result of the line adjustment.
4. A line adjustment for a lot or parcel **that contains a dwelling and that is less than the minimum lot size before the adjustment and further reduced as a result of the adjustment is permissible provided the applicant submits either: shall obtain documentation from Department of Environmental Quality that the sanitation system will still meet their requirements.**
 - a. ~~Proof that, for the lot or parcel reduced in size, sewage disposal is provided by either a publicly owned sewage disposal system, or a privately owned sewage disposal system regulated by the Public Utility Commission of Oregon; or~~

- b. ~~Written evidence, for the lot or parcel reduced in size, that an on-site septic system that is intended to remain in use after final approval was authorized by an approving authority, or if written evidence is not available, provide a septic system evaluation (prepared by a professional qualified under ORS 700) that certifies the existing system to be properly functioning, and that the existing septic system is either located entirely on the same lot or parcel containing an existing dwelling, or that a proper easement is provided to allow the continued use and maintenance of the system; or~~
 - e. ~~Documentation, for a vacant lot or parcel reduced to less than one (1) acre, that the Department of Environmental Quality has approved the method of sewage disposal. Unless circumstances warrant otherwise (public services), parcels that are greater than one (1) acre shall not be subject to a septic system evaluation in the line adjustment process. This is only for rural residential zoned properties.~~
5. In resource lands, a unit of land containing a dwelling, or approved for construction of a dwelling, cannot be adjusted with a vacant resource unit of land for the purpose of qualifying the vacant unit for a 160-acre dwelling.
- a. A resource unit of land less than 160 acres and containing a (preexisting) dwelling, or approved for construction of a dwelling, cannot be adjusted with a vacant resource unit of land for the purpose of qualifying the vacant unit for a 160-acre dwelling;
 - b. A resource unit of land 160 acres or greater and containing a (preexisting) dwelling, or approved for construction of a dwelling, cannot be adjusted below 160 acres with a vacant resource unit of land for the purpose of qualifying the vacant unit for a 160-acre dwelling;
 - c. A resource unit of land 160 acres or greater and containing a dwelling approved as a 160-acre dwelling, or approved for construction of a 160-acre dwelling, cannot be reduced below 160 acres for the purpose of qualifying the vacant unit for a 160-acre dwelling.
6. Same Designation: A line adjustment shall only be permitted where the sale or transfer of ownership is made between abutting owners of like designated lands, residential lands, commercial lands, industrial lands, ~~and~~ resource lands, *and estuary zoned lands* unless an existing structure encroaches over an existing property boundary or the boundary line adjustment is required to comply with requirements of the State Department of Environmental Quality for a subsurface sewage system.
7. **Property line adjustments are subject to a twelve (12) day appeal period. If appealed, this will be treated as a Planning Director's decision and the procedures in Article 5.8 will be followed. A notice of the decision will be mailed to the applicant and to all neighborhood or community organizations recognized by the County and whose boundaries include the site. Notice of the decision will also be mailed to the owners of record of property on the most recent property tax assessment roll where such property is located:**
- a. **Within 100 feet of the exterior boundaries of the contiguous property ownership which is the subject of the notice if the subject property is wholly or in part within an urban growth boundary;**
 - b. **Within 250 feet of the exterior boundaries of the contiguous property ownership which is the subject of the notice if the subject property is outside an urban growth boundary and not within a farm or forest zone;**

- c. **Within 750 feet of the exterior boundaries of the contiguous property ownership which is the subject of the notice if the subject property is within a farm or forest zone.**

SECTION 6.3.150 EASEMENTS AND ACCESS:

A line adjustment shall have no affect on existing easements or access. Access shall not be eliminated through a property line adjustment process. If an access is potentially affected then an easement may be created for access to comply with this criterion.

SECTION 6.3.175 MAPPING AND FILING REQUIRMENTS:

1. Map and Monuments Required:
 - a. For any resulting lot or parcel ten acres or less, a survey map that complies with ORS 209.250 shall be prepared;
 - b. The survey map shall show all structures within ten (10) feet of the adjusted line;
 - c. The survey shall establish monuments to mark the adjusted line.
2. Approval and Filing Requirements:
 - a. Upon determination that the requirements of this section have been met, the Director shall advise the applicant in writing that the line adjustment is tentatively approved;
 - b. Within one year from the date of tentative approval, the applicant shall prepare and submit to the Director any map required by Section 6.2.800(4) and Section 6.2.800(5) if a survey is required. If no map is required, the applicant shall submit proof that the requirements of the tentative approval have been met. The Director shall indicate final approval by endorsement upon the map, if any, or if no map is required the Director shall advise the applicant in writing that final approval has been granted;
 - c. Once endorsed by the Director, the map shall then be submitted to the County Surveyor. When the map is filed, the County Surveyor shall indicate the filing information on the map;
 - d. A line adjustment shall be effective when the map is filed by the County Surveyor and an instrument (e.g. deed or covenant) is recorded with the County Clerk. If no map is required, then the line adjustment shall be effective when final approval is granted by the Director and an instrument is recorded with the County Clerk;
 - e. If a survey is required, the Deed shall be recorded and the Survey Map shall be filed simultaneously. The survey map, with the signature of the Coos County Planning Director shall be submitted to the County Surveyor along with the required filing fee. The survey map will be given a filing number which will be added to the Property Line Adjustment deed. The deed will then be recorded whereupon the recording number for said deed will be added to the face of the survey map. Said map will then be filed with the County Surveyor, completing the process.
 - f. **The property line adjustment deed must be submitted on the exact format found in Figure 1 below.**

Figure 1 – PLA Deed

Send tax statements to:

After recording return to:

PROPERTY LINE ADJUSTMENT DEED

_____ GRANTOR(s) conveys and warrants to

_____ GRANTEE(s) the following described real property,
situated in the County of Coos, State of Oregon:

SEE LEGAL DESCRIPTION ON ATTACHED EXHIBIT "A"

Subject to and excepting:

1. The rights of the public in and to that portion of the premises herein described lying within the limits of roads, streets and highways.

Coos County real property Tax Account No. _____.

The consideration for this conveyance stated in terms of dollars is _____

This is a property line adjustment deed. In compliance with ORS 92.190, the following information is furnished:

1. The names of the parties to this deed are as set forth above.

2. The description of the adjusted line is as follows:

SEE LEGAL DESCRIPTION ON ATTACHED EXHIBIT "B"

3. The deed whereby Grantor acquired title to the transferred property is recorded in Microfilm Reel No. _____ of the Deed of Records of Coos County, Oregon.

4. The deed whereby Grantee acquired title to the property to which the transferred property is joined is recorded in Microfilm Reel No. _____ of the Deed Records of Coos County, Oregon.

5. The survey and monumentation, as required by ORS 92.060 and ORS 209.250, were done by _____. His survey is filed with the County Surveyor under Coos County Surveyor's Records, Map No. _____.

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES.

DATED this _____ day of _____ 20 __.

Name

Name

STATE OF OREGON)

)ss.

County of Coos)

This instrument was acknowledged before me on _____, 20 __,

by _____.

Notary Public of Oregon

My Commission expires: _____

ACCEPTANCE

The undersigned grantee(s) hereby accept(s) this property line adjustment deed and signs this acceptance in accordance with ORS 92.190(4).

Name

Name

STATE OF OREGON)

)ss.

County of Coos)

This instrument was acknowledged before me on _____, 20 __,

by _____

Notary Public of Oregon

My Commission expires: _____

SECTION 7.1.225 AUTHORITY & RESPONSIBILITY FOR DETERMINING COMPLIANCE WITH THIS CHAPTER:

The Coos County Roadmaster has the authority to impose any conditions ~~on~~ **on** any permit **required by Chapter VII** ~~she or he~~ **that is** deemed necessary to meet the standards of the American Association of State Highway and Transportation Officials (AASHTO standards), or make the road safe for travel. **The Coos County Roadmaster may modify the minimum standards if it is found that the lesser standard is compatible with the area.**

The Coos County Roadmaster shall be responsible for determining compliance with the provisions of this chapter. When road and driveway improvements are required by this ordinance, the Roadmaster shall provide the Planning Director with written notice when the provisions of this chapter have been satisfied with respect to an application and/or any other matter under review.

If discretion is used to determine a standard or modification of a standard, then a notice of administrative approval will be mailed and is appealable.

SECTION 7.1.425 ACCESS CONNECTION AND DRIVEWAY DESIGN:

Requirements in this section shall apply to new driveway and access connections intersections with a County Road. When access is needed to a lot or parcel, if the legal status of a lot or parcel has not been determined, the spacing standards in this section shall apply to all contiguous land in an ownership. Any access connection and driveways that involves access to the State Transportation System shall be reviewed by the Oregon Department of Transportation for conformance with state access management standards and other applicable state standards, before the application is accepted by the County. All access measures ODOT deems necessary shall be made a condition of approval.

1. Shared access connections will be provided for adjacent properties whenever possible.
2. Driveway access will be established to minor collector or local roadways where possible rather than to arterials or major collectors.
3. Driveway approaches must be designed and located to provide an existing vehicle with an unobstructed view. Construction of driveways along acceleration or deceleration lanes and tapers shall be avoided due to the potential for vehicular weaving conflicts.
4. Driveway and access connections on County Roads shall be located where they do not create undue interference or hazard to the free movement of highway and pedestrian traffic. Locations on sharp curves, steep grades, areas of restricted sight distance or at points that interfere with the placement and proper functioning of signs, lighting, guardrail, or other traffic control devices shall not be permitted.
5. Tables 7.2A and 7.2B shall be used in determining spacing between approaches onto County Roads.
6. The application and use of traffic signals shall be guided by the principles, methods and warrants outlined in the Uniform Traffic Control Devices Manual.
7. Sight distance standards shall follow the standards set forth in the AASHTO Geometric Design for Streets and Highways.

All new development is required to have a driveway confirmation completed. Driveways for the purpose of serving a single family residence shall comply with figure 7.1.425. An application must be completed prior to obtaining a zoning compliance letter from the Coos County Planning Department.

In the event that a driveway cannot be constructed prior to applying for development permits, a bond may be issued using the requirements of Article 7.6.100(2).

SECTION 7.1.450 FORESTRY, MINING OR AGRICULTURAL ACCESS:

A private road which is created to provide ingress or egress in conjunction with the use of land for forestry, mining or agricultural purposes shall not be required to meet minimum road, bridge or driveway standards set forth in this ordinance, nor are such resource-related roads, bridges or driveways reviewable by the County. However, all **new and re-opened** forestry, mining or agricultural roads shall meet the access standards listed in this section.

MINIMUM STANDARDS FOR NEW ROADS AND DRIVEWAYS IN URBAN TABLE 7.2B

Classification of Roadway	Figure # Typical Cross-section	Minimum Right-of-Way Width	Minimum Sub-grade Width	All-Weather Travel Surface	Intersections			Maximum Grade	Sidewalks Min Width	Curb Width	Min Access Spacing	Construction	
					Min Acute Angle	Min Tangent Adjacent	Min Centerline Offset					Base Aggregate	Fin ing Asphalt Concrete Depth
Driveways (Figure shown in rural standards)	1	-	14'	12' (20' apron if intersects major collector or arterial)	-	-	-	18% Max	-	-	-	4"	2" Optional
Roadways serving 2 to 3 dwellings	6	40'	16'	12'	60 Deg	50'	150'	18% Max	-	-	500' Optional	4"	2" Optional
Local Residential serving four or more dwelling	7	40'	32'	28'	60 Deg	50'	150'	18% Max	6' both sides Optional	6" Optional	500' Optional	10"	2"
Cul-de-Sac (Not to exceed 400' in length)	-	40' with 50' radius turn-around	32'	28'	60 Deg	50'	150'	18% Max	6' both sides	6"	-	10"	2"
Minor Collectors	8	60'	32'	37' including two, 6' bike lanes	60 Deg	50'	150'	12%	6' both sides	6"	500' Optional	12"	3"
Major Collector/Arterial (2 one-way lanes)	9	60'	40'	36' including two, 6' bike lanes	60 Deg	50'	150'	12%	6' both sides	6"	500' State Standard	12"	4" (two lifts)
Local Commercial/Industrial	10	60'	40'	36'	60 Deg	50'	150'	12%	6' both sides	6"	500'	12"	3"
Major Collector/Arterial (four-lane)	11	80'	66'	62' including two, 6' bike lanes	60 deg	50'	150'	12%	6' both sides	6"	500' State Standard	12"	4" (two lifts)

Optional - at the discretion of the Roadmaster or to follow the current access/driveway/traffic/sidewalk patterns. If sidewalks are not built on connecting streets or roads the requirement may be waived by the Roadmaster.

SECTION 7.4.200 RIGHT OF WAY ENHANCEMENT:

1. Notwithstanding any other Ordinance provision, the following types of public right-of-way enhancements shall be permitted except as otherwise reviewable pursuant to Statewide Planning Goals 5, 7, 16, 17, or 18 provisions of the Comprehensive Plan or this Ordinance:
 - a. Climbing and passing lanes within the right-of-way existing as of July 1, 1987;

- b. Reconstruction or modification of public roads and highways, not including the addition of travel lanes, where no removal or displacement of buildings would occur, or no new land parcels result;
 - c. Temporary public road and highway detours that will be abandoned and restored to original condition or use at such time as no longer needed;
 - d. Minor betterment of existing public roads and highway related facilities, such as maintenance yards, weigh stations and rest areas, within right-of-ways existing as of July 1, 1987, and contiguous public owned property utilized to support the operation and maintenance of public roads and highways.
2. Public right-of-way enhancements.
- a. Within EFU zones, the following types of public right-of-way enhancements shall be administrative conditional uses: ~~Review Standard 15; within all non-EFU zones the following types of public right-of-way enhancements shall be administrative conditional uses subject to Review Standard 7; in addition to the above Review Standards, the following uses may be reviewable pursuant to Goals 5, 7, 16, 17 or 18 provisions of the Comprehensive Plan, or this Ordinance:~~
 - i. **Construction of additional passing and travel lanes requiring the acquisition of a right-of-way but not resulting in the creation of new land parcels;**
 - ii. **Reconstruction or modification of public roads and highways involving the removal or displacement of buildings but not resulting in the creation of new land parcels; or**
 - iii. **Improvement of public roads and highways and related facilities such as maintenance yards, weigh stations, and rest areas, where additional property or right-of-way is required but not resulting in the creation of new land parcels.**
 - b. These types of enhancements are subject to the following criteria:
 - i. The proposed use must be found compatible with farm uses described in Subsection (2) of ORS 215.203 and is consistent with the intent and purposes set forth in ORS 215.243;
 - ii. The enhancement does not interfere seriously with accepted farming practices, as defined in paragraph (c) of Subsection (2) of ORS 215.203, on adjacent land devoted to farm use;
 - iii. The enhancement does not materially alter the stability of the overall land use pattern of the area; and
 - iv. The enhancement is situated upon generally unsuitable land for the production of farm products considering the terrain, adverse soil or land conditions, drainage, flooding, vegetation, location and size of the tract.

ARTICLE 7.6 BONDING FOR DRIVEWAY, ACCESS, ROAD AND PARKING IMPROVEMENTS:

SECTION 7.6.100 REQUESTING BONDING:

If the road, utility, or other improvements for a partition, subdivision, or development are to be completed on or before a specified date after recording of the plat or obtaining land use approval for a dwelling, the estimated cost (See figures 7.6.a and 7.6.b) of performing the work shall be prepared and approved by the County Roadmaster.

1. Bond, Surety, Cash or Other Security Deposit Requirements **for land divisions.** The bond, surety, cash or other security deposit agreement **for a land division** shall:
 - a. Specify the time within which the required improvements or repairs shall be completed;
 - b. Be filed in the amount of 120% of the approved estimated cost, as per the sample Bond Request, Figure **7.6.a** for partitions and subdivisions. 100% for driveways;
 - c. Be conditioned upon the final approval and acceptance of the development;
 - d. Be forfeited to the County if the applicant does not complete the requirements within the agreed-upon time limit, or if the applicant has created a hazard causing imminent danger to the public health and safety within or adjacent to the development which the developer is financially unable to correct;
 - e. A bond shall only be good for one year with the option to renew the bond for an additional year for a fee. If a bond expires the money will not be returned. If the amount of the bond or cash deposit exceeds the cost and expense incurred by the County, the County shall release the remainder to the rightful claimant. If the amount of the bond or cash deposit is less than the cost and expense incurred by the County, the applicant shall be liable to the County for the difference; and
 - f. Cover any costs, attorney fees, and liquidation damages resulting from delay or failure to meet the deadline.
 - g. If an applicant decides to abandon the project and a zoning compliance letter was issued by the Planning Department there will be a processing fee to revoke the compliance letter.
 - h. The Roadmaster may accept **written** estimates from a contractor in place of the bond **form 7.6.a Sample Bond Request. However, the acceptance of estimates dose not relieve the property owner from any other requirements of this section. A letter from the property owner shall be attached to the accepted estimate acknowledging legal and financial responsibility for compliance with this section of the ordinance.**

2. Bond, Surety, Cash or Other Security Deposit Requirements **driveway or parking.** The bond, surety, cash or other security deposit agreement **for a driveway or parking** shall:
 - a. Specify the time within which the required improvements or repairs shall be completed;
 - b. The applicant shall obtain an estimate from a contractor to use as the basis for the bond;**
 - c. Be filed in the amount of 100% of the approved estimated cost, as per the sample Bond Request, Figure **7.6.b** for **driveway or parking;**
 - d. Be conditioned upon the final approval and acceptance of the development;
 - e. Be forfeited to the County if the applicant does not complete the requirements within the agreed-upon time limit, or if the applicant has created a hazard causing imminent danger to the public health and safety within or adjacent to the development which the developer is financially unable to correct;
 - f. A bond shall only be good for one year with the option to renew the bond for an additional year for a fee. If a bond expires the money will not be returned. If the amount of the bond or cash deposit exceeds the cost and expense incurred by the County, the County shall release the remainder to the rightful claimant. If the

- amount of the bond or cash deposit is less than the cost and expense incurred by the County, the applicant shall be liable to the County for the difference; and
- g. Cover any costs, attorney fees, and liquidation damages resulting from delay or failure to meet the deadline.
 - h. If an applicant decides to abandon the project and a zoning compliance letter was issued by the Planning Department there will be a processing fee to revoke the compliance letter.

FIGURE 7.6.a SAMPLE BOND REQUEST FOR LAND DIVISIONS

Estimate of Cost for the Construction of Streets, Structures and other Improvements

DATE: _____

Coos County Board of Commissioners
Coos County Courthouse
Coquille, OR 97423

RE: (Exact Land Developments Name)

Township _____ Range _____ Section _____ Tax Lot(s) _____

Dear _____:

Herewith is an estimate of cost for the improvements within the development for the purpose of obtaining a performance bond, said improvements to be constructed in accordance with the approved plans and specifications for said development on file with the Coos County Planning Department.

<u>Item</u>	<u>Item Description</u>	<u>Unit</u>	<u>Quantity</u> (In Place)	<u>Unit Price</u>	<u>Total Cost</u>
1	Excavation	CY	_____	\$ _____	\$ _____
2	Culvert _____" Diameter	LF	_____	\$ _____	\$ _____
3	Culvert _____" Diameter	LF	_____	\$ _____	\$ _____
4	Curb & Gutter	LF	_____	\$ _____	\$ _____
5	Catch Basins	EA	_____	\$ _____	\$ _____
6	Manholes	EA	_____	\$ _____	\$ _____
7	Aggregate Subbase	TN	_____	\$ _____	\$ _____
8	Aggregate Base	TN	_____	\$ _____	\$ _____
9	Hot Mix Asphalt Concrete	TN	_____	\$ _____	\$ _____

Sub Total \$ _____
20% Contingencies and Engineering \$ _____
TOTAL \$ _____

Yours Truly,

(Signature of Developer)

Authorized by Roadmaster

FIGURE 7.6.b SAMPLE BOND REQUEST FOR DRIVEWAY AND PARKING

**PERMIT PERFORMANCE BOND
ISSUED TO COOS COUNTY ROAD DEPARTMENT**

KNOW ALL MEN BY THESE PRESENTS, that _____, whose address is _____, hereinafter called “Principal”, is held and firmly bound unto Coos County in the sum of _____ for which payment we bind ourselves, our heirs, executors, administrators, successors, and assigns, jointly and severally, firmly by these presents.

THE CONDITION OF THIS OBLIGATION IS AS FOLLOWS: The Principal is under permit number ____ from Coos County Road Department to perform the following work:

_____ and _____ in connection therewith must furnish a bond to Coos County. Principal shall build the driveway required under the permit within _____ days after the home anticipated by said permit is sited.

NOW, THEREFORE, if the Principal shall build the driveway to a condition required by the Coos County Zoning and Land Development Ordinance, then this obligation and bond shall be discharged. Alternatively, if the Principal shall fail to perform the obligations required under the permit in a timely manner, Coos County shall have the right to complete such work as may be required, or have such work completed, and may submit a claim for damages or reimbursement against the bond, which claim will be promptly paid. This bond shall remain in full force and effect for a period of three years from the date of acceptance. If the bond in this matter involves a cash security deposit with Coos County in lieu of a Surety, Coos County may draw upon said cash security as needed to enforce the provisions of the permit without further notice to the Principal.

