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**CHAPTER I**  
**GENERAL**

**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 judgement 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 judgement 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 judgement 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 RESERVED [OR 04 12 103PL, 2/9/05]**

**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 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 1.9.950. Validity of Prior Approvals.**

1. See Section 5.2.900, Validity of Conditional Uses. [OR-93-12-017PL 2/23/94]
2. Minor partitions approved after February 16, 1983, and all minor partitions approved after February 14, 1975, located within an Urban Growth Boundary shall be recognized as valid partitions.
3. All major partitions and subdivisions for which a final plat has been filed in the County Clerk's Office shall be valid.

**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

**SECTION 1.2.100. Amendment of Text Only** An amendment to the text of this ordinance or the comprehensive plan is a legislative act within the authority of the Board of Commissioners. [OR 04 12 013PL 2/09/05]

**SECTION 1.2.200. Who May Seek Change.**

A text amendment may be initiated by the Board of Commissioners, Planning Commission or by application of a property owner or their authorized agent. An application by a property owner shall be accompanied by the required fee. [OR 04 12 013PL 2/09/05]

**SECTION 1.2.300. Alteration of a Recommended Amendment by the Planning Director.**

The Planning Director may recommend an alteration of a proposed amendment if, in the director's judgment, such an alteration would result in better conformity with any applicable criteria. The Planning Director shall submit such recommendations for an alteration to the Hearings Body prior to the scheduled public hearing for a determination whether the proposed amendment should be so altered.

**SECTION 1.2.325. Procedure for Legislative Amendment.** The Board of Commissioners shall conduct one or more public hearings with 10 days advance published notice of each of the hearings.

The public notice shall state the time and place of the hearing and contain a statement describing the general subject matter of the ordinance under consideration. (ORS 215.060 & ORS 215.223)

Notice to DLCD shall be provided 45 days prior to the initial hearing per ORS 197.610. Notice of adoption is subject to ORS 197.615. [OR 04 12 013PL 2/09/05]

**SECTION 1.2.350. Minor Text Corrections.** The Director may correct this ordinance or the Comprehensive Plan without prior notice or hearing, so long as the correction does not alter the sense, meaning, effect, or substance of any adopted ordinance. [OR 04 12 013PL 2/09/05]

**SECTION 1.2.400. Need for Studies.** The Board of Commissioners, Hearings Body, or Citizen Advisory Committee may direct the Planning Director to make such studies as are necessary to determine the need for amending the text of the Plan and/or this Ordinance. When the amendment is initiated by application, such studies, justification and documentation are a burden of the initiator.

**SECTION 1.2.500. RESERVED [OR 04 12 013PL 2/09/05]**

**SECTION 1.2.600. RESERVED [OR 04 12 013PL 2/09/05]**

**SECTION 1.2.650. Status of Hearings Body Recommendations to the Board of Commissioners.** A Hearings Body recommendation for approval or approval with conditions shall not in itself amend this Ordinance or constitute a final decision.

### **ARTICLE 1.3. ENFORCEMENT**

**SECTION 1.3.100. Administration.** It shall be the duty of the Planning Director or his 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.**

- A. 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.
- B. A permit or verification letter may be issued (subject to A 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 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 1.3.250. 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.** The Hearings Body or Board of Commissioners may revoke any permit or verification letter (also referred to as zoning compliance letter or zoning clearance letter) if it is determined that the permit or verification letter was issued on erroneous information or issued in error.

**SECTION 1.3.400. Revocation for False Statement.** The Hearings Body or Board of Commissioners may revoke any permit or verification letter granted, pursuant to the provisions of this Ordinance, if it is determined that the permit was issued on account of false statements contained in the application form or false representation made at a public hearing.

**SECTION 1.3.500. Revocation Hearing.** No permit or verification letter shall be revoked without a public hearing held pursuant to the provisions of Article 5.7 (Public Hearings).

**SECTION 1.3.600. Who May Request Revocation Hearing.** A revocation hearing may be held by the Hearings Body or the Board of Commissioners. The Hearings Body or Board of Commissioners may hold a revocation hearing on its own motion or at the request of an interested person when there is reasonable cause to believe that the provisions of this Ordinance have been violated.

**SECTION 1.3.700. Limitation on Refiling.**

1. No application for a variance, conditional use or rezoning which has been denied wholly or in part by the Planning Director, Hearings Body or Board of Commissioners shall be resubmitted for a period of one (1) year from the date of such denial, unless consent for resubmission is given by two-thirds or more vote of the Hearings Body present.  
(Eff. 7/1/91)
2. A decision of the Hearings Body to deny resubmittal may be appealed to the Board of Commissioners.

**SECTION 1.3.750. Inconsistent Applications.** Submission of any application for a land use or land division under this Ordinance which is inconsistent with any previously submitted pending application, shall constitute an automatic revocation of the previous pending application to the extent of the inconsistency.

Such revocation shall not be cause for refund of any previously submitted application fees.

**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 or not more than \$100 for each day of violation where the offense is a continuing offense but such fine may not exceed \$1,000.
  - 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.....\$100
  - 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 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]
5. Fees, or portions thereof, may be waived by the Board of Commissioners. (Eff. 7/1/91)

**SECTION 1.3.950. Board of Commissioners Review of Administrative Decisions.**

The Board of Commissioners may review any Administrative decision on the Board's own motion, provided the motion is made within the appeal period as provided by Article 5.8. Said review shall be for the purpose of considering whether the decision of the Planning Director should be reviewed by the Hearings Body via a de-novo quasi-judicial hearing.

**SECTION 1.3.975. Board of Commissioners Review of Hearings Body Decisions.**

The Board of Commissioners may review any Hearings Body decision on the Board's own motion provided the motion is made within the appeal period as provided by Article 5.8. Said review shall be a de novo quasi-judicial hearing, where the Board of Commissioners may affirm, modify or reverse the decision of the Hearings Body.

**SECTION 1.3.980. Board of Commissioners Review of Applications and Appeals.**

The Board of Commissioners reserve the right to pre-empt any permit review process or appeal process and thereby hearing any permit application or appeal directly. The Board also reserves the right to appoint a Hearings Officer or Hearings Body to hear and consider any permit application or appeal.

Notice of all appeals of administrative actions shall be promptly forwarded to the Board of Commissioners, which may elect to hear the appeal instead of the Planning Commission.

**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.

**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; 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.
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.

**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.

**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 fourteen (14) days prior to the meeting, detailing the date, time, place of meeting and subject matter.
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.
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, and
  - 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)

**CHAPTER II**  
**DEFINITIONS**

## **CHAPTER II. DEFINITIONS**

### **ARTICLE 2.1. DEFINITIONS**

**SECTION 2.1.100.** General Definitions. For the purposes of this Ordinance, unless it is plainly evident from the context that a different meaning is intended, certain words and terms are herein defined.

#### **SECTION 2.1.200.** Specific Definitions.

**\*ACCESSORY USE:** Structure or use which: (1) is subordinate to and serves a principal structure or principal use, (2) is subordinate in area, extent, or purpose to the principal structure or principal use served, (3) contributes to the comfort, convenience or the necessity of occupants of the principal structure or principal use, and (4) is located on the same lot, parcel or tract as the principal structure or principal use; unless otherwise permitted or conditionally permitted by this Ordinance. Examples of accessory structures and uses are private garages, storage sheds, playhouses, swimming pools, and parking for recreational vehicle, boat, log truck or other vehicle.

**ACCRETION:** The build-up of land along a beach or shore by the deposition of waterborne or airborne sand, sediment, or other material.

**ACTIVITY:** Any action taken either in conjunction with a use or to make a use possible. Activities do not in and of themselves result in a specific use. Several activities such as dredging, piling, fill may be undertaken for a single use such as a port facility. Most activities may take place in conjunction with a variety of uses.

**AGGREGATE EXPLORATION:** The act of searching for aggregate resources.

**AGGREGATE MINING:** The process of removing aggregate resources from the earth.

**AGGREGATE PROCESSING:** The act of processing an aggregate resource into a refined product.

**AGGREGATE RESOURCES:** Any of several hard inert materials (such as sand, gravel, quarry rock or slag).

**AGRICULTURE:** Farm use, as defined by ORS 215.203(2)(a), except that in non-EFU areas, agriculture does not have to be for the primary purpose of obtaining a profit in money. Generally, agriculture includes the raising of livestock and harvesting crops using acceptable farming practices and structures and facilities relating to these uses.

**AGRICULTURAL LANDS:** Those lands designated in the Coos County Comprehensive Plan (Volume 1 "Balance of County") for inclusion in Exclusive Farm Use (EFU) Zones. These lands

include Soil Capability class I, II, III, and IV lands as defined by the United States Soil Conservation Service in their Soil Capability Classification system and other lands suitable for farm use.

AIRPORT/HELIPORT, AERIAL-RELATED OFFICES: Offices that are related to airborne operations.

AIRPORT/HELIPORT, AERO CLUBS: Aviation clubs.

AIRPORT/HELIPORT, AERO SALES, REPAIR AND STORAGE: Commercial uses directly related to aviation.

AIRPORT/HELIPORT, AERO SCHOOLS: Aviation schools.

AIRPORT/HELIPORT, AIR OPERATIONS FACILITIES: A facility or structures necessary or incidental to the operation of the landing and take-off of aircraft and receiving and discharging passengers and cargo, including but not limited to: navigational aids, runways, control towers, wind monitors, hangars, tie-downs, aircraft storage and repair, and refueling facilities.

AIRPORT/HELIPORT, COMMERCIAL USE: An airport/heliport that functions as an air transportation facility for commercial freight and passengers.

AIRPORT/HELIPORT, PERSONAL USE: An air strip restricted except for aircraft emergencies, to the use by the owner(s), and on infrequent and occasional basis, by his invited guests, and by commercial aviation activities in connection with agricultural or forestry operations.

AIRPORTS: Terminal stations for aircraft, passenger, and cargo operations, including runways, towers, and associated structures.

ALTERATION: An alteration includes but is not limited to a change in construction or a change in occupancy. When the term is used in connection with a change of occupancy it is intended to apply to changes from one trade or use to another, or from one division of a trade or use to another. Structural alterations include any change or repair which would tend to prolong the life of the supporting members of the building or structure, such as alterations of bearing walls, foundations, columns, beams or girders. Any change in the external dimension of a building shall be considered a structural alteration.

ANADROMOUS: Referring to fish, such as salmon, which hatch in fresh water, migrate to ocean waters to grow and mature, and return to fresh waters to spawn.

AQUACULTURE: Raising, feeding, planting, and harvesting fish and shellfish, and associated facilities necessary for such use.

AQUATIC: Of or pertaining to water.



**ARCHAEOLOGICAL RESOURCES:** Those districts, sites, buildings, structures and artifacts which possess material evidence of human life and culture of the prehistoric and historic past.

**AREA OF SHALLOWING FLOODING:** A designated AO or AH Zone on the Flood Insurance Rate Map (FIRM). The base flood depths range from one to three feet; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and, velocity flow may be evident. AO is characterized as sheet flow and AH indicates ponding.

**AREA OF SPECIAL FLOOD HAZARD:** The land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year.

**AVERAGE DAILY TRAFFIC:** A computation of the daily vehicular trips.

**AVULSION:** A tearing away or separation by the force of water. Land which is separated from uplands or adjacent properties by the action of a stream or river cutting through the land to form a new stream bed.

**AUXILIARY:** A use or alteration of a structure or land which provides help or is directly associated with the conduct of a particular forest practice. An auxiliary structure is located on site, temporary in nature, and is not designed to remain for the forest's entire growth cycle from planting to harvesting. An auxiliary use is removed when a particular forest practice has concluded.

**BASE FLOOD (ONE-HUNDRED YEAR FLOOD):** The flood having a 1% chance of being equaled or exceeded in any given year.

**BEACH:** Gently sloping areas of loose material (e.g., sand, gravel, and cobbles) that extend landward from the low-water line to a point where there is a definite change in the material type or landform, or to the line of vegetation.

**BED AND BREAKFAST:** A residential dwelling where rooms are rented to transient guests on an overnight basis and breakfast is served to these guests.

**BENTHIC:** Living on or within the bottom sediments in water bodies.

**BOARD OF COMMISSIONERS:** The Coos County Board of Commissioners.

**BOARDING OF HORSES (FOR PROFIT):** A building, structure or premises where lodging, or meals and lodging, are offered for compensation for the purpose of caring for horses.

**BOARDING OF HORSES (RIDING STABLE):** A building, structure or premises where horses are rented or leased to persons other than the owner of the horse.

**BREAKAWAY WALL:** A wall that is not a part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.

**BRIDGE:** A structure carrying a pathway or roadway over a depression or obstacle.

**BRIDGE CROSSINGS:** The portion of a bridge spanning a waterway not including supporting structures or fill located in the waterway or adjacent wetlands.

**BRIDGE CROSSING SUPPORT STRUCTURES:** Piers, pilings, and similar structures necessary to support a bridge span including fill for causeways or approaches. Pillars, bulkheads and similar structures used in bridge construction

**BULKHEAD:** A retaining wall along a waterfront that separates uplands from aquatic areas.

**CAMPGROUND:** 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.

**CARRYING CAPACITY:** Level of use which can be accommodated and continued without irreversible impairment of natural resources productivity, the ecosystem and the quality of air, land and water resources.

**CEMETERY:** Land dedicated, used or intended to be used for the burial of the dead, including columbariums, crematories, mausoleums and mortuaries when operated in conjunction with and within the boundary of such cemetery.

**CHANGE:** Any alteration, expansion, restoration, construction, remodeling or renovation of a structure or use.

**CHANNELIZE:** To straighten the bed or banks of a stream or river or to line them with concrete or other materials.

**CITIZEN:** Any individual who resides or owns property, within the planning area; any public or private entity or association within the planning area, including corporations, governmental and private agencies, associations, firms, partnerships, joint stock companies and any group of citizens.

**CITIZEN ADVISORY COMMITTEE:** A seven (7) person body made-up of Coos County Citizens that are broadly representative of the County's geographic area, diverse professional backgrounds and public interests related to land use. Committee Members are appointed by the Board of Commissioners. (OR-01-01-001PL 8/1/01)

**COASTAL HEADLANDS:** see "Headlands" definition.

**COASTAL HIGH HAZARD AREA:** The area subject to high velocity waters, including but not limited to, storm surge or tsunamis. The area is designated on the FIRM as Zone V1-V30, VE or V.

**COASTAL LAKES:** Lakes in the coastal zone that are bordered by a dune formation and, that have a direct hydrologic surface or subsurface connection with saltwater.

**COASTAL SHORELAND:** Those areas immediately by oceans, and land next to estuaries.

**COASTAL SHORELAND AREA:** The lands lying between the Coastal Shorelands Boundary set forth elsewhere in this Plan and the line of nonaquatic vegetation, which is also known as the Section 404 Line.

**COASTAL STREAM:** Any stream within the coastal zone.

**COASTAL WATERS:** Territorial ocean waters of the continental shelf; estuaries; and coastal lakes.

**COASTAL ZONE:** The area lying between the Washington Border on the north to the California border on the south, bounded on the west by the extent of the state's jurisdiction, and in the east by the crest of the coastal mountain range, with the exception of: (a) The Umpqua River basin, where the coastal zone shall extend to Scottsburg; (b) The Rogue River basin, where the coastal zone shall extend to Agness; (c) The Columbia river basin, where the coastal zone shall extend to the downstream end of Puget Island (Formerly ORS 191.110).

**COMMERCIAL ACTIVITIES IN CONJUNCTION WITH FARM USE:** Commercial activities including sales, repair, and storage when in conjunction with a farm use.

**COMMERCIAL - ADULT ENTERTAINMENT BUSINESS:** A business or establishment which has an area or place in which or upon which because of ORS 167.060 to 167.100, minors may not be permitted to enter or remain except when accompanied by a parent or lawful guardian.

**COMMERCIAL - ADVERTISING:** The business of preparing advertisements for publication, broadcast, or the action of calling something to the attention of the public by paid announcements, including poster or sign creations. This use is not intended to cover the placement of a advertising sign on an individual property.

**COMMERCIAL - ANTIQUE SALES:** The sales, repair and storage of a relic or object of ancient times or of an earlier period than the present.

**COMMERCIAL - APPLIANCE SALES/REPAIR:** An establishment for the purpose of sales, repair or storage of household or office appliances including but not limited to stoves, fans, refrigerators, television sets, etc.

**COMMERCIAL - ART AND PHOTO SHOPS:** An establishment for the purpose of sales, repair, or storage of art or photographic objects, prints, or supplies.

**COMMERCIAL - AUCTION HOUSES:** An establishment for the purpose of selling objects at an open auction to the highest bidder.

COMMERCIAL - BAKERY: An establishment for the baking or selling of baked goods.

COMMERCIAL - BANKS: An establishment for the custody, loan, exchange, or issue of money, for the extension of credit, and for facilitating the exchange of funds.

COMMERCIAL - BARBER/BEAUTY SHOP: An establishment whose business is cutting and dressing hair, shaving and trimming beards, facials, manicures, and the performance of related services.

COMMERCIAL - BATHS/SPAS: An establishment for the purpose of washing or soaking in water, mineral water, or steam, all or part of the body.

COMMERCIAL - BICYCLE SHOP: An establishment for the purpose of sales, service or repair of bicycles.

COMMERCIAL - BOOK BINDING: An establishment for the purpose of practicing the art or trade of binding books.

COMMERCIAL - BOOKS/STATIONERY STORE: An establishment for the sales of books, novels, writing supplies, typing supplies, drafting supplies and related items.

COMMERCIAL - BUILDING SUPPLIES: An establishment for the purpose of building, hardware and contractor supply sales.

COMMERCIAL - CABINET AND MYRTLEWOOD MANUFACTURING/SALES: An establishment for the manufacturing or sales of cabinets and other wood products such as myrtlewood gifts.

COMMERCIAL - CARPET SALES/CLEANING: An establishment for the sales and cleaning of floor coverings.

COMMERCIAL - CATERING SERVICE: An establishment to provide a desired food service. A service is generally provided to locations off the premises of the commercial establishment.

COMMERCIAL - CLOTHES SALES/CLEANING: An establishment for the sales or cleaning of clothing garments.

COMMERCIAL - CONFECTIONERY: An establishment for the creation, preparation or sales of sweet edibles such as candy or pastries.

COMMERCIAL - CURIOS: An establishment for the sale of novel or unusual items.

COMMERCIAL - DELICATESSEN: An establishment for the creation, preparation and sale of ready-to-eat food products.

COMMERCIAL - DEPARTMENT STORE: An establishment selling a wide variety of goods arranged in several departments.

COMMERCIAL - DRUG STORE: A retail establishment where medicines (pharmacy) and miscellaneous articles such as food, cosmetics, and film are sold.

COMMERCIAL - DRY GOODS/NOTIONS: An establishment for the sale of textiles, ready-to-wear clothing, and notions as distinguished from hardware and groceries.

COMMERCIAL - ELECTRONIC SALES/SERVICE: An establishment for the sale and service of electronic devices.

COMMERCIAL - ENTERTAINMENT, THEATRES, ETC.: A facility providing recreational opportunities consisting of movie theatres, dance halls, skating rinks, bowling alleys, etc.

COMMERCIAL - EQUIPMENT RENTAL: A facility providing equipment for hire for which an amount is paid for the use thereof.

COMMERCIAL - FERTILIZER BULK SALES: A facility providing the sale of a substance (as manure or a chemical mixture) used to make the soil more fertile. Bulk implies the product is not packaged in separate units.

COMMERCIAL - FLORIST/NURSERY: A facility or area where plants, trees, shrubs or ornamental plants are grown for transplanting, for use as stocks, budding, and grafting, or for sale. It is understood that this use also allows for the resale of any vegetation delivered to the site.

COMMERCIAL - FURNITURE STORE: An establishment for the sales for furniture and other domestic articles used in readying an area (as a room or patio) for occupancy or use.

COMMERCIAL - GARDEN SUPPLIES: An establishment for the sales of equipment, tools, and supplies used in the cultivation, propagation, harvesting or management of herbs, roots, flowers, vegetables, etc.

COMMERCIAL - GIFT SHOP: An establishment for the sale of articles, curios, and other general merchandise customarily given by one person to another.

COMMERCIAL - GLASS BLOWING SHOP: An establishment for the creation and sale of objects created by shaping a mass of glass that has been softened by heat and by blowing air into it through a tube.

COMMERCIAL - GROCERY: An establishment for the sale of staple food stuffs, household supplies, meats, produce, dairy products, etc.

COMMERCIAL - HARDWARE: An establishment for the sale of cutlery, tools, utensils, machine parts, building supplies, etc.

COMMERCIAL - JEWELRY STORE: An establishment for the sale and repair of jewelry, precious stones, watches, silverware, china, etc.

COMMERCIAL - LAUNDRY: An establishment where clothes or linens are laundered, including a commercial laundering or dry cleaning establishment and self-service laundromat.

COMMERCIAL - LEATHER GOODS STORE: An establishment for the sales and repair of leather goods.

COMMERCIAL - LOCKSMITH: An establishment where locks are made, prepared or serviced.

COMMERCIAL - MEAT CUTTING/SALES: An establishment for the preparation and sales of individual cuts and products from an animal carcass.

COMMERCIAL - MEDICAL OFFICE: An establishment relating to or concerned with physicians or the practice of medicine including dentistry.

COMMERCIAL - MILLINERY: An establishment for the sales of women's' apparel for the head.

COMMERCIAL - MINI WAREHOUSE STORAGE: An establishment providing individual storage units for the purpose of storing personal goods.

COMMERCIAL - MOBILE HOME SALES/SERVICE: An establishment or area for the purpose of mobile home sales, service, or repair.

COMMERCIAL - MORTUARY: An establishment of or relating to the burial of the dead.

COMMERCIAL - MUSIC STORE: An establishment for the sales or repair of musical instruments and music supplies, and where music lessons may be given.

COMMERCIAL - NEIGHBORHOOD STORE: An establishment for the sales of one or more of the following: food products, household supplies, photographic equipment, hardware, garden supplies, sporting goods, clothing, etc.

COMMERCIAL - OFFICE BUILDING: An establishment providing office space for retail trade or public service.

COMMERCIAL - OFFICE SUPPLY STORE: An establishment for the sale and repair of stationery supplies, office equipment and machines, etc.

COMMERCIAL - PARKING: An establishment or area where vehicles are parked or stored.

COMMERCIAL - PET SHOP: An establishment for the sale of pets and pet supplies.

COMMERCIAL - PICTURE FRAME SHOP: An establishment for the construction or sale of picture frames and picture frame supplies.

COMMERCIAL - POTTERY AND CERAMIC SHOP: An establishment for the sale and creation of pottery and ceramic items, supplies; classes may be provided.

COMMERCIAL - PRINT SHOP: An establishment for the purpose of reproducing, printing, publishing, or photographing.

COMMERCIAL - PUBLIC SERVICE OFFICE: An establishment offering office space for public service activities, such as utilities, transportation and governmental employment.

COMMERCIAL - RESTAURANT: A public eating place.

COMMERCIAL - REUPHOLSTERY SHOP: An establishment for the repair and refurbishing of fabric covered furniture including repair and replacement of padding and springs.

COMMERCIAL - SECOND HAND STORE: An establishment for the sale of used merchandise.

COMMERCIAL - SERVICE STATION: An establishment for servicing motor vehicles especially with gasoline, diesel and oil. Service may also include mechanical repair.

COMMERCIAL - SHOE STORE: An establishment for the sales or repair of footwear.

COMMERCIAL - SPORTING GOODS STORE: An establishment for the sale of equipment and clothing relating to or suitable for sports.

COMMERCIAL - TAVERNS, COCKTAIL LOUNGES, ETC.: An establishment licensed by the Oregon Liquor Control Commission for the purposes of alcoholic beverage retailing by the drink.

COMMERCIAL - TAXI/BUS/TRUCK TERMINAL: An establishment used as a base of operations for dispatching taxis, buses, trucks, etc. This facility may also be used for the repair and service of said vehicles.

COMMERCIAL - TIRE RECAPPING: An establishment for the purpose of cementing, molding or vulcanizing treads on to tires.

COMMERCIAL - TIRE SALES/SERVICE: An establishment for the sales, service and repair of tires.

COMMERCIAL - TOY SHOPS: An establishment for the sale of toys and hobby equipment.

COMMERCIAL USES: Privately-owned or operated facility or place of business open to the public for sale of goods or services. Examples include: restaurants, taverns, hotels, motels,

offices, personal services, retail stores, recreational vehicle parks, and campgrounds. Public facilities offering similar goods or services are also defined as commercial uses.

**COMMERCIAL - VARIETY STORE:** An establishment for the sale of general merchandise.

**COMMERCIAL - VEHICLE (AUTO) RENTAL:** an establishment for the rental of automotive vehicles.

**COMMERCIAL - VEHICLE SALES/REPAIR:** An establishment for the sales repair and service of motor vehicles.

**COMMITTED AREAS:** A measure of the density of residential development, as defined by the criteria outlined in Coos County Comprehensive Plan.

**COMMON BOUNDARY ADJUSTMENT:** The adjustment or relocation of a boundary line between two or more lots, parcels or tracts, where an additional lot, parcel or tract is not created and where the existing parcel reduced in size by the adjustment is not reduced below the minimum lot size established by this Ordinance.

**COMMON OPEN SPACE:** Land and facilities which are shared by all the individual owners in a planned unit development or recreational planned unit development and managed generally by a home owners' association. Common property may include undeveloped land, parks, tennis courts, pools, community buildings, and other amenities for the convenience and enjoyment of the residents.

**COMMUNITY CENTER, GRANGE OR LODGE HALL:** A building or group of buildings for a community's education, recreational, or fraternal activities.

**COMMUNITY SEWER SYSTEM:** A sewage disposal system which has service connection to at least 15 permanent dwelling units, including manufactured homes, within the unincorporated communities.

**COMMUNITY WATER SYSTEM:** A system that distributes potable water through pipes to at least 15 permanent dwelling units, including manufactured homes within the unincorporated community.

**COMPREHENSIVE PLAN:** The Coos County Comprehensive Plan.

**CONDITIONAL USE:** The term applied to a use which may be permitted by the issuance of a conditional use permit.

**CONFLICTING USE:** is a land use, or other activity reasonably and customarily subject to land use regulations, that could adversely affect a significant Goal 5 resource (except as provided in OAR 660-023-0180(1)(b)). Local governments are not required to regard agricultural practices as conflicting uses.



CONSERVATION: The act of conserving the environment.

CONSERVATION AQUATIC AREA (CA): An aquatic management unit (See Volume II, Part 1, Section 3.5)

CONSERVATION MANAGEMENT UNIT: In all estuaries, except those in the overall Oregon Estuary Classification which are classed for preservation, areas shall be designated for long-term uses of renewable resources that do not require major alteration of the estuary, except for the purpose of restoration. These areas shall be managed to conserve the natural resources and benefits. These shall include areas needed for maintenance and enhancement of biological productivity, recreational and aesthetic uses, and aquaculture. They shall include tracts of significant habitat smaller or of less biological importance than those in the "Natural" management unit, and recreational or commercial oyster and clam beds not included in the "Natural" management unit. Areas that are partially altered and adjacent to existing development of moderate intensity which do not possess the resource characteristics of natural or development units may also be included in this classification.

CONSERVATION SHORELAND AREA(CS): A shoreland management unit(See Volume II,Part1,Section 3.5)

CONSERVATION USE: To keep in a safe or sound state to avoid wasteful or destructive use of natural resources.

CONSERVE: To manage in a manner, which avoids wasteful or destructive uses and provides for future availability.

CONSISTENT: As defined by Black's Law Dictionary: "having agreement with itself or something else; accordant; harmonious; congruous; compatible; compliable; not contradictory". Further, "consistent with" means "in harmony with".

CONSTRUCTION PLANS: Detailed engineering drawings of a proposed development.

CONTAMINATED SOIL LAND FARMING: An activity regulated by the Oregon Department of Environmental Quality that entails the treatment for reuse of oil contaminated soil generated from any tract, parcel or lot other than the site on which the treatment activity is to occur. [OR 93-02-033PL 3/30/93]

CONTIGUOUS: Adjoining with a common boundary of two or more points (see Section 3.3.800). Properties shall not be considered contiguous if divided by: a) a public dedicated road, public dedicated alleyway, County road, State or Federal highway; or, b) a water body, when the underlying fee ownership is claimed by the State; or, c) an intervening ownership.

CONTINENTAL SHELF: The area seaward from the ocean shore to the distance when the ocean depth is 200 meters, or where the ocean floor slopes more steeply to the deep ocean floor. The area beyond the state's jurisdiction is the OUTER Continental Shelf.

**CONVENIENCE STORE:** A retail establishment that provides prepackaged and prepared food products and frequently or recurrently needed small personal items that fulfill the day to day needs of residents or users of the immediate service area.

**CORRECTIONAL INSTITUTION, JAIL, PENAL FARM:** A building or area for the confinement of persons held in lawful custody.

**COTTAGE INDUSTRIES:** Cottage industries are 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. [OR 04 12 013PL 2/09/05]

**DAMS:** A barrier built across a watercourse for impounding water.

**DATE OF CREATION AND EXISTENCE (FARM & FOREST LOT OF RECORD):** When a lot, parcel or tract is reconfigured pursuant to applicable law after November 4, 1993, the effect of, which is to qualify a lot, parcel or tract for the siting of a dwelling, the date of the reconfiguration is the date of creation or existence. Reconfigured means any change in the boundary of the lot, parcel or tract.

**DEFLATION PLAIN:** The broad interdune area which is wind-scoured to the level of the summer water table.

**DENSITY:** The ratio of the number of dwelling units or other structures or uses for a specified amount of land.

**DETENTION:** Temporary storage of water. Typically, low areas that store floodwater.

**DEVELOP:** To bring about growth or availability; to construct or alter a structure, to conduct a mining operation, to make a physical change in the use or appearance of land, to divide land into parcels, or to create or terminate rights to access.

**DEVELOPMENT:** The act, process or result of developing.

**DEVELOPMENT AQUATIC AREA (DA):** An aquatic management unit (See Volume II, Part 1, Section 3.5)

**DEVELOPMENT MANAGEMENT UNIT:** In estuaries classified in the overall Oregon Estuary Classification for more intense development or alteration, areas shall be designated to provide for navigation and other identified needs for public, commercial, and industrial water-dependent uses, consistent with the level of development or alteration allowed by the overall Oregon

Estuary Classification. Such areas shall include deep-water areas adjacent or in proximity to the shoreline, navigation channels, subtidal areas for in-water disposal of dredged material and areas of minimal biological significance needed for uses requiring alterations of the estuary not included in "Natural and Conservation" management units.

DEVELOPMENT SHORELAND AREA (D): A shoreland management unit (See Volume II, Part 1, Section 3.5)

DEVELOPMENT USE: Any man-made change to improved or unimproved real estate, including but not limited to building or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations located within the area of special flood hazard.

DIKES: Structures designed and built to prevent inundation of a parcel of land by water. A dike is considered new when placed on an area which: (1) has previously never been diked, or (2) has previously been diked, but all or a substantial part of the area is subject to tidal inundation and tidal marsh has been re-established. Maintenance and repair refer to: (a) existing serviceable dikes (including those that allow some seasonal inundation), and (b) those that have been damaged by flooding, tidegate failure, etc., but where reversion to tidal marsh has not yet occurred, except in drainage ways.

DIVERSITY: The variety of natural, environmental, economic, and social resources, values, benefits, and activities.

DOCKS AND MOORAGE: A pier or secured float or floats for boat tie-up, fishing, or other water-dependent use, often associated with a specific land use on the adjacent shoreland, such as a residence, or group of residences, but not exceeding five berths. Small commercial moorages (5 berths or less) with minimal shoreside services and no solid breakwater are included in this category. Floathouses, which are used for boat storage, net-drying and similar purposes are also included in this category.

DRAINAGE (including TIDEGATING): The construction and maintenance of drainage channels including the disposal of resulting dredged material, construction and maintenance of tidegates, tideboxes, pumphouses, and associated structures.

DREDGED MATERIAL DISPOSAL: The deposition of dredged material in aquatic or upland areas. Methods of disposal include, in-water disposal, beach and land disposal, and ocean disposal: (1) In-water Disposal is the deposition of dredged materials in a body of water; (2) Ocean Disposal is the deposition of dredged materials in the ocean; (3) Beach Disposal is the deposition of dredged materials in beachfront areas west of the foredunes; (4) Land disposal is the deposition of dredged materials landward of the line of non-aquatic vegetation, in "upland" areas.

DREDGING: The removal of sediment or other material from a stream, river, estuary or other aquatic area: (1) Maintenance Dredging refers to dredging necessary to maintain functional depths in maintained channels, or adjacent to existing docks and related facilities; (2) New Dredging refers to deepening either an existing authorized navigation channel or deepening a

natural channel, or to create a marina or other dock facilities, or to obtain fill for the North Bend Airport runway extension project; (3) Dredging to Maintain Dikes and Tidegates refers to dredging necessary to provide material for existing dikes and tidegates; (4) Minor dredging refers to small amounts of removal as necessary, for instance, for a boat ramp. Minor dredging may exceed 50 cubic yards, and therefore require a permit.

**DEFLATION PLAIN:** The broad interdune area which is wind scoured to the level of the summer water table.

**DRIVEWAY:** A private vehicular travel surface accessing a single residence.

**DRYLAND MOORAGE:** Boat moorage space provided on dry land, such that boats are mechanically lowered to and raised from the water.

**DUNE:** A hill or ridge of sand built up by the wind along sandy coasts.

**DUNE, ACTIVE:** A dune that migrates, grows and diminishes from the face of wind and supply of sand. Active dunes include all open sand dunes, active hummocks, and active foredunes.

**DUNE COMPLEX:** Various patterns of small dunes with partially stabilized intervening areas.

**DUNE, CONDITIONALLY STABLE:** A dune presently in a stable condition, but vulnerable to becoming active due to fragile vegetative cover.

**DUNE HUMMOCK, ACTIVE:** Partially vegetated (usually with beach grass), circular, and elevated mounds of sand which are actively growing in size.

**DUNE, OLDER STABILIZED:** A dune that is stable from wind erosion, and that has significant soil development and that may include diverse forest cover. They include older foredunes.

**DUNE, OPEN SAND:** A collective term for active, unvegetative dune landforms.

**DUNE, RECENTLY STABILIZED:** A dune with sufficient vegetation to be stabilized from wind erosion, but with little, if any, development of soil or cohesion of the sand under the vegetation. Recently stabilized dunes include conditionally stable foredunes, conditionally stable dunes, dune complexes, and younger stabilized dunes.

**DUNE, STABILIZATION MEASURES:** The use of vegetative materials, structure or other means, to prevent movement of unstable dune forms.

**DUNES, YOUNGER STABILIZED:** A wind stable dune with weakly developed soils and vegetation.

**DWELLING TYPES:** Dwellings are separated into the following categories:

- a. Single family dwelling: a single household unit of which construction is characterized by no common wall or ceiling with another unit, including a mobile home unless otherwise prohibited.
- b. Multi-family: a building designed exclusively for occupancy by three (3) or more families living independently of each other in independent units. Such building is characterized by living units which share common walls or floors or ceilings.
- c. Two-family dwelling (duplex): a building designed exclusively for occupancy by two (2) families living independently of each other in independent dwelling units attached and sharing a common wall, floor or ceiling.
- d. Replacement dwelling: alteration, restoration or replacement of a lawfully established 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, is removed, demolished or converted to an allowable non-residential use within three months of the completion of the replacement dwelling. [OR 93-12-017PL 2/23/94]

EASEMENT: A right given by the owner of land to another party for a specific limited use of that land.

ECOSYSTEM: The living and nonliving components of the environment which interact or function together, including plant and animal organisms, the physical environment, and the energy systems in which they exist. All the components of an ecosystem are inter-related.

ENCOURAGE: Stimulate; give help to; foster.

ENHANCEMENT: The improvement of conditions in an area which remains under estuarine influence but has experienced past degradation or reduction in productivity due to obstruction of flow, sedimentation, log debris, et cetera.

EROSION HAZARD: Likelihood of soil becoming unstable and subsequently being transported by flooding, surface runoff or channel velocities.

ESEE CONSEQUENCES: are the positive and negative economic, social, environmental, and energy (ESEE) consequences that could result from a decision to allow, limit, or prohibit a conflicting use.

ESTUARINE ENHANCEMENT: An action, which results in a long-term improvement of existing estuarine functional characteristics and processes that are not the result of a creation or restoration action.

ESTUARY: A body of water semi-enclosed by land, connected with the open ocean, and within

which saltwater is usually diluted by freshwater derived from the land. The estuary includes: (1) estuarine water; (2) tidelands; (3) tidal marshes; and (4) submerged lands. Estuaries normally extend upstream to the head of tidewater.

**EXCAVATION TO CREATE NEW WATER SURFACE:** Excavation of shorelands that create a new water surface directly connected to other tidal or nontidal waters. The most common examples are creation of moorage space, fish ponds or restoration/mitigation from uplands.