In the event the applicant does not complete this project, the County may withhold any costs incurred from the amount of the bond to be refunded. Refunds will be made only if all original permits, confirmations and compliance letters are returned to this office.

PRINCIPAL HEREBY GRANTS PERMISSION to Coos County, their agents and assigns, to enter upon the private premises of Principal for any purpose associated with inspection or enforcement of the requirements of the permit for which this bond is issued. Principal further agrees to hold Coos County, their agents and assigns, harmless for any damage or injury that may occur as a result of the County’s entry upon the property for inspection or enforcement purposes.

Signature

Date

AM-14-10

The findings document addresses the applicable comments that have been received for this text amendment. Several of the comments are repetitive covering the same issue. Therefore, the comments and responses have been condensed those issues related to the sections.

Chapter I

§ 1.1.100 Title and Authority: This Ordinance shall be known as the Coos County Zoning and Land Development Ordinance of 1985 and is enacted pursuant to the provisions of ORS 92.044, 92.046, 203.035, 203.065, 215.050 and 215.110 and the Coos County Comprehensive Plan. All provisions of this Ordinance shall remain in compliance with the Comprehensive Plan and State law.

§1.1.200 Purpose: It is the purpose of this Ordinance to implement the Coos County Comprehensive Plan by:

1. Promoting the orderly growth of Coos County,
2. Protecting and enhancing the environment,
3. Conserving and stabilizing the value of property,
4. Reducing excessive traffic congestion,
5. Preventing overcrowding of land by establishing standards for proper density,
6. Providing adequate open space for light and air,
7. Conserving natural resources,
8. Encouraging the most appropriate use of land,
9. Preventing water and air pollution,
10. Facilitating fire and police protection,
11. Providing for community facilities,
12. Promoting and protecting the public health, safety, convenience and general welfare.

§1.1.300 Compliance with Comprehensive Plan and Ordinance Provisions: The Comprehensive Plan of Coos County is the basis for all land use development within Coos County. Should any conflicts arise between the Plan and this Ordinance, the provisions of the Plan will prevail.

Comments provided by: Jody McCaffree
Janet C. Stoffel
Jonathan M. Hanson
John Clarke
Kathy Dodds
Katy Eymann
Richard F. Knablin
Beverly Segner
William York

Response:

The changes are in compliance with the Comprehensive Plan and State Law. The majority of the changes that apply to AM-14-10 are a reorganization of the sections to help the reader in determining uses that are allowed, conditionally allowed, or prohibited on properties. If new changes were presented, it was for clarification or to ensure compliance with state law, case law, or consistency with the Coos County Comprehensive Plan (CCCP).

In the event an ordinance is in conflict with the CCCP § 1.1.300 provides for the following solution: “[T]he Comprehensive Plan of Coos County is the basis for all land use development within Coos County. Should any conflicts arise between the Plan and this Ordinance, the provisions of the Plan will prevail.”

All documents are public and can be viewed at the department. There was a suggestion to have documents available at libraries but, in the past, local libraries have not wanted to ensure documents are kept up to date. Southwestern Oregon Community College was the first library to request to be removed from list for updates to the Coos County Zoning and Land Development Ordinance because they chose not to manage the documents any more. Having incorrect information is confusing to the public.

There was another comment submitted regarding changing this language to require staff to post the Coos County Comprehensive Plan (CCCP) on the website; however, there is no legal basis for this request and this would place a burden on the county in cases where the webpage may fail causing the County to be in violation of the ordinance. The current language is in compliance with the CCCP and is not part of the requested text amendments. Staff is working toward providing all documents on line and moving toward e-permitting.

§ 1.3.225 (2)(a) Own property in Coos County outside of the city limits.

§ 1.3.225(6) If the hearings body determines that a violation does in fact exist, the property owner will have 15 days to submit a plan for compliance.

Comments provided by: Jody McCaffree
Katy Eymann
Jenmarie Frangopoulos
Jonathan Hanson
Richard F. Knablin
Beverly Segner
Janet Stoffel
JC Williams

Response to § 1.3.225 Violation Process:

Multiple request were received to remove the “outside city limits” language from § 1.3.225(2)(a). There were many statements received from opposition regarding tax payers’ rights, and the arguments made were not supported by any legal argument. The language itself is not statutory language but a process that was set in place to address ORS 215.185 and

215.190. ORS 215.170 does explain authority of cities within county jurisdictions; however, that does not necessarily extend to citizens that live within the boundary of the city limits. Therefore, based on the comments received the Board of Commissioners removed the requirements for the complainant to own property and leave it opened for any complainant to file on a violation. The following subsection, shown in bold was deleted:

§ 1.3.225 Violation Process subsection 2 will read as follows:

2. The complainant must either:

- a. Own property in Coos County outside of the city limits;**
- b. Be an attorney representing a client that owns property in Coos County outside of the city limits; or,**
- c. A governmental agency that has received a complaint or discovered the violation during a field visit.**

There was a suggestion to change 15 days to “not less than 15 days”. The timelines were set as a standard that would fairly apply to all situations. The 15 days should be adequate time to allow for a plan of compliance. This does not require the plan to be completed but it should provide goals for completion. There is no legal reason provided by the parties that have provided testimony on this section. Therefore, the Board of Commissioner left the language as proposed.

§ 1.4.300 TERM OF APPOINTMENT (5) The secretary shall be responsible for the preparation of the committee minutes. *If agreed upon by the Citizen Advisory Committee, the Planning Staff may present summary minutes. Summary minutes are not transcripts. Staff does not have the resources to transcribe minutes. The meetings will be recorded.*

Comments provided by: Beverly Segner

Response:

There has been a suggestion to add “and recording will be made accessible to the public”. Recordings are accessible to the public by submitting a records request and paying the appropriate fee. Therefore, there is no need to change the proposed language.

§ 1.4.600 (3) Notice of each committee meeting shall be ~~published in a newspaper~~ and posted at the Coos County Courthouse Seven ~~fourteen~~ (14 7) days prior to the meeting, detailing the date, time, place of meeting and subject matter. *The Board of Commissioners shall include the meeting on the weekly agendas that are posted on the Coos County website.*

Comments provided by: Janet C. Stoffel
Beverly Segner
Jody McCaffree
Katy Eymann
Jonathan Hanson
Richard F. Knablin
William York

Response:

Notifications published in the newspaper are not required by law for Citizen Advisory Meetings. The reason for setting consistent dates is to make it easier for the public. The newspaper publishing is very costly and, in the past, citizens have provided negative comments regarding publishing in the paper. Staff was instructed to contact the radio stations to provide for an additional media outlet.

The publishing dates limit times that Citizen Advisory can meet and is cost prohibitive. The citizen advisory program was not meant to be a cost burden. Staff has set regular meeting dates and times that the Board of Commissioners has posted on their weekly meeting schedule to make it easier for the public to know when and where the meetings will take place.

There have been several comments regarding more online information. The webpage provides for substantial amount information. Staff is working on providing more on-line information especially as they move toward e-permitting. There is no legal requirement for information to be posted online and no legal argument was provided for the Board of Commissioners to address.

Any citizen interested in participating in the process may contact the department by phone, email or in person. The department responds to calls and emails everyday and this is part of facilitating public information. Also, notices can be requested in writing. Notices will be provided by email at no cost.

Some of the testimony is in regards to the posting of agendas. This is irrelevant and the website is up to date. The Coos County IT department is working on a list server for the Planning Department to allow information to be shared in a more efficient manner.

There were comments received about holding meeting in the evening. The Planning Commission meetings are in the evening to allow for public comment and the Board of Commissioners is in the day time. This allows for people at least two opportunities to provide public comment verbally. Written testimony is taken as well. Again, this was a comment and no legal argument was provided.

Therefore, the changes made are in compliance with the CCCP and state law.

§ 1.4.700 Meetings (6) (b)~~declaration of any ex parte contacts or conflicts of interest;~~

Comments provided by: Jody McCaffree
Katy Eymann
Jonathan Hanson
Richard F. Knablin

Beverly Segner

Response:

The Citizen Advisory (involvement) Committee (CAC) was formed to ensure that there was input from citizens. Below is the section from the CCCP:

1.5 CITIZEN INVOLVEMENT

Statewide Planning Goal #1 requires local governments "to develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process".

Goal #1 states the following components shall be incorporated in the "Citizen Involvement Program" to:

- a. provide for widespread citizen involvement; and*
- b. assure effective two-way communication with citizens; and*
- c. provide the opportunity for citizens to be involved in all phases of the planning process; and*
- d. assure that technical information is available in an understandable form; and*
- e. assure that citizens will receive a response from policy-makers; and*
- f. insure funding for the Citizen Involvement Program.*

In 1977, Coos County adopted a Citizen Involvement Program (CIP) to guide the development of the County's Comprehensive Plan [Volumes I (Balance of County), II (Coos Bay Estuary), and III (Coquille River Estuary)]. During the development of the Plan and its Implementing Ordinance, the Citizen Involvement Program was essential for the factual information and how to manage the integral estuaries, farmlands, and timberlands, which define this County. Once the Comprehensive Plan was prepared for Coos County, §5.1 in Volume I, Part 1 was created to involve the citizens of Coos County in a productive manner with the on-going planning process for land use.

After the Land Conservation and Development Commission's (LCDC) acknowledgement and the County's adoption of Coos County's Comprehensive Plan and Implementation Ordinance, the County felt its Citizen Involvement Program would be better served by appointing the County's Planning Commission to serve as a component of its Citizen Involvement Program in order to continue satisfying Statewide Planning Goal #1. In 1987, Coos County's Citizen Involvement Program was amended to place the County's Planning Commission in this dual role.

The Coos County Board of Commissioners determined during the County's Periodic Review process that there was a need for a Citizen Involvement Program separate from the Planning Commission. The citizen involvement group will be a "Citizen Advisory Committee", which will represent the broad geographic areas of the County and the varied interests related to land use and land-use decisions. This committee's function will be to review revisions initiated by the Planning Department staff, or to suggest revisions to the County's Comprehensive Plan and/or Zoning and Land Development Ordinance; will not include applications submitted by property owners and/or their agents.

The implementation of Citizen Advisory is through the Coos County Zoning and Land Development Ordinance. The ordinance sets out the procedures that the CAC will follow. The group is a representation of the citizens of Coos County. This is why the group is selected by the Board of Commissioners based on §1.4.200. Citizen Advisory does not have any authority to make decisions that would directly change the ordinance or the comprehensive plan. The only body that has that type of authority is the Board of Commissioners. §1.4.600(4) Decisions and/or recommendations of the Citizen Advisory Committee shall be advisory only and shall be non-binding on the part of the Planning Department, Planning Commission, or other decision making boards. Legislative amendments are not subject to § 197.763 and, as a group that provides input on legislative matters, they should be interacting with the public as part of their function. The Board has selected different people with different backgrounds to ensure that comments on proposals and citizen input are taken from diverse points of view.

In Ms. Eymann's (page 6 of 15) comments she references *The Guide to Land Use Planning for Small Cities and Counties in Oregon* that was produced by Oregon Department of Land Conservation and Development in January 2007. Although there may be some portions that need to be updated, the guide overall has a lot of good information, especially in Chapter 11 where it explains about legislative hearings: "There can be pre-hearing contact between citizens and the decision makers on legislative matters. That is, 'ex parte contact' is not a concern. Decision makers are seeking all the input they can get on the issues in order to make a reasonable decision on the proposed amendments" This applies to the Board of Commissioners as they are the final decision makers in this matter; however, this supports the argument that CAC should not have to disclose any contacts.

The Citizen Advisory inquired if this language was necessary because they are not making decisions. The Board of Commissioners appoints the committee members and is aware of their background. After researching the matter the language does not serve any legal purposes. Citizen Advisory is not a decision making body but does serve as a public input on legislative text amendments to the CCZLDO and CCCP. Even the Board of Commissioners does not have to consider ex parte contact and, as decision makers, they are seeking all the input they can get on the issues in order to make a reasonable decision on the proposed amendments.

Ms. McCaffree makes two assertions that are not supported by evidence in the record. One, that this change has to do with a particular project and the supporters of this project and two, that the majority of citizens are against said project. The project that she references has no relevance to this request to remove this language. The request came from the citizen advisory committee at a regular meeting.

The Board reviewed all of the comments and decided to leave the language as it was proposed.

Chapter II New Definitions

(A) COMMERCIAL POWER GENERATING FACILITY. A “commercial power generating facility” is a facility that converts energy into a usable form of energy (such as electricity) and conveys that energy to the public. Commercial power generating facilities typically convert mechanical energy into electrical energy. A “commercial power generating facility” does not include a net metered facility as defined in ORS 757.300 or a facility (either grid-connected or stand-alone) that produces an equal amount or less energy than is consumed by the use(s) to which the facility is accessory over the course of a calendar year, provided that the power generating facility is located on the same tract as the use(s) to which it is accessory and the power generating facility, tract, and use(s) are all under common ownership and management.

Comments provided by: Jody McCaffree
Katy Eymann
Jenmarie Frangopoulos
Jonathan Hanson
Richard F. Knablin
Janet Stoffel
JC Williams

Response:

Ms. McCaffree, a prior citizen advisory committee member, had sent a sample ordinance based on OAR 660-033-0130 to be considered for wind and renewable energy device standards. In that document, the aforementioned definition was included. This was an attempt to include ordinance language that Ms. McCaffree had requested, via Commissioner Main, to include the wind and renewable energy ordinance in the work program. Staff did as instructed and that is the origin of this definition. However, because the Citizen Advisory requested more time to review wind energy proposal the only language that was recommended to move forward were the related definitions and the use itself. The Board of Commissioners chose to remove this definition until the complete wind ordinance was completed.

The definitions of temporary residences, temporary use, dredging and critical facility were suggested for modification in comments received but these definitions were not initiated by the Board of Commissioners:

Comments provided by: Katy Eymann
Richard F. Knablin

Response:

Temporary Residence is defined in Chapter II but the limitations on the use of temporary residences are found in the use section. The suggested modification would cause a conflict in the uses. Furthermore the use was not part of the proposal at this time. Notice was not

provided for this change and it did not go through the proper process as required by state law or the CCZLDO.

Currently, CCZLDO § 3.2.125(b) states – “[t]he Planning Director may authorize use of a camper, travel trailer, recreational vehicle or other similar device as a place of temporary habitation during construction of a permitted building or authorized use, subject to other provisions of this ordinance; ***” This is not restricted to dwellings and should not be. There was no legal basis provided for this restriction and the change in the definition would cause an inconsistency in the listed uses. This is also true with temporary use as the zoning district itself sets the restrictive limit.

Temporary Use was requested to be modified but this is limited within specific zoning districts and would cause a conflict if it were changed in the definition.

Dredging is not a proposed definition and there has been no explanation given as to why the current definition is out of compliance with any Statewide Planning Goal or State Law. Dredging is listed in CCCP and if the definition were to be changed it would cause a conflict.

Critical facility should not be considered until the hazard plan has been updated. There was no legal argument given for any of these proposed changes.

The Board of Commissioners did not include these suggestions in the text amendments as this was a deliberation of a set of proposed amendments that have gone through an extensive process. These may be considered in the next round of text amendments.

Chapter III Estuary

Coos Bay Estuary Management Plan

Comments provided by: Susan P. Smith
Katy Eymann
Jody McCaffree

General Response:

One of the issues raised was the lack of page numbers in the first table. The first table in Chapter III does not contain page numbers at this time because they will contain hyperlinks to allow readers online to click on the section they would like to view. The policies follow each estuary plan to make it easy to find them. As a general comment, it has been suggested to place each estuary in their own Chapters. This would require a substantial change in the formatting of the ordinance. Page numbers will be correct once they are inserted into the ordinance.

Comments provided by: Jody McCaffree

Comments regarding the maps

In Ms. McCaffree testimony regarding the maps, it appears she has many different layers turned on the maps at once. The digital map shows the zoning clearly. Department of Land Conservation and Development (DLCD) is the agency hosting the data on line which allows the information to be used by the public and saves the county money. DLCD website contains other data that is not Coos County's data, such as the 1987 estuary layer, which is a layer they produced and is not based on any type of local maps. Staff may provide assistance to help citizens understand the viewer if needed.



The data is not incorrect as it is from the Mylar maps but, if there is an inconsistency, the Mylar maps are kept to ensure a mistake can be corrected. There have been no legal arguments cited against these changes. In fact, this satisfies most of the requests for additional on-line resources to help facilitate public information. Staff is working on providing more digital layers to DLCD to host. Anyone can request a printed map instead of viewing the online versions if a layer is not available on the viewer.

The Board of Commissioners adopted the language as proposed with no modifications.

Comments provided by: Katy Eymann
Jody McCaffree
Beverly Segner

Response to § 3.1.100

There were issues raised with the changes to the ordinance on who would be in control of the official maps. The County Clerk has explained that the large Mylar maps cannot be changed once filed with their office. This presents a conflict with the existing process for map changes as it requires the Mylar map to be modified. Therefore, all map changes are filed with the clerk's office showing the area of change but not the entire map. The large map will be housed at the Planning Department as the official record. If any editing is done the area edited will be filed at the clerk's office. Research conducted by staff to find out how other counties and they were unable to find another county that had this type of procedure. Depending on the type of changes done to the map, there is a decision process and

notification is made as required when a discretionary decision is made or a post acknowledgment plan amendment. These processes are contingent on whether it is a decision from the Planning Commission or the Planning Director. Either process is a public process and there is opportunity for appeal. There has been no legal argument provided to support the suggested changes by the opponents of this provision. There was no legal reason presented that a map cannot be in digital format. Therefore, the Board of Commissioners did not make any changes to the language as it was presented.

§ 3.1.150 AMENDMENT OF ZONING DISTRICT MAP: Whenever it is necessary to amend the zoning map to conform with an approved rezoning or with an amendment to the text of this Ordinance or as final land use actions of incorporated cities as may be required, the Planning Director shall so change the map, making such changes in red ink and annotating the map and the cover sheet to show the Ordinance or other number and the date of the change. (ORD 85-08-011L)

Comments provided by: Katy Eymann
Beverly Segner

Response:

There is no language changes proposed to this section but staff has included this information as it was part of a different chapter. Staff has moved the estuary zoning to one place chapter III to make it easier for the reader to understand. It is necessary to explain the process for amending the estuary maps just as it is necessary to explain how to amend the Balance of County Maps (Chapter IV). Ms. Eymann had requested the Board of Commissioners delete this section because she believed it to be duplicated in Chapter IV. However, this section is specific to estuary zoned maps and the instructions should be kept in the section. The public process of amending the comprehensive zone map takes place when a plan zone amendment or may be a result of a text amendment to a boundary description. The Planning Commission and the Board of Commissioner would both be aware of the changes because the amendment rezone would have to go through both reviewing bodies and be adopted by the Board of Commissioners as a post acknowledgment plan amendment.

Therefore, the Board of Commissioners has adopted the language as proposed.

§ 3.1.200 Interpretation of Zoning District Boundaries: Due to the transposition of boundary lines from the Comprehensive Plan Maps (scale: 2" = 1 mile) to the Official Zoning Maps (scale: 1"=800'), zoning district boundaries were drawn to the nearest 10 acres. Whenever an uncertainty exists as to the boundary of a zone as shown on the official zoning map, the following rules of interpretation shall apply:***

Comments provided by: Katy Eymann
Jonathan Hanson

Response:

There is no proposed change to this language. Ms. Eymann suggested removing it because it was duplicated in Chapter IV. However, these provisions should be left in as they explain the process for estuary zones. Chapter IV is explaining the process in the Balance of County Zones. These sections are stand alone sections and it would not make sense to remove any of the portions that explain about the maps or amendments to the maps. Citizens are encouraged to attend any of the meetings being held so they would have a better understanding of the process.

Therefore, the based on this reasoning the Board of Commissioners has adopted the language as proposed.

§3.1.250 COASTAL SHORELANDS BOUNDARY: *The Coastal Shoreland Boundary as it applies to the Coos Bay Estuary Management Plan and the Coquille River Estuary Management Plan is identified as that outer extent of the estuary zoning boundary.*

Comments provided by: Katy Eymann
Jonathan Hanson
Beverly Segner

Response to § 3.1.250:

Charges are only allowed to be made after an action is taken by the Board of Commissioners or Planning Commission, which are public reviews. This section describes the Coastal Shoreland Boundary. The comments requesting some type of process that is not appropriate for this section and there is no legal reason provided for making such change. Amendments and rezone process are explained in Chapter V. Therefore, the Board adopted the language as proposed.

§3.1.350 ERRORS IN ZONING DISTRICT MAPS:

1. The Planning Director shall periodically compare zone maps on file with the official zoning map and the action taken by the Board of Commissioners or Hearings Body to assure the maps conform therewith.
2. When errors in transcription, interpretation, or clerical mistakes are found, the Planning Director shall have the authority to correct those errors on the official map using the same process as §3.1.150.

Comments provided by: Katy Eymann

Response to § 3.1.350:

There was testimony requesting this section be removed and/or modified. This section should not be removed as it is specific to the estuary and the balance of county zoning. These changes only happen after a public process has taken place. Subsection 1 states the action will be taken by the Board of Commissioners or Hearings Body to assure the maps

conform therewith. There has been no legal basis provided in the comments from opponent. Therefore, the Board of Commissioners did not make any edits to this section.