**EXPRESSLY PROHIBITED USE:** An activity which is explicitly prohibited within a zoning district.

**FACILITY(IES):** (1) Low-intensity facilities consist of communication facilities (including power and telephone lines), sewer, water and gas lines; and (2) High-intensity facilities, which consist of stormwater and treated waste water outfalls (including industrial waste water).

**FAMILY:** An individual; or a group of two (2) or more persons related by blood, marriage, legal custody or legal adoption; or not more than five (5) handicapped persons and accompanying staff. Family shall also include residential day care facilities in residential and commercial zones providing day care to 13 or fewer children including children of the provider.

**FAMILY HARDSHIP DWELLING:** A mobile home or recreational vehicle used temporarily during a family hardship condition relating to the aged, infirmed, or persons incapable of maintaining a complete separate residence apart from their families.

**FARM/LOGGING/CONTRACTOR EQUIPMENT SALES, REPAIR AND STORAGE:** A facility or area used for equipment sales, repair and storage including but not limited to sales, repair and storage of farm implements, logging trucks, and other farm and logging equipment.

**FARM USE:** Farming practices, as defined by ORS 215.203.

**FARM USE - FOR PROFIT:** The current employment of land for the primary purpose of obtaining a profit in money by raising, harvesting and selling crops or the feeding, breeding, management and sale of, or the produce of, livestock, poultry, fur-bearing animals or honeybees, or for dairying and the sale of dairy products or any other agricultural or horticultural use or animal husbandry or any combination thereof. "Farm use" includes the preparation and storage of the products raised on the such land for human use and animal use and disposal by marketing or otherwise. "Farm use" also includes the current employment of land for the primary purpose of obtaining a profit in money by stabling or training equines. "Farm use" also includes the propagation, cultivation, maintenance and harvesting of aquatic species. it does not include the use of land subject to the provisions of ORS Chapter 321, except land used exclusively for growing cultured Christmas Trees.

**FARM USE - NOT FOR PROFIT:** Farming activities not motivated by profit incentives additional to the use of the land for residential or other purposes, including the raising, harvesting and selling crops or the feeding, breeding, management and sale of, or the produce of, livestock, poultry, fur-bearing animals, or honeybees, or for dairying and the sale of dairy

products or any other agricultural or horticultural use or animal husbandry or any combination thereof. "Farm use" includes the preparation and storage of the products raised on such land for human use and animal use and disposal by marketing or otherwise. "Farm use" also includes the current employment of land for the primary purpose of obtaining a profit in money by stabling or training equines. "Farm use" also includes the propagation, cultivation, maintenance and harvesting of aquatic species. It does not include the use of land subject to the provisions of ORS Chapter 321, except land used exclusively for growing cultured Christmas trees.

**FARM USE - INTENSIVE:** Farm use for profit, as defined herein, occurring on a parcel less than the minimum lot size of a given zoning district, and conducted in such a manner so as to permit the farm operation to contribute in a substantial way to the commercial agricultural enterprise of the area.

**FEED LOT:** Any structure, pen or corral wherein cattle, sheep, horses, goats, or swine are maintained in close quarters for the purpose of fattening such livestock.

**FILL:** The placement by man of sand, sediment, or other material, usually in submerged lands or wetlands, to create new uplands or raise the elevation of land. Except that "fill" does not include solid waste disposal or site preparation for development of an allowed use which is not otherwise subject to the special wetland, sensitive habitat, archaeological, dune protection, or other special policies set forth in this Plan (solid waste disposal, and site preparation on shorelands, are not considered "fill"). "Minor Fill" is the placement of small amounts of material as necessary, for example, for a boat ramp or development of a similar scale. Minor fill may exceed 50 cubic yards and therefore require a permit.

**FINAL PLAT:** A plat for the partitioning of land, duly submitted to the Planning Director and conforming in all respects to the requirements of this Ordinance.

**FIRE BREAK:** A barrier of cleared land intended to check a forest or grass fire.

**FIRE STATION:** A building or structure housing fire fighting apparatus or firemen.

**FLOATING ZONE:** A zone designation which overlays a primary zoning district. A floating zone may restrict the uses of a primary zoning district or may include additional standards required of a use within the primary zoning district.

**FLOOD OR FLOODING:** A general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of inland or tidal waters and/or
2. The unusual and rapid accumulation of runoff of surface waters from any source.

**FLOOD HAZARD BOUNDARY MAP:** An official map for the County furnished by the Federal Insurance Administration, labeled "A Flood Hazard Boundary Map" and delineating the boundaries of special flood hazard areas.

**FLOOD INSURANCE RATE MAP:** An official map of the County furnished by the Federal Insurance Administration, labeled "A Flood Insurance Rate Map" and delineating special flood hazard areas and the risk premium zones applicable to the County.

**FLOOD INSURANCE STUDY:** The official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Boundary-Floodway Map, and the water surface elevation of the base flood.

**FLOOD-PRONE AREA:** Any land area susceptible to a partial or complete inundation from either the overflow of inland or tidal waters or the usual and rapid accumulation of run-off of surface waters from any source.

**FLOOD PROOFING:** Any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate a flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

**FLOOD, REGIONAL (100-YEAR):** A standard statistical calculation used by engineers to determine the probability of severe flooding. It represents the largest flood which has a one-percent chance of occurring in any one year in an area as a result of periods of higher-than normal rainfall or streamflows, extremely high tides, high winds, rapid snowmelt, natural stream blockages, tsunamis or combination thereof.

**FLOOD TIDE:** A rising tide.

**FLOODFRINGE:** The area of the floodplain lying outside of the floodway, but subject to periodic inundation from flooding.

**FLOODPLAIN:** The area adjoining a stream, tidal estuary or coast that is subject to regional flooding.

**FLOODWAY:** The normal stream channel and that adjoining area of the natural floodplain needed to convey the waters of a regional flood while causing less than one foot increase in upstream flood elevations.

**FOREDUNE, ACTIVE:** An unstable barrier ridge of sand paralleling the beach and subject to wind erosion, water erosion, and growth from new sand deposits. Active foredunes may include areas with beach grass, and occur in sand spits and at river mouths as well as elsewhere.

**FOREDUNE, CONDITIONALLY STABLE:** An active foredune that has ceased growing in height and that has become conditionally stable with regard to wind erosion.

**FOREDUNE, OLDER:** A conditionally stable foredune that has become wind stabilized by diverse vegetation and soil development.

**FOREST LAND:** Those lands designated in the Coos County Comprehensive Plan (Volume I-"Balance of County") for inclusion in a Forest Lands zone. These areas include: (1) lands



composed of existing and potential forest lands which are suitable for commercial forest uses, (2) other forested lands needed for watershed protection, wildlife and fisheries habitat and recreation, (3) lands where extreme conditions of climate, soil and topography require the maintenance of vegetative cover irrespective of use, and (4) other forested lands which provide urban buffers, wind breaks, wildlife and fisheries habitat, livestock habitat, scenic corridors and recreational use.

**FOREST OPERATION:** 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; any commercial activity relating to the growing or harvesting of any tree species as defined in ORS 527.620(6).

**FOREST PRIMARY PROCESSING:** the initial treatment of forest products to enable their shipment to market. Primary processing includes but shall not be limited to: processing of a raw log, sawmills cutting rough lumbers, cant mills, and chippers. Primary processing would not include such long-range facilities as pulp mills, pressed-wood manufacturing plants, etc.

**FORESTRY-PROPAGATION, MANAGEMENT AND HARVESTING:** The employment of land, along with the accessory buildings and uses, for the growing, harvesting, and management of forest products.

**FORESTRY-STORAGE AND MAINTENANCE:** A facility or area for the purpose of storing forestry products and equipment, and the maintenance of forestry harvesting and management equipment.

**GEOLOGIC:** Relating to the occurrence and properties of earth. Geologic hazards include faults, land and mudslides, and earthquakes.

**GEOHERMAL EXPLORATION:** The act of searching for resources of or relating to the heat of the earth's interior.

**HABITABLE FLOOR:** Any floor usable for living purposes, which includes working, sleeping, eating, cooking or recreation, or a combination thereof. A floor used only for storage purposes is not a "habitable floor".

**HABITAT:** The place or site where a plant or animal naturally lives and grows.

**HEADLAND:** Bluffs, promontories or points of high shoreland jutting out into the ocean, generally sloping abruptly into the water. The Coos Head bluff near Charleston, as identified in the inventory document accompanying this Plan.

**HEADWATERS:** A tributary stream located in the upper watershed.

**HEARINGS BODY:** A person or persons appointed by the Board of County Commissioners to conduct administrative or quasi-judicial public hearings.

**HIGH-VALUE FARMLAND:** "High-value farmland" means land in a tract composed predominantly of soils that are:

- A. Irrigated and classified prime, unique, Class I or Class II; or
- B. Not irrigated and classified prime, unique, Class I or Class II.

A and B, above, include the following soils: 2C, 5A, 5B, 33, 17B, 25 and 36C.

In addition, high-value farmland includes tracts growing specified perennials as demonstrated by the most recent aerial photography of the Agricultural Stabilization and Conservation Service of the United States Department of Agriculture taken prior to November 4, 1993. "Specified perennials" means perennials grown for market or research purposes including, but not limited to, nursery stock, berries, fruits, nuts, Christmas trees or vineyards, but not including seed crops, hay, pasture or alfalfa.

Also, high-value farmland, used in conjunction with a dairy operation on January 1, 1993, includes tracts composed predominantly of the following soils in Class III or IV or composed predominantly of a combination of the soils described in A or B above and the following soils: Meda (37C), Nehalem (40) and Coquille (12).

**HISTORIC:** Of, relating to, or having the character of history.

**HISTORICAL RESOURCES:** Those districts, sites, buildings, structures, and artifacts which have a relationship to events of human conditions of the past (see Archaeological Resources definition).

**HOME OCCUPATION:** Home occupations constitutes 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]

**HOTEL/MOTEL:** A building or buildings containing sleeping rooms which may or may not contain cooking facilities, and where lodging with or without meals is provided for compensation.

**HOUSE OF WORSHIP/CHURCH:** A structure together with accessory buildings and uses where persons regularly assemble for worship, and which building, together with its accessory

buildings and uses, is maintained and controlled by a religious body organized to conduct public worship, and which qualifies for exemption under property tax laws. [OR-92-07-012PL]

HUMMOCK, ACTIVE: Partially vegetated (usually with beach grass), circular, and elevated mounds of sand which are actively growing in size.

HUNTING AND FISHING PRESERVE: Areas used exclusively for the hunting of game birds, game animals, or angling for game fish as permitted by State law.

HYDRAULIC: Related to the movement or pressure of water. Hydraulic hazards are those associated with erosion or sedimentation caused by the action of water flowing in a river or streambed, or oceanic currents and waves.

HYDRAULIC INFLUENCE: Related to the movement or pressure of water. Areas having hydraulic influence are those which show the effects of moving water or water pressure.

HYDRAULIC PROCESSES: Actions resulting from the effect of moving water or water pressure on the bed, banks, and shorelands of water bodies (oceans, estuaries, streams, lakes, and rivers).

HYDROGRAPHY: The study, description and mapping of oceans, estuaries, rivers and lakes.

HYDROLOGIC: Relating to the occurrence and properties of water. Hydrologic hazards include (the rise of water) as well as hydraulic hazards associated with the movement of water.

IMPACT: The consequences of a course of action; effect of a goal, guideline, plan or decision.

IMPACT AREA: Is a geographic area within which conflicting uses could adversely affect a significant Goal 5 resource.

IMPERVIOUS SURFACE: A surface that cannot effectively absorb or infiltrate water.

INDUSTRIAL-ALCOHOL DISTILLING: A process that consists of extracting gas or vapor from liquids by heating and condensing and that is used especially for purification of alcoholic liquors.

INDUSTRIAL - ANIMAL PACKING PLANT: An establishment for the slaughtering, processing, and packing livestock into meat, meat products, and by-products.

INDUSTRIAL - ANIMAL RENDING PLANT: A facility where the processing of animal flesh by melting, extracting, or otherwise converting said animal flesh into industrial fats, oils, fertilizer or other by-products.

INDUSTRIAL - ANIMAL SLAUGHTER HOUSE: An establishment where animals are butchered.

INDUSTRIAL - ASPHALT/CONCRETE PLANT: A facility for producing asphalt or concrete by mixing either a bituminous substance or other cementing materials with aggregates.

INDUSTRIAL - BLACKSMITH/FOUNDRY: An establishment where metals are cast or forged.

INDUSTRIAL - BOAT AND SHIP CONSTRUCTION/REPAIR: a facility for the construction or repair of water borne vessels.

INDUSTRIAL - COLD STORAGE/ICE PLANT: An establishment for the storage (as of food) in a cold place for preservation, or the production and sales of ice.

INDUSTRIAL - ENVIRONMENTAL MONITOR: A facility for watching, serving, checking, to keep track of, regulate, control, or to test for intensity any or all of the climate, soil, air, water, or other physical conditions that influence or act upon an organism or an ecological community.

INDUSTRIAL - EXPERIEMENTAL LABORATORY: A facility for carrying out an operation under controlled conditions in order to discover an unknown effect or law, to test or establish a hypothesis, or to illustrate a known law.

INDUSTRIAL - JUNK YARD/WRECKING YARD: An establishment or place of business where there is accumulated on the premises eight (8) or more inoperable motor vehicles or an equivalent volume of junk is maintained or stored. This use includes automobile graveyards and scrap metal facilities.

The following uses shall not be considered junk yards: pawn shops, second hand stores, used furniture stores, establishments salvaging paper and rags, and establishments for the sale of used motor vehicles and machinery which are in operative condition; nor shall the use include storage, repair, or dismantling of implements of husbandry.

INDUSTRIAL - MANUFACTURING ASSEMBLY: A facility which produces a product suitable for use from raw materials or lesser components.

INDUSTRIAL - RESEARCH STRUCTURE: A facility for the investigation or experimentation aimed at discovery and interpretation of facts, revision of accepted theories or laws in the light of new facts, or practical application of such new or revised theories or laws.

INDUSTRIAL - STORAGE WAREHOUSE: A facility for the safe keeping of goods in a depository such as a warehouse.

INDUSTRIAL - TANNERY: A facility engaged in the art or process by which an animal hide is tanned.

INDUSTRIAL (USES) AND PORT FACILITIES: Public or private use of land or structures for manufacturing, processing, port development, and energy generating facilities. Industrial and Port Facilities include large commercial and industrial docks.

INSURE (Ensure): Guarantee; make sure or certain something will happen.

INTEGRITY: The quality or state of being complete and functionally unimpaired; the wholeness or entirety of a body or system, including its parts, materials, and processes. The integrity of an ecosystem emphasizes the inter-relatedness of all parts and the unity of its whole. The integrity of this Plan relates to its faithful execution by local governments and agencies.

INTERDUNE AREA: Low-lying areas between higher sand landforms which are generally under water during part of the year (See also "Deflation Plain").

INTERIM: An intervening time.

INTERMITTENT STREAM: A stream that has interrupted flow or does not flow continuously.

INTERTIDAL: Between the levels of mean lower low tide (MLLT) and mean higher high tide (MHHT).

KEY FACILITIES: Basic facilities that are primarily planned for by local government but which also may be provided by private enterprise and are essential to the support of more intensive development, including public schools, transportation, water supply, sewage and solid waste disposal.

LAND TRANSPORT FACILITIES: Bridges and associated structures, highways and railroads.

LARGE WOODY DEBRIS: Dead material from trees and shrubs that is large enough to persist more than one season.

LCDC: Land Conservation and Development Commission of the State of Oregon. Seven lay citizens, non-salaried, appointed by the Governor, confirmed by the Oregon Senate; at least one commissioner from each Congressional District; no more than two from Multnomah County.

LIBRARY: An establishment in which literary, musical, artistic, or reference materials are kept for use but not for sale.

LITTORAL DRIFT: The material moved, such as sand or gravel, in the littoral (shallow water near shore) zone under the influence of waves and currents.

LOG DUMP/SORT AREA (in-water): An area where logs are transferred to the water from the land or to the land from the water for sorting into groups on the basis of species, size and quality.

LOG STORAGE (in-water): The use of water surface area to store commercial logs prior to or during processing. Water areas used for log dumping or removal are included in this definition.

LOG STORAGE/SORTING YARD (dry land): An area where logs are gathered from surrounding harvest areas and measured, sorted, and/or stored until ready for transfer to water storage areas or to market.

LOT: A unit of land created by a subdivision of land or a planned community. A lot lawfully created shall remain a discrete lot, unless the lot lines are changed or vacated or the lot is further divided as provided by this Ordinance.

LOT, PARCEL, OR TRACT DEPTH: The horizontal distance from the mid-point of the front lot line to the mid-point of the rear lot line.

LOT, PARCEL, OR TRACT FRONT LOT LINE: In the case of an interior lot, parcel, or tract, a line separating the lot, parcel or tract from the street; in the case of a corner lot, parcel or tract, a line separating a lot, parcel or tract from the street on which the improvement or contemplated improvement will face.

LOT, PARCEL OR TRACT SIDE LOT LINE: a lot line which is not a front or rear lot line.

LOT, PARCEL OR TRACT WIDTH: The horizontal distance between the side lot lines measured at right angles to the lot depth at a point midway between the front and rear lot line.

LOWEST FLOOR: The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this Ordinance found at Section 5.2-1(2).

MAINTAIN: Support, keep and continue in an existing state or condition without decline.

MANAGEMENT UNIT: A discrete geographic area, defined by biophysical characteristics and features, within which particular uses and activities are promoted, encouraged protected, or enhanced, and others are discouraged, restricted, or prohibited. Management units are delineated on the Plan map, and provide a framework for policy decisions embodied in Volume II, Part 1, Section 5.2 of this Plan.

~ Aquatic Management Units include:

Natural Aquatic Areas (NA)

Conservation Aquatic (CA)

Development Aquatic (DA)

~ Shoreland Management Units include:

Natural Shoreland Areas (NS)

Conservation Shoreland Areas (CS)

Rural Shoreland Areas (RS)

Urban Development Areas (UD)

Urban Water-dependent Areas (UW)

Development Shorelands (D)  
Water-Dependent Development Shorelands (WD)

See Volume II, Part 1, Section 3.5 for detailed explanation of management units.