TABLE 3.2
Brackets around numbers see "Footnotes"
LAND DEVELOPMENT STANDARDS

DISTRICT DESIGNATION	MINIMUM LOT SIZE (10)							
	EFU (1)	FOREST LAND (2)	RURAL			UGB'S		
			RES	COM/IND	OTHER	RES	COM/IND	OTHER
NS	(3)	(3)	(3)	N/A	(3)	N/A	N/A	N/A
CS	(3)	(3)	(3)	N/A	(3)	(3)	N/A	(3)
RS	(3)	(3)	(3)	(3)	(3)	N/A	N/A	(3)
D	(3)	(3)	(4)	--	--	N/A	N/A	N/A
WD	(3)	(3)	(4)	--	--	N/A	N/A	N/A
UD	(3)	(3)	N/A	N/A	N/A	(3)	(3)	(3)
UW	(3)	(3)	N/A	N/A	N/A	(4)	--	--
NWD	(3)	(3)	N/A	N/A	N/A	N/A	N/A	N/A
UDS	(3)	(3)	N/A	N/A	N/A	(4)	--	--

Comments provided by: Jody McCaffree
Susan P. Smith
Katy Eymann
Beverly Segner
Janet Stoffel

Response to Table 3.2:

Table 3.2 lists out abbreviations for district designations and the designations are defined in Chapter II.

The only changes that were recommended to the Coos Bay Estuary Management Plan were the reference to road standards to be consistent with the Transportation System Plan and the updated language for riparian vegetation to be consistent with the other changes throughout. The Coos Bay Estuary Management Plan and implementing ordinances will be updated in the near future.

The Board of Commissioners did not make any amendments to the table.

- **Policy #37: County Plan Revisions and Amendments (Does 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 are set forth in the Coos County Zoning and Land Development Ordinance (CCZLDO) OR 92-05-009PL.

Comments provided by: Jody McCaffree

Response to Policy 37

Policy 37 is a plan policy and is not part of the proposed ordinance text changes. The change in this policy would require a comprehensive plan change, which is not proposed. No policy can be changed unless it is changed in the CCCP first as it would create an inconsistency. The movement of the section to another area of the ordinance was only done to help the reader understand the applicable criteria that was required to be addressed. There was no legal basis provided for this request. Therefore, the Board of Commissioners did not alter policy #37.

Comments provided by: Susan P. Smith

Response to General Comments:

There were comments regarding the development of Chapter III. Currently, the Coquille River Estuary Management Plan implementing ordinances are scattered throughout Chapter III, IV and Appendix 2 and the Coos Bay Estuary implementing ordinances are located in Chapter III, IV and Appendix 3. The new Chapter III allowed staff to pull the entire estuary zoning requirements together into one section. This will allow for easier reading. Staff reorganized the Coquille River Estuary Plan by grouping segments that had the same or similar purpose statements. Therefore, because there was no legal argument provided with this comment the Board of Commissioners moved forward with the proposed change.

Chapter IV

§ 4.1.110 AMENDMENT OF ZONING DISTRICT MAP: Whenever it is necessary to amend the zoning map to conform with an approved rezoning or with an amendment to the text of this Ordinance or as final land use actions of incorporated cities as may be required, the Planning Staff shall make the change and note it in the meta data. *When changes are made to the digitized maps they shall be exported into a shape file with the date and title and stored in an archived file. If changes are needed to align with the Assessor's tax lot data that may be done without notice.* ~~Director shall so change the map, making such changes in red ink and annotating the map and the cover sheet to show the Ordinance or other number and the date of the change. (ORD 85-08-011L)~~

Comments provided by: Jan Dilley
Katy Eymann
Jody McCaffree

Response:

The issue raised for this section is that it a duplicated statement. This language needs to be repeated to make sure it is understood how it applies to each zoning chapter.

Ms. Eymann's testimony provides a cite to DLCD's 2007 guide titled *An Introductory Guide to Land use Planning for Small Cities and Counties in Oregon* which is a very useful tool but contains some outdated language when referencing DLCD timelines. On January 27, 2012, the Land Conservation and Development Commission (LCDC) amended Administrative Rules in OAR 660, division 18, concerning local changes to comprehensive plans and implementing ordinances. These rules implement state laws ORS 197.610 through 197.625. The 2011 legislature amended these statutes; LCDC's amendments align the rules with the newly amended statutes and so does Coos County's. The new statutes took effect January 1, 2012. The amended rules took effect on February 14, 2012. The revised statutes and rules provide a shorter notice period, in advance of a proposed local "change" (meanwhile, the period for submittal of an adopted change is lengthened; see question 11, below). The notice to DLCD in advance of a local adoption is now 35 days (rather than 45 days) prior to the first evidentiary hearing on a proposed change. The 35 days is counted from the postmark date or the day the amendments are actually received if submitted to the department by any method other than the US Postal Service. The legislation authorizes LCDC to further shorten the notice period for proposed changes, down to 20 days.

The purpose of this section is to allow for the staff to make the necessary changes to the CCCP maps after "an approved rezoning or with an amendment to the text of this Ordinance". The approved rezoning would go through a process as described in the 2007 DLCD land use guide and once the appeal period had expired then staff would make the changes to the maps. The same is the case of an interpretation to a zoning has been completed and the appeal period has expired. The only minor change staff is allowed to make is based on the movement of a tax lot line when the purpose of the line change was to adjust to the actual boundary and not due to an application approval of a property line adjustment.

The purpose of the change to § 4.1.110 is to become digital to allow better access for the public and staff. In order to become digital, the changes have to be kept in the metadata. Throughout the opposing testimony received Goal 1 is brought up and this is a move to make it easier for people to participate by receiving the data on line. Therefore, the Board of Commissioners approved this section as proposed.

§ 4.1.200 INTERPRETATION OF ZONING DISTRICT BOUNDARIES: *If an interpretation of the zoning district boundary is required the official Mylar maps that were adopted as part of the 1986¹ Comprehensive Plan shall be used.* Due to the transposition of boundary lines from the Comprehensive Plan Maps (scale: 2" = 1 mile) to the Official Zoning Maps (scale: 1"=800'); zoning district boundaries were drawn to the nearest 10 acres. Whenever an uncertainty exists as to the boundary of a zone as shown on the official zoning map, the following rules of interpretation shall apply:

1. Boundaries indicated as approximately following the centerlines of streets, highways, or alleys shall be construed to follow such centerlines.
2. Boundaries indicated as approximately following platted or surveyed lines shall be construed to follow such plat or survey lines.
3. Boundaries indicated as approximately following city limits shall be construed to follow such city limits.
4. Boundaries indicated as following railroad lines or public utility easements shall be construed to follow such lines.
5. Boundaries indicated as following the centerlines of streams, rivers, canals, or other bodies of water shall be construed to follow those centerlines.
6. Boundaries indicated as approximately following the shorelines of water bodies shall be construed to follow the mean high water line (MHWL) or the line of non-aquatic vegetation, whichever is higher.
7. Boundaries indicated as approximately following ridge tops and other topographical features shall be construed to follow those features.
8. Boundaries indicated as approximately parallel to, or as extensions of features indicated in subsections 1 through 7, shall be so construed.
9. Where a public street or alley is officially vacated, the zone requirements applicable to the property in which the vacated area becomes a part shall apply.
10. Boundaries not intended to follow the above-listed features shall indicate where possible distances to reference points and other lines so they can be located on the ground.
11. Where physical features existing on the ground are at variance with those shown on the official zoning map, or in other circumstances not covered by subsections 1 through 10 above, the Planning Director shall interpret the zone boundaries, and if need be, may refer the matter to the Hearings Body for its interpretation pursuant to §1.1.700 of this Ordinance.

Comments provided by: Katy Eymann

¹ *The official zone maps state Coos County Zoning Map, Date of Adoption Jan. 1983 (The official date of adoption of the zoning maps including the special development consideration maps was April 4, 1985)*

Response:

These are necessary to be left so that the reader understands that the provisions apply to the Balance of County zoning. There has been no legal argument provided for only having this language in one section of the ordinance.

Coos County has an acknowledged plan which means this provision is in compliance. There are no changes to the language. Therefore, the Board of Commissioners approved this section as it was proposed.

§ 4.1.130 INTERPRETATION OF COASTAL SHORELANDS BOUNDARY: When a development action is proposed in the immediate vicinity of the Coastal Shorelands Boundary (CSB) and when such proposed development action relies on a precise interpretation of the CSB, the Planning Director shall establish the precise location of the CSB using the seven criteria specified in the Coastal Shorelands *Goal 17*. 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 minor adjustments to the maps and provide a copy of any map revision will be filed with the County Clerk's office. *All interpretations shall be processed as an administrative decision.*

Comments provided by: Curt Clay
Jan Dilley
Kathy Dodds
Jenmarie Frangopoulos
Beverly Segner
JC Williams
William York

Response:

Currently the language provides authority for the Planning Director to make minor changes without any notification or justification. By removing minor and adding the language that makes it an administrative decision requiring notice, the current authority is proposed to be removed making the action a noticeable action.

The testimony provided by opponents indicates that they would like to see the authority Planning Director not be modified which means that minor changes could be made without any notice of decision. The changes to §4.1.130 require a decision subject to a public notice and review pursuant to Chapter 5. For clarification, Administrative means there is a public process and it is appealable to the hearings body. Therefore, the Board of Commissioners did not find that there was any legal reason presented by the position and they voted to adopt the changes as presented.

§ 4.2.130(10)(i) The 50' measurement shall be taken from the closest point of the ordinary high water mark to the structure using a right angle from the ordinary high water mark.

Comments provided by: Jody McCaffree
Katy Eymann
Richard F. Knablin
Beverly Segner

Response:

There were objections to the proposed measurement defined for riparian vegetation. The ordinary high water mark is defined by ORS 274.005 as a line of ordinary high water which means the line on the bank or shore to which the high water ordinarily rises annually in season. This wording is significant in that it is used by all the water regulatory agencies such as Department of State Lands. The Board of Commissioners debated on this language in prior work sessions but decided this would be the best way to define it. There was no legal reason provided for any the objects; therefore, the Board Commissioners voted to keep the proposed language as it reads in the aforementioned section.

§ 4.2.200 (18) 18. *Photovoltaic Cells. The installation and use of a solar photovoltaic energy system or a solar thermal energy system shall be allowed if:*

- a. The installation of a solar energy system can be accomplished without increasing the footprint of the residential structure or the peak height of the portion of the roof on which the system is installed; and*
- b. The solar energy system would be mounted so that the plane of the system is parallel to the slope of the roof (ORS 215.439)*

The solar energy system may be sited on the ground. Must comply with the same setback requirements listed in the development standards.

Comments provided by: Jody McCaffree

Response:

Ms. McCaffree objected to the proposed language, but this language is from ORS 215.439 solar energy systems in residential or commercial zones. If the opponent has alternative proposed language that is legally supported, then it should have been provided for consideration. Therefore, the Board of Commissioners voted to pass the language as it was presented.

§ 4.2.300(8) Riparian Vegetation Protection. Riparian vegetation within 50 feet of a estuarine wetland, stream, lake or river, as identified on the Coastal Shoreland and Fish and Wildlife habitat inventory maps, shall be maintained except that: (a) Trees certified *as posing an erosion or safety hazard* by the *one or more of the following*: Coos Soil and Water Conservation District, Coos County Road Department, Coos County Forestry Department, Oregon Department of State Forestry, Coos County Board of Commissioners, port district or Natural

~~Resource Conservation Service US Soil Conservation Service posing an erosion or safety hazard may be removed to minimize said hazard;~~

Comments provided by: Beverly Segner

Response:

This was a Board of Commissioners proposed change in response to property owners having issues obtaining certification for a danger tree from the appropriate agencies. The suggested change is to require two agencies certify the tree as posing an erosion or safety hazard. However, after reviewing this language further the Board of Commissioners decided to strike subsection a and replace it with the following:

(a) Trees posing an erosion or safety hazard. The property owner is responsible for ensuring compliance with all local, state and federal agencies for the removal of the tree.

The Board of Commissioners found that this will alleviate the issue of potential non-compliance with another agency. It provides for an exception within the local land use ordinance but does not supersede any other agency regulation. Therefore this change was made in the text.

§ 4.4.220 (12) *New High Intensity Recreational Uses may be permitted on public dedicated or government owned property upon finding that the property is no longer needed to meet an industrial land inventory need. The property must be located adjacent to a natural recreational feature such as a sand dune or water body.*

Comments provided by: Beverly Segner
Katy Eymann
Richard F. Knablin

Response:

This is a proposed change to protect industrial lands from being utilized for high intensity recreational uses that are in conflict with the purpose of the IND zoning. If industrial lands are allowed to be converted to high intensity recreation, the County's industrial land base will be depleted. There needs to be studies done showing that the properties are not needed for industrial uses before they are dedicated to high intensity recreational uses. CCCP Volume I, Part I, 5.16 Industrial & Commercial Lands states "*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.*" This change will allow the protection of IND lands from being developed into large high intensity recreational developments without providing studies to support that decision and to resolve any conflict with the comprehensive plan.

Any high-intensity recreational use that was approved prior to the adoption date would be considered a non-conforming (grandfathered) use and would be subject to review under Article 5.6 if an expansion or replacement is requested. Article 5.6 explains when public

process is required pursuant to ORS 215.130(5)-(8). There are certain modifications that are permitted.

The opposition to this change has not provided any legal argument or evidence to the Board of Commissioners. Therefore, the Board of Commissioners voted to pass the language as it was presented.

§ 4.5.120 (f) *Campgrounds shall not include intensively developed recreational uses such as swimming pools, tennis courts, retail stores or gas stations. Overnight temporary use in the same campground by a camper or camper's vehicle shall not exceed a total of 30 days during any consecutive 6 month period.*

Comments provided by: Beverly Segner
Katy Eymann

Response:

The language for campgrounds is based on OAR 660-006-0025. The language mirrors state law and a local definition may pose a legal conflict. The opponents to this language provide no legal argument that would allow a local definition.

This provision also limits overnight temporary use in the same campground by a camper or camper's vehicle. The camper or camper's vehicle shall not exceed a total of 30 days during any consecutive 6 month period. There was testimony provided that requested limits are placed on the length of stay; however, as stated above there is a limits, but there is a limit that complies with state law.

§ 4.1.190 states "*uses that are not specifically allowed for are prohibited*". There is a public process for addition or clarification of uses. Some of the testimony provided connects this provision to housing that support industrial uses. This would have to be a listed use or an interpretation made. No legal argument was provided to support removal and/or modification to this section as suggested by opposing parties. Therefore, the Board of Commissioners passed the language as it was presented.

§ 4.6.220 (1)(f)(iii) Utility facilities necessary for public service, except for the purpose of generating power for public use by sale and transmission towers over 200 feet in height. A facility is necessary if it must be situated in an agricultural zone in order for the service to be provided. *An associated transmission line may be allowed if it is necessary for public service and meets the following:*

- 1) Not located on high value farmland or arable farmland.***
- 2) Is co-located with an existing transmission line.***
- 3) Parallels an existing transmission line corridor with the minimum separation necessary for safety, and applicable regulations.***

- 4) *Is located within an existing right of way for a linear facility, such as a transmission line, road, or railroad, that is located above the surface of ground. or*
- 5) *If, after an evaluation, or reasonable alternatives, the applicant demonstrates that the entire route of the associated transmission line meets two or more of the following:*
 - a. *Technical and engineering feasibility;*
 - b. *The associated transmission line is locationally dependent because the associated transmission line must cross high value farmland or arable land to achieve a reasonably direct route or to meet unique geographical needs that cannot be satisfied on other lands;*
 - c. *Lack of an available existing right of way for a linear facility, such as a transmission line, road, or railroad that is located above the surface of the ground;*
 - d. *Public health and safety. or*
 - e. *Other requirements of state or federal agencies.*
 - f. *The applicant shall present findings to the governing body of the county or its designee on how the applicant will mitigate and minimize the impacts, if any, of the associated transmission line on surrounding lands devoted to farm use in order to prevent a significant change in accepted farm practices or a significant increase in the cost of farm practices on surrounding farmland.*
 - g. *The governing body or its designee may consider costs associated with any factors, but considerations of cost may not be the only consideration in determining whether the associated transmission line is necessary for public services.*
 - h. *Defined as: a new transmission line constructed to connect an energy facility to the first point of junction of such transmission line or lines with either a power distribution system or an interconnected primary transmission system or both or to the Northwest Power Grid.*

Comments provided by: Beverly Segner
 Katy Eymann
 Richard F. Knablin

Response:

The wording of Utility facility is based on ORS 215.283 and ORS 215.274 which contains associated definitions. Using a local definition that may be in conflict with the statute was not recommended by staff.

ORS 215.274(3)The governing body of a county or its designee shall approve an application under this §if an applicant demonstrates that the entire route of the associated transmission line meets at least one of the following requirements: (a)The associated transmission line is not located on high-value farmland, as defined in ORS 195.300 (Definitions for ORS 195.300 to 195.336), or on arable land;(b)The associated transmission line is co-located with an existing transmission line; (c)The associated transmission line parallels an existing transmission line corridor with the minimum separation necessary for safety; or (d)The associated transmission line is located within an existing right of way for a linear facility, such as a transmission line, road or railroad, that is located above the surface of the ground.

ORS 215.274 (4) *Except as provided in sub§(3) of this section, the governing body of a county or its designee shall approve an application under this §if, after an evaluation of reasonable alternatives, the applicant demonstrates that the entire route of the associated transmission line meets, subject to paragraphs (b) and (c) of this subsection, two or more of the following factors: (A)Technical and engineering feasibility; (B)The associated transmission line is locationally dependent because the associated transmission line must cross high-value farmland, as defined in ORS195.300 (Definitions for ORS 195.300 to 195.336), or arable land to achieve a reasonably direct route or to meet unique geographical needs that cannot be satisfied on other lands; (C)Lack of an available existing right of way for a linear facility, such as a transmission line, road or railroad, that is located above the surface of the ground; (D)Public health and safety; or (E)Other requirements of state or federal agencies. (b)The applicant shall present findings to the governing body of the county or its designee on how the applicant will mitigate and minimize the impacts, if any, of the associated transmission line on surrounding lands devoted to farm use in order to prevent a significant change in accepted farm practices or a significant increase in the cost of farm practices on the surrounding farmland. (c)The governing body of a county or its designee may consider costs associated with any of the factors listed in paragraph (a) of this subsection, but consideration of cost may not be the only consideration in determining whether the associated transmission line is necessary for public service. [2013 c.242 §2]*

There has been testimony provided requesting that the county go beyond the statutory requirements but provides no legal argument for these suggestions. Therefore, the Board of Commissioner passed the language as it was presented.

~~§ 4.7.100 4.11.100~~ The purpose of this Article is to prescribe special regulations for the use and development of lands situated within resource or hazard areas identified on the Special Considerations Plan Maps for Volume I (Balance of County), Volume II (Coos Bay Estuary Management Plan), and Volume III (Coquille River Estuary Management Plan) of the Comprehensive Plan. The considerations are map overlays that show areas of concern such as hazards or protected sites. Each development consideration may further restrict a use. Development considerations play a very important role in determining where development should be allowed. In the Balance of County zoning the development considerations were applied as a broad area and the maps have to be examined in order to determine how the inventory applies to the specific site.

Comments provided by: Beverly Segner
Katy Eymann
Jonathan Hanson
Janet Stoffel

Response:

This language was amended because Chapter IV is for balance of County only the estuary zoning was placed in its own section.

The reason for the changes is to have the balance of county zoning (non-estuary zoning) in one chapter and the estuary zoning in the other chapter to make it easier for the reader to understand what applies. Staff is working towards putting all maps online. Some of the maps are completed and are located on the coastal atlas.

There were a few requests to include tsunamis zones to the ordinance. This has to be addressed in the CCCP as inventoried areas before we can develop implementing language in the ordinance. The CCCP has limited information pertaining to tsunamis and basically recognizes that building codes covers structural issues for tsunamis. There was not a legal land use argument presented for this suggested changed.

Some of the comments received for this section concerned the airport maps which are on scanned documents and can be obtained, if requested. The only change to the airport section is the addition of the Southwest Regional Airport (AKA North Bend Airport). The airport is located within the City of North Bend but the floating zone extends into the Coos County's jurisdiction. There was never language adopted to address development within the airport zone in the county's jurisdiction. This language has been reviewed by Oregon Department of Aviation and is consistent with the City of North Bend's language. Staff used the airport master plan and North Bend's zoning code to develop the language. Once that was completed Oregon Department of Aviation reviewed the language and made some suggestions. Staff made those changes. The language meets the requirements of OAR 660-013.

The Board of Commissioners passed the language as it was presented.

~~§ 4.7.105 Prescribed Regulations. Development in areas identified on the Special Considerations Map shall be limited by the regulations prescribed by the "Special Regulatory Considerations" set forth in Tables 4.7a, b, and c. Table 4.7a shall apply to the Balance of County. Table 4.7b shall apply to those lands within the Coquille River Coastal Shoreland Boundary. Table 4.7c shall apply to the Coos Bay Estuary Coastal Shoreland Boundary.~~

Comments provided by: Beverly Segner
Katy Eymann

Response to § 4.7.105 and § 4.7.115:

§ 4.7.105 has been removed from a table format and the policies directly put in the place of the references, which is helpful to readers.

There was a comment made about the current detailed information being helpful to planners. From a planning point of view this section causes confusion because there are specific sections for estuaries. The reason for the change is to keep provisions that apply to the Balance of County Zoning in the same area reducing the confusion for all readers.

§ 4.7.115 does not reference a table. The special consideration maps are no longer used by staff. Staff uses the detailed spatial information on the inventory maps. The special consideration maps were meant as a tool but not a substitution for the plan maps which should be used by all to eliminate any confusion. There is no valid legal argument made to support these comments.

§ 4.7.125 4.11.125 Special Development Considerations:

The considerations are map overlays that show areas of concern such as hazards or protected sites. Each development consideration may further restrict a use. Development considerations play a very important role in determining where development should be allowed in the Balance of County zoning. The adopted plan maps and overlay maps have to be examined in order to determine how the inventory applies to the specific site.

Comments provided by: Beverly Segner
Katy Eymann
Jody McCaffree
JC Williams

Responses:

A few of the comments state that all areas of Coos County not in an urban boundary should be subject of special consideration maps. All properties outside of the urban incorporated city boundaries, including the urban growth boundaries, are subject to special development considerations if they are inventoried for a specific property. The estuary zoning has its own special development considerations that apply and they are incorporated into each segment and addressed through the policies. Again there is no legal argument given for this comment.

Volume I (BALANCE OF COUNTY) of the CCCP explains that applies to unincorporated areas located outside the Coastal Shorelands Boundaries of the Coos Bay and Coquille Estuaries. This section is consistent with the CCCP.

There were a few requests to include tsunamis zones to the ordinance. This has to be addressed in the CCCP as inventoried areas before we can develop implementing language in the ordinance. The CCCP has limited information pertaining to tsunamis and basically recognizes that building codes covers structural issues for tsunamis. There was no legal land use argument presented for this suggested changed.

§ 4.7.125 4.11.125(1)

Purpose Statement:

Coos County shall manage its identified mineral and aggregate resources (except black sand prospects) in their original character until mined, except where conflicting uses are identified during implementation of the Plan, and such uses are justified based on consideration of the economic, social, environmental and energy consequences of the conflicting uses, or where existing uses have been grandfathered. Where no conflicts are identified, agriculture, forest or similar open space zoning shall be used to implement this strategy.

Comments provided by: Beverly Segner
Katy Eymann

Response:

The purpose statement is from the Coos County Comprehensive Plan Volume 1 Part 1, 5.5 Mineral & Aggregate. This was carried forward from Appendix I of the Coos County Zoning and Land Development Ordinance. There has been a request to modify the purpose statement but no legal basis for the change was given. This would require an amendment to the CCCP which is not proposed.

There was testimony received concerning adding additional language to address the Economic, Social, Environmental and Energy (ESEE) Analysis. The purpose statement is part of the current ordinance and mirrors the CCCP. The wording proposed is not part of the explanation as a general statement. ESEE Analysis applies to specific Statewide Planning Goals and is used for Comprehensive Plans and not ordinances. The regulatory framework for local natural resource protection falls primarily within the purview of Statewide Planning Goals 5 and 6. Goal 5 mandates that local governments “adopt programs that will protect natural resources and conserve scenic, historic, and open space resources for present and future generations.” A local jurisdiction must either carefully justify its decision to protect or not protect a resource through a Goal 5 standard approach with an Economic, Social, Environmental, and Energy (ESEE) analysis, or follow an inventory process and protection strategy described in the Goal 5 safe harbor method. Where the safe harbor is pursued, no ESEE analysis is required. An ESEE analysis reviews the economic, social, environmental and energy consequences of not allowing, partially allowing or fully allowing conflicting uses. Based on the ESEE Analysis, under Statewide Planning Goal 5, jurisdictions are required to adopt a program to protect their significant wetlands as identified in the local wetland inventory (LWI). The proposed language is not appropriate for a purpose statement but the analysis can be used to determine inventories in the Comprehensive plan. Coos County is not proposing any changes to Goal 5 or 6 updates. Furthermore, the suggested change would create a conflict with current language of the CCCP.

The Board of Commissioners passed the language as it was presented.

§ 4.11.125(7) Natural Hazards (Balance of County Policy 5.11)

Natural Hazards (Balance of County Policy 5.11)

The Natural Hazards map has inventoried the following:

- **Wind Erosion/Deposition**
- **Earth flow & Slump Topography**
- **Critical Stream Bank Erosion**
- **Flash Flooding**
- **Rock fall & Debris and Flow Terrain**

Purpose Statements:

Coos County shall regulate development in known areas potentially subject to natural disasters and hazards, so as to minimize possible risks to life and property. Coos County considers natural disasters and hazards to include stream and ocean flooding, wind hazards, wind erosion and deposition, *critical stream bank erosion, mass movement (earthflow and slump topography), earthquakes and weak foundation soils.

This strategy shall be implemented by enacting special protective measures through zoning and other implementing devices, designed to minimize risks to life and property.

- b. Earth flow/slump topography/rock fall/debris flow: Coos County shall permit the construction of new ~~dwellings~~**structures** in known areas potentially subject to mass movement (earth flow/slump topography/rock fall/debris flow) through a conditional use process only:
- i. if ~~dwellings~~**structures** are otherwise allowed by this comprehensive plan; and

Comments provided by: Jody McCaffree
Beverly Segner
Katy Eymann
Jenmarie Frangopoulos

Response :

Currently, the CCCP addresses wildfires and tsunamis but there was limited information at the time due to lack of data to develop full inventories for tsunamis. As explained in prior sections of this document, tsunami zones will have to be developed through map inventories and then an implementing ordinance can be adopted.

The Forest zone has development standards and limitation on development to help prevent from wildfires. Tsunami information was limited at the time of acknowledgment and periodic review. The County is not subject to periodic review pursuant to ORS 197.628(3) and 197.629(2). Coos County has an acknowledged comprehensive plan and that acknowledgement means that it is in compliance with the planning goals. Therefore, given

* These hazards are addressed under policies for "Dunes and Ocean and Lake Shorelands."

the staffing and resources staff has worked on needed updates as money is available. There will be updates to the natural hazards section in the future. Hazard planning updates are one of the next updates.

In regards to the change including all structures within a land slide (earth flow/slump topography/rock fall/debris flow) should be subject to safety siting regulations. In terms of hazard planning, all structures should be built to a higher standard if they are in an earth flow slump (landslide) area. No legal requirement was cited. In Statewide Planning Goal 7 it states “[p]roposed developments should be keyed to the degree of hazard and to the limitations on uses imposed by such hazard in the planning area”. Development implies all types of structures that are regulated by the specific zoning designation.

Ms. McCaffree argues that the County is not in compliance with the Goal 7. As explained previously, the CCCP does incorporate language for tsunamis and wildfires. Furthermore, Coos County was found to be in compliance with the Coastal Zone Management (CZM) program, which requires the county to be in compliance with all of the Statewide Planning Goals. See attached March 13, 2014 memo concerning acknowledgement of Coos County Comprehensive Plan and Zoning Ordinance compliance with program. The CCCP does incorporate tsunamis and wildfires in the plan but the data is very limited and should be updated.

The Board of Commissioners approved this section as presented.

§ 4.11.200 PURPOSE: *Overlay zones may be super-imposed over the primary zoning district and will either add further requirements or replace certain requirements of the underlying zoning district. The requirements of an overlay zone are fully described in the text of the overlay zone designations.*

Comments provided by: Jody McCaffree
Beverly Segner
Jonathan Hanson

Response:

There have been suggestions to include additional language for tsunamis to the purpose statement. This was not noticed and is not part of the changes. Tsunamis must be fully addressed in the Comprehensive Plan prior to placing them in the implementing ordinances. Currently, tsunami information is very limited in the CCCP because at the time of acknowledgment and periodic review the information was not available. Tsunamis are addressed through the building codes process. All hazards will be reviewed in the near future. The floodplain maps are adopted and Tsunamis will be located in their own special consideration category.

There are no changes proposed to floodplain maps. The maps were updated to the current standards as required to meet the FEMA program with the help of DLCDD in March of 2014.

The Board of Commissioners did not change the language in this section.

§4.11.445 LAND USE COMPATIBILITY REQUIREMENTS: (4) *Industrial Emissions.* *No new industrial, mining or similar use, or expansion of an existing industrial, mining or similar use, shall, as part of its regular operations, cause emissions of smoke, dust or steam that could obscure visibility within airport approach surfaces, except upon demonstration, supported by substantial evidence, that mitigation measures imposed as approval conditions will reduce the potential for safety risk or incompatibility with airport operations to an insignificant level. The review authority shall impose such conditions as necessary to ensure that the use does not obscure visibility.*

Comments provided by: Jody McCaffree
Katy Eymann
Richard F. Knablin
Beverly Segner

Response:

Comments regarding the Airport Overlay have no legal basis. Staff has worked with the Oregon Department of Aviation to ensure the ordinances are correct for airport planning pursuant to the airport planning rule.

There have been some opposing comments related to a specific project that is irrelevant to the changes proposed. The language has been reviewed for consistency with OAR 660-13 Airport Planning and the Airport Master Plan for the Southwest Airport. Staff has reviewed this section with Jeff Caines, Oregon Department of Aviation, and this was not a concern that was raised. There has been no legal basis provided for the comments. This is new language because the implementing ordinance failed to address the Southwest Regional Airport (AKA North Bend Airport). Therefore, the Board of Commissioners voted to include this language as presented.

§ 4.11.460 NONCONFORMING USES THAT APPLY TO THE SOUTHWEST OREGON REGIONAL AIRPORT OVERALY:

- 1. These regulations shall not be construed to require the removal, lowering or alteration of any structure existing at the time the ordinance codified in this chapter is adopted and not conforming to these regulations. These regulations shall not require any change in the construction, alteration or intended use of any structure, the construction or alteration of which was begun prior to the effective date of the ordinance codified in this section.*

Comments provided by: Jody McCaffree

Response:

There has been a suggestion to change the language of this section to read “*These regulations shall not require any change in the construction, alteration or intended use of any structure, the construction or alteration of which was approved and begun prior to the effective date of the ordinance codified in this section.*” This suggested change cannot be

made by the Board of Commissioners because they are prohibited from adopting any provision that would be retroactive. This would be retroactive because the request would apply to applications that have been approved prior to the adoption this section. §1.2.200 states that text amendments initiated by the Board of Commissioners shall comply with ORS 215.110. Pursuant to ORS 215.110(6) No retroactive ordinance shall be enacted under the provisions of this section. The adoption of any new ordinance may make a use nonconforming but it cannot make a use that was approved prior to the enactment of the ordinance illegal. However, any use that is considered non-conforming by the adoption of this proposed ordinance would regulated by ORS 215.130 (covered in Article 5.6 of the CCZLDO) which specifically regulates the nonconforming uses.

Chapter VI

§6.3.125 PROCEDURE: Same Designation: A line adjustment shall only be permitted where the sale or transfer of ownership is made between abutting owners of like designated lands, residential lands, commercial lands, industrial lands, and resource lands, **estuary** unless an existing structure encroaches over an existing property boundary or the boundary line adjustment is required to comply with requirements of the State Department of Environmental Quality for a subsurface sewage system

Comments provided by: Katy Eymann
JC Williams

Response to § 6.3.125:

The sentence should be corrected to read “***like designated lands, residential lands, commercial lands, residential lands, resource lands, and estuary zoned lands ***” This is necessary because it implies you cannot do a property line adjustment in lands that are zoned estuary. The opponents to this provision failed to provide any legal reason for their objections. The Board instructed staff to make the propose change to this section.

§6.3.125 PROCEDURE: (7) Property line adjustments are subject to a twelve (12) day appeal period. If appealed, this will be treated as a Planning Director’s decision and the procedures in Article 5.8 will be followed. A notice of the decision will be mailed to the applicant and to all neighborhood or community organizations recognized by the County and whose boundaries include the site. Notice of the decision will also be mailed to the owners of record of property on the most recent property tax assessment roll where such property is located:

- a. **Within 100 feet of the exterior boundaries of the contiguous property ownership which is the subject of the notice if the subject property is wholly or in part within an urban growth boundary;**
- b. **Within 250 feet of the exterior boundaries of the contiguous property ownership which is the subject of the notice if the subject property is outside an urban growth boundary and not within a farm or forest zone;**
- c. **Within 750 feet of the exterior boundaries of the contiguous property ownership which is the subject of the notice if the subject property is within a farm or forest zone.**

Comments provided by: Katy Eymann
Richard F. Knablin

Response to § 6.3.125(7):

Property line adjustments as well as lawfully created parcels should remain at the minimum of 12 days. These are simple processes and the criteria are clear and objective.

The subsections are referenced with parentheses and there was a request to reformat that throughout the ordinance and to make that change would be a large undertaking. This could be corrected at a later date as it has no legal consequences.

There was a suggestion that the county pay for the extended notifications areas. This would allow more people to be notified and not cost the applicant. The Planning Department is not within the general fund and; therefore, would have to request a reimbursement. The notification area and time is consistent with *ORS 215.416(11) (C) Notice under this subsection shall comply with ORS 197.763 (3)(a), (c), (g) and (h) and shall describe the nature of the decision. In addition, the notice shall state that any person who is adversely affected or aggrieved or who is entitled to written notice under paragraph (c) of this subsection may appeal the decision by filing a written appeal in the manner and within the time period provided in the county's land use regulations. A county may not establish an appeal period that is less than 12 days from the date the written notice of decision required by this subsection was mailed. The notice shall state that the decision will not become final until the period for filing a local appeal has expired. The notice also shall state that a person who is mailed written notice of the decision cannot appeal the decision directly to the Land Use Board of Appeals under ORS 197.830.*

The County has no reason to be more restrictive than state law. In fact, due to timeline constraints on staff, the shorter time will aid in ensuring that the 150 or 120 day timeline to complete a review can be met. However, this shortening of the time line came about in regards to adding property line adjustments as a noticeable decision. Therefore, the Board may chose to only make property line adjustment require the 12 days and the others 15 days.

Chapter VII

Comments provided by: Jody McCaffree

Response to Chapter 7:

A comment was submitted regarding section numbers being out of order in this chapter. These are individual section and when corrected in the ordinance will be inserted in chronological order.

Other Comments

Comments provided by: Jody McCaffree

There have been other comments raised that were outside of the scope of this review. Some comments are directly attacking the process and/or staff. If there was not a direct reference made to a section, then staff did not address the comments.

Also, there was some testimony received asking the prior deleted sections be added back into the ordinance which is also outside of the scope of these amendments. The Board must review the text in front of them. Some of the areas are renumbered but there are no proposed text changes. There was testimony in regards to Chapter 7 but it was not relevant as they were questions about previous text amendments and coordination with Oregon Department of Transportation. The Transportation System Plan and implementing ordinances were drafted with input from Oregon Department of Transportation.

After re-reviewing the southwest Oregon Regional Airport (AKA: North Bend Municipal Airport) section with Oregon Department of Aviation, staff recommends that the following change should be made:

§4.11.450 WATER IMPOUNDMENTS WITHIN APPROACH SURFACES AND AIRPORT DIRECT AND SECONDARY IMPACT BOUNDARIES:

- 1. Any use or activity that would result in the establishment or expansion of a water impoundment shall comply with the requirements of this section.*
- 2. No new or expanded water impoundments of one-quarter acre in size or larger are permitted:*
 - a. Within an approach surface and within 5,000 feet from the end of a runway; or*

5,000 needs to be changed to 10,000. The Board of Commissioners agreed with this change.

Typos will be corrected when the final language is complete and ready for adoption. Formatting will be addressed at the time the language is inserted into the ordinance.

Case Law Provided

There has been some case law provided by Ms. Eymann and Ms. McCaffree. Staff provided the final opinions on those cases to the Board of Commissioners. All of the case law provided pertains to making findings addressing Statewide Planning Goals when amending the comprehensive plan. Staff is not proposing any comprehensive plan amendments. These are all ordinance text amendments that are consistent with the CCCP. Any argument that has been raised has been addressed by explaining why the changes were necessary. The majority of the changes are based on a state law, existing comprehensive plan provision or case law. There are some other minor changes that came about from suggestions from Planning Commissions, Citizen Advisory or Board of Commissioners and address formatting, readability issues or are provisions that are not required by any law or comprehensive plan provision.



Oregon

John A. Kitzhaber, MD, Governor

Oregon Coastal Management Program
Department of Land Conservation and Development
635 Capitol Street, Suite 150
Salem, Oregon 97301-2540
Phone (503) 373-0050
FAX (503) 378-6033
<http://www.oregon.gov/LCD/OCMP>

Notice of Federal Concurrence for Routine Program Changes to the Oregon Coastal Management Program

**(Updates to the Coos County, City of Coos Bay, and City of North Bend
Comprehensive Plans and Land Use Provisions)**

From the OREGON COASTAL MANAGEMENT PROGRAM
of the OREGON DEPARTMENT OF LAND CONSERVATION & DEVELOPMENT

DATE: March 13, 2014

NOTICE: Pursuant to 15 CFR Section 923.84 (federal Coastal Zone Management Act regulations), the federal Office of Ocean and Coastal Resources Management (OCRM) has concurred that the incorporation of the following local land use provisions constitute "routine program changes" to the Oregon Department of Land Conservation and Development's (DLCD) federally-approved Oregon Coastal Management Program (OCMP).

Routine Program Changes:

- OCRM concurred with the incorporation of the Coos County Comprehensive Plan and Zoning and Land Development Ordinance on February 18, 2014. The initial notice DLCD provided on October 1, 2013, and the supplemental notice issued on December 18, 2013 provide details of the routine program change request.
- OCRM concurred with the incorporation of the City of Coos Bay Comprehensive Plan and Zoning Ordinance on March 6, 2014. The initial notice DLCD provided on November 1, 2013 provides details of the routine program change request.
- OCRM concurred with the incorporation of the City of North Bend Comprehensive Plan and Zoning Ordinance on March 6, 2014. The initial notice DLCD provided on November 1, 2013 provides details of the routine program change request.

Federal consistency will apply to the changes that OCRM approved starting March 13, 2014.

ADDITIONAL INFORMATION: Copies of the notices referenced above and tables listing the approved changes are posted on the DLCD website, under Public Notices for Coastal Program Updates, at: http://www.oregon.gov/LCD/OCMP/PublicNotice_Intro.shtml.

If you have questions regarding this notice, please contact Juna Hickner, Coastal State-Federal Relations Coordinator, at juna.hickner@state.or.us or (503) 934-0029.



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL OCEAN SERVICE
OFFICE OF OCEAN AND COASTAL RESOURCE MANAGEMENT
Silver Spring, Maryland 20910

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

FEB 18 2014

Dear Ms. Snow:

Thank you for the Department of Land Conservation and Development's (DLCD) October 1, 2013, request to incorporate the current versions of the Coos County Comprehensive Plan (which includes the Coos Bay Estuary Management Plan and the Coquille River Estuary Management Plan), and the Coos County Zoning and Land Development Ordinance, into the Oregon Coastal Management Program. You requested that the changes described below be incorporated as routine program changes (RPCs), pursuant to Coastal Zone Management Act (CZMA) regulations at 15 C.F.R. part 923, subpart H, and Office of Ocean and Coastal Resource Management (OCRM) Program Change Guidance (July 1996). OCRM received the original request on October 21, 2013 and the addendum containing the complete Coos Bay Estuary Management Plan on December 18, 2013. OCRM's decision deadline was extended to February 18, 2014 (the 120-day deadline).

Based on our review of your submission, we concur, with the exceptions described below, that the changes are RPCs and we approve the incorporation of the changes as enforceable and non-enforceable policies of the Oregon Coastal Management Program. Federal Consistency will apply to the approved changes to enforceable policies only after you publish notice of this approval pursuant to 15 C.F.R. § 923.84(b)(4), and the new and revised enforceable policies shall only be applied to applications for federal authorizations filed after OCRM's approval. Please include in the public notice the list of changes provided in this letter, and please send a copy of the notice to OCRM.

CHANGES APPROVED

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

QUALIFICATIONS

States may not incorporate enforceable policies by reference. If an approved enforceable policy refers to another regulation, policy, standard, guidance, or other such requirement or document (hereinafter "referenced policy"), the referenced policy itself must be submitted to and approved by OCRM as an enforceable policy in order to be applied under the federal consistency review provisions of the CZMA. Therefore, no requirement or document referenced in the approved enforceable policies may be applied for federal consistency unless that requirement or document has separately been approved by OCRM.



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ATTACHMENT B

Additionally, OCRM asked DLCD to confirm that the “consistency statements” language in the Coos County Comprehensive Plan Vol. 1, Part 1 is not referring to federal consistency under the CZMA. DLCD confirmed, stating: “the text refers to Coos County’s right and ability to comment on state and federal permit applications, with regards to the application’s consistency with county land use requirements. Coos County does not make federal consistency decisions.” (See email from Juna Hickner (DLCD) to Jackie Rollerì and Kris Wall (OCRM) on January 21, 2014).

CHANGES NOT APPROVED

OCRM does not approve the definition of “Continental Shelf” in the Coos County Comprehensive Plan Vol. II, Part 1, Sec. 3.2 and Vol. III, Part 1, Sec. 5, and the Coos County Zoning and Land Development Ordinance Ch. II, Sec. 2.1.200. The definition provided in these sections differs from that in the State’s OCRM-approved Territorial Sea Plan, which is the controlling definition for federal consistency review purposes.