MANUFACTURED DWELLING (ORS: 446.003)

a. Residential trailer – structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes and that was constructed before January 1, 1962; or

b. Mobile home – structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes and that was constructed between January 1, 1962 and June 15, 1976; or

c. Manufactured home – structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, this is being used for residential purposes and that was constructed in accordance with federal manufactured housing construction and safety standards and regulations in effect at the time of construction. [OR 01-02-004PL 6/13/01]

MANUFACTURED DWELLING PARK (ORS 446.003): any place where four (4) or more manufactured dwellings are located within 500 feet of one another on a lot, tract or parcel of land under the same ownership, the primary purposes of which is to rent or lease space or keep space for rent or lease to any person for a charge or fee paid or to be paid for the rental or lease or use of facilities or to offer space free in connection with securing the trade or patronage of such person. Does not include a lot or lots located within a subdivision being rented or leased for occupancy by no more than one (1) manufactured dwelling per lot if the subdivision was approved by Coos County (ORS 92.010 to 92.190 and 446.003) [OR 01-02-004PL 6/13/01]

MARINAS: Facilities, which provide moorage, launching, storage, supplies and a variety of services for recreational, commercial fishing and charter fishing vessels. Moorage facilities with 5 or less berths are excluded from this category.

MARSH, MAJOR: A tract of land often periodically inundated and treeless and usually characterized by grasses, cattails, or other swamp like characteristics.

MEDICAL - CLINIC: The medical or dental facility for diagnosis and treatment of out-patients.

MEDICAL - HOSPITAL: A facility where the sick or injured are given medical or surgical care.

MEDICAL - SANITARIUM/REST HOME/CONVALESCENT HOME: An establishment that provides housing and general care for the aged or the convalescent; an establishment that

provides therapy combined with treatment for rehabilitation; an establishment for rest and recuperation; or an establishment for the treatment of the chronically ill. This use shall also include a residential care facility and residential home.

**MINERAL RESOURCES - EXPLORATION:** The act for searching for any naturally occurring homogeneous substance such as coal, salt, sulfur, petroleum, water, natural gas, etc. For the purposes of this Ordinance minerals do not include stone, sand, rock or other aggregate.

**MINERAL RESOURCES - MINING:** The process of gaining access to and removal of minerals. (See the definition of minerals under the definition of Mineral Resources-Exploration.)

**MINERAL RESOURCES - PROCESSING:** The act of refining, perfecting, or converting a natural mineral into a useful product.

**MINING/MINERAL EXTRACTION:** The removal for economic use of minerals, petroleum resources, sands, gravels or other naturally occurring materials from the shorelands and/or a bed within an aquatic area.

**MINOR NAVIGATIONAL IMPROVEMENTS:** Alterations necessary to provide water access to existing or permitted uses in conservation management units, including dredging for access channels and for maintaining existing navigation but excluding fill and in-water navigational structures other than floating breakwaters or similar permeable wave barriers.

**MITIGATION:** The creation, restoring, or enhancing of an estuarine area to maintain the functional characteristics and processes of the estuary, such as its natural biological productivity, habitats, and species diversity, unique features and water quality (ORS 196.830).

**MITIGATION BANK:** The creation, restoration, or under certain circumstances the protection, or an area of functioning wetland in advance of, and to offset anticipated wetland impacts within the same ecoregion.

**MOBILE HOME:** See definition "Manufactured Dwelling". [OR 01-02-004PL 6/13/01]

**MODIFICATION OF HISTORICAL STRUCTURES:** The expansion, rehabilitation, alteration, or other change of a significant historical structure as identified by the Coos County Comprehensive Plan.

**MOORAGE:** See "Docks and Moorage".

**MUSEUM:** An institution devoted to the procurement, care, study, and display of objects of lasting interest or value.

**NATURAL:** A state of nature untouched by the influences of civilization and society.

**NATURAL AQUATIC AREAS (NA):** An aquatic management unit (see Volume II, Part 1, Section 3.5).



**NATURAL AREAS:** Includes land and water that has substantially retained its natural character, which is an important habitat for plant, animal, or marine life. Such areas are not necessarily completely natural or undisturbed, but can be significant for the study of natural, historical, scientific, or paleontological features, or for the appreciation of natural features.

**NATURAL MANAGEMENT UNIT:** In all estuaries, areas shall be designated to assure the protection of significant fish and wildlife habitats, of continued biological productivity within the estuary, and of scientific, research, and educational needs. These shall be managed to preserve the natural resources in recognition of dynamic, natural, geological, and evolutionary processes. Such areas shall include, at a minimum, all major tracts of saltmarsh, tideflats, and seagrass and algae beds.

**NATURAL RESOURCES:** Air, land and water and the elements thereof which are valued for their existing and potential usefulness to man.

**NATURAL SHORELANDS AREAS (NS):** A shoreland management unit (see Volume II, Part 1, Section 3.5).

**NAVIGATIONAL AIDS:** Beacons, buoys and similar floating, anchored structures requiring no alteration of the estuary.

**NAVIGATIONAL STRUCTURES:** Groins, pile dikes, fills, jetties and breakwaters that are installed to help maintain navigation channels, or protect marinas and harbors by controlling water flow, wave action and sand movement.

**NEW CONSTRUCTION:** Structures for, which the "start of construction" commenced on or after the effective date of this ordinance.

**NOMINAL 40:** A lot, parcel or tract of land which contains slightly less than 40 acres but more than 30 acres and which results from a geometric breakdown from a section (i.e., SE  $\frac{1}{4}$ , SW  $\frac{1}{4}$ ). nominal 40's will occur when an original Government survey created the section.

**NOXIOUS VEGETATION:** A plant arbitrarily defined by law as being especially undesirable, troublesome, and difficult to control.

**OCCDC:** Oregon Coastal Conservation and Development Commission, created by ORS 191; existed from 1971 to 1975. Its work is continued by LCDC.

**OCEAN FLOODING:** The flooding of lowland areas by saltwater owing to tidal action, storm surge, or tsunamis (seismic sea waves). Land forms subject to ocean flooding include beaches, marshes, coastal lowlands, and low lying interdune areas. Areas of ocean flooding are mapped by the Federal Emergency Management Agency (FEMA). Ocean flooding includes areas of velocity flooding and associated shallow marine flooding.

**OIL CONTAMINATED SOIL:** Soil that has been made impure and undesirable by becoming mixed with oil or oil products, including but not limited to crude oil, gasoline, fuel oil, diesel oil, lubricating oil, sludge, oil refuse or any other petroleum related product or fraction thereof that is liquid at a temperature of 60 degrees Fahrenheit and a pressure of 14.7 pounds per square inch absolute. [OR 93-02-003PL 3/30/93]

**OPENED ROAD:** A legally created right-of-way including an easement or public dedication, which is under use as access to one or more residences and which exists at the time of the adoption of this Ordinance.

**OVERLAY ZONE:** Zone designation which overlays a primary zoning district. A floating zone may restrict the uses of a primary zoning district or may include additional standards required of a use within the primary zoning district.

**PAPA:** is a "post-acknowledgement plan amendment." The term encompasses actions taken in accordance with ORS 197.610 through 197.625, including amendments to an acknowledged comprehensive plan or land use regulation and the adoption of any new plan or land use regulation. The term does not include periodic review actions taken in accordance with ORS 197.628 through 197.650.

**PARCEL:** A unit of land that is created by a partitioning of land. A parcel lawfully created shall remain a discrete parcel, unless the parcel lines are changed or vacated or the parcel is further divided as provided by this Ordinance.

**PARENT PARCEL:** The most recent legal lot, parcel or tract of land including all contiguous lots, parcels or tracts of land under the same ownership, prior to or at a given point in time.

**PARTITION:** Means either an act of partitioning land or an area or tract of land partitioned.

**PARTITION LAND:** Means to divide land into two or three parcels of land within a calendar year, but does not include: (a) A division of land resulting from a lien foreclosure, foreclosure of a recorded contract for the sale of real property or the creation of cemetery lots; or (b) An adjustment of a property line by the relocation of a common boundary where an additional unit of land is not created and where the existing unit of land reduced in size by the adjustment complies with all applicable provisions of this Ordinance. (c) A sale or grant by a person to a public agency or public body for state highway, county road or other right-of-way purposes provided that such road or right-of-way complies with the applicable sections of this ordinance and ORS 215.213(2)(q) to (s) and 215.283(2)(p) to (r).

However, any property divided by the sale or grant of property for state highway, county road, city street or other right-of-way purposes shall continue to be considered a single unit of land until such time as the property is further subdivided or partitioned. [OR 92-07-012PL]

**PARTITION PLAT:** Includes a final map and other writing containing all the descriptions, locations, dedications, specifications, provisions, and information concerning a partition. [OR 92-07-012PL]

PERENNIAL STREAM: A continuously flowing stream.

PERMITTED USE: A use allowed as of right by and within the primary zoning district.

PILING/DOLPHIN INSTALLATION: The driving of wood, concrete or steel piling into the bottom in aquatic areas to support piers or docks, structures, moored floating structures, vessels or log rafts or for other purposes. A dolphin is a group of pilings held together by steel cable and used for mooring vessels, log rafts or floating structures.

PLANNING AREA: The air, land and water resources within the jurisdiction of a governmental agency, jurisdiction within Coos County.

PLANNED COMMUNITY: (ORS 94.550) means any subdivision under ORS 92.010 to 92.170, which results in a pattern of ownership of real property and all the buildings, improvements and rights located on or belonging to the real property in which:

- (a) there is a homeowner's association responsible for the maintenance, operation, insurance and property taxes relating to any common property of the planned community or for the exterior maintenance of any property that is individually owned; and
- (b) owner of individual lots, by virtue of their ownership, automatically are members of the homeowner's association and assume liability for membership fees. [Note: this definition is synonymous with "Planned Unit Development" PUD]

PLANNING DIRECTOR: The Coos County Planning Director.

PLAT: A plat includes a final map, diagram, drawing and/or other writing containing all the descriptions, locations, specifications, dedications, provisions and information concerning a subdivision plat, replat, partition plat or planned community.

POLLUTION: The violation or threatened violation of applicable state or federal environmental quality statutes, rules and standards.

POTENTIAL TREE HEIGHT: The potential height of a mature tree for a particular location. Determined by climate, geology, hydrology, and landscape position.

PRESERVE: To save from change or loss and reserve for a special purpose.

PROGRAM: Proposed or desired plan or course of proceedings and action.

PROTECT: Save or shield from loss, destruction, or injury or for future intended use.

PROVIDE: Prepare, plan for, and supply what is needed.

**PUBLIC FACILITIES AND SERVICES:** Projects, activities and facilities determined to be necessary for the public health, safety and welfare.

**PUBLIC GAIN:** The net gain from combined economic, social, and environmental effects which accrue to the public because of a use or activity and its subsequent resulting effects.

**PUBLIC ROAD:** The entire right-of-way of any road over which the public has the right of use or any right-of-way held by the state or a political subdivision of the state for road purposes that is not open for public use.

**QUALITY:** The degree of excellence or relative goodness.

**RECREATION:** Any experience voluntarily engaged in largely during leisure (discretionary time) from which the individual derives satisfaction:

- (1) Coastal Recreation: occurs 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;
- (2) Low-Intensity Recreation: does 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;
- (3) 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.

**RECREATION - CIRCUS/CARNIVAL:** An arena which may be covered by a tent, and used for variety shows usually including feats of physical skill and daring, wild animal acts, and performances by jugglers and clowns. An enterprise offering amusements in the form of entertainment or exhibition.

**RECREATION - GOLF COURSE:** An area of land laid out for the game of golf with a series of golf links each including a tee, fairway, and putting green and often one or more natural or artificial hazards.

**RECREATION - OFF ROAD VEHICLE RENTAL:** An establishment which provides vehicles such as snow mobiles, dune buggies, motorcycles, etc. for rent.

**RECREATION - PARK/OPEN SPACE:** An open or enclosed lot parcel or tract of land set apart and devoted for the purposes of pleasure, recreation, ornamentation, or light and air.

RECREATIONAL PLANNED COMMUNITY: A planned community providing a combination of: owner's primary dwelling units, recreational dwelling unit, and required open space. A recreational planned community may also contain retail and service establishments not necessarily limited in scope to meet the needs of the recreational planned community users, and accessory structures and uses to the extent necessary and normal to uses permitted within a recreational planned community. Recreational planned communities shall contain a minimum of 80 contiguous acres in single ownership. NOTE: this definition is synonymous with "Recreational Planned Unit Department" (R-PUD).

RECREATIONAL PLANNED UNIT DEVELOPMENT: A planned unit development providing a combination of: owner's primary dwelling units, recreational dwelling units, and required open space. A recreational planned unit development may also contain retail and service establishments not necessarily limited in scope to meet the needs of the recreational planned unit development users, and accessory structures and uses to the extent necessary and normal to uses permitted within a recreational planned unit development. Recreational planned unit developments shall contain a minimum of 80 contiguous acres in single ownership.

RECREATIONAL VEHICLE (OAR 918-650-0005): A vehicular type unit primarily designed as temporary living quarters, which has its own motor power or is mounted on or drawn by another vehicle, and that is intended for human occupancy for vacation and recreational purposes, but not for long term residential purposes, and may be equipped with plumbing such as a sink or toilet. The basic entities are:

- i. travel trailer – vehicular unit which has a roof, floor and sides and is mounted on wheels, but it is not of such size or weight as to require special highway movement permits when towed by a motorized vehicle, and has a floor area of less than 220 square feet, excluding built-in equipment such as wardrobes, closets, cabinets, kitchen units or fixtures and bath or toilet rooms;
- ii. camping trailer – vehicle unit mounted on wheels and constructed with collapsible partial side walls which fold when the unit is towed by another vehicle and unfold at the campsite to provide temporary living quarters for recreational, camping or travel use, and has a floor area of less than 220 square feet, excluding built-in equipment such as wardrobes, closets, cabinets, kitchen units or fixtures and bath or toilet rooms;
- iii. truck camper – portable unit which has a roof, floor and sides and is designed to be loaded on an off the bed of a truck or pick-up truck, and has a floor area of less than 220 square feet, excluding built-in equipment such as wardrobes, closets, cabinets, kitchen units or fixtures and bath or toilet rooms;
- iv. motor home – vehicular unit built on or permanently attached to a self-propelled motor vehicle chassis or on a chassis cab or van which is an integral part of the complete vehicle, and has a floor area of less than 220 square feet, excluding built-in equipment such as wardrobes, closets, cabinets, kitchen units or fixtures and bath or toilet rooms;
- v. park trailer – vehicle built-on single chassis, mounted on wheels, designed to provide seasonal or temporary living quarters which may be connected to utilities or operation of installed fixtures and appliances, of such a construction as to permit set-up by persons without special skills using only hand tools which may include lifting, pulling and supporting devices and a gross trailer area not exceeding 400 square feet when in the set-up mode.

[OR 01-02-004PL 6/13/01]

RECREATIONAL VEHICLE PARK (OAR 918-650-0005): 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. [OR 01-02-004PL 6/13/01]

RECREATIONAL VEHICLE SITE: A plat of ground within a recreational vehicle park designed to accommodate a recreational vehicle on a temporary basis.

REFERENCE SITE: An undisturbed area that exhibits the potential natural vegetation under a particular set of conditions. Used as a model for restoration or disturbed sites.

REPLAT: The act of platting the lots, parcels and easements in a recorded subdivision or partition plat to achieve a reconfiguration of the existing subdivision or partition plat or to increase or decrease the number of lots in the subdivision. [OR 92-07-012PL]

RESEARCH AND EDUCATIONAL OBSERVATION: Activities such as sampling of water and vegetation, surveying, inventorying, trapping or taking of fish, birds or other animals for the purposes of scientific research or education.

RESERVOIRS AND WATER IMPOUNDMENTS: A place where water is collected and stored for use, and may include dam structures, the lakes and ponds behind them, off-stream ponds where water is collected and stored, similar storage areas and including, but not limited to, water diversion and transmission facilities, road construction, soil and rock extraction/processing, and related land alterations and activities which are accessory to the construction and maintenance of reservoir and water impoundments and ancillary improvements.

RESIDENTIAL - CONVENTIONAL SINGLE FAMILY DWELLING: A single household unit including on-site construction or modular units (but not including a mobile home). Said dwelling unit shall not share a common wall, floor or ceiling with another single household unit.

RESIDENTIAL - DUPLEX: A building designed exclusively for occupancy by two (2) families living independently of each other in independent dwelling units attached and sharing a common wall, floor or ceiling.

RESIDENTIAL CARE FACILITY: Residential care facility means a facility licensed by or under the authority of the Department of Human Resources under ORS 443.400 to 443.460 which provides residential care alone or in conjunction with treatment or training or a combination thereof for six to fifteen individuals who need not be related. Staff persons required to meet Department of Human Resources licensing requirements shall not be counted in the number of facility residents, and need not be related to each other or to any resident of the residential facility. [OR 93-12-j017PL 2/23/94]

RESIDENTIAL - FLOATING HOME: A moored structure that is secured to a pier or pilings and is used primarily as a residence and not as a boat. [ORS 488.705(2)] A facility, dock or pier owned by one person where four or more floating homes are secured, the primary purpose of

which is to rent space or keep space for rent to any person for a fee, shall be reviewed as a mobile home park.

**RESIDENTIAL CARE HOME:** Residential care home means a home licensed by or under the authority of the Department of Human Resources under ORS 443.400 to 443.825 which provides residential care alone or in conjunction with treatment or training or a combination thereof for five or fewer individuals who need not be related. Staff persons required to meet Department of Human Resources licensing requirements shall not be counted in the number of facility residents, and need not be related to each other or to any resident of the residential home. [OR 93-12-017PL 2/23/94]

**RESIDENTIAL - MANUFACTURED HOME:** See definition “Manufactured Dwelling”. [OR 01-02-004PL 6/13/01]

**RESIDENTIAL - MOBILE HOME:** See definition “Manufactured Dwelling”. [OR 01-02-004 PL 6/13/01]

**RESIDENTIAL - MOBILE HOME PARK:** See definition “Manufactured Dwelling Park”. [OR 01-02-004PL 6/13/01]

**RESIDENTIAL - MULTI-FAMILY DWELLING:** A building designed exclusively for occupancy by three or more families living independently of each other in independent units. Such building is characterized by living units which share a common wall floor or ceiling.

**RESIDENTIAL-PLANNED UNIT DEVELOPMENT:** A form of development usually characterized by a unified site design for a number of housing units, clustered buildings, providing common open space, and a mix of building types and land uses. A PUD permits the planning of a project over the entire development, rather than on an individual lot-by-lot basis, but a Planned Unit Development does not exclude the sale of individual lots, but only after the development is planned as a single unit.

**RESIDENTIAL - SECOND FLOOR APARTMENTS:** A dwelling unit(s) located above a commercial industrial use located on the ground floor.

**RESIDENTIAL USES:** Development of land and structures for human occupancy as living quarters. Residential uses include single-family dwellings, mobile homes, duplexes and multiple residential apartments. Density of residential development relates to city and county implementing measures, and location factors such as urban growth boundary and natural hazard considerations.