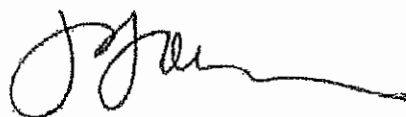
In addition, OCRM does not approve the Coos County Comprehensive Plan Vol. I, Part I, Section 5.18, Strategies 1 and 3 as enforceable policies. Due to inadvertent error, the State’s program change submission table included Strategy 1 when the State had actually intended to incorporate Strategy 3 and not Strategy 1. Similarly, the Coos Bay Estuary Management Plan, as contained in the Coos County Comprehensive Plan Vol. II, Part 1, Sec. 3.8 (Uses and Activities Matrix) was not included in the State’s program change submission table but was intended to be incorporated into the Oregon Coastal Management Program as an enforceable policy. OCRM concurs that Strategy 3 and Sec. 3.8 are enforceable policies, but cannot approve them as such until the State provides the requisite public notice and resubmits the provisions in a subsequent program change.

PUBLIC AND FEDERAL AGENCY COMMENTS

OCRM received no comments on this RPC submission.

Thank you for your cooperation in this review. Please contact Jackie Rollerì at 301-563-1179, if you have any questions.

Sincerely,



Joelle Gore, Acting Chief
Coastal Programs Division

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

Enclosure to OCRM's February 18, 2014 Approval of the Incorporation of Changes to
the Oregon Coastal Management Program

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

Name/Description of State or Local Law/Regulation/Policy/Program Authority	State/Local Legal Citation	Date Adopted by State	Date Effective in State
ADDED:		mm/dd/yyyy	mm/dd/yyyy
*Coos County Comprehensive Plan (including the Coos Bay Estuary Management Plan and Coquille River Estuary Management Plan) and the Coos County Zoning and Land Development Ordinance	*While OCRM approves the most recent versions of the Coos County land use provisions for incorporation in their entirety into the Oregon Coastal Management Program, OCRM only approves as enforceable policies the provisions listed below.	1985-2013	1985-2013
COOS COUNTY COMPREHENSIVE PLAN (CCCP)			
CCCP Volume I, Part 1, Section 5: Plan Provisions			
Plan policies regarding Land Use & Community Development	Section 5.2 Strategies 2, 14	4/4/1985	1985-2013
Plan policies regarding Agricultural Lands	Section 5.3 Strategies 1, 10, 12, 13	4/4/1985	1985-2013
Plan policies regarding Forest Lands	Section 5.4 Strategies 1, 3, 9	4/4/1985	1985-2013
Plan policies regarding Mineral and Aggregate Resources	Section 5.5 Strategies 1, 2, 4	4/4/1985	1985-2013
Plan policies regarding Fish and Wildlife Habitats	Section 5.6 Strategies 1, 6	4/4/1985	1985-2013
Plan policies regarding Historical & Archaeological Resources, Natural Areas, etc.	Section 5.7 Strategy 3	4/4/1985	1985-2013
Plan policies regarding Dunes, and Ocean and Coastal Lake Shorelands	Section 5.10 Strategies 1, 2, 3, 5, 7, 8, 9, 10, 11	4/4/1985	1985-2013
Plan policies regarding Natural Hazards	Section 5.11 Strategies 1, 4, 6, 7	4/4/1985	1985-2013
Plan policies regarding Public Facilities	Section 5.18 Strategies 1*, 4, 4a, 5, 6	4/4/1985	1985-2013
Plan policies regarding Urbanization	Section 5.22 Strategy 2	4/4/1985	1985-2013
CCCP Volume II, Part 1, Sections 3 and 5: Coos Bay Estuary Management Plan			

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Definitions	Section 3.2 (exception: OCRM does not approve "Continental Shelf")	4/4/1985	1985-2013
Estuary Classifications	Section 3.3 Policy 1	4/4/1985	1985-2013
General Schedule of Permitted uses and General Use Priorities	Section 3.3 Policy 2	4/4/1985	1985-2013
Use of "Coos Bay Estuary Special Considerations Map" as the Basis for Special Policies Implementation	Section 3.3 Policy 3	4/4/1985	1985-2013
Resource Capability Consistency and Impact Assessment	Section 3.3 Policy 4, including 4a	4/4/1985	1985-2013
Estuarine Fill and Removal	Section 3.3 Policy 5, including 5a-5d	4/4/1985	1985-2013
Fill in Conservation and Natural Estuarine Management Units	Section 3.3 Policy 6	4/4/1985	1985-2013
Estuarine Mitigation Requirements	Section 3.3 Policy 8	4/4/1985	1985-2013
Solutions to Erosion and Flooding Problems	Section 3.3 Policy 9	4/4/1985	1985-2013
Proliferation of Single-Purpose Docks and Piers	Section 3.3 Policy 10	4/4/1985	1985-2013
Overall Use Priorities within Coastal Shorelands	Section 3.3 Policy 13	4/4/1985	1985-2013
General Policy on Uses within Rural Coastal Shorelands	Section 3.3 Policy 14	4/4/1985	1985-2013
Land Divisions within Rural Shorelands	Section 3.3 Policy 15	4/4/1985	1985-2013
Protection of Sites Suitable for Water-Dependent Uses and Special Allowance for new Non-Water-Dependent Uses in "Urban Water-Dependent (UW) Units"	Section 3.3 Policy 16, including 16a and 16b	4/4/1985	1985-2013
Protection of Historical, Cultural and Archaeological Sites	Section 3.3 Policy 18	4/4/1985	1985-2013
Management of "Wet-Meadow" Wetlands within Coastal Shorelands	Section 3.3 Policy 19	4/4/1985	1985-2013
Dredged Material Disposal Sites	Section 3.3 Policy 20, including 20b and 20c	4/4/1985	1985-2013

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Name/Description of State or Local Law/Regulation/Policy/Program Authority	State/Local Legal Citation	Date Adopted by State	Date Effective in State
Mitigation Sites: Protection Against Pre-emptory Uses	Section 3.3 Policy 22, including 22b	4/4/1985	1985-2013
Waste/Storm Water Discharge	Section 3.3 Policy 25	4/4/1985	1985-2013
Restricting Actions in Beach and Dune Areas that are "Unsuitable for Development"	Section 3.3 Policy 29	4/4/1985	1985-2013
Restricting Actions in Beach and Dune Areas with "Limited Development Suitability" and Special Consideration for Sensitive Beach and Dune Resources	Section 3.3 Policy 30	4/4/1985	1985-2013
Flow-Lane Disposal of Dredged Material Allowed in Development Aquatic Management Units	Section 3.3 Policy 46a	4/4/1985	1985-2013
Management Units	Section 5 All	4/4/1985	1985-2013
CCCP Volume III, Part 1, Sections 4.1 and 5: Coquille River Estuary Management Plan			
Schedule of Permitted Uses and General Use Priorities	Section 4.1 Policy 2	4/4/1985	1985-2013
Use of Coquille River Estuary Considerations Map	Section 4.1 Policy 3	4/4/1985	1985-2013
Resource Capability Consistency and Impact Assessment	Section 4.1 Policy 4	4/4/1985	1985-2013
Estuarine Fill and Removal	Section 4.1 Policy 5	4/4/1985	1985-2013
Temporary Alterations	Section 4.1 Policy 5a	4/4/1985	1985-2013
Dredging to Repair Existing Functional Dikes & Tidegates	Section 4.1 Policy 5b	4/4/1985	1985-2013
New and Expanded Log Storage	Section 4.1 Policy 5c	4/4/1985	1985-2013
Research and Educational Observations	Section 4.1 Policy 5d	4/4/1985	1985-2013
Fill in Conservation and Natural Management Units	Section 4.1 Policy 6	4/4/1985	1985-2013
Solutions to Erosion and Flooding Problems	Section 4.1 Policy 9	4/4/1985	1985-2013
Proliferation of Single-Purpose Docks and Piers	Section 4.1	4/4/1985	1985-2013

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Name/Description of State or Local Law/Regulation/Policy/Program Authority	State/Local Legal Citation	Date Adopted by State	Date Effective in State
	Policy 10		
Overall Use Priorities within Coastal Shorelands	Section 4.1 Policy 13	4/4/1985	1985-2013
General Policy on Uses within Rural Coastal Shorelands	Section 4.1 Policy 14	4/4/1985	1985-2013
Protection of Sites Suitable to Water-Dependent Uses; and Special Allowance for New Non-Water-Dependent Uses in "Urban Water-Dependent (UW) Units which are "Suitable for Water-Dependent Uses" (WD)	Section 4.1 Policy 16	4/4/1985	1985-2013
Rural, Urban, and Unincorporated Communities Use Standards	Section 4.1 Policy 16a	4/4/1985	1985-2013
Protection of Historical, Cultural and Archaeological Sites	Section 4.1 Policy 18	4/4/1985	1985-2013
Management of Wet-Meadow Wetlands within Coastal Shorelands	Section 4.1 Policy 19	4/4/1985	1985-2013
Material Disposal Sites	Section 4.1 Policy 20	4/4/1985	1985-2013
Intertidal Dredged Material Disposal	Section 4.1 Policy 20b	4/4/1985	1985-2013
Waste Water/Storm Water Discharge	Section 4.1 Policy 25	4/4/1985	1985-2013
Mass Movement	Section 4.1 Policy 27a	4/4/1985	1985-2013
Restricting Actions in Beach and Dune Areas that are "Unsuitable for Development	Section 4.1 Policy 29	4/4/1985	1985-2013
Restricting Actions in Beach and Dune Areas with "Limited Development Suitability" and Special Consideration for Sensitive Beach and Dune Resources	Section 4.1 Policy 30	4/4/1985	1985-2013
Interpretation of Coastal Shorelands Boundary	Section 4.1 Policy 43	4/4/1985	1985-2013
Definitions	Section 5 (exception: OCRM does not approve "Continental Shelf")	4/4/1985	1985-2013
COOS COUNTY ZONING AND LAND DEVELOPMENT ORDINANCE			
Chapter I			

Enclosure to OCRM's February 18, 2014 Approval of the Incorporation of Changes to
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Requires compliance with provisions of Comprehensive Plan and Ordinances	Section 1.1.300	4/4/1985	1985-2013
Chapter II			
Definitions	Sections 2.1.100 – 2.1.200 (exception: OCRM does not approve “Continental Shelf”)	4/4/1985	1985-2013
Chapter III			
Special Allowance for Accessory Dwellings	Section 3.2.175	4/4/1985	1985-2013
Right of Way Enhancement	Section 3.2.500	4/4/1985	1985-2013
Routine Road Maintenance	Section 3.2.550	4/4/1985	1985-2013
Process for Tribal Review re Archaeological Sites	Section 3.2.700	4/4/1985	1985-2013
Chapter IV			
Establishes Zoning Districts and purposes for 16 zones	Section 4.1.100 Part A	4/4/1985	1985-2013
Establishes overlay zones	Section 4.1.100 Part B	4/4/1985	1985-2013
Establishes Shoreland Zones for Coquille River Estuary	Section 4.1.100 Part C	4/4/1985	1985-2013
Establishes Aquatic Unit Zones for Coquille River Estuary	Section 4.1.100 Part D	4/4/1985	1985-2013
Zoning District Maps: specifies official zoning maps	Section 4.1.200	4/4/1985	1985-2013
Interpretation of Shoreland boundary	Section 4.1.450	4/4/1985	1985-2013
Use Matrices - General	Section 4.2.100	4/4/1985	1985-2013
Open Space and Natural Resource District: Table 4.2a	Section 4.2.200	4/4/1985	1985-2013
Resource Zoning Districts: refers to 4.8 and 4.9 for uses	Section 4.2.300	4/4/1985	1985-2013
Rural Residential and Rural Unincorporated Table 4.2.c	Section 4.2.400	4/4/1985	1985-2013
Urban Residential Zoning District: Table 4.2.d	Section 4.2.500	4/4/1985	1985-2013
Commercial – Industrial Zoning District: Table 4.2.e	Section 4.2.600	4/4/1985	1985-2013
Commercial – Industrial Rural Communities: Table 4.2.f	Section 4.2.700	4/4/1985	1985-2013
Commercial – Industrial Urban Communities: Table 4.2.g	Section 4.2.800	4/4/1985	1985-2013
Review Standards and Conditions (refers to tables)	Section 4.2.900	4/4/1985	1985-2013

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Use Matrix—CREMP Aquatic Units	Section 4.3.100	4/4/1985	1985-2013
CREMP Estuarine Uses/Activities Matrix	TABLE 4.3a	4/4/1985	1985-2013
Estuarine Matrix Footnotes	4.3 Footnotes	4/4/1985	1985-2013
Applies generally to 4.2.200 – 4.2.600	Section 4.4.100	4/4/1985	1985-2013
Open Space and Natural Resource Districts	Section 4.4.200	4/4/1985	1985-2013
General Standards for Resource Zoning Districts	Section 4.4.300	4/4/1985	1985-2013
General Standards for Rural Residential Zoning Districts	Section 4.4.400	4/4/1985	1985-2013
General Standards for Urban Residential Zoning Districts	Section 4.4.500	4/4/1985	1985-2013
Manufactured Homes in Urban Residential Districts	Section 4.4.550	4/4/1985	1985-2013
Commercial – Industrial Districts	Section 4.4.600	4/4/1985	1985-2013
Site Plan Review	Section 4.4.610	4/4/1985	1985-2013
Purpose: Land Development Standards	Table 4.5.100	4/4/1985	1985-2013
Site-Specific Zoning Districts	Section 4.5.175	4/4/1985	1985-2013
Riparian protection standards re existing structures	Section 4.5.180.2	4/4/1985	1985-2013
Management Objective DDNC-DA	Section 4.5.201	4/4/1985	1985-2013
Uses, Activities, Special Conditions Table DDNC-DA	Section 4.5.202	4/4/1985	1985-2013
Management Objective CSDNC-DA	Section 4.5.205	4/4/1985	1985-2013
Activities, Special Conditions Table CSDNC-DA	Section 4.5.206	4/4/1985	1985-2013
Management Objectives for ISSDNC-DA	Section 4.5.210	4/4/1985	1985-2013
Table ISSDNC-DA	Section 4.5.211	4/4/1985	1985-2013
Management Objectives for CMRSDNC-DA	Section 4.5.215	4/4/1985	1985-2013
Uses, Activities, Special Conditions Table CMRSDNC-DA	Section 4.5.216	4/4/1985	1985-2013
Management Objectives for 1-CS	Section 4.5.220	4/4/1985	1985-2013
Uses, Activities, Special Conditions Table 1-CS	Section 4.5.221	4/4/1985	1985-2013
Land Development Standards	Section 4.5.222	4/4/1985	1985-2013
Management Objectives for 1-CA	Section 4.5.225	4/4/1985	1985-2013
Uses, Activities, Special Conditions Table 1-CA	Section 4.5.226	4/4/1985	1985-2013
Management Objectives for 2-NA	Section 4.5.230	4/4/1985	1985-2013
Uses, Activities, Special Conditions for 2-CS	Section 4.5.231	4/4/1985	1985-2013

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Name/Description of State or Local Law/Regulation/Policy/Program Authority	State/Local Legal Citation	Date Adopted by State	Date Effective in State
Land Development Standards	Section 4.5.232	4/4/1985	1985-2013
Management Objectives for 2-NA	Section 4.5.235	4/4/1985	1985-2013
Uses, Activities, Special Conditions Table 2-NA	Section 4.5.236	4/4/1985	1985-2013
Management Objectives for 3-WD	Section 4.5.240	4/4/1985	1985-2013
Uses, Activities, Special Conditions Table 3-WD	Section 4.5.241	4/4/1985	1985-2013
Land Development Standards Table 4.5	Section 4.5.242	4/4/1985	1985-2013
Management Objectives for 3-NWD	Section 4.5.242.01	4/4/1985	1985-2013
Uses, Activities, Special Conditions Table 3-NWD	Section 4.5.242.02	4/4/1985	1985-2013
Land Development Standards Table 4.5	Section 4.5.242.03	4/4/1985	1985-2013
Management Objectives for 3W-NS	Section 4.5.245	4/4/1985	1985-2013
Uses, Activities, Special Conditions Table 3W-NS	Section 4.5.246	4/4/1985	1985-2013
Land Development Standards Table 4.5	Section 4.5.247	4/4/1985	1985-2013
Management Objectives for 3-DA	Section 4.5.250	4/4/1985	1985-2013
Uses, Activities, Special Conditions Table 3-DA	Section 4.5.251	4/4/1985	1985-2013
Management Objectives for 4-CS	Section 4.5.255	4/4/1985	1985-2013
Uses, Activities, Special Conditions Table 4-CS	Section 4.5.256	4/4/1985	1985-2013
Land Development Standards Table 4.5	Section 4.5.257	4/4/1985	1985-2013
Management Objectives for 5-WD	Section 4.5.260	4/4/1985	1985-2013
Uses, Activities, Special Conditions Table 5-WD	Section 4.5.261	4/4/1985	1985-2013
Land Development Standards Table 4.5	Section 4.5.263	4/4/1985	1985-2013
Management Objectives for 5A-NS	Section 4.5.265	4/4/1985	1985-2013
Uses, Activities, Special Conditions Table 5A-NS	Section 4.5.266	4/4/1985	1985-2013
Land Development Standards Table 4.5	Section 4.5.267	4/4/1985	1985-2013
Management Objectives for 6-WD	Section 4.5.275	4/4/1985	1985-2013
Uses, Activities, Special Conditions Table 6-WD	Section 4.5.276	4/4/1985	1985-2013
Uses, Activities, Special Conditions Table 2-NA	Section 4.5.236	4/4/1985	1985-2013
Management Objectives for 6-DA	Section 4.5.280	4/4/1985	1985-2013
Uses, Activities, Special Conditions Table 6-DA	Section 4.5.281	4/4/1985	1985-2013
Management Objectives 7-D	Section 4.5.285	4/4/1985	1985-2013
Uses, Activities, Special Conditions 7-D	Section 4.5.286	4/4/1985	1985-2013
Land Development Standards Table 4.5	Section 4.5.287	4/4/1985	1985-2013
Management Objectives 7-NA	Section 4.5.290	4/4/1985	1985-2013

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Name/Description of State or Local Law/Regulation/Policy/Program Authority	State/Local Legal Citation	Date Adopted by State	Date Effective in State
Uses, Activities, Special Conditions Table 7-NA	Section 4.5.291	4/4/1985	1985-2013
Management Objectives 55-UD	Section 4.5.295	4/4/1985	1985-2013
Uses, Activities, Special Conditions 55-UD	Section 4.5.296	4/4/1985	1985-2013
Land Development Standards Table 4.5	Section 4.5.297	4/4/1985	1985-2013
Management Objectives 55A-CA	Section 4.5.300	4/4/1985	1985-2013
Uses, Activities, Special Conditions 55A-CA	Section 4.5.301	4/4/1985	1985-2013
Management Objectives for 55B-NA	Section 4.5.305	4/4/1985	1985-2013
Uses, Activities, Special Conditions Table 55B-NA	Section 4.5.306	4/4/1985	1985-2013
Management Objectives for 56-UW	Section 4.5.310	4/4/1985	1985-2013
Uses, Activities, Special Conditions Table 56-UW	Section 4.5.311	4/4/1985	1985-2013
Land Development Standards Table 4.5	Section 4.5.312	4/4/1985	1985-2013
Management Objectives for 56-DA	Section 4.5.315	4/4/1985	1985-2013
Uses, Activities, Special Conditions Table 56-DA	Section 4.5.316	4/4/1985	1985-2013
Management Objectives for 57-CS	Section 4.5.320	4/4/1985	1985-2013
Uses, Activities, Special Conditions Table 57-CS	Section 4.5.321	4/4/1985	1985-2013
Land Development Standards Table 4.5	Section 4.5.322	4/4/1985	1985-2013
Management Objectives for 57-NA	Section 4.5.325	4/4/1985	1985-2013
Uses, Activities, Special Conditions Table 4.5	Section 4.5.326	4/4/1985	1985-2013
Management Objectives for 58-UD	Section 4.5.330	4/4/1985	1985-2013
Uses, Activities, Special Conditions Table 58-UD	Section 4.5.331	4/4/1985	1985-2013
Land Development Standards Table 4.5	Section 4.5.332	4/4/1985	1985-2013
Management Objectives for ; 58-NA	Section 4.5.335	4/4/1985	1985-2013
Uses, Activities, Special Conditions Table ; 58-NA	Section 4.5.336	4/4/1985	1985-2013
Management Objectives for 59-CA	Section 4.5.340	4/4/1985	1985-2013
Uses, Activities, Special Conditions Table 59-CA	Section 4.5.341	4/4/1985	1985-2013
Management Objectives for 67-D	Section 4.5.345	4/4/1985	1985-2013
Uses, Activities, Special Conditions Table 67-D	Section 4.5.346	4/4/1985	1985-2013
Land Development Standards Table 4.5	Section 4.5.347	4/4/1985	1985-2013
Management Objectives for 67-CA	Section 4.5.350	4/4/1985	1985-2013
Uses, Activities, Special Conditions Table 67-CA	Section 4.5.351	4/4/1985	1985-2013
Management Objectives for 67A-DA	Section 4.5.355	4/4/1985	1985-2013
Uses, Activities, Special Conditions Table 67A-DA	Section 4.5.356	4/4/1985	1985-2013

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Management Objectives for 68A-CS	Section 4.5.360	4/4/1985	1985-2013
Uses, Activities, Special Conditions Table 68A-CS	Section 4.5.361	4/4/1985	1985-2013
Land Development Standards Table 4.5	Section 4.5.362	4/4/1985	1985-2013
Management Objectives for 68B-WD	Section 4.5.365	4/4/1985	1985-2013
Uses, Activities, Special Conditions Table 68B-WD	Section 4.5.366	4/4/1985	1985-2013
Land Development Standards Table 4.5	Section 4.5.367	4/4/1985	1985-2013
Management Objectives for 8-WD	Section 4.5.370	4/4/1985	1985-2013
Uses, Activities, Special Conditions Table 8-WD	Section 4.5.371	4/4/1985	1985-2013
Land Development Standards Table 4.5	Section 4.5.372	4/4/1985	1985-2013
Management Objectives for 8-CA	Section 4.5.375	4/4/1985	1985-2013
Uses, Activities, Special Conditions Table 8-CA	Section 4.5.376	4/4/1985	1985-2013
Management Objectives for 9-CS	Section 4.5.380	4/4/1985	1985-2013
Uses, Activities, Special Conditions Table 9-CS	Section 4.5.381	4/4/1985	1985-2013
Land Development Standards Table 4.5	Section 4.5.382	4/4/1985	1985-2013
Management Objectives 9A-CS	Section 4.5.385	4/4/1985	1985-2013
Uses, Activities, Special Conditions Table 9A-CS	Section 4.5.386	4/4/1985	1985-2013
Land Development Standards Table 4.5	Section 4.5.387	4/4/1985	1985-2013
Management Objectives 10-CS	Section 4.5.390	4/4/1985	1985-2013
Uses, Activities, Special Conditions Table 10-CS	Section 4.5.391	4/4/1985	1985-2013
Land Development Standards Table 4.5	Section 4.5.392	4/4/1985	1985-2013
Management Objectives 10-NA	Section 4.5.395	4/4/1985	1985-2013
Uses, Activities, Special Conditions Table 10-NA	Section 4.5.396	4/4/1985	1985-2013
Management Objectives 11-RS	Section 4.5.400	4/4/1985	1985-2013
Uses, Activities, Special Conditions Table 11-RS	Section 4.5.401	4/4/1985	1985-2013
Land Development Standards Table 4.5	Section 4.5.402	4/4/1985	1985-2013
Management Objectives 11-NA	Section 4.5.405	4/4/1985	1985-2013
Uses, Activities, Special Conditions Table 11-NA	Section 4.5.406	4/4/1985	1985-2013
Management Objectives 12-RS	Section 4.5.410	4/4/1985	1985-2013
Uses, Activities, Special Conditions Table 12-RS	Section 4.5.411	4/4/1985	1985-2013
Land Development Standards Table 4.5	Section 4.5.412	4/4/1985	1985-2013
Management Objectives 12-CA	Section 4.5.415	4/4/1985	1985-2013
Uses, Activities, Special Conditions Table 12-CA	Section 4.5.416	4/4/1985	1985-2013

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Management Objectives 13-CA	Section 4.5.420	4/4/1985	1985-2013
Uses, Activities, Special Conditions Table 13-CA	Section 4.5.421	4/4/1985	1985-2013
Land Development Standards Table 4.5	Section 4.5.422	4/4/1985	1985-2013
Management Objectives 13-NA	Section 4.5.425	4/4/1985	1985-2013
Uses, Activities, Special Conditions Table 13-NA	Section 4.5.426	4/4/1985	1985-2013
Management Objectives 13B-RS	Section 4.5.430	4/4/1985	1985-2013
Uses, Activities, Special Conditions Table 13B-RS	Section 4.5.431	4/4/1985	1985-2013
Land Development Standards Table 4.5	Section 4.5.432	4/4/1985	1985-2013
Management Objectives 13B-NA	Section 4.5.435	4/4/1985	1985-2013
Uses, Activities, Special Conditions Table 13B-NA	Section 4.5.436	4/4/1985	1985-2013
Management Objectives 14-WD	Section 4.5.440	4/4/1985	1985-2013
Uses, Activities, Special Conditions Table 14-WD	Section 4.5.441	4/4/1985	1985-2013
Land Development Standards Table 4.5	Section 4.5.442	4/4/1985	1985-2013
Management Objectives 14-DA	Section 4.5.445	4/4/1985	1985-2013
Uses, Activities, Special Conditions Table 14-DA	Section 4.5.446	4/4/1985	1985-2013
Management Objectives 15-RS	Section 4.5.450	4/4/1985	1985-2013
Uses, Activities, Special Conditions Table 15-RS	Section 4.5.451	4/4/1985	1985-2013
Land Development Standards Table 4.5	Section 4.5.452	4/4/1985	1985-2013
Management Objectives 15-NA	Section 4.5.455	4/4/1985	1985-2013
Uses, Activities, Special Conditions Table 15-NA	Section 4.5.456	4/4/1985	1985-2013
Management Objectives 16-WD	Section 4.5.460	4/4/1985	1985-2013
Uses, Activities, Special Conditions Table 16-WD	Section 4.5.461	4/4/1985	1985-2013
Land Development Standards Table 4.5	Section 4.5.462	4/4/1985	1985-2013
Management Objectives 16-CA	Section 4.5.465	4/4/1985	1985-2013
Uses, Activities, Special Conditions Table 16-CA	Section 4.5.466	4/4/1985	1985-2013
Management Objectives 17-RS	Section 4.5.470	4/4/1985	1985-2013
Uses, Activities, Special Conditions Table 17-RS	Section 4.5.471	4/4/1985	1985-2013
Land Development Standards Table 4.5	Section 4.5.472	4/4/1985	1985-2013
Management Objectives 17-NA	Section 4.5.475	4/4/1985	1985-2013
Uses, Activities, Special Conditions Table 17-NA	Section 4.5.476	4/4/1985	1985-2013
Management Objectives 18-RS	Section 4.5.480	4/4/1985	1985-2013
Uses, Activities, Special Conditions Table 18-RS	Section 4.5.481	4/4/1985	1985-2013
Land Development Standards Table 4.5	Section 4.5.482	4/4/1985	1985-2013

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Management Objectives 18-CA	Section 4.5.485	4/4/1985	1985-2013
Uses, Activities, Special Conditions Table 18-CA	Section 4.5.486	4/4/1985	1985-2013
Management Objectives 18B-CA	Section 4.5.490	4/4/1985	1985-2013
Uses, Activities, Special Conditions Table 18B-CA	Section 4.5.491	4/4/1985	1985-2013
Management Objectives 19-CA	Section 4.5.495	4/4/1985	1985-2013
Uses, Activities, Special Conditions Table 19-CA	Section 4.5.496	4/4/1985	1985-2013
Management Objectives 25-NA	Section 4.5.505	4/4/1985	1985-2013
Uses, Activities, Special Conditions Table 25-NA	Section 4.5.506	4/4/1985	1985-2013
Management Objectives 45A-CA	Section 4.5.525	4/4/1985	1985-2013
Uses, Activities, Special Conditions Table 45A-CA	Section 4.5.526	4/4/1985	1985-2013
Management Objectives 19-D	Section 4.5.535	4/4/1985	1985-2013
Uses, Activities, Special Conditions Table 19-D	Section 4.5.536	4/4/1985	1985-2013
Land Development Standards Table 4.5	Section 4.5.437	4/4/1985	1985-2013
Management Objectives 19B-DA	Section 4.5.540	4/4/1985	1985-2013
Uses, Activities, Special Conditions Table 19B-DA	Section 4.5.541	4/4/1985	1985-2013
Management Objectives 20-RS	Section 4.5.545	4/4/1985	1985-2013
Uses, Activities, Special Conditions Table 20-RS	Section 4.5.546	4/4/1985	1985-2013
Land Development Standards Table 4.5	Section 4.5.547	4/4/1985	1985-2013
Management Objectives 20-CA	Section 4.5.550	4/4/1985	1985-2013
Uses, Activities, Special Conditions Table 20-CA	Section 4.5.551	4/4/1985	1985-2013
Management Objectives 20A-WD	Section 4.5.555	4/4/1985	1985-2013
Uses, Activities, Special Conditions Table 20A-WD	Section 4.5.556	4/4/1985	1985-2013
Land Development Standards Table 4.5	Section 4.5.557	4/4/1985	1985-2013
Management Objectives 20A-DA	Section 4.5.560	4/4/1985	1985-2013
Uses, Activities, Special Conditions Table 20A-DA	Section 4.5.561	4/4/1985	1985-2013
Management Objectives 20B-WD	Section 4.5.565	4/4/1985	1985-2013
Uses, Activities, Special Conditions Table 20B-WD	Section 4.5.566	4/4/1985	1985-2013
Land Development Standards Table 4.5	Section 4.5.567	4/4/1985	1985-2013
Management Objectives 20B-DA	Section 4.5.570	4/4/1985	1985-2013
Uses, Activities, Special Conditions Table 20B-DA	Section 4.5.571	4/4/1985	1985-2013
Management Objectives 20C-WD	Section 4.5.575	4/4/1985	1985-2013

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Uses, Activities, Special Conditions Table 20C-WD	Section 4.5.576	4/4/1985	1985-2013
Land Development Standards Table 4.5	Section 4.5.577	4/4/1985	1985-2013
Management Objectives 20C-DA	Section 4.5.580	4/4/1985	1985-2013
Uses, Activities, Special Conditions Table 20C-DA	Section 4.5.581	4/4/1985	1985-2013
Management Objectives 20D-WD	Section 4.5.585	4/4/1985	1985-2013
Uses, Activities, Special Conditions Table 20D-WD	Section 4.5.586	4/4/1985	1985-2013
Land Development Standards Table 4.5	Section 4.5.587	4/4/1985	1985-2013
Management Objectives 20D-DA	Section 4.5.590	4/4/1985	1985-2013
Uses, Activities, Special Conditions Table 20D-DA	Section 4.5.591	4/4/1985	1985-2013
Land Development Standards Table 4.5	Section 4.5.592	4/4/1985	1985-2013
Management Objectives 21-RS	Section 4.5.595	4/4/1985	1985-2013
Uses, Activities, Special Conditions Table 21-RS	Section 4.5.596	4/4/1985	1985-2013
Land Development Standards Table 4.5	Section 4.5.597	4/4/1985	1985-2013
Management Objectives 21-CA	Section 4.5.600	4/4/1985	1985-2013
Uses, Activities, Special Conditions Table 21-CA	Section 4.5.601	4/4/1985	1985-2013
Management Objectives 21A-NA	Section 4.5.605	4/4/1985	1985-2013
Uses, Activities, Special Conditions Table 21A-NA	Section 4.5.606	4/4/1985	1985-2013
Management Objectives 28A-DA	Section 4.5.615	4/4/1985	1985-2013
Uses, Activities, Special Conditions Table 28A-DA	Section 4.5.616	4/4/1985	1985-2013
Management Objectives 28B-DA	Section 4.5.620	4/4/1985	1985-2013
Uses, Activities, Special Conditions Table 28B-DA	Section 4.5.621	4/4/1985	1985-2013
Management Objectives 29-CS	Section 4.5.625	4/4/1985	1985-2013
Uses, Activities, Special Conditions Table 29-CS	Section 4.5.626	4/4/1985	1985-2013
Land Development Standards Table 4.5	Section 4.5.627	4/4/1985	1985-2013
Management Objectives 29-NA	Section 4.5.630	4/4/1985	1985-2013
Uses, Activities, Special Conditions Table 29-NA	Section 4.5.631	4/4/1985	1985-2013
Management Objectives 30A-CS	Section 4.5.635	4/4/1985	1985-2013
Uses, Activities, Special Conditions Table 30A-CS	Section 4.5.636	4/4/1985	1985-2013
Land Development Standards Table 4.5	Section 4.5.637	4/4/1985	1985-2013

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Management Objectives 30B-RS	Section 4.5.640	4/4/1985	1985-2013
Uses, Activities, Special Conditions Table 30B-RS	Section 4.5.641	4/4/1985	1985-2013
Land Development Standards Table 4.5	Section 4.5.642	4/4/1985	1985-2013
Management Objectives 30C-CS	Section 4.5.645	4/4/1985	1985-2013
Uses, Activities, Special Conditions Table 30C-CS	Section 4.5.646	4/4/1985	1985-2013
Land Development Standards Table 4.5	Section 4.5.647	4/4/1985	1985-2013
Management Objectives 30D-RS	Section 4.5.650	4/4/1985	1985-2013
Uses, Activities, Special Conditions Table 30D-RS	Section 4.5.651	4/4/1985	1985-2013
Land Development Standards Table 4.5	Section 4.5.652	4/4/1985	1985-2013
Management Objectives 30E-CS	Section 4.5.655	4/4/1985	1985-2013
Uses, Activities, Special Conditions Table 30E-CS	Section 4.5.656	4/4/1985	1985-2013
Land Development Standards Table 4.5	Section 4.5.657	4/4/1985	1985-2013
Management Objectives 30-CA	Section 4.5.660	4/4/1985	1985-2013
Uses, Activities, Special Conditions Table 30-CA	Section 4.5.661	4/4/1985	1985-2013
Management Objectives 31-RS	Section 4.5.665	4/4/1985	1985-2013
Uses, Activities, Special Conditions Table 31-RS	Section 4.5.666	4/4/1985	1985-2013
Land Development Standards Table 4.5	Section 4.5.667	4/4/1985	1985-2013
Management Objectives 31-NA	Section 4.5.670	4/4/1985	1985-2013
Uses, Activities, Special Conditions Table 31-NA	Section 4.5.671	4/4/1985	1985-2013
Management Objectives 32-D	Section 4.5.675	4/4/1985	1985-2013
Uses, Activities, Special Conditions Table 32-D	Section 4.5.676	4/4/1985	1985-2013
Land Development Standards Table 4.5	Section 4.5.677	4/4/1985	1985-2013
Management Objectives 34-RS	Section 4.5.680	4/4/1985	1985-2013
Uses, Activities, Special Conditions Table 34-RS	Section 4.5.681	4/4/1985	1985-2013
Land Development Standards Table 4.5	Section 4.5.682	4/4/1985	1985-2013
Management Objectives 34-NA	Section 4.5.685	4/4/1985	1985-2013
Uses, Activities, Special Conditions Table 34-NA	Section 4.5.686	4/4/1985	1985-2013
Management Objectives 36-UW	Section 4.5.690	4/4/1985	1985-2013
Uses, Activities, Special Conditions Table 36-UW	Section 4.5.691	4/4/1985	1985-2013
Land Development Standards Table 4.5	Section 4.5.692	4/4/1985	1985-2013
Management Objectives 38-UD	Section 4.5.695	4/4/1985	1985-2013
Uses, Activities, Special Conditions Table 38-UD	Section 4.5.696	4/4/1985	1985-2013
Land Development Standards Table 4.5	Section 4.5.697	4/4/1985	1985-2013

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Management Objectives 38-CA	Section 4.5.700	4/4/1985	1985-2013
Uses, Activities, Special Conditions Table 38-CA	Section 4.5.701	4/4/1985	1985-2013
Management Objectives 39-CS	Section 4.5.705	4/4/1985	1985-2013
Uses, Activities, Special Conditions Table 39-CS	Section 4.5.706	4/4/1985	1985-2013
Land Development Standards Table 4.5	Section 4.5.707	4/4/1985	1985-2013
Management Objectives 39-NA	Section 4.5.710	4/4/1985	1985-2013
Uses, Activities, Special Conditions Table 39-NA	Section 4.5.711	4/4/1985	1985-2013
Management Objectives 40-RS	Section 4.5.715	4/4/1985	1985-2013
Uses, Activities, Special Conditions Table 40-RS	Section 4.5.716	4/4/1985	1985-2013
Land Development Standards Table 4.5	Section 4.5.717	4/4/1985	1985-2013
Management Objectives 60-UW	Section 4.5.720	4/4/1985	1985-2013
Uses, Activities, Special Conditions Table 60-UW	Section 4.5.721	4/4/1985	1985-2013
Land Development Standards Table 4.5	Section 4.5.722	4/4/1985	1985-2013
Management Objectives 60-CA	Section 4.5.725	4/4/1985	1985-2013
Uses, Activities, Special Conditions Table 60-CA	Section 4.5.726	4/4/1985	1985-2013
Management Objectives 60A-NA	Section 4.5.730	4/4/1985	1985-2013
Uses, Activities, Special Conditions Table 60A-NA	Section 4.5.731	4/4/1985	1985-2013
Management Objectives 61-UW	Section 4.5.735	4/4/1985	1985-2013
Uses, Activities, Special Conditions Table 61-UW	Section 4.5.736	4/4/1985	1985-2013
Land Development Standards Table 4.5	Section 4.5.737	4/4/1985	1985-2013
Management Objectives 61-UDS	Section 4.5.738	4/4/1985	1985-2013
Uses, Activities, Special Conditions Table 61-UDS	Section 4.5.739	4/4/1985	1985-2013
Land Development Standards Table 4.5	Section 4.5.739.1	4/4/1985	1985-2013
Management Objectives 61-DA	Section 4.5.740	4/4/1985	1985-2013
Uses, Activities, Special Conditions Table 61-DA	Section 4.5.741	4/4/1985	1985-2013
Management Objectives 62-UD	Section 4.5.745	4/4/1985	1985-2013
Uses, Activities, Special Conditions Table 62-UD	Section 4.5.746	4/4/1985	1985-2013
Land Development Standards Table 4.5	Section 4.5.747	4/4/1985	1985-2013
Management Objectives 63A-CS	Section 4.5.750	4/4/1985	1985-2013
Uses, Activities, Special Conditions Table 63A-CS	Section 4.5.751	4/4/1985	1985-2013
Land Development Standards Table 4.5	Section 4.5.752	4/4/1985	1985-2013
Management Objectives 63-NA	Section 4.5.755	4/4/1985	1985-2013

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Uses, Activities, Special Conditions Table 63-NA	Section 4.5.756	4/4/1985	1985-2013
Management Objectives 63B-UD	Section 4.5.760	4/4/1985	1985-2013
Uses, Activities, Special Conditions Table 63B-UD	Section 4.5.761	4/4/1985	1985-2013
Land Development Standards Table 4.5	Section 4.5.762	4/4/1985	1985-2013
Management Objectives 63B-CA	Section 4.5.765	4/4/1985	1985-2013
Uses, Activities, Special Conditions Table 63B-CA	Section 4.5.766	4/4/1985	1985-2013
Land Development Standards Table 4.5	Section 4.5.767	4/4/1985	1985-2013
Management Objectives 63C-RS	Section 4.5.770	4/4/1985	1985-2013
Uses, Activities, Special Conditions Table 63C-RS	Section 4.5.771	4/4/1985	1985-2013
Land Development Standards Table 4.5	Section 4.5.772	4/4/1985	1985-2013
Management Objectives 63C-NA	Section 4.5.775	4/4/1985	1985-2013
Uses, Activities, Special Conditions Table 63C-NA	Section 4.5.776	4/4/1985	1985-2013
Management Objectives 63C2-DA	Section 4.5.780	4/4/1985	1985-2013
Uses, Activities, Special Conditions Table 63C2-DA	Section 4.5.781	4/4/1985	1985-2013
Management Objectives 64-CS	Section 4.5.785	4/4/1985	1985-2013
Uses, Activities, Special Conditions Table 64-CS	Section 4.5.786	4/4/1985	1985-2013
Land Development Standards Table 4.5	Section 4.5.787	4/4/1985	1985-2013
Management Objectives 65-UD	Section 4.5.790	4/4/1985	1985-2013
Uses, Activities, Special Conditions Table 65-UD	Section 4.5.791	4/4/1985	1985-2013
Land Development Standards Table 4.5	Section 4.5.792	4/4/1985	1985-2013
Management Objectives 66-UWD	Section 4.5.795	4/4/1985	1985-2013
Uses, Activities, Special Conditions Table 66-UWD	Section 4.5.796	4/4/1985	1985-2013
Land Development Standards Table 4.5	Section 4.5.797	4/4/1985	1985-2013
Management Objectives 66A-DA	Section 4.5.800	4/4/1985	1985-2013
Uses, Activities, Special Conditions Table 66A-DA	Section 4.5.801	4/4/1985	1985-2013
Management Objectives 66B-CA	Section 4.5.805	4/4/1985	1985-2013
Uses, Activities, Special Conditions Table 66B-CA	Section 4.5.806	4/4/1985	1985-2013
Management Objectives 69-NS	Section 4.5.810	4/4/1985	1985-2013
Uses, Activities, Special Conditions Table 69-NS	Section 4.5.811	4/4/1985	1985-2013
Land Development Standards Table 4.5	Section 4.5.812	4/4/1985	1985-2013
Management Objectives 69-NA	Section 4.5.815	4/4/1985	1985-2013