**RESIDENTIAL - WATCHMAN/CARETAKER DWELLING:** A dwelling unit accessory to another primary use of the property, providing living quarters for a watchman or a caretaker.

**RESORT COMMUNITY:** An unincorporated community that was established primarily for and continues to be used primarily for recreation or resort purposes: and (a) includes residential and

commercial uses; and (b) provides for both temporary and permanent residential occupancy, including overnight lodging and accommodations.

**RESOURCE CAPABILITY DETERMINATION:** (a) Natural: When either the impacts of the use on estuarine species, habitats, biological productivity and water quality are not significant 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; (b) Conservation: When either the impacts of the use on estuarine species, habitats, biological productivity, and water quality are not significant 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 which conserves long-term renewable resources, natural biologic productivity, recreational and aesthetic values and aquaculture.

**RESOURCE LIST:** includes the description, maps, and other information about significant Goal 5 resource sites within a jurisdiction, adopted by a local government as a part of the comprehensive plan or as a land use regulation. A "plan inventory" adopted under OAR 660-016-0000(5)(c) shall be considered to be a resource list.

**RESTORATION:** Replacing or restoring original attributes or amenities such as natural biological productivity and aesthetic or cultural resources which have been diminished or lost by past alterations, activities or catastrophic events. Active restoration involves the use of specific remedial actions such as removing dikes or fills, installing water treatment facilities, or rebuilding or removing deteriorated urban waterfront areas. Passive Restoration is the use of natural processes, sequences or timing to bring about restoration after the removal of reduction of adverse stresses.

**REZONE:** Rezoning can take two forms: (1) a change in the zoning classification of a lot(s), parcel(s), or tract(s) of land from one use district to another; or (2) qualified rezoning with attachment of special conditions to a rezoning.

**RIPARIAN:** Of, pertaining to, or situated on the edge of the bank of a river or other body of water.

**RIPARIAN AREA:** An area adjacent to a water resource which affects or is affected by the water resource.

**RIPARIAN CORRIDOR:** A Goal 5 resource that includes the water areas, fish habitat, riparian areas, and wetlands within the riparian corridor boundary.

**RIPRAP:** A layer, facing, or protective mound of stones randomly placed to prevent erosion, scour or sloughing of a structure or embankment; also, the stone so used. Similar use of other hard material, such as concrete rubble, is also riprap.

**ROAD:** A public or private way created or intended to provide ingress or egress for persons to one or more lots, parcels, areas, or tracts of land. a road does not include: (a) driveway located exclusively on the same lot, parcel or tract of land as the use it serves; (b) a private way that is



created or intended to provide ingress or egress to such land in conjunction with the use of such land exclusively for forestry, mining, or agricultural purposes.

Opened: a legally created right-of-way under use as access to one or more residences, and which legally existed at the time of this Ordinance adoption.

Unopened: a legally created right-of-way not under use as access to one or more residences.

RURAL: Outside of city limits and/or urban growth boundaries.

RURAL COMMUNITY: An unincorporated community which consists primarily of permanent residential dwellings but also has at least two other land uses that provide commercial, industrial, or public uses (including but not limited to schools, churches, grange halls, post office) to the community, the surrounding rural area, or to persons traveling through the area.

RURAL LAND: Those which are outside the urban growth boundary and are: (1) non-urban agricultural, forest or open space lands; or (2) other lands suitable for sparse settlement, small farms or acreage homesites with no or hardly any public services, and which are not suitable, necessary or intended for urban use.

RURAL SERVICE CENTER: An unincorporated community consisting primarily of commercial or industrial uses providing goods and services to the surrounding rural area or to persons traveling through the area, but which also includes some permanent residential dwellings.

RURAL SHORELANDS AREAS (RS): A shoreland management unit (see Volume II, Part 1, Section 3.5).

SCHOOL: Any institution for learning, whether public or private, including:

1. Commercial: a facility where instruction is given to pupils in arts, crafts or trades, and operated as a commercial enterprise as distinguished from schools privately endowed or supported by taxation.
2. Public: a school under the control of and financed by legally constituted public school districts in the State of Oregon.
3. Private: a school under private control offering instruction equivalent to public schools.

SEASONAL FARM WORKER: Any person who, for an agreed remuneration or rate of pay, performs temporary labor for another to work in production of farm products or planting, cultivating or harvesting of seasonal agricultural crops or in forestation or reforestation of lands, including but not limited to, the planting, transplanting, tubing, precommercial thinning and thinning of trees and seedlings, the clearing, piling and disposal of brush and slash and other related activities> [OR 92-07-012PL]

**SEASONAL FARM-WORKER HOUSING:** Housing limited to occupancy by seasonal farm workers and their immediate families which is occupied no more than 9 months a year (OR 92-07-012PL).

**SEASONAL PRODUCT SALE:** The act of selling a product either:

1. during the climatic season of its maturity, or
2. during a season set by law, or
3. during a customarily recognized season.

**SEDENTARY:** Attached firmly to the bottom, generally incapable of movement.

**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.

**SHORELANDS:** Areas located between the Coastal Shoreland Boundary and the line of non-aquatic vegetation fringing the Coos Bay Estuary.

**SHORELINE:** The line where a body of water and the shore meet.

**SHORELINE STABILIZATION:** The protection of the banks of tidal or non-tidal streams, rivers or estuarine waters by nonstructural (vegetative) or structural (riprap, bulk heading, etc.) means. See also definitions for "Riprap" and "Bulkhead".

**SIGNIFICANT HABITAT AREAS:** A land or water area where sustaining the natural resource characteristics is important or essential to the production and maintenance of aquatic life or wildlife populations. (Land or water areas designated as Significant Habitat Areas on resource maps which are part of the inventory document which accompanies this Plan.)

**SITE PLAN AND DESIGN:** An application and review required by some zoning use districts. The application shall contain plans, drawings, sketches and other documents delineating the proposed development for which a site plan review is required.

**SOCIAL CONSEQUENCES:** The tangible and intangible effects upon people and their relationships with the community in which they live resulting from a particular action or decision.

**SOLID WASTE DISPOSAL:** Storage or disposal of industrial solid waste such as a co-generation facility.

**SOLID WASTE LANDFILL:** A site operated by means of compacting and covering waste or solid waste at specifically designated intervals but not necessarily each operating day.

**SPECIAL CONSIDERATIONS MAP:** A map, or series of maps, or map overlays identifying areas in Coos County which may have an impact on development. The phenomena identified on the Special Considerations Map which may have an impact include: mineral resources, water resources, archaeological and historical resources, dunes and non-estuarine coastal shorelands, significant wildlife habitat and natural hazards.

**START OF CONSTRUCTION:** Substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement or other improvement was within 180 days of the permit date. The actual start means wither the first placement of permanent construction of a structure on a site, such as the pouring of slab or excavation; or the placement of a manufactured home on a foundation. permanent construction dos not include land preparation, such as clearing grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundation or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

**STREET:** A public or private way that is created or intended to provide ingress or egress to persons to one or more lots, parcels, areas or tracts of land. A street does not include

- a. a driveway located exclusively on the same lot, parcel or tract of lands as the use it serves;
- b. a private way that is created or intended to provide ingress or egress to such land in conjunction with the use of such land exclusively for forestry, mining, or agricultural purposes.

**STRUCTURE:** Anything constructed or installed or portable, the use of which requires a location on a parcel of land.

**STRUCTURE (BUILDING) HEIGHT:** The vertical distance measured from the average building grade to the highest point of the roof surface, parapet, or other architectural structural feature.

**STRUCTURE OR FACILITY THAT PROVIDES WATER-DEPENDENT ACCESS:** means anything constructed or installed, regardless of its present condition, functionality or serviceability, that provides or provided water-dependent uses with physical access to the adjacent coastal water body (examples include wharves, piers, docks, mooring piling, boat ramps, water intake or discharge structures, or navigational aids).

**SUBDIVIDE LAND:** To divide a lot, parcel, area or tract of land into four or more lots within a calendar year except, for the purpose of this definition, "lot, parcel, area or tract of land" shall be interpreted as not necessarily having to include all contiguous ownership in the subdivision plat. A portion of a large contiguous ownership may be subdivided, provided the residual parcel (that portion of the contiguous ownership proposed to be excluded from the plat) meets the following criteria:

- a. the residual parcel conforms to all other development standards of this Ordinance; and
- b. the residual parcel shall not be rendered "landlocked"; and
- c. the residual parcel shall not be bisected by the creation of a subdivision access road; and
- d. the residual parcel must either be:
  - i. zoned as resource land, or
  - ii. must have an area greater than or equal to ten (10) acres.

**SUBDIVISION:** Either an act of subdividing land or an area, lot, parcel or tract of land subdivided as defined in these definitions.

**SUBDIVISION PLAT:** A final map and other writing containing all the descriptions, locations, specifications, dedications, provisions and information concerning a subdivision.

**SUBORDINATE:** Placed in a lower order, class, or rank; occupying a lower position in a regular descending series; inferior in order, nature, dignity, power, importance, or the like: belonging to an inferior order in classification, and having a lower position in a recognized scale; secondary, minor. (As pertaining to "subordination of use/activity plan provisions to plan policies", the term "subordinate" is used as defined by Black's Law Dictionary.)

**SUBSTANTIAL IMPROVEMENT:** Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either:

- 1. before the improvement or repair is started, or
- 2. if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

The term does not, however, include either:

- a. any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or
- b. any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

**SUBSTRATE:** The medium upon which an organism lives and grows. The surface of the land or bottom of a water body.

**SUBTIDAL:** Below the level of mean lower low tide (MLLT).

**TECHNICAL REVIEW COMMITTEE:** A committee established to act in a technical review capacity for the Board of Commissioners, which has the responsibility to examine all major partition plats, subdivision plats, planned community plats, and at the discretion of the Planning Director, minor partition plats and assist the Planning Director in rendering a decision relating to the approval, conditional approval, or disapproval of said applications.

**TEMPORARY ALTERATION:** Dredging, filling, or another estuarine alteration occurring over a specified short period of time which is needed to facilitate a use allowed by an acknowledged plan. Temporary alterations may not be for more than three (3) years and the affected area must be restored to its previous condition. Temporary alterations include:

1. Alterations necessary for federally authorized navigation projects (e.g., access to dredged material disposal sites by barge or pipeline and staging areas or dredging for jetting maintenance),
2. Alterations to establish mitigation sites, alterations for bridge construction or repair and for drilling or other exploratory operations, and
3. Minor structures (such as blinds) necessary for research and educational observation.

**TENTATIVE MAP:** A map setting forth the proposed plan of partitioning, subdivision or planned community in conformance with the provisions of this Ordinance and subject to review and modification. [OR 92-07-012PL]

**TERRITORIAL SEA:** The ocean and seafloor areas from mean-low-water seaward three nautical miles.

**TIDAL MARSH:** Wetlands from lower high-water (LHW) inland to the line of non-aquatic vegetation.

**TIDELANDS:** Land overflowed during flood tide.

**TIMBER FARMING/HARVESTING:** Planting, growing, thinning, harvesting, etc., of trees for commercial purposes. Logging road construction is also included in this category.

**TOP OF BANK:** Topographical break at the top of the streambank; point at which flood water leaves the channel.

**TRACT:** An area of land which has not been partitioned or subdivided (including planned community) pursuant to the definitions of this Ordinance.

**TRANSPORTATION AGENCY:** A unit of government involved with planning and constructing land, water or airway transportation facilities or improvements, and which has the authority to exercise the power of eminent domain. [OR 92-07-012PL]

**UNINCORPORATED COMMUNITY:** a settlement with all of the following characteristics: (a) it is made up primarily of lands subject to an exception to Statewide Planning goal 3, goal 4 or both; (b) it was either identified in a county's acknowledged comprehensive plan as a "rural community", "service center", "rural center", "resort community", or similar term before this division was adopted (October 28, 1994), or it is listed in the Department of Land Conservation and Development's January 30, 1997 "Survey of Oregon's Unincorporated Communities"; (c) it lies outside the urban growth boundary of any city; (d) it is not incorporated as a city; and (e) it met the definition of one of the four types of unincorporated communities in Sections (6) through (9) of OAR 660-022-0010, and includes the uses described in those definitions, prior to the adoption of OAR 660-022 (October 28, 1994).

**UNIT:** A piece of apparatus serving to perform one particular function.

**URBAN DEVELOPMENT AREAS (UD):** A shoreland management unit (see Volume II, Part 1, Section 3.5).

**URBAN GROWTH AREA:** Includes those lands lying outside an incorporated city, but within an adopted Urban Growth Boundary.

**URBAN GROWTH BOUNDARY:** Established areas to identify and separate urbanizable land from rural land.

**URBAN LAND:** Urban areas are those places which must have an incorporated city. Such areas may include lands adjacent to and outside the incorporated city and may also:

1. have concentrations of persons who generally reside and work in the area;
2. have supporting public facilities and services.

**URBAN UNINCORPORATED COMMUNITY:** An unincorporated community which has the following characteristics: (a) include at least 150 permanent residential dwellings units; (b) contains a mixture of land uses, including three or more public, commercial or industrial land uses; (c) includes areas served by a community sewer system; and (d) includes areas served by a community water system.

**URBAN WATER-DEPENDENT AREAS (UW):** A shoreland management unit (see Volume II, Part 1, Section 3.5).

**URBANIZABLE LAND:** Those lands within the urban growth boundary and which are identified and:

1. determined to be necessary and suitable for future urban uses;
2. can be served by urban services and facilities;
3. are needed for the expansion of an urban area.

USE: The end to which a land or water area is ultimately employed. A use often involves the placement of structures or facilities for industry, commerce, habitation, or recreation.

USED FOR THE PURPOSES OF LAND DIVISION: When a road or street is used to provide access to a parcel in a partition, or a lot in a subdivision or planned community.

UTILITIES: Public service structures which fall into two categories:

1. low-intensity facilities consist of communication facilities (including power and telephone lines), sewer, water and gas lines, and
2. high-intensity facilities, which consist of storm water and treated waste water outfalls (including industrial waste water).

Note: in shoreland units this category also includes sewage treatment plants, electrical substations and similar public service structures. However, these structures are defined as "fill for non-water-dependent/related uses" in aquatic areas.

UTILITY FACILITY-AIR AND WATER NAVIGATION AIDS: A facility or aid to determine position, course, distance traveled, or other facility to help navigate aircraft or waterborne vehicles.

UTILITY FACILITY - COMMUNICATIONS: A facility for the reception, broadcast or distribution of audio and visual images, including but not limited to radio, television, and other communications.

UTILITY FACILITY - INCLUDING POWER FOR PUBLIC SALE: A facility for the generation and distribution of a public or private service including but not limited to electricity, telephone, natural gas, water, sewage service, and other services providing for energy or communication needs; and may include the generation and distribution of power for public sale.

UTILITY FACILITY - NOT INCLUDING POWER FOR PUBLIC SALE: A facility for the generation and distribution of a public or private service including but not limited to electricity, telephone, natural gas, water, sewage services, and other services providing for energy or communication needs; this use does not include the generation or distribution of power for public sale.

UTILITY FACILITY - SERVICE LINES: A distribution line for supplying a utility service including but not limited to telephone, power, water, sewer, etc.

UTILITY FACILITY - SEWER PLANT/PUMP STATION: A facility engaged in a process to which sewage is subjected in order to remove or alter its objectionable constituents so as to render it less dangerous or offensive. the facilities may include but are not limited to reservoirs, mains, laterals, trunk lines, pumping equipment, and treatment facilities.

UTILITY FACILITY - WATER PLANT/PUMP STATION: A facility which may include a system of reservoirs, channels, mains, and pumping and purification equipment by which a water supply is obtained and distributed.

VARIANCE: A device which may grant a property owner relief from certain provisions of this Ordinance when because of the particular physical surroundings, shape or topographical conditions of the property, compliance would result in a particular hardship upon the owner, as distinguished from a mere inconvenience.

VEGETATION LAYER: Canopy, midstory and groundcover levels of vegetation, commonly represented by trees, shrubs and herbaceous plant species. Determined by height of vegetation.

VETERINARY CLINIC/KENNEL: A facility or building or portion thereof designed or used for the care, observation or treatment of domestic animals.

WATER-DEPENDENT: A use or activity which can be carried out only on, in, or adjacent to water areas because the use requires access to the water body for water-borne transportation, recreation, energy production, or source of water.

A. The following definitions also apply:

1. access: means physical contact with or use of the water;
2. energy production: means uses which need quantities of water to produce energy directly (e.g., hydroelectric facilities, ocean thermal energy conversion);
3. recreational: e.g., recreational marinas, boat ramps and support;
4. require: means the use either by its intrinsic nature (e.g., fishing, navigation, boat moorage) or at the current level of technology cannot exist without water access;
5. source of water: means facilities for the appropriation of quantities of water for cooling processing or other integral functions;
6. water-borne transportation: means uses of water access:
  - i. which are themselves transportation (e.g., navigation);
  - ii. which require the receipt of shipment of goods by water; or
  - iii. which are necessary to support water-borne transportation (e.g., moorage fueling, servicing of watercraft, ships, boats, etc. terminal and transfer facilities).

B. Typical examples of water-dependent uses include the following:

1. aquaculture;
2. certain scientific and educational activities which, by their nature, require access to coastal waters: estuarine research activities and equipment mooring and support;
3. commercial: e.g., commercial fishing marinas and support; fish processing and sales; boat sales, rentals, and supplies;



4. industrial: e.g., manufacturing to include boat building and repair; water-borne transportation, terminals, and support; energy production which needs quantities of water to produce energy directly; water intake structures for facilities needing quantities of water for cooling, processing, or other integral functions.
5. recreation: means water access for fishing, swimming, boating, etc. Recreational uses are water-dependent only if use of the water is an integral part of the activity;

**WATER-DEPENDENT DEVELOPMENT SHORELANDS (WD):** A shoreland management unit (see Volume II, Part 1, Section 3.5).

**WATER ORIENTED:** A use whose attraction to the public is enhanced by a view of or access to coastal waters.

**WATER-RELATED:** Uses which are not directly dependent upon access to a water body, but which provide goods or services that are directly associated with water-dependent land or waterway use, and which, if not located adjacent to water, would result in a public loss of quality in the goods or services offered. Except as necessary for water-dependent or water-related uses or facilities, residencies, parking lots, spoil and dump sites, roads and highways, restaurants, businesses, factories, and trailer parks are not generally considered dependent on or related to water location needs.

**WATER RESOURCE:** Rivers, streams, lakes, and ponds, and adjacent wetlands.

**WETLANDS:** Areas that are inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated conditions. Wetlands generally include swamps, marshes, bogs and similar areas.

**WINERY, COMMERCIAL (Rural Residential zones):** A facility for the preparation, processing, marketing, and distribution of wines. May include a tasting room. A winery in rural residential must be strictly and customarily incidental to the primary purpose of acreage homesites outside of urban growth boundaries. A winery may only be allowed in conjunction with an existing permitted dwelling.

Pursuant to OR 04-1-002PL (6-30-04) for the purposes of a commercial winery only within the rural residential zoning districts the following definitions apply:

- a. Fruit-processing facility is a facility that handles produce only of which 25% must be grown on the site or adjacent to that site. Vineyards, orchards, and berry farms use fruit processing facilities to process grapes grown on the site, but are not allowed to introduce yeast into any juice pressed from that fruit unless it has a Federal and State license to do so. A facility producing grape or fruit juice may not be called a winery unless it is licensed to add yeast to the grape or fruit juice.

- b. Tasting room is a room at a winery where customers may tast various wines, usually free of charge. State laws defines taste as 1.5 ounces of wine. Many wineries have tasting rooms, so do many wine stores. Many vineyards do not produce wine and therefore are not wineries, but have tasting rooms. An example is Melrose Vineyards in Sutherlin. The wine they sell is under special license and must be produced from the grapes grown in that specific vineyard.
- c. Vineyard is farm land devoted to the production of grapes only.
- d. Winery is a Federal and State licensed facility that produces wine from various fruits, including grapes. A winery may not have a vineyard, choosing instead to purchase various fruit in the open market. An example is the Old Bridge Winery in Remote.
- e. Wholesale winery is a Federal and State licensed facility that produces wine that does not have retail sales, a tasting room, or public access.

**YARD:** An open space which lies between a lot, parcel or tract line and a building line.

- a. Front yard: a yard extending across the full width of the lot, parcel or tract between the front lot, parcel or tract line and the building line.
- b. Rear yard: a yard extending the full width of the lot, parcel or tract between the rear lot, parcel or tract line and the rear building line.
- c. Side yard: the yard extending from the front yard to the rear yard except in the case of a corner lot, parcel or tract when the side yard on the flanking street shall extend to the rear property line.

**ZONING DISTRICT:** A zoning designation in this Ordinance text and delineated on the zoning maps, in which requirements for the use of land or buildings and development standards are prescribed. \* OR 91-05-006PL 7-10-91

**Chapter III. SUPPLEMENTAL PROVISIONS: STRUCTURES, USES, LOTS & YARDS**

**ARTICLE 3.1. SUPPLEMENTAL PROVISIONS – STRUCTURES**

**SECTION 3.1.100. Purpose.** In order to provide adequate light, air, and privacy, and in order to promote the general safety and welfare, the following general conditions and development standards shall apply to all buildings and structures unless otherwise specified in this Ordinance.

**SECTION 3.1.150. 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 this Ordinance.

**SECTION 3.1.200 Verification Letter Required for Building Permit.** To obtain a building permit, the applicant shall first request and receive a zoning verification letter from the Coos County Planning Department. This verification letter is valid for one year from the date it is issued. [OR 96-06-007PL 9/4/96]

If the request otherwise requires review (site plan, conditional use, variance, partitioning, etc.), a verification letter shall not be issued unless the request is approved through any required applicable process. If a process results in a conditional approval, said conditions shall be fulfilled prior to a verification letter issuance, or shall be so indicated on the verification letter.

A zoning verification letter shall only be issued for a development proposal found to be in compliance with this Ordinance and the Comprehensive Plan.

**SECTION 3.1.250. Existing Structures.** Structures or land uses existing at the time of passage of the Ordinance, and which are delineated as a conditional use within the applied zone, shall be deemed as having an approved conditional use permit for such existing use or structure.

**SECTION 3.1.300. Accessory Structures.** Structures 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]

C. **Accessory Structures within Recreation, Exclusive Farm Use, Forest and other natural resource zoning districts.**

Barns and other agricultural structures accessory to farm use shall be permitted within the Exclusive Farm Use, Forest Mixed Use and Recreation zoning districts.

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]

D. **Accessory structures within Rural-residential and Rural-Center zoning districts.**

1. Garages and other accessory structures, the principle use of which is not for agricultural or forestry purposes, shall be allowed outright within rural-residential zoning districts when a lawfully established dwelling exists, or is being established on the subject property.
2. If a lawfully established dwelling does not exist on the subject property, but is anticipated to be the principle use; garages and other accessory structures, the principle use of which is not for agricultural or forestry purposes, shall be allowed outright within rural-residential zoning districts when the proposed structure is less than or equal to 1,200 square feet in base floor area.
3. If the proposed accessory structure is greater than 1,200 square feet, and the principle use is not for agricultural or forestry purposes, and a lawfully established dwelling does not exist on the subject property, then said proposed structure may be permitted only if:
  - a. an administrative conditional use application is approved after finding that the proposed structure meets the definition of “accessory structure” set forth at Section 2.1.200.
4. Barns and accessory structures for agricultural and forestry

purposes shall be allowed outright within the rural-residential zoning district.

E. **Accessory structures within Urban Residential and Airport Operations zoning districts.**

1. Garages and other accessory structures shall be allowed outright on lots and parcels located within a UGB when said proposed accessory structure is less than or equal to 1,200 square feet in base floor area and a dwelling exists on the subject property or is being established concurrently with the proposed accessory structure.
2. If any garage or other accessory structure is proposed for a lot or parcel located within a UGB, and said proposed structure exceeds 1,200 square feet in base floor area, then said structure may be permitted only if:
  - a. a dwelling exists on the subject property or is being established concurrently with the proposed accessory structure, and
  - b. an administrative conditional use application is approved after finding that the proposed structure meets the definition of “accessory structure” set forth at Section 2.1.200.
3. Any proposed accessory structure within the Airport Operation zoning district is permitted outright subject to Article 4.6.

F. **Accessory structures within Industrial and Commercial and Controlled Development zoning districts.**

1. Where the principle use of the land is not residential, then Garages, warehouses and other accessory structures shall be allowed on lots and parcels located within industrial, commercial and controlled development zoning districts, subject to any specific requirements of the zone in which they are to be established.
2. If the principle use of the land is residential and the lot or parcel is located within a UGB, then accessory structures

that are less than or equal to 1,200 square feet in base floor area are permitted outright.

3. If the garage or other accessory structure is proposed for a lot or parcel located within a UGB, and the principle use of the land is residential, and said proposed structure exceeds 1,200 square feet in base floor area, then said structure may be permitted only if:
  - a. a dwelling exists on the subject property or is being established concurrently with the proposed accessory structure, and
  - b. an administrative conditional use application is approved after finding that the proposed structure meets the definition of “accessory structure” set forth at Section 2.1.200. [OR-96-04-007PL 9/4/96]

**SECTION 3.1.400. Lot Coverage.** All buildings designed or erected and existing buildings which may be reconstructed, altered, moved, or enlarged shall not exceed the maximum lot coverage regulations of the district in which the buildings are to be located.

**SECTION 3.1.450. Dwelling Unit or Building Density.** The dwelling unit or building density regulations as set forth in the districts shall apply. Occupancy shall not be increased in any manner except in conformity with these regulations.

**SECTION 3.1.500. Structure Height.**

1. Buildings and structures shall not exceed the height limitations as specified for the zone in which they are located.
2. 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 overheight object shall not be used for advertising of any kind.

**SECTION 3.1.550. Unoccupied Buildings.** If a building is unoccupied on the effective date of this Ordinance, the last use before it became unoccupied shall be considered to be its use of record.

**SECTION 3.1.600. LIMITATION ON USE OF MANUFACTURED DWELLINGS FOR COMMERCIAL PURPOSES.** Pursuant to ORS

446 et seq., manufactured dwellings shall not be used for commercial purposes except:

1. Where use of the manufactured dwelling for commercial purposes is authorized by the Building Codes Agency, or;
2. Where used as a temporary sales office for manufactured structures, or;
3. As part of an approved home occupation. [OR-92-07-012PL]

**SECTION 3.1.700. Residential Care Home/Facility.** Residential Care Home/Facility shall be allowed in any dwelling authorized by this Ordinance.

**ARTICLE 3.2**  
**SUPPLEMENTAL PROVISIONS – USES**



## **ARTICLE 3.2. SUPPLEMENTAL PROVISIONS – USES**

**SECTION 3.2.100. 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.

### **SECTION 3.2.125. Recreational Vehicles as Dwellings.**

1. Except as otherwise provided in this Section, no camper, travel trailer, recreational vehicle or other similar device shall be used as a place of habitation other than in a duly authorized RV overnight park or mobile home park, or as an authorized family hardship dwelling.
2. The Planning Director may authorize use of a camper, travel trailer, recreational vehicle or other similar device as a place of temporary habitation:
  - a. as a watchman's quarters sited in conjunction with a permitted commercial, industrial, or commercial farming or woodlot operation; or
  - b. during construction of a permitted building or authorized use, subject to other provisions of this ordinance; or
  - c. outside of urban growth boundaries, including the CBA-UGB, for short-term guest visits on a lot or parcel containing a dwelling, not to exceed 60 days in any calendar year; or
  - d. while camping, for periods of up to 45 days per calendar year, on property zoned for rural-residential, farm, or forest use and the camper owns the subject land or is a member of the immediate family of the owner of the subject land.

[OR 93-06-012PL 9/1/93]

**SECTION 3.2.150. Accessory Uses.** Uses customarily accessory to the lawfully established principal use shall be allowed in all cases unless specifically prohibited or restricted.

1. 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.
2. The use complies with the definition of "Accessory Structure or Use" pursuant to this Ordinance;
3. The noncontiguous lot, parcel or tract is in the "same ownership" as the lot, parcel or tract on which the principal use is located;
4. 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]

### **SECTION 3.2.175. Special Allowance for Accessory Housing within the Coquille River and Coos Bay Estuary Shoreland Boundaries.**

Dwellings may be allowed as an accessory use to any of the following legally established uses:

1. agriculture, as otherwise consistent with CREMP Policy #42 (Appendix 2) and CBEMP Policy #28 (Appendix 3)
2. airports
3. aquaculture
4. commercial
5. docks and moorage/marinas
6. industrial and port facilities
7. log storage and sorting yard
8. mining and mineral extraction
9. recreational uses
10. solid waste disposal
11. timber farming/harvesting, as otherwise consistent with CREMP Policy #42 and CBEMP Policy #28
12. utilities

However, such accessory dwelling shall only be allowed when findings document

that:

1. The dwelling is necessary for a watchman or caretaker that is needed to reside on-premise.
2. That the primary purpose of the dwelling is not solely to provide rental housing.

**SECTION 3.2.200. 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.

**SECTION 3.2.250. Administrative Conditional Use.** Buildings, structures and land may be used, designed, erected, structurally altered or enlarged for the purpose listed as administrative conditional uses in the district in which such building or land is located only after the applicant has:

1. Obtained administrative approval of the Planning Director pursuant to Article 5.2; and
2. Applied for and received all permits and licenses required by state, federal and County Ordinances, laws and statutes.

Any use established prior to this Ordinance within a district which is listed as an administrative conditional use shall be deemed to be an approved administrative conditional use.

**SECTION 3.2.300. Hearings Body Conditional Use.** Buildings, structures and land may be used, designed, erected, structurally altered or enlarged for

the purposes listed as Hearings Body conditional uses in the district in which such building or land is located only after the applicant has:

1. Obtained Hearings Body approval pursuant to Article 5.2; and
2. Applied for and received all permits and licenses required by state, federal and County ordinances, laws and statutes.

Any use established prior to this Ordinance within a district which is listed as a Hearings Body conditional use shall be deemed to be an approved administrative conditional use.

**SECTION 3.2.350. Prohibited Uses.** Except as provided by Section 3.2.400, any use not listed or specifically identified as not permitted are prohibited.

**SECTION 3.2.400. Uses Not Listed.** 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 3.2.450. 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 1.2 of this Ordinance.

**SECTION 3.2.500. 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. Within EFU zones, the following types of public right-of-way enhancements shall be administrative conditional uses subject to 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:
    - a. Construction of additional passing and travel lanes requiring the acquisition of right-of-way but not resulting in the creation of new land parcels;
    - b. 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;
    - c. 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.

### **SECTION 3.2.550. Routine Road Maintenance**

1. Notwithstanding any other Ordinance provision, and except as otherwise provided in this Section, the routine operation, maintenance, and repair of existing transportation facilities shall be permitted outright in all zones when performed by:
  - a. A public agency, such as the Coos County Highway Department, the Oregon Department of Transportation, the U.S. Department of the Interior, or the U.S Forest Service,
  - b. Any person in conjunction with a forest operation allowed under an Oregon Forest Practices Act permit, or
  - c. Any person when allowed under an Oregon Department of State Lands or a U.S. Army Corps of Engineers fill/removal program permit.
2. As used in this Section, “transportation facilities” means any public physical facility that moves or assists in the movement of people or goods including facilities identified in OAR 660-12-020 but excluding electricity, sewage and water systems.
3. As used in this Section, “routine operation, maintenance, and repair” means:
  - a. Project types identified in Section VII of the Coos County Transportation System Plan, for example surface treatments like grading, overlays and chip seal, mowing the shoulders, patching pot holes, cleaning culverts, street sweeping, and including in-kind culvert replacements or culvert upgrading.
  - b. Dedications of right-of-way, authorizations of construction and the construction of facilities and improvements, where the improvements are consistent with clear and objective dimensional standards
  - c. Projects necessary to protect the structural integrity of a transportation facility, such as streambank stabilization and fill.
4. If a project identified in paragraph 3(c) of this section:
  - a. Will be located within the 100-year floodway, and
    - i. is designed to enhance fisheries, fish habitat, or aquatic passage, then the applicant shall either submit the project to the Planning Department for floodplain review and approval or comply with the following streamlined approval process:
      1. Hire a qualified professional to perform a feasibility analysis and certify that the project is designed to keep any rise in the 100-year flood level as close to zero as practically possible and that no buildings would be repetitively impacted by the potential rise;
      2. Develop a long-term maintenance program that would sustain the project over time; and,
      3. Submit a written report to the County Planning Department no less than 30 days prior to commencement of the project,

which describes the project and includes the feasibility analysis, certifications, and maintenance plan.

4. As used in this section, a 'qualified professional' means a hydraulic or hydrology professional, a professional engineer, or a similarly qualified staff member of the County or any State or Federal fisheries, natural resource, water resource, or land management agency.
  - ii. is not designed to enhance fisheries, fish habitat, or aquatic passage, the applicant shall submit the project to the Planning Department for floodplain review and approval.
- b. Will involve riprap or other structural solutions for shoreline stabilization, the applicant shall:
  - i. Make written findings that non-structural solutions would not adequately protect public safety and/or public facilities;
  - ii. Make written findings that the proposed structural solution has been designed to minimize adverse impacts on water flows, erosion and accretion patterns; and
  - iii. Submit a written report to the County Planning Department no less than 30 days prior to commencement of the project, which describes the project and sets forth these findings.
  - iv. Nothing in this Section shall prohibit a public agency from taking action necessary to protect the public health, safety, and welfare in response to an emergency, without providing prior notice to the County Planning Department. In the event of an emergency, the written report described in paragraph 4(b)(iii) shall be provided to the County Planning Department no later than 5 days after commencement of the project along with a written explanation of why the 30-day notice requirement was not followed.
- c. For a project requiring State and/or Federal fill/removal permit review, the applicant shall submit to the Planning Department all written reports required by this section prior to or concurrent with its submittal of the fill/removal permit for consistency sign-off.

**SECTION 3.2.600. 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.

**SECTION 3.2.700. Process for Tribe(s) Review and Response of Proposed Development within Acknowledged Archaeological Sites.** 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; and
  - 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.[OR-00-05-014PL]

### **SECTION 3.2.550 Routine Road Maintenance**

1. Notwithstanding any other Ordinance provision, and except as otherwise provided in this Section, the routine operation, maintenance, and repair of existing transportation facilities shall be permitted outright in all zones when performed by:
  - a. A public agency, such as the Coos County Highway Department, the Oregon Department of Transportation, the U.S. Department of the Interior, or the U.S Forest Service,
  - b. Any person in conjunction with a forest operation allowed under an Oregon Forest Practices Act permit, or
  - c. Any person when allowed under an Oregon Department of State Lands or a U.S. Army Corps of Engineers fill/removal program permit.
  
2. As used in this Section, “transportation facilities” means any public physical facility that moves or assists in the movement of people or goods including facilities identified in OAR 660-12-020 but excluding electricity, sewage and water systems.
  
3. As used in this Section, “routine operation, maintenance, and repair” means:
  - a. Project types identified in Section VII of the Coos County Transportation System Plan, for example surface treatments like grading, overlays and chip seal, mowing the shoulders, patching pot holes, cleaning culverts, street sweeping, and including in-kind culvert replacements or culvert upgrading.
  - b. Dedications of right-of-way, authorizations of construction and the construction of facilities and improvements, where the improvements are consistent with clear and objective dimensional standards
  - c. Projects necessary to protect the structural integrity of a transportation facility, such as streambank stabilization and fill.
  
4. If a project identified in paragraph 3(c) of this section:
  - a. Will be located within the 100-year floodway, and
    - i. is designed to enhance fisheries, fish habitat, or aquatic passage, then the applicant shall either submit the project to the Planning Department for floodplain review and approval or comply with the following streamlined approval process:
      1. Hire a qualified professional to perform a feasibility analysis and certify that the project is designed to keep any rise in the 100-year flood level as close to zero as practically possible and that no buildings would be repetitively impacted by the potential rise;



2. Develop a long-term maintenance program that would sustain the project over time; and,
  3. Submit a written report to the County Planning Department no less than 30 days prior to commencement of the project, which describes the project and includes the feasibility analysis, certifications, and maintenance plan.
  4. As used in this section, a 'qualified professional' means a hydraulic or hydrology professional, a professional engineer, or a similarly qualified staff member of the County or any State or Federal fisheries, natural resource, water resource, or land management agency.
- ii. is not designed to enhance fisheries, fish habitat, or aquatic passage, the applicant shall submit the project to the Planning Department for floodplain review and approval.
- b. Will involve riprap or other structural solutions for shoreline stabilization, the applicant shall:
- i. Make written findings that non-structural solutions would not adequately protect public safety and/or public facilities;
  - ii. Make written findings that the proposed structural solution has been designed to minimize adverse impacts on water flows, erosion and accretion patterns; and
  - iii. Submit a written report to the County Planning Department no less than 30 days prior to commencement of the project, which describes the project and sets forth these findings.
  - iv. Nothing in this Section shall prohibit a public agency from taking action necessary to protect the public health, safety, and welfare in response to an emergency, without providing prior notice to the County Planning Department. In the event of an emergency, the written report described in paragraph 4(b)(iii) shall be provided to the County Planning Department no later than 5 days after commencement of the project along with a written explanation of why the 30-day notice requirement was not followed.
- c. For a project requiring State and/or Federal fill/removal permit review, the applicant shall submit to the Planning Department all written reports required by this section prior to or concurrent with its submittal of the fill/removal permit for consistency sign-off.