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Uses, Activities, Special Conditions Table 69-NA	Section 4.5.816	4/4/1985	1985-2013
Management Objectives 70-CS	Section 4.5.820	4/4/1985	1985-2013
Uses, Activities, Special Conditions Table 70-CS	Section 4.5.821	4/4/1985	1985-2013
Land Development Standards Table 4.5	Section 4.5.822	4/4/1985	1985-2013
Management Objectives 71-RS	Section 4.5.825	4/4/1985	1985-2013
Uses, Activities, Special Conditions Table 71-RS	Section 4.5.826	4/4/1985	1985-2013
Land Development Standards Table 4.5	Section 4.5.827	4/4/1985	1985-2013
Management Objectives 72-RS	Section 4.5.830	4/4/1985	1985-2013
Uses, Activities, Special Conditions Table 72-RS	Section 4.5.831	4/4/1985	1985-2013
Land Development Standards Table 4.5	Section 4.5.832	4/4/1985	1985-2013
Manufactured Home and Manufactured Home Park or Subdivision within Designated Flood Areas	Section 4.6.202	4/4/1985	1985-2013
Designation of Flood Areas	Section 4.6.205	4/4/1985	1985-2013
Permitted Uses	Section 4.6.210	4/4/1985	1985-2013
Conditional Uses	Section 4.6.215	4/4/1985	1985-2013
Procedural Requirements for Development within Special Flood Hazard Areas	Section 4.6.230	4/4/1985	1985-2013
Sites within Special Flood Hazard Areas	Section 4.6.235	4/4/1985	1985-2013
Manufactured Homes	Section 4.6.240	4/4/1985	1985-2013
Review of Land Subdivision Applications	Section 4.6.260	4/4/1985	1985-2013
Evaluation of Variance Applications	Section 4.6.265	4/4/1985	1985-2013
Floodways	Section 4.6.270	4/4/1985	1985-2013
Alteration of Water Courses	Section 4.6.275	4/4/1985	1985-2013
Shallow Flooding Areas	Section 4.6.280	4/4/1985	1985-2013
Coastal High Hazard Areas	Section 4.6.281	4/4/1985	1985-2013
Restrictiveness	Section 4.6.290	4/4/1985	1985-2013
Designation of Airport Surfaces	Section 4.6.305	4/4/1985	1985-2013
Airport Sub-Zones	Section 4.6.310	4/4/1985	1985-2013
Airport Surfaces Height Limitations	Section 4.6.315	4/4/1985	1985-2013
Permitted Uses	Section 4.6.320	4/4/1985	1985-2013
Conditional Uses	Section 4.6.325	4/4/1985	1985-2013
Use Restrictions	Section 4.6.330	4/4/1985	1985-2013
Clarification of Grandfather Uses and Rights	Section 4.6.335	4/4/1985	1985-2013
Variances	Section 4.6.340	4/4/1985	1985-2013

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Conformance Requirement	Section 4.6.345	4/4/1985	1985-2013
Prescribed Regulations	Section 4.7.105	4/4/1985	1985-2013
Priority of Restrictions	Section 4.7.110	4/4/1985	1985-2013
Relation to Plan Inventory	Section 4.7.115	4/4/1985	1985-2013
Goal #5 Conflict Resolution Process	Section 4.7.120	4/4/1985	1985-2013
Special Regulatory Considerations Prescribed By The Coos County Comprehensive Plan	TABLE 4.7a	4/4/1985	1985-2013
Special Regulatory Considerations Prescribed By The Coos County Comprehensive Plan Coquille River Estuary	TABLE 4.7b	4/4/1985	1985-2013
Special Regulatory Considerations Prescribed By The Coos Bay Estuary Management Plan	TABLE 4.7c	4/4/1985	1985-2013
Uses Permitted	Section 4.8.200	4/4/1985	1985-2013
Administrative Conditional Use	Section 4.8.300	4/4/1985	1985-2013
Hearings Body Conditional Use	Section 4.8.350	4/4/1985	1985-2013
Review Criteria for Conditional Use	Section 4.8.400	4/4/1985	1985-2013
"Lot-of-Record" Dwellings	Section 4.8.500	4/4/1985	1985-2013
Forest Dwellings	Section 4.8.525	4/4/1985	1985-2013
Mandatory Siting Standards Required for Dwellings and Structures in the Forest Zone	Section 4.8.600	4/4/1985	1985-2013
Fire Siting and Safety Standards	Section 4.8.700	4/4/1985	1985-2013
Development Standards	Section 4.8.750	4/4/1985	1985-2013
Land Divisions in the Forest Zone	Section 4.8.800	4/4/1985	1985-2013
Uses Permitted Outright	Section 4.9.200	4/4/1985	1985-2013
Administrative Conditional Use	Section 4.9.300	4/4/1985	1985-2013
Hearings Body Conditional Use	Section 4.9.350	4/4/1985	1985-2013
Review Criteria for Conditional Use	Section 4.9.400	4/4/1985	1985-2013
Additional Hearings Body Conditional Uses and Review Criteria	Section 4.9.450	4/4/1985	1985-2013
"Lot-of-Record" Dwellings	Section 4.9.500	4/4/1985	1985-2013
Farm-Related Dwellings on Land Not Identified as High-Value Farmland	Section 4.9.525	4/4/1985	1985-2013
Farm-Related Dwellings on High-Value Farmland	Section 4.9.540	4/4/1985	1985-2013
Non-Farm Dwellings	Section 4.9.550	4/4/1985	1985-2013

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Name/Description of State or Local Law/Regulation/Policy/Program Authority	State/Local Legal Citation	Date Adopted by State	Date Effective in State
Siting Standards for Dwellings and Structures in EFU Zone	Section 4.9.600	4/4/1985	1985-2013
Development Standards	Section 4.9.700	4/4/1985	1985-2013
Land Divisions	Section 4.9.900	4/4/1985	1985-2013
DELETED:			
The previously approved Coos County Comprehensive Plan (including the Coos Bay Estuary Management Plan (1985) and Coquille River Estuary Management Plan) and Coos County Zoning and Land Development Ordinance (1985)		1985	1985



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL OCEAN SERVICE
OFFICE OF OCEAN AND COASTAL RESOURCE MANAGEMENT
Silver Spring, Maryland 20910

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

Dear Ms. Snow:

Thank you for the Department of Land Conservation and Development's (DLCD) October 30, 2013, request to incorporate the current versions of the City of Coos Bay Comprehensive Plan (City Plan) (which includes portions of the Coos Bay Estuary Management Plan pertaining to the City of Coos Bay) and the City of Coos Bay Zoning Ordinance (City Ordinance), into the Oregon Coastal Management Program. You requested that the changes described below be incorporated as routine program changes (RPCs), pursuant to Coastal Zone Management Act (CZMA) regulations at 15 C.F.R. part 923, subpart H, and Office of Ocean and Coastal Resource Management (OCRM) Program Change Guidance (July 1996). OCRM received the original request on November 12, 2013. OCRM's decision deadline was extended to March 12, 2014 (the 120-day deadline).

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

CHANGES APPROVED

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

QUALIFICATIONS

States may not incorporate enforceable policies by reference. If an approved enforceable policy refers to another regulation, policy, standard, guidance, or other such requirement or document (hereinafter "referenced policy"), the referenced policy itself must be submitted to and approved by OCRM as an enforceable policy in order to be applied under the federal consistency review provisions of the CZMA. Therefore, no requirement or document referenced in the approved enforceable policies may be applied for federal consistency unless that requirement or document has separately been approved by OCRM.



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ATTACHMENT B

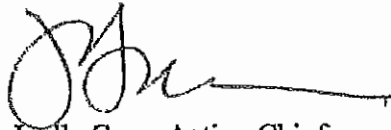
The Coos Bay Estuary Management Plan (CBEMP) was prepared through a joint effort of Coos County and the cities of North Bend and Coos Bay. The current versions of the comprehensive plans for the County and the two cities contain only those portions of the CBEMP applicable within the respective jurisdiction. As part of this RPC submission, DLCD identified for incorporation into the Oregon CMP the enforceable policies of the CBEMP that fall within the City of North Bend's jurisdiction. Similarly, DLCD recently submitted RPCs for the City of Coos Bay and Coos County, which also incorporate into the Oregon CMP the enforceable policies for portions of the CBEMP applicable within the respective jurisdictions. (See OCRM's Approval Letters from Joelle Gore to Patricia Snow: Coos County, February 18, 2014 and City of Coos Bay, March 6, 2014).

PUBLIC AND FEDERAL AGENCY COMMENTS

OCRM received no comments on this RPC submission.

Thank you for your cooperation in this review. Please contact Jackie Rolleri at 301-563-1179, if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to be 'Joelle Gore', with a long horizontal line extending to the right.

Joelle Gore, Acting Chief
Coastal Programs Division

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

Enclosure to OCRM's March 6, 2014 Approval of the Incorporation of Changes to
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Name/Description of State or Local Law/Regulation/Policy/Program Authority	State/Local Legal Citation	Date Adopted by State	Date Effective in State
ADDED:		mm/dd/yyyy	mm/dd/yyyy
*City of North Bend Comprehensive Plan (including the portion of the Coos Bay Estuary Management Plan that pertains to the City of North Bend) and North Bend Zoning Ordinance	*While OCRM approves the most recent versions of the City of North Bend land use provisions for incorporation in their entirety into the Oregon Coastal Management Program, OCRM only approves as enforceable policies the provisions listed below.	11/16/1983	1983 - 2013
North Bend Comprehensive Plan (NBCP)			
Chapter VI, Public Services/Facilities	Article 6.7.100.1 - 6.7.100.3; 6.7.100-11	11/16/1983	1983 - 2013
Chapter VII, Recreation/Open Space	Article 7.6.100.4	11/16/1983	1983 - 2013
Chapter VIII, Natural Disasters and Hazards	Article 8.5.100.1	11/16/1983	1983 - 2013
Chapter X, Air, Land and Water Quality	Article 10.5.100.3	11/16/1983	1983 - 2013
Chapter XII, Coastal	Article 12.5.100.1	11/16/1983	1983 - 2013
Chapter XIII, Land Use	Article 13.7.100	11/16/1983	1983 - 2013
Zoning Ordinance (ZO)			
ORDINANCE 1192	Zoning Code		
Definitions	Section 3	11/16/1983	1983 - 2013
Classification of Zones	Section 5	11/16/1983	1983 - 2013
Zoning Map	Section 6	11/16/1983	1983 - 2013
Residential Zones R-7 and R-10	Sections 7 - 13	11/16/1983	1983 - 2013
Residential Zone R-6	Sections 14 - 20	11/16/1983	1983 - 2013
Residential Zone R-5	Sections 21 - 27	11/16/1983	1983 - 2013
Residential Zone R-M	Sections 28 - 34	11/16/1983	1983 - 2013
Residential Transition Zone R-T	Sections 35 - 36	11/16/1983	1983 - 2013
Limited Commercial Zone C-L	Sections 37 - 42	11/16/1983	1983 - 2013
General Commercial Zone C-G	Sections 43 - 48	11/16/1983	1983 - 2013
Central Commercial District C-C	Sections 49 - 52	11/16/1983	1983 - 2013
Light Industrial District M-L	Sections 53 - 58	11/16/1983	1983 - 2013

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Heavy Industrial District M-H	Sections 59 - 61	11/16/1983	1983 - 2013
Airport Zone A-Z	Sections 62 - 63	11/16/1983	1983 - 2013
Floodplain Zone F-P	Sections 64 - 69	11/16/1983	1983 - 2013
Conditional Uses	Sections 70, 71, 75	11/16/1983	1983 - 2013
Planned Housing Development	Sections 76 - 78	11/16/1983	1983 - 2013
Off-Street Parking and Loading	Sections 79 - 85	11/16/1983	1983 - 2013
Supplementary Provisions	Sections 86 - 95	11/16/1983	1983 - 2013
Non-Conforming Uses and Structures	Sections 96 - 103	11/16/1983	1983 - 2013
Variances	Sections 104 - 106	11/16/1983	1983 - 2013
Wetland Notification Procedures	Section 121	11/16/1983	1983 - 2013
COOS BAY ESTUARY MANAGEMENT PLAN (COOS BAY ESTUARY MANAGEMENT UNITS WITHIN THE CITY OF NORTH BEND'S CITY LIMITS)			
Development Aquatic	44-DA All requirements	1984	1983 - 2013
Urban Waterfront	44-UW All requirements	1984	1983 - 2013
Urban Non-water Related	44-UNW All requirements	1984	1983 - 2013
Development Aquatic	46-DA All requirements	1984	1983 - 2013
Urban Development	46-UD All requirements	1984	1983 - 2013
Development Aquatic	47-DA All requirements	1984	1983 - 2013
Urban Waterfront	47-UW All requirements	1984	1983 - 2013
Conservation Aquatic	48-CA All requirements	1984	1983 - 2013
Conservation Aquatic	48A-CA All requirements	1984	1983 - 2013
Conservation Shoreland	48-CS All requirements	1984	1983 - 2013
Natural Aquatic	50-NA All requirements	1984	1983 - 2013
Urban Development	50-UD All requirements	1984	1983 - 2013
Conservation Aquatic	51-CA All requirements	1984	1983 - 2013
Urban Development	51-UD All requirements	1984	1983 - 2013
Development Aquatic	51A-DA All requirements	1984	1983 - 2013
Natural Aquatic	52-NA All requirements	1984	1983 - 2013
Conservation Shoreland	53-CS All requirements	1984	1983 - 2013

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DELETED:			
The previously approved City of North Bend Comprehensive Plan (including the portion of the Coos Bay Estuary Management Plan pertaining to the City of North Bend) (1983) and North Bend Zoning Ordinance (1983)		1983	1983

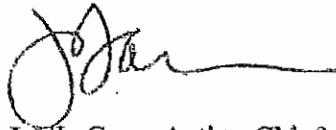
The Coos Bay Estuary Management Plan (CBEMP) was prepared through a joint effort of Coos County and the cities of North Bend and Coos Bay. The current versions of the comprehensive plans for the County and the two cities contain only those portions of the CBEMP applicable within the respective jurisdiction. As part of this RPC submission, DLCD identified for incorporation into the Oregon CMP the enforceable policies of the CBEMP that fall within the City of Coos Bay's jurisdiction. Similarly, DLCD recently submitted RPCs for the City of North Bend and Coos County, which also incorporate into the Oregon CMP the enforceable policies for portions of the CBEMP applicable within the respective jurisdictions. (See OCRM's Approval Letters from Joelle Gore to Patricia Snow: Coos County, February 18, 2014 and City of North Bend, March 6, 2014).

PUBLIC AND FEDERAL AGENCY COMMENTS

OCRM received no comments on this RPC submission.

Thank you for your cooperation in this review. Please contact Jackie Rolleri at 301-563-1179, if you have any questions.

Sincerely,



Joelle Gore, Acting Chief
Coastal Programs Division

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ADDED:		mm/dd/yyyy	mm/dd/yyyy
*City of Coos Bay Comprehensive Plan (including the portion of the Coos Bay Estuary Management Plan applicable to the City of Coos Bay) and Coos Bay Land Development Ordinance	*While OCRM approves the most recent versions of the City of Coos Bay land use provisions for incorporation in their entirety into the Oregon Coastal Management Program, OCRM only approves as enforceable policies the provisions listed below.	10/6/1983	1983-2013
City of Coos Bay Comprehensive Plan (CBCP)			
CBCP Chapter 7, Section 7.1, Policies:			
CBCP Chapter 7, Section 7.1, NRH.1	Natural Resources and Hazards	10/6/1983	1983 - 2013
CBCP Chapter 7, Section 7.1, NRH.6	Natural Resources and Hazards	10/6/1983	1983 - 2013
CBCP Chapter 7, Section 7.1, NRH.11	Regulation in dune areas to protect water quality	10/6/1983	1983 - 2013
CBCP Chapter 7, Section 7.3, HP.3	Historic Preservation	10/6/1983	1983 - 2013
CBCP Chapter 7, Section 7.4, R.6	Recreation and Open Space (buffer area)	10/6/1983	1983 - 2013
CBCP Chapter 7, Section 7.7, PFS.10	Public Facilities and Services (coordination with Coos Bay-North Bend Water Board)	10/6/1983	1983 - 2013
CBCP Chapter 7, Section 7.7, PFS.11	Public Facilities and Services (providing sewer service outside city limits)	10/6/1983	1983 - 2013
CBCP Chapter 7, Section 7.9, UGM.9	Urban Growth Management (prohibits annexation solely for sewer service)	10/6/1983	1983 - 2013
CBCP Chapter 7, Section 7.10 ER.1	Estuarine Resources (adoption of Coos Bay Estuary Management Plan provisions)	10/6/1983	1983 - 2013

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City of Coos Bay Land Development Ordinance (CBLDO)			
TITLE 17	Development Code		
Division I	Introductory Provisions		
Chapter 17.05 17.05.020; 17.05.30	General	10/6/1983	1983 - 2013
Chapter 17.10 17.10.010	Definitions	10/6/1983	1983 - 2013
Chapter 17.15 17.15.010	Land Development Map	10/6/1983	1983 - 2013
Chapter 17.20 17.20.010 – 17.20.020	Uses of Land	10/6/1983	1983 - 2013
Chapter 17.25 17.25.010 – 17.25.110	Nonconformance	10/6/1983	1983 - 2013
Division II	Zoning Districts	10/6/1983	1983 - 2013
Chapter 17.30 Table 17.30.010	Establishment of Zoning Districts	10/6/1983	1983 - 2013
Chapter 17.35 17.35.020 – 17.35.050	R-1 Single Family Residential	10/6/1983	1983 - 2013
Chapter 17.40 17.40.020 – 17.40.050	R-2 Single Family and Duplex Residential	10/6/1983	1983 - 2013
Chapter 17.45 17.45.020 – 17.45.050	R-3 Multiple Residential	10/6/1983	1983 - 2013
Chapter 17.50 17.50.020 – 17.50.050	R-4P Residential/Professional	10/6/1983	1983 - 2013
Chapter 17.55 17.55.020 – 17.55.050	R-5 Residential Certified Factory-built Home Park	10/6/1983	1983 - 2013
Chapter 17.60 17.60.020 – 17.60.050	R-W Restricted Waterfront Residential	10/6/1983	1983 - 2013
Chapter 17.65 17.65.020 – 17.65.050	MP Medical Park	10/6/1983	1983 - 2013
Chapter 17.70 17.70.020 – 17.70.050	C-1 Central Commercial	10/6/1983	1983 - 2013
Chapter 17.75 17.75.020 – 17.75.050	C-2 General Commercial	10/6/1983	1983 - 2013
Chapter 17.80 17.80.020 – 17.80.050	G-1 General Industrial	10/6/1983	1983 - 2013
Chapter 17.85 17.85.020 – 17.85.050	I-C Industrial/Commercial	10/6/1983	1983 - 2013
Chapter 17.90	W-I Waterfront Industrial	10/6/1983	1983 - 2013

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17.90.020 – 17.90.050			
Chapter 17.95 17.95.020 – 17.95.050	QP-1Park/Cemetery	10/6/1983	1983 - 2013
Chapter 17.100 17.100.020 – 17.100.050	QP-2Watershed	10/6/1983	1983 - 2013
Chapter 17.105 17.105.020 – 17.105.050	QP-3 Public Educational Facilities	10/6/1983	1983 - 2013
Chapter 17.110 17.110.020 – 17.110.030	QP-4Transportation Facilities	10/6/1983	1983 - 2013
Chapter 17.115 17.115.020 – 17.115.060	QP-5 Buffer	10/6/1983	1983 - 2013
Chapter 17.120 17.120.020 – 17.120.050	R-6 Single Family/Duplex Residential & Factory-built	10/6/1983	1983 - 2013
Chapter 17.125 17.125.020 – 17.125.090	WH Waterfront Heritage	10/6/1983	1983 - 2013
Chapter 17.127 17.127.020 – 17.127.100	HP Hollering Place	10/6/1983	1983 - 2013
Division III	General Conditions		
Chapter 17.145 17.145.020 – 17.145.050	Access Management	10/6/1983	1983 - 2013
Chapter 17.170 17.170.010	Utilities and Public Facilities	10/6/1983	1983 - 2013
Chapter 17.175 17.175.010	Drainage Facilities	10/6/1983	1983 - 2013
Chapter 17.180 17.180.010 – 17.180.050	Transportation Standards	10/6/1983	1983 - 2013
Chapter 17.185 17.185.010 – 17.185.020	Open Space	10/6/1983	1983 - 2013
Chapter 17.190 17.190.010 – 17.190.030	Recreational Area	10/6/1983	1983 - 2013
Chapter 17.195 17.195.050 – 17.195.200	Flood Damage Prevention	10/6/1983	1983 - 2013
Chapter 17.205 17.205.010	Estuarine and Coastal Shoreland Uses and Activities	10/6/1983	1983 - 2013
Chapter 17.210 17.210.010	Dredged Material Disposal Sites	10/6/1983	1983 - 2013
Chapter 17.215 17.215.010	Land Clearing, Erosion Control, Steep Slopes	10/6/1983	1983 - 2013