**CHAPTER III**  
**SUPPLEMENTAL PROVISIONS**

## Chapter III. SUPPLEMENTAL PROVISIONS: STRUCTURES, USES, LOTS & YARDS

### ARTICLE 3.1. SUPPLEMENTAL PROVISIONS – STRUCTURES

**SECTION 3.1.100. Purpose.** In order to provide adequate light, air, and privacy, and in order to promote the general safety and welfare, the following general conditions and development standards shall apply to all buildings and structures unless otherwise specified in this Ordinance.

**SECTION 3.1.150. 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 this Ordinance.

**SECTION 3.1.200 Verification Letter Required for Building Permit.** To obtain a building permit, the applicant shall first request and receive a zoning verification letter from the Coos County Planning Department. This verification letter is valid for one year from the date it is issued. [OR 96-06-007PL 9/4/96]

If the request otherwise requires review (site plan, conditional use, variance, partitioning, etc.), a verification letter shall not be issued unless the request is approved through any required applicable process. If a process results in a conditional approval, said conditions shall be fulfilled prior to a verification letter issuance, or shall be so indicated on the verification letter.

A zoning verification letter shall only be issued for a development proposal found to be in compliance with this Ordinance and the Comprehensive Plan.

**SECTION 3.1.250. Existing Structures.** Structures or land uses existing at the time of passage of the Ordinance, and which are delineated as a conditional use within the applied zone, shall be deemed as having an approved conditional use permit for such existing use or structure.

**SECTION 3.1.300. Accessory Structures.** Structures 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]

C. **Accessory Structures within Recreation, Exclusive Farm Use, Forest and other natural resource zoning districts.**

Barns and other agricultural structures accessory to farm use shall be permitted within the Exclusive Farm Use, Forest Mixed Use and Recreation zoning districts.

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]

D. **Accessory structures within Rural-residential and Rural-Center zoning districts.**

1. Garages and other accessory structures, the principle use of which is not for agricultural or forestry purposes, shall be allowed outright within rural-residential zoning districts when a lawfully established dwelling exists, or is being established on the subject property.
2. If a lawfully established dwelling does not exist on the subject property, but is anticipated to be the principle use; garages and other accessory structures, the principle use of which is not for agricultural or forestry purposes, shall be allowed outright within rural-residential zoning districts when the proposed structure is less than or equal to 1,200 square feet in base floor area.
3. If the proposed accessory structure is greater than 1,200 square feet, and the principle use is not for agricultural or forestry purposes, and a lawfully established dwelling does not exist on the subject property, then said proposed structure may be permitted only if:
  - a. an administrative conditional use application is approved after finding that the proposed structure meets the definition of “accessory structure” set forth at Section 2.1.200.
4. Barns and accessory structures for agricultural and forestry purposes shall be allowed outright within the rural-residential zoning district.

E. **Accessory structures within Urban Residential and Airport Operations zoning districts.**

1. Garages and other accessory structures shall be allowed outright on lots and parcels located within a UGB when said proposed accessory structure is less than or equal to 1,200 square feet in base floor area and a dwelling exists on the subject property or is being established concurrently with the proposed accessory structure.
2. If any garage or other accessory structure is proposed for a lot or parcel located within a UGB, and said proposed structure exceeds 1,200 square feet in base floor area, then said structure may be permitted only if:
  - a. a dwelling exists on the subject property or is being established concurrently with the proposed accessory structure, and
  - b. an administrative conditional use application is approved after finding that the proposed structure meets the definition of “accessory structure” set forth at Section 2.1.200.
3. Any proposed accessory structure within the Airport Operation zoning district is permitted outright subject to Article 4.6.

F. **Accessory structures within Industrial and Commercial and Controlled Development zoning districts.**

1. Where the principle use of the land is not residential, then Garages, warehouses and other accessory structures shall be allowed on lots and parcels located within industrial, commercial and controlled development zoning districts, subject to any specific requirements of the zone in which they are to be established.
2. If the principle use of the land is residential and the lot or parcel is located within a UGB, then accessory structures that are less than or equal to 1,200 square feet in base floor area are permitted outright.
3. If the garage or other accessory structure is proposed for a lot or parcel located within a UGB, and the principle use of the land is residential, and said proposed structure exceeds 1,200 square feet in base floor area, then said structure may be permitted only if:

- a. a dwelling exists on the subject property or is being established concurrently with the proposed accessory structure, and
- b. an administrative conditional use application is approved after finding that the proposed structure meets the definition of “accessory structure” set forth at Section 2.1.200. [OR-96-04-007PL 9/4/96]

**SECTION 3.1.400. Lot Coverage.** All buildings designed or erected and existing buildings which may be reconstructed, altered, moved, or enlarged shall not exceed the maximum lot coverage regulations of the district in which the buildings are to be located.

**SECTION 3.1.450. Dwelling Unit or Building Density.** The dwelling unit or building density regulations as set forth in the districts shall apply. Occupancy shall not be increased in any manner except in conformity with these regulations.

**SECTION 3.1.500. Structure Height.**

1. Buildings and structures shall not exceed the height limitations as specified for the zone in which they are located.
2. 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 overheight object shall not be used for advertising of any kind.

**SECTION 3.1.550. Unoccupied Buildings.** If a building is unoccupied on the effective date of this Ordinance, the last use before it became unoccupied shall be considered to be its use of record.

**SECTION 3.1.600. LIMITATION ON USE OF MANUFACTURED DWELLINGS FOR COMMERCIAL PURPOSES.** Pursuant to ORS 446 et seq., manufactured dwellings shall not be used for commercial purposes except:

1. Where use of the manufactured dwelling for commercial purposes is authorized by the Building Codes Agency, or;
2. Where used as a temporary sales office for manufactured structures, or;
3. As part of an approved home occupation. [OR-92-07-012PL]

**SECTION 3.1.700. Residential Care Home/Facility.** Residential Care Home/Facility shall be allowed in any dwelling authorized by this Ordinance.

**ARTICLE 3.2**  
**SUPPLEMENTAL PROVISIONS – USES**



**ARTICLE 3.2.            SUPPLEMENTAL PROVISIONS – USES**

**SECTION 3.2.100.    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.

**SECTION 3.2.125.    Recreational Vehicles as Dwellings.**

1.     Except as otherwise provided in this Section, no camper, travel trailer, recreational vehicle or other similar device shall be used as a place of habitation other than in a duly authorized RV overnight park or mobile home park, or as an authorized family hardship dwelling.
  
2.     The Planning Director may authorize use of a camper, travel trailer, recreational vehicle or other similar device as a place of temporary habitation:
  - a.     as a watchman’s quarters sited in conjunction with a permitted commercial, industrial, or commercial farming or woodlot operation; or
  
  - b.     during construction of a permitted building or authorized use, subject to other provisions of this ordinance; or
  
  - c.     outside of urban growth boundaries, including the CBA-UGB, for short-term guest visits on a lot or parcel containing a dwelling, not to exceed 60 days in any calendar year; or
  
  - d.     while camping, for periods of up to 45 days per calendar year, on property zoned for rural-residential, farm, or forest use and the camper owns the subject land or is a member of the immediate family of the owner of the subject land.  
[OR 93-06-012PL 9/1/93]

**SECTION 3.2.150.    Accessory Uses.** Uses customarily accessory to the lawfully established principal use shall be allowed in all cases unless specifically prohibited or restricted.

1.     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.
  
2.     The use complies with the definition of “Accessory Structure or Use” pursuant to this Ordinance;

3. The noncontiguous lot, parcel or tract is in the “same ownership” as the lot, parcel or tract on which the principal use is located;
4. 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]

**SECTION 3.2.175. Special Allowance for Accessory Housing within the Coquille River and Coos Bay Estuary Shoreland Boundaries.** Dwellings may be

allowed as an accessory use to any of the following legally established uses:

1. agriculture, as otherwise consistent with CREMP Policy #42 (Appendix 2) and CBEMP Policy #28 (Appendix 3)
2. airports
3. aquaculture
4. commercial
5. docks and moorage/marinas
6. industrial and port facilities
7. log storage and sorting yard
8. mining and mineral extraction
9. recreational uses
10. solid waste disposal
11. timber farming/harvesting, as otherwise consistent with CREMP Policy #42 and CBEMP Policy #28
12. utilities

However, such accessory dwelling shall only be allowed when findings document that:

1. The dwelling is necessary for a watchman or caretaker that is needed to reside on-premise.
2. That the primary purpose of the dwelling is not solely to provide rental housing.

**SECTION 3.2.200. 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.

**SECTION 3.2.250. Administrative Conditional Use.** Buildings, structures and land may be used, designed, erected, structurally altered or enlarged for the purpose listed as administrative conditional uses in the district in which such building or land is located only after the applicant has:

1. Obtained administrative approval of the Planning Director pursuant to Article 5.2; and
2. Applied for and received all permits and licenses required by state, federal and County Ordinances, laws and statutes.

Any use established prior to this Ordinance within a district which is listed as an administrative conditional use shall be deemed to be an approved administrative conditional use.

**SECTION 3.2.300. Hearings Body Conditional Use.** Buildings, structures and land may be used, designed, erected, structurally altered or enlarged for the purposes listed as Hearings Body conditional uses in the district in which such building or land is located only after the applicant has:

1. Obtained Hearings Body approval pursuant to Article 5.2; and
2. Applied for and received all permits and licenses required by state, federal and County ordinances, laws and statutes.

Any use established prior to this Ordinance within a district which is listed as a Hearings Body conditional use shall be deemed to be an approved administrative conditional use.

**SECTION 3.2.350. Prohibited Uses.** Except as provided by Section 3.2.400, any use not listed or specifically identified as not permitted are prohibited.

**SECTION 3.2.400. Uses Not Listed.** 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 3.2.450. 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 1.2 of this Ordinance.

**SECTION 3.2.500. 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. Within EFU zones, the following types of public right-of-way enhancements shall be administrative conditional uses subject to 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:

- a. Construction of additional passing and travel lanes requiring the acquisition of right-of-way but not resulting in the creation of new land parcels;
- b. 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;
- c. 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.

### **SECTION 3.2.550. Routine Road Maintenance**

1. Notwithstanding any other Ordinance provision, and except as otherwise provided in this Section, the routine operation, maintenance, and repair of existing transportation facilities shall be permitted outright in all zones when performed by:
  - a. A public agency, such as the Coos County Highway Department, the Oregon Department of Transportation, the U.S. Department of the Interior, or the U.S Forest Service,
  - b. Any person in conjunction with a forest operation allowed under an Oregon Forest Practices Act permit, or
  - c. Any person when allowed under an Oregon Department of State Lands or a U.S. Army Corps of Engineers fill/removal program permit.
2. As used in this Section, “transportation facilities” means any public physical facility that moves or assists in the movement of people or goods including facilities identified in OAR 660-12-020 but excluding electricity, sewage and water systems.
3. As used in this Section, “routine operation, maintenance, and repair” means:
  - a. Project types identified in Section VII of the Coos County Transportation System Plan, for example surface treatments like grading, overlays and chip seal, mowing the shoulders, patching pot holes, cleaning culverts, street sweeping, and including in-kind culvert replacements or culvert upgrading.
  - b. Dedications of right-of-way, authorizations of construction and the construction of facilities and improvements, where the improvements are consistent with clear and objective dimensional standards
  - c. Projects necessary to protect the structural integrity of a transportation facility, such as streambank stabilization and fill.
4. If a project identified in paragraph 3(c) of this section:
  - a. Will be located within the 100-year floodway, and
    - i. is designed to enhance fisheries, fish habitat, or aquatic passage, then the applicant shall either submit the project to the Planning Department for floodplain review and approval or comply with the following streamlined approval process:
      1. Hire a qualified professional to perform a feasibility analysis and certify that the project is designed to keep any rise in the 100-year flood level as close to zero as practically possible and that no buildings would be repetitively impacted by the potential rise;
      2. Develop a long-term maintenance program that would sustain the project over time; and,

3. Submit a written report to the County Planning Department no less than 30 days prior to commencement of the project, which describes the project and includes the feasibility analysis, certifications, and maintenance plan.
  4. As used in this section, a ‘qualified professional’ means a hydraulic or hydrology professional, a professional engineer, or a similarly qualified staff member of the County or any State or Federal fisheries, natural resource, water resource, or land management agency.
    - ii. is not designed to enhance fisheries, fish habitat, or aquatic passage, the applicant shall submit the project to the Planning Department for floodplain review and approval.
- b. Will involve riprap or other structural solutions for shoreline stabilization, the applicant shall:
- i. Make written findings that non-structural solutions would not adequately protect public safety and/or public facilities;
  - ii. Make written findings that the proposed structural solution has been designed to minimize adverse impacts on water flows, erosion and accretion patterns; and
  - iii. Submit a written report to the County Planning Department no less than 30 days prior to commencement of the project, which describes the project and sets forth these findings.
  - iv. Nothing in this Section shall prohibit a public agency from taking action necessary to protect the public health, safety, and welfare in response to an emergency, without providing prior notice to the County Planning Department. In the event of an emergency, the written report described in paragraph 4(b)(iii) shall be provided to the County Planning Department no later than 5 days after commencement of the project along with a written explanation of why the 30-day notice requirement was not followed.
- c. For a project requiring State and/or Federal fill/removal permit review, the applicant shall submit to the Planning Department all written reports required by this section prior to or concurrent with its submittal of the fill/removal permit for consistency sign-off.

(Ordinance 02-12-012PL 2/27/03)

**SECTION 3.2.600. 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.

**SECTION 3.2.700. Process for Tribe(s) Review and Response of Proposed Development within Acknowledged Archaeological Sites.** 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; and
  - 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.[OR-00-05-014PL]



**ARTICLE 3.3  
SUPPLEMENTAL PROVISIONS  
LOTS/YARDS**

**ARTICLE 3.3.            SUPPLEMENTAL PROVISIONS – LOTS/YARDS**

**SECTION 3.3.100.   Lot Standards.** Except as provided in (4) below no buildings or structures shall be located on a lot, parcel or tract unless the lot, parcel or tract conforms with the requirements of the district in which it is located.

1.     After the effective date of any ordinance establishing any zoning district, no land in such district may be divided by the recordation of any map or by voluntary sale, contract of sale, or conveyance of any kind which creates a new parcel or land less than the minimum lot standards required for the district.
  
2.     Every new residential dwelling unit shall have its own legal, separate lot or parcel excepting:
  - A.     family hardship dwellings,
  - B.     dwellings in conjunction with farm use on EFU lands,
  - C.     planned unit developments,
  - D.     two-family duplex or multi-family dwellings.
  - E.     Additional dwellings in conjunction with farm use in the “Mixed Agricultural-Forest Use” areas.  
(ORD 85-08-011L)

For the purpose of this Article a “legal, separate lot or parcel” shall have the meaning as defined by Section 3.3.800.

3.     Every lot or parcel shall have a minimum width not less than that prescribed in the district under consideration. This dimension is minimum only and shall be increased to attain the minimum lot area required.
  
4.     Exceptions to Minimum Lot Standards [This only applies if the use is permitted outright by the subject zoning district (except if the use is a conditional use, the conditional use provisions shall govern); and if the lot or parcel is “landlocked” without access, access must be created prior to approval or issuance of any land development zoning clearance letter or permit. Further, this subsection is subject to resource protection limitations as provided elsewhere in the Comprehensive Plan.]

- A. Grandfathered Parcel or tract: Where a legally created parcel or tract was of record prior to adoption of this Ordinance, the parcel or tract may be used subject to all other property use and development standards of the district in which the parcel or tract is located. (See Section 3.3.800)
- B. Subdivisions, Approved Prior to this Ordinance and Not Located in a Resource Zone: A residential dwelling may be permitted outright or may be subject to an administrative conditional use (provided the dwelling is permitted by the parent district) per the following table:

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	PERMITTED OUTRIGHT*	SUBJECT TO ADMINISTRATIVE CONDITIONAL USE #
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Rural

- |   |    |      |
|---|----|------|
| 1. For plats approved <u>after</u> February, 1975   | XX |      |
| 2. For plats approved <u>before</u> February, 1975  |    |      |
| a. lots (or a combination of contiguous lots in the same ownership) greater than or equal to one acre | XX |      |
| b. lots (or combination of contiguous lots in the same ownership) less than one acre                  |    | XX + |

UGB

- |        |    |  |
|--------|----|--|
| 1. All | XX |  |
|--------|----|--|
- 

\* Except such would be a conditional use when the lot is located within (i) a Coastal Shoreland Boundary, or (ii) a known hazard area, pursuant to the Comprehensive Plan.

+ The proposed dwelling must be found compatible with surrounding uses or may be made compatible through the imposition of conditions.

Any lot in a platted subdivision may be transferred to a separate ownership, regardless of other contiguous ownerships.

C. The following uses shall be exempt from the minimum lot area requirements of the applicable zoning districts, other property development standards shall apply:

Utility Facility	Fire Station
Libraries	Museums
Cemetery	Correctional Institution, Jail, Penal Farm
Dams	House of Worship
Schools	Community Center, Grange, or Lodge Hall

D. The 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 (i.e., EFU, F, CREMP Agriculture, or CREMP Forestry); and
2. An existing dwelling constructed prior to January 17, 1983 will remain sited on each proposed parcel; and
3. A land division is submitted and approved by Coos County pursuant to this Ordinance.

E. Any parent parcel partially zoned MES may combine the land area zoned MES with the remaining parent parcel acreage for the purpose of satisfying the minimum lot size (MLS) requirements of the non-shoreland zoning district.

F. Other exceptions may be permitted where listed as a conditional use and subject to Article 5.2 and any other required findings.

**Section 3.3.150. Property Line Adjustments.** Property line adjustments shall satisfy the requirements of Chapter 92 of the Oregon Revised Statutes. A property line adjustment is the relocation of a common boundary between two or more abutting properties where an additional unit of land is not created and where the existing unit of land reduced in size by the adjustment complies with any applicable zoning ordinance.

1. Landowners seeking property line adjustments must file with the Planning Department:

- a. maps depicting subject properties before and after the proposed property line adjustment; and
  - b. a written statement explaining the proposed property line adjustment; and
  - c. written consent from the property owners requesting the proposed property line adjustment.
2. The Planning Department shall approve the proposed adjustment unless it finds that the proposal conflicts with any provision of this ordinance.