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Chapter 17.220 17.220.010	Cultural Resources	10/6/1983	1983 - 2013
Chapter 17.225 17.225.010 – 17.225.030	Air Surface Protection	10/6/1983	1983 - 2013
Chapter 17.235 17.235.010 – 17.235.060.	Manufactured Home Special Siting Standards	10/6/1983	1983 - 2013
Chapter 17.240.020-17.240.030	Empire Waterfront Settlement Design Review	10/6/1983	1983 - 2013
Division IV	Special Site Development	10/6/1983	1983 - 2013
Chapter 17.275 17.275.010 – 17.280.030	Manufacturing	10/6/1983	1983 - 2013
Chapter 17.280 17.280.010 – 17.280.040	Manufacturing	10/6/1983	1983 - 2013
Division V	Administrative Provisions	10/6/1983	1983 - 2013
Chapter 17.320 17.320.010 – 17.320.080	Land Clearing, Erosion Control, Steep Slope Areas	10/6/1983	1983 - 2013
Chapter 17.325 17.325.010 – 17.325.020	Alternatives for Reconfiguration of Property	10/6/1983	1983 - 2013
Chapter 17.330 17.330.010 – 17.330.080	Land Division-Partition I	10/6/1983	1983 - 2013
Chapter 17.335 17.335.010 – 17.335.090	Land Division-Partition II and Subdivision	10/6/1983	1983 - 2013
Chapter 17.340 17.340.010 – 17.340.080	Estuarine and Coastal Shorelands Uses and Activity	10/6/1983	1983 - 2013
Chapter 17.345 17.345.010 – 17.345.050	Site Plan and Architectural Review	10/6/1983	1983 - 2013
Chapter 17.350 17.350.010 – 17.350.050	Variance	10/6/1983	1983 - 2013
Chapter 17.355 17.355.010 – 17.355.050	Conditional Use	10/6/1983	1983 - 2013
Chapter 17.365 17.365.020; 17.365.040 - .060	Cultural Resources	10/6/1983	1983 - 2013
Chapter 17.390 17.390.010 – 17.390.070	Architectural Design Review	10/6/1983	1983 - 2013

Enclosure to OCRM's March 6, 2014 Approval of the Incorporation of Changes to
the Oregon Coastal Management Program

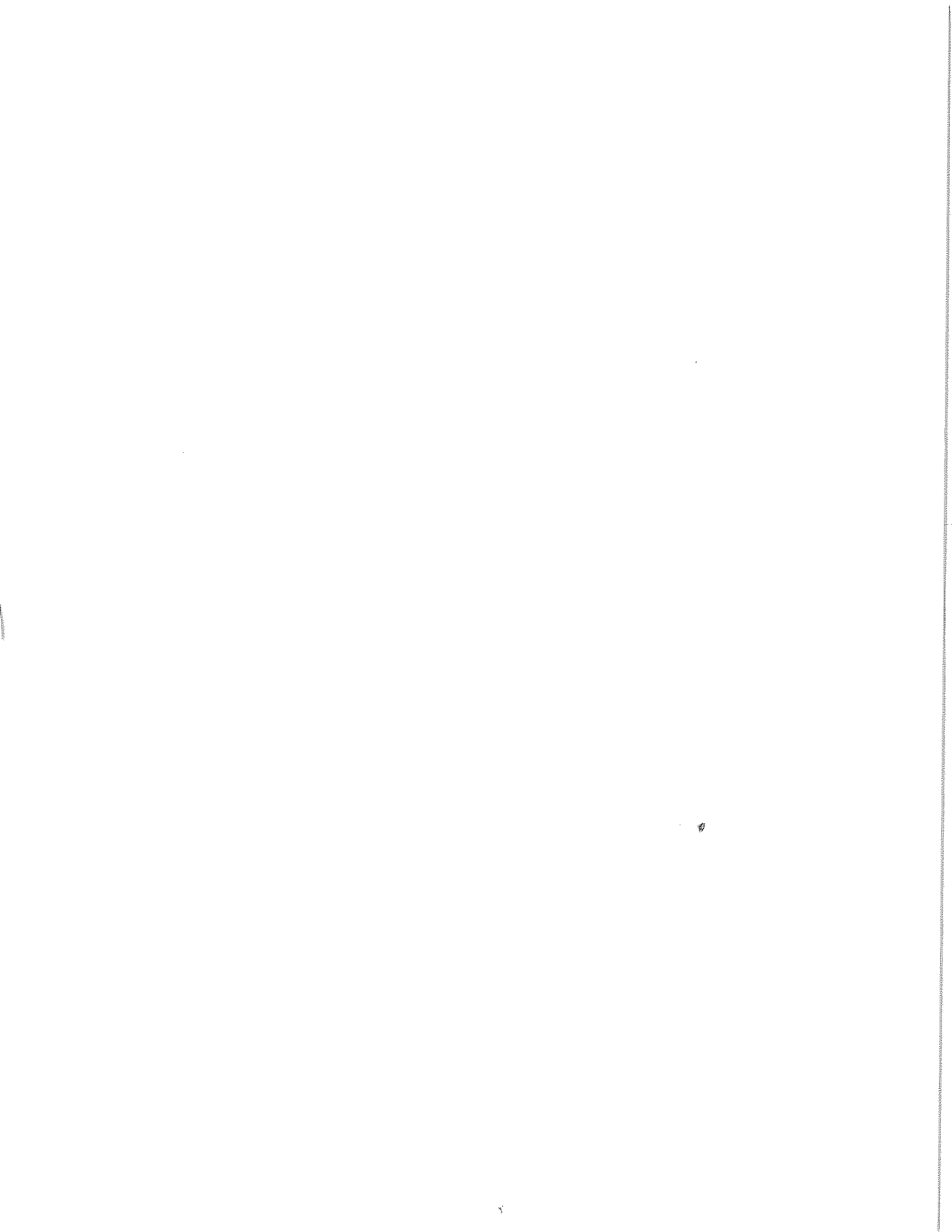
Changes marked with an asterisk (*) are incorporated into the Oregon Coastal Management Program, but do not
contain enforceable policies that can be used for Federal Consistency.

Name/Description of State or Local Law/Regulation/Policy/Program Authority	State/Local Legal Citation	Date Adopted by State	Date Effective in State
COOS BAY ESTUARY MANAGEMENT PLAN (COOS BAY ESTUARY MANAGEMENT UNITS WITHIN THE CITY OF COOS BAY'S CITY LIMITS)			
Aquatic Unit/Deep-Draft Navigation Channel	Lower Bay/Upper Bay DA All requirements	1984	1983 - 2013
Aquatic Unit/Shallow-Draft Navigation Channel	Isthmus Slough DA All requirements	1984	1983 - 2013
Aquatic Unit/Shallow-Draft Navigation Channel	Coos River/Millicoma R DA All requirements	1984	1983 - 2013
Natural Aquatic	15-NA All requirements	1984	1983 - 2013
Conservation Aquatic	16-CA All requirements	1984	1983 - 2013
Natural Aquatic	17-NA All requirements	1984	1983 - 2013
Conservation Aquatic	18B-CA All requirements	1984	1983 - 2013
Conservation Aquatic	20-CA All requirements	1984	1983 - 2013
Conservation Aquatic	21-CA All requirements	1984	1983 - 2013
Rural Shorelands	21-RS All requirements	1984	1983 - 2013
Natural Aquatic	21A-NA All requirements	1984	1983 - 2013
Development Aquatic	23-DA All requirements	1984	1983 - 2013
Urban Waterfront	23A-UW All requirements	1984	1983 - 2013
Urban Development	23B-UD All requirements	1984	1983 - 2013
Natural Aquatic	24-NA All requirements	1984	1983 - 2013
Conservation Shorelands	24-CS All requirements	1984	1983 - 2013
Natural Aquatic	25-NA All requirements	1984	1983 - 2013
Urban Development	26-UD All requirements	1984	1983 - 2013
Conservation Aquatic	26A-CA All requirements	1984	1983 - 2013
Conservation Aquatic	26B-CA All requirements	1984	1983 - 2013
Urban Waterfront	27-UW All requirements	1984	1983 - 2013
Development Aquatic	27-DA All requirements	1984	1983 - 2013
Urban Waterfront	28-UW/28-D All requirements	1984	1983 - 2013
Development Aquatic	28B-DA All requirements	1984	1983 - 2013
Conservation Aquatic	38-CA All requirements	1984	1983 - 2013
Urban Development	42-UD All requirements	1984	1983 - 2013
Development Aquatic	43-DA All requirements	1984	1983 - 2013
Urban Waterfront	43-UW All requirements	1984	1983 - 2013

Enclosure to OCRM's March 6, 2014 Approval of the Incorporation of Changes to
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contain enforceable policies that can be used for Federal Consistency.

Name/Description of State or Local Law/Regulation/Policy/Program Authority	State/Local Legal Citation	Date Adopted by State	Date Effective in State
Development Aquatic	44-DA All requirements	1984	1983 - 2013
Urban Waterfront	44-UW All requirements	1984	1983 - 2013
Urban Waterfront	44a-UW All requirements	1984	1983 - 2013
Urban Development	44B-UD All requirements	1984	1983 - 2013
Conservation Shorelands	45-CS All requirements	1984	1983 - 2013
Natural Aquatic	45-NA All requirements	1984	1983 - 2013
Conservation Aquatic	45A-CA All requirements	1984	1983 - 2013
Conservation Shorelands	52-CS All requirements	1984	1983 - 2013
Natural Aquatic	52-NA All requirements	1984	1983 - 2013
Development Aquatic	52A-DA All requirements	1984	1983 - 2013
Conservation Shoreland	53-CS All requirements	1984	1983 - 2013
Conservation Aquatic	53-CA All requirements	1984	1983 - 2013
Development Aquatic	54-DA All requirements	1984	1983 - 2013
Urban Waterfront	54-UW All requirements	1984	1983 - 2013
Urban Development	55-UD All requirements	1984	1983 - 2013
Conservation Aquatic	55-CA All requirements	1984	1983 - 2013
Natural Aquatic	55B-NA All requirements	1984	1983 - 2013
DELETED:			
The previously approved City of Coos Bay Comprehensive Plan (including the portion of the Coos Bay Estuary Management Plan pertaining to the City of Coos Bay) (1983) and Coos Bay Land Development Ordinance (1983)		1983	1983





Coos County Planning Department

Coos County Courthouse Annex, Coquille, Oregon 97423

Mailing Address: 250 N. Baxter, Coos County Courthouse, Coquille, Oregon 97423

Physical Address: 225 N. Adams, Coquille, Oregon

(541) 396-7770

FAX (541) 756-8630 / TDD (800) 735-2900

planning@co.coos.or.us

Jill Rolfe, Planning Director

February 6, 2015

Plan Amendment Specialist
Dept. of Land Conservation & Development
635 Capitol Street NE Suite 150
Salem, OR 97301-2540

RE: Adoption of amendments Form 2

Dear Plan Amendment Specialist:

Please find the Form 2 DLCD Notice of Adoption for a post acknowledgment plan amendment, local file number AM-14-10. The amendments were adopted by the Board of Commissioners on February 3, 2015.

Thank you and if you have any questions please contact staff at 541-396-770 or planning@co.coos.or.us.

Sincerely,
COOS COUNTY PLANNING DEPARTMENT

Jill Rolfe, Planning Director

cc: David Perry, DLCD

c: File



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Jill Rolfe, Planning Director

MEASURE 56 NOTICE OF COOS COUNTY PUBLIC LAND USE HEARINGS

THIS IS TO NOTIFY YOU THAT COOS COUNTY HAS PROPOSED A LAND USE THAT MAY AFFECT THE PERMISSIBLE USES OF YOUR PROPERTY AND OTHER PROPERTIES***

Notice is hereby given that the Coos County Planning Commission will conduct a public hearing on October 2, 2014 at 7:00 p.m. to review all of the legislative text changes referenced in this notice. The Board of Commissioners (BOC) will conduct public hearings regarding the following legislative amendments to the Coos County Zoning and Land Development Ordinance on October 16, 2014 at 10:00 a.m. for File No. AM-14-10 and 10:30 for File No. AM-14-11.

The final draft will be available seven days prior to the Planning Commission hearing. Any requested or suggested changes from the Planning Commission will be forwarded to the Board of Commissioners. This is a summary of the changes as follows; however, the full documents will be available on the website in draft form. Again the draft is subject to minor changes until seven days prior to the Planning Commission hearing.

- File No. AM-14-10
 - Chapter I General
 - § 1.1.900 Statement about required downzoning has been removed. This statement no longer applies to current planning.
 - § 1.1.975 Vested Rights has been moved to Chapter 5.
 - Article 1.2 Planning Commission has been added to the ordinance. This language covers the purpose of the planning commission, term of appointments, removal and quorums (moved from § 1.3.985).
 - Article 1.3 Enforcement contains a new violation procedure found in § 1.3.225.
 - § 1.3.800 updates the fine amount to be consistent with state law.
 - § 1.3.900 updates the language regarding fees.
 - § 1.3.950 has been moved from § 3.2.600 with no language change.
 - § 1.3.985 Planning Commission Quorum has moved to Article 1.2.
 - Article 1.4 has been revised to modify secretarial duties, posting and publishing requirements and disagreements.
 - Chapter II, § 2.1.200 Definitions – Definitions are proposed for clarification.
 - Chapter III has been revised to include the two major estuaries and all of their requirements.
 - Article 3.1 General Information – provides for general information pertaining to zoning districts maps, amendments of maps, interpretation of zoning boundaries, coastal shoreland boundaries, errors in the zoning, prohibited uses and supplemental provisions. The language changes are found in § 3.1.100 to include digitized maps and § 3.1.250 defines costal shoreland boundary.
 - Article 3.2 is the Coos Bay Estuary Management Plan (CBEMP) zoning, activities/uses and development standards. The only changes to this article are the addition of road standards and moving the policies from Appendix 3 to follow the CBEMP zoning allowing for the reader to find the applicable policies.

- Article 3.3 is the Coquille River Estuary Management Plan (CREMP) zoning, activities/uses and development standards. These provisions were split between Article 4.1, 4.2, 4.4, 4.8 and 4.9 and have been consolidated into one area for easy use. The policies were moved from Appendix 2 to follow the CREMP zoning allowing for the reader to find the applicable policies. The only other change was to correct structural shoreland stabilization as it made an incorrect reference.
 - Chapter IV Balance of County Zones, Overlays & Special Consideration. This chapter has been reformatted to remove the tables and consolidate Article 4.1, 4.2, 4.4, 4.8 and 4.9 and portions of supplemental provisions that were found in Chapter III. This allows for all provisions that apply to a zone to be found in one area.
 - A table has been created at the beginning of the chapter listing out all the Zoning, Special Development Considerations, and Overlay Zones. Once adopted this table will serve as a table of contents for the Chapter and once adopted will have hyperlinks to the page for easy access.
 - § 4.1.100 has been modified to adopt the digitized maps but keep the Mylar maps as the official historical documents.
 - § 4.1.110 and § 4.1.120 have been modified to include the digital maps and account for interpretations using the original Mylar maps.
 - § 4.1.130 Interpretation of Coastal Shoreland Boundary has an added reference to Goal 17 and defines the decision process used.
 - § 4.1.140 has some updates to the section references.
 - § 4.1.150 has been removed due to the digitizing of the maps and updated mapping procedures.
 - § 4.1.160 Special Development Consideration and Overlays language has been updated to account for the new Article 4.11 and remove the reference to the estuary plans which have been incorporated into Chapter III.
 - § 4.1.170 removes the reference to § 3.3.100.
 - Articles 4.2 through 4.8 have been reformatted to remove the tables. The other changes are as follows:
 - Updated language for hardship dwellings;
 - Allowances for guest house in certain zones;
 - Updates to Mobile Home Parks, RV Parks and Campgrounds;
 - Allowances for vacation rentals in certain zones;
 - Update to the Riparian exception to include who can certify a hazard tree;
 - Allowance for Floating Homes in Rural Residential properties that abut a lake;
 - Addition of regulations for Circus/Carnivals;
 - Moving recreational vehicle language from Chapter III to be placed in the applicable zoning districts;
 - Adding language for shoreland structural stabilization requirements bring policy 5.11 from Appendix I into the language;
 - Updates to language for high intensity use in a recreational zone;
 - Allowance for RV Pads in the recreational zone;
 - Removal of Dog Kennels in the recreational zone;
 - Definition of Mixed Use added to forest zone;
 - Allowance for solar energy systems;
 - Corrections to statutory references;
 - Addition of definition of a road for clarification under template dwelling criteria;

- Addition of clarification language for Farm Stands in the Exclusive Farm Use;
- Removal of references to the Coquille River Estuary Management Plan which are now located in Chapter III;
- Provisions for creating wetlands in the Exclusive Farm Use zone; and
- Updates to land divisions in the Exclusive Farm Use zone.
- Updates to riparian development standards to include measurement calculations.
- Updates to provide an exception for pre-existing lots and parcels.
- Updates to farm and forest to include fire stations as a permitted use.
- Article 4.11 Covers the Special Development Considerations and Overlays
 - The references to the Estuary Plans have been incorporated in the estuary sections.
 - The reference to special considerations maps has been removed because they no longer exist. Staff uses the plan maps.
 - The table format has been removed and policies that pertain to the special considerations have been taken from Appendix I to make it easier for the reader to find the information. The format lists out the special development consideration, the inventory map, the legend from the map and then the text from the Appendix that applies to that special consideration.
 - The floodplain, Bandon Airport, Lakeside Airport and Powers Airport have no text changes but have been reformatted to fit.
 - § 4.11.400 through §4.11.460 are the new sections to cover the Southwest Oregon Regional Airport (AKA: North Bend Municipal Airport). This airport language was omitted from the ordinance and plan before.
- Chapter VI – Updates to property line adjustments. The language was updated to include notifications to lien holders of record and procedures on how to record a deed.
- Chapter VII – Updates to remove reference to review standard 15 and replace it with the language that was in review standard 15. Minor changes to the table 7.2b regarding spacing and the Roadmaster’s discretion regarding minimum road standards. This will now be a noticeable decision.
- File No. AM-14-11
 - Chapter V – Administration
 - § 5.0.150 Application requirements have been changed to require either two paper copies or one paper copy and one electronic copy.
 - § 5.0.175 Application made by transportation agencies, utilities or entities. This section was moved from § 5.2 and has been expanded to include utilities and entities. The section includes an explanation of how it applies to current and future applications.
 - § 5.0.200 Application Completeness has been changed to conform to state law.
 - § 5.0.250 timetable for final decisions has removed the last paragraph to be consistent with state law.
 - § 5.0.600 has been expanded to include the Board’s ability to hire a hearing officer.
 - § 5.0.700 was moved to Article 5.2.
 - Article 5.1 was moved from Article 1.2 to have all procedures in the same chapter.
 - § 5.2.250 was moved to Article 5.0.
 - § 5.2.500 removes the table reference.
 - § 5.2.600 was corrected to be in compliance with state law and to clarify the language.
 - § 5.3.200 Variances subsection 5 was added to clarify applicability of variance standards.

- § 5.3.360 was included to address expiration and extension of variances.
- Article 5.4 Vested Right was moved from Chapter I with no change to the language.
- Article 5.5 Temporary Permits –
 - § 5.5.100 Temporary uses was moved from Chapter III and clarified.
 - § 5.5.200 Temporary events have been added.
 - § 5.5.300 Temporary Structures, Activities or Uses has been added.
- Article 5.6 Nonconforming uses – This was updated to be in compliance with state law.
- Article 5.7 Public Hearing Procedures – Modifications to presentations of testimony and representatives.
- Article 5.8 Appeal Requirements – Modification to procedures.
- Article 5.9 Compliance Determinations – This section is new and has been created for reviews that have standards that may be appealed. This article has been divided into two sections: (1) balance of County compliance determination; (2) Estuary compliance determinations.
- Article 5.10 Zoning compliance letters. This was moved from Chapter III with some minor modification to account for the sanitation and what type of structures or structural remodels that do not require a zoning compliance letter.

The County has determined that adoption of one or more of these amendments may affect the permissible uses of your property and other properties in the affected zone(s), and may change the value of your property.

All hearings will be conducted in the Large Conference Room of the Owen Building, 201 N. Adams St., Coquille, Oregon. Copies of these proposed amendments are available for inspection at the Coos County Courthouse Annex located at 225 N. Adams, Coquille, Oregon. Criteria for legislative amendments can be found at Article 1.2 of the CCZLDO. A copy of the Staff Report including the proposed amendment text will be available for review at the Planning Department at least seven (7) days prior to the scheduled Planning Commission hearing. Copies can be obtained for a fee of \$.50 per page, viewed online @ <http://www.co.coos.or.us/Departments/Planning/PendingApplications.aspx> (click on the file number) or viewed at the Planning Department at any time during regular business hours 8:00 a.m. to 12:00 p.m. and 1:00 p.m. to 5:00 p.m.

These hearings are open to the public and testimony, evidence, or comments may be submitted either orally or in writing. The Planning Commission would appreciate any written materials be submitted 10 days prior to the hearing date (**by September 22, 2014**), in the form of **one (1) original and nineteen (19) copies** either mailed to the Planning Department, 250 N. Baxter, Coquille, Oregon 97423, or delivered to 225 North Adams Street, Coquille, Oregon. Please include your signature, printed name and mailing address. If copies are not provided, the Planning Department will make the copies at a cost of \$.50 per page billed to the submitter. All written comments or evidence received prior to the close of the evidentiary record will be included in the evidentiary record.

Please be aware that failure to raise an issue prior to the close of the evidentiary record, in person or by letter, or failure to provide statements or evidence sufficient to afford the decision makers an opportunity to respond to the issue, precludes appeal to the Land Use Board of Appeals based on that issue. Further explanation concerning any information contained in this notice can be obtained by contacting the Planning Staff members: Jill Rolfe, Planning Director; Amy Dibble, Planner I; at (541) 396-7770, or by visiting the Planning Department. This notice was posted, mailed and published (The World Newspaper) on **September 22, 2014 and October 6, 2014**.