Subsections 4. through 6. are a part of the property line adjustment process. However, the appropriate contact for the applicant is the Coos County Surveyor.

3. Except as provided in subsection 5. and 6. of this section, an adjusted property line created by the relocation of a common boundary as described in subsection in accordance with ORS 92.060 (3) and a survey complying with ORS 209.250 shall be filed with the County Surveyor.
4. Notwithstanding subsection 4. of this section, the county surveyor may waive the requirement of survey and monumentation of an adjusted property line when the parcels, lots, or units of land affected are greater than 10 acres in size. Nothing in this subsection shall exempt the county from minimum area requirements established in the county's acknowledged comprehensive plan and zoning and land development ordinance.
5. The requirements for survey and setting monuments of subsection 4. above shall not apply to the relocation of a common boundary of a lot in a subdivision or a parcel in a partition or a tract when the adjusted property line is a distance of even width (parallel) along the common boundary.
6. The governing body, or their designee, may use procedures other than replatting procedures in ORS 92.180 and 92.185 to adjust property lines described in ORS 92.010(11), as long as those procedures include the recording, with the county clerk, of conveyances conforming to the approved property line adjustment as surveyed in accordance with ORS 92.060 (7).
7. The landowner of each parcel involved in a property line adjustment shall cause a property line adjustment deed to be recorded with the County Clerk in accordance with ORS Chapter 92. The property line adjustment deed(s) shall contain the names of the parties, the description of the

adjusted line, references to original recorded documents and signatures of the parties with proper acknowledgement. [OR-00-05-014PL]

**SECTION 3.3.200. Yard Regulations.** All parcels of land shall provide yards as specifically required in each district.

1. No portion of any building or structure shall project into any required yard excepting:
  - a. Architectural features such as cornices, eaves, canopies, sunshades, gutters, chimneys, and flues; such architectural features shall not project more than 24 inches into a required yard unless otherwise provided by this Ordinance.
  - b. Uncovered, unenclosed porches, platforms or landings which do not extend above the level of the first floor of the building may extend into any required front yard a distance of not more than six (6) feet and may extend into any required side or rear yard not more than three (3) feet.
  - c. Open, unenclosed stairways, ramps, or balconies not covered by a roof or canopy may extend or project into any required yard not more than forty-eight (48) inches.
2. 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.

**SECTION 3.3.300. Fences, Hedges, and Walls.** This section provides for the regulation of the height and location of fences, hedges, and walls and safeguards the public welfare. Nothing in this section shall be deemed to set aside or reduce the requirements established for security fencing by either local, state, or federal law, or by safety requirements of any officially recognized public agency.

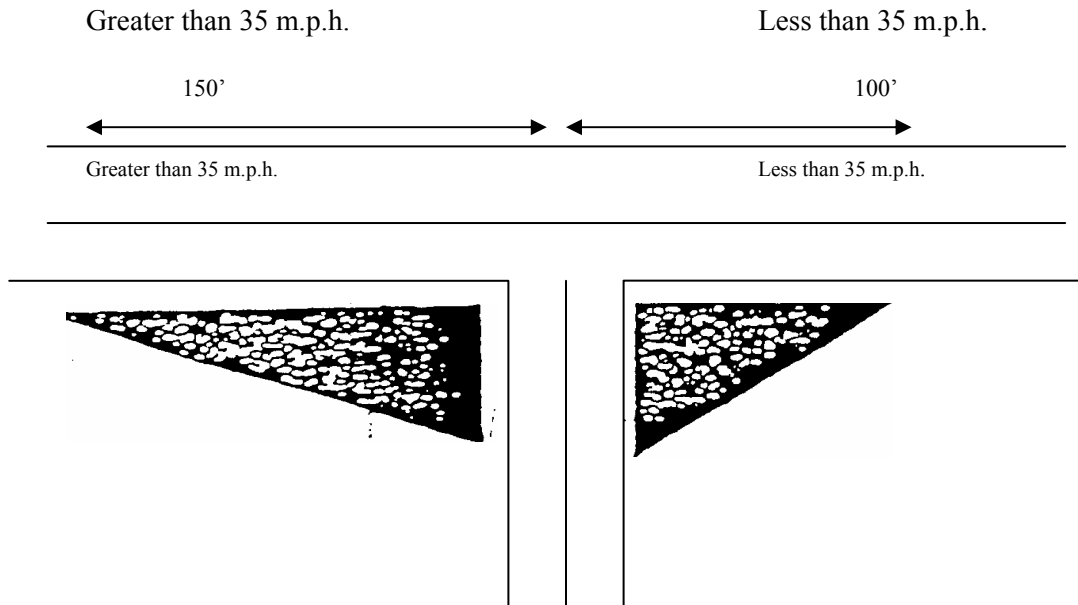
1. **Visual Obstructions.** Visual obstructions at street and highway intersections are governed by Section 3.3.400 (Vision Clearance Triangle).
2. **Required Fences and Walls.** A fence or wall shall be constructed along the perimeter of all areas considered by the Hearings Body or Planning Director to be dangerous to the public health and safety. The height of

such wall shall be determined by the Hearings Body or Planning Director in relation to the danger or hazard involved. This fence or wall may be required if a use requires a permit, or at the discretion of the Hearings Body.

**SECTION 3.3.400. Vision Clearance Triangle.** The following regulations shall apply to all intersections of streets and roads within all districts in order to provide adequate visibility for vehicular traffic. There shall be no visual obstructions over thirty-six (36) inches in height within the clear vision area established herein.

In addition to street or road intersections, the provisions of this section shall also apply to: mobile home park, recreational vehicle park, and campground accesses (entrances or exists).

The clear vision area shall extend along the right-of-way of the street for a minimum of 100 feet where the speed limit is less than 35 m.p.h.; and not less than 150 feet where the speed limit is greater than 35 m.p.h. The clear vision area shall be effective from a point in the center of the access not less than 25 feet back from the street right-of-way line.



**SECTION 3.3.500. Maintenance of Minimum Requirements.**

1. Within Urban Growth Boundary: No lot area, yard, offstreet parking and loading area or other open space which is required by this Ordinance for one use shall be used as the required lot area, yard or other open space for another use, such as utility easements, access easements, road and street right-of-ways or septic drainfields.
2. Outside Urban Growth Boundary: No lot area, yard, offstreet parking and loading area or other open space which is required by this ordinance for one use shall be used as the required lot area, yard or other open space for another use. This does not include utility easements, private road access easements or septic drainfields; but does include all public road and street right-of-ways.

**SECTION 3.3.600. (RESERVED)**

**SECTION 3.3.700. (RESERVED)**

**SECTION 3.3.800. Lawfully Created Lots and Parcels.** The following lots or parcels shall remain discrete lots or parcels, unless individual lot or parcel lines are changed or vacated or the individual lot or parcel is further divided as provided by this Ordinance:

1. Lots or parcels created prior to January 1, 1986; or
2. All lots or parcels lawfully created after January 1, 1986. (OR-00-05-014PL)
3. Separate tax lot or tax account numbers do not in themselves divide property into separate discrete lots or parcels.
4. Mortgages, trust deeds, or liens do not divide property.
5. Deeds for lawfully created lots or parcels not in the “same ownership” do divide property. “Same ownership” shall include land deeded to the same persons (initials are considered the same full names).



OWNERS OF  
PROPERTY "A"

OWNERS OF CONTIGUOUS  
PROPERTY "B"

DOES A SEPARATE  
TRACT, LOT OR  
PARCEL EXIST

---

John Adam Doe  
J. Adam Doe  
John & Mary Doe  
John A. Doe  
John & Mary Doe

John Doe  
John A. Doe  
J.A. & M.S. Doe  
Mary S. Doe  
M.S. Doe

No  
No  
No  
Yes  
Yes

---

6. Land sales contracts and trust deeds do divide property if there are no applicable planning, zoning or partitioning ordinances or regulations.
7. The presence of public road easements or public road dedications do not of themselves divide property into separate discrete lots or parcels.  
(OR 93-02-001PL 3-31-93)
8. Submerged lands claimed by the state in fee and other intervening ownerships, do divide property into separate discrete lots or parcels.
9. Private road easements do not divide property.

## ARTICLE 3.4 GRANDFATHER PROVISIONS

**SECTION 3.4.100. Use and Alteration of Buildings, Structures or Land Existing Prior to the Enactment of this Ordinance.** The lawful use of any building, structure or land at the time of the enactment or amendment of this Ordinance may at the discretion of the owner be continued.

Alteration or change of any use or structure which increases the floor square footage or intensity of use, shall comply with Table 3.4 and the property development standards of the applicable zone, except that the alteration of any such use shall be permitted outright when necessary to comply with any lawful requirement for alteration of the use. With the exception of grandfathered uses in resource zones, conditions shall not be placed upon the continuation or alteration of a grandfathered use when necessary to comply with state or local health or safety requirements or to maintain existing structures associated with the use. (OR-98-01-002PL 5/4/98)

A change of ownership or occupancy shall be permitted. An alteration, replacement or change of a use or structure on land may be permitted subject to an Administrative Conditional Use, and findings which establish that: (1) Any adverse impacts of the proposed use will not be generally more intensive than the use that is or was “grandfathered” on the subject property; and (2) Review Standard #7.

Alterations such as re-roofing, installing porches or decks, attaching rain gutters, or improving existing components of a structure shall be permitted provided there is no increase in the floor square footage.

Once a grandfathered use, structure or land is altered to become more in compliance with this Ordinance, said grandfathered use, structure, or land shall not thereafter be altered so as to become or revert into less compliance.

**SECTION 3.4.200. Restoration or Replacement of Lawfully Created Uses.** Restoration or replacement of any lawfully created use shall be permitted subject to the provisions of Table 3.4 and the property development standards of the applicable zone.

**SECTION 3.4.300. Abandonment.** Any lawfully created use not otherwise permitted in a zoning district may not be resumed after a period of exceeding 2 years of interruption or abandonment unless the resumed use conforms with the requirements of the Ordinance applicable at the time of the proposed resumption. (OR-98-01-002PL 5/4/98)

**SECTION 3.4.400. Process for Determining a Grandfathered Use.** When a grandfathered use is not known to exist and must be established, an application

may be submitted. The Planning Director shall determine the validity of a Grandfathered use, based on documentation submitted by the applicant. Said review shall be conducted in accordance with Article 5.7, and any appeals shall be conducted in accordance with Article 5.8. (OR-98-01-002PL 5/4/98)

For the purposes of a verification, an applicant must prove the existence, continuity, nature and extent of the use for the 10-year period immediately preceding the date of application. Evidence proving the existence, continuity, nature and extent of the use for the 10-year period preceding application creates a rebuttable presumption that the use, as proven, lawfully existed at the time the applicable Ordinance was adopted and has continued uninterrupted until the date of application. (OR-98-01-002PL 5/4/98)

Revocation of any permits may be considered pursuant to Article 1.3.

**TABLE 3.4**

Use	Alteration	Replacement (within two years)
1. <u>Dwellings</u>		
a. EFU, Forest, Residential, CD, and Recreational Zones	Permitted Outright*	Permitted Outright*
b. Commercial/Industrial Zones	Permitted Outright*	With mobile home permitted outright* Conditional use with site-built dwelling
c. Minor Estuary-Shoreland Operations Zone	Administrative Conditional Use	Administrative Conditional Use
2. <u>Commercial</u> (in any zone not allowing Commercial uses)	Administrative Conditional Use	Administrative Conditional Use
3. <u>Industrial</u> (in any zone not allowing Industrial uses)	Administrative Conditional Use	Administrative Conditional Use
4. <u>Others</u>	Administrative Conditional Use	Administrative Conditional Use

\*Except such would be an administrative conditional use when the structure is located within (i) the Coastal Shorelands Boundary, or (ii) a known hazard area.

**CHAPTER IV**

**ZONING**

## CHAPTER IV - ZONING

### ARTICLE 4.1. ZONING-GENERAL

#### SECTION 4.1.100. Establishment of Zoning Districts.

This Ordinance shall divide the lands within the County into the following zoning districts for the following intended purposes:

##### A. PRIMARY DISTRICTS

##### 1. **Exclusive Agriculture (EFU)**

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; 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.

##### 2. **(RESERVED)**

##### 3. **Forest (F)**

The purpose of the "F" district is to designate forest lands and protect them for forest uses, except where findings establish that certain limited non-forest uses may be allowed. 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.

##### 4. **(RESERVED)**

##### 5. **(RESERVED)**

##### 6. **Rural Residential (RR-5)**

The purpose of the "RR-5" district is to provide for acreage homesites 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.

**7. Rural Residential (RR-2)**

The purpose of the “RR-2” district is to provide for small acreage homesites 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.

**8. Rural Center (RC)**

The purpose of the “RC” district is:

- a. 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
- b. 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.

**9. Urban Residential (UR-1)**

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.

**10. Urban Residential (UR-2)**

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.

**11. Urban Residential – Multi-family (UR-M)**

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.

**12. Commercial (C-1)**

The purpose of the “C-1” district is:

- a. to provide for needed commercial retail and service opportunities within Urban growth Boundaries;
- b. to recognize existing commercial uses outside Urban Growth Boundaries.

**13. Industrial (IND)**

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.

**14. South Slough (SS)**

The purpose of the “SS” district is to complement the primary management objectives and the primary scientific objectives of the South Slough Estuarine Sanctuary (SSES). This district is intended to maintain the integrity of the sanctuary by preserving the area for long-term scientific and educational uses.

**15. Minor Estuary and Shorelands (MES)**

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.

## **16. Recreation (REC)**

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.

## **17. Controlled Development (CD-5)**

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.

## **18. Controlled Development (CD-10)**

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.

## **19. Airport Operation (AO)**

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.



**20. Bandon Dunes Resort (BDR)**

The purpose of the Bandon Dunes Resort (BDR) zone is to implement an exception to the Statewide Planning Goals and a Master Plan for a destination resort that have been adopted as part of the Coos County Comprehensive Plan. [OR 96-04-006PL 9/11/96]

**B. OVERLAY ZONES**

**1. Floodplain (/FP)**

The purpose of the Floodplain Floating Zone is to protect public health and safety. The secondary aim is to improve the general welfare by reducing economic loss due to interruption of businesses and industry or damage to homes on other property. Development in a floodplain may constitute a “public nuisance” by reducing the flow-carrying capacity of the channel and thus endangering others.

**2. Airport Surfaces (/AS)**

The purpose of the airport Surfaces Floating Zone is to protect public health, safety and welfare. It is recognized that obstruction to aviation have a potential for endangering the lives and property of users of selected airports, and property of occupant 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.

**C. CREMP SHORELAND SEGMENTS**

**Segment #:**

**#11 (Natural Resource Management)** 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 pre-emptive uses.

**#12 (Recreation)** 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.

- #13** **(Forestry)** This segment shall be managed for forest uses, with special attention being given to protecting riparian vegetation.
- #14** .....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 #18).
- #15** This segment 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.
- #16** .....to continue its use as a mill or for other industrial uses, utilizing the existing dock and water access.
- #17** .....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 #16.
- #18** .....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).
- #19** .....to conserve this forested area, with special attention being given to protecting riparian vegetation.
- #20** .....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.
- #22** .....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 #20.
- #23** .....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.
- #24** .....for recreational uses connected with the Rocky Point Boat Ramp, and other uses as permitted by the uses/activities matrix.

- #25** .....for the continuation of rural residential uses, provided flood protection requirements are met. (See Policy #27)
- #26** .....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 projected against pre-emptory uses.
- #27** .....for the continuation of farm use as defined in ORS 215.203 (2) (a) and such farm uses as are conditionally permitted in ORS 215.213.
- #28** .....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.
- #29** .....for the protection of its natural resource values as a mitigation site which shall be protected from pre-emptory uses.
- #30** .....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).
- #31** .....for the continuation of farm use as defined in ORS 215.203 (2) (a) and such other farm uses as conditionally permitted in ORS 215.213.
- #32** .....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.
- #33** .....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.
- #34** .....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.
- #35** .....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 #27a, addressing mass movement hazards.
- #36** .....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.

- #37 .....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.
- #38 .....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 #27a, addressing mass movement hazards.
- #39 .....for recreational uses connected with the Riverton Boat Ramp and other uses as permitted by the uses/activities matrix.
- #40 .....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.
- #41 .....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.
- #42 ..... 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.
- #43 ..... 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.
- #44 ..... 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.
- #45 .....for the continuation of industrial use including development of water access if necessary.
- #47 ..... 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.
- #50 .....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).

- #51** .....for recreational uses connected with the Coquille Boat Ramp and other uses as permitted by the uses/activities matrix.
- #52** .....for the continuation and development industrial use, including the development of water access as necessary.
- #53** .....for the continuation of farm use as defined in ORS 215.203 (2) (a) and other such farm uses as are conditionally permitted in ORS 215.213.
- #54** .....for the continuation and development of industrial use, including the development of water access as necessary.
- #55** .....for the continuation of farm use as defined in ORS 215.203 (2) (a) and for such other farm uses as are conditionally permitted in ORS 215.213.
- #56** .....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.
- #57** .....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 #27)
- #58** .....for recreational uses connected with the Coquille Boat Ramp and other uses as permitted by the Uses/Activities matrix.
- #59** .....for the continuation and development of industrial use, including the development of water access as necessary.
- #60** .....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.
- #61** .....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).
- #62** ..... 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.
- #63** .....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 & #23).

**#73** ..... 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.

**#74** .....for the continuation of rural residential uses, provided flood-protection requirements are met (see Policy #27).

**#75** .... 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.

**D. 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.

**#8** This unit 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.

**#10** .....to protect and enhance the natural resources of the Bandon Marsh as a wildlife refuge.

**#11** .....to protect and enhance the natural resources of these intertidal marshes for the purposes of estuarine production.

**#12** .....to conserve, and enhance the natural resources of these intertidal flats for the purposes of estuarine production.

**#13** .....to protect and enhance the natural resources of this intertidal flat for the purposes of estuarine production.

**#14** .....for dredging and bulkheading as necessary to develop a dock for bulk material shipping.

**#15** .....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.

**#16** .....to protect and enhance the natural resources of this intertidal marsh for the purposes of estuarine production.

**#17** .....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.

**#18** .....for the development of docking, boat building and repair and similar water dependent uses, including dredging and fill as necessary.

**#19** .....for the dredging and fill as necessary to develop a major recreational marina with ancillary services and facilities.

**#20** .....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.

**#21** .....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.

**#22** .....to conserve and enhance the natural resources, of these fringing intertidal marshes for the purposes of estuarine production.

**#23** .....to conserve and enhance the natural resources of Randolph Slough for the purposes of estuarine production.

**#24** .....to conserve and enhance the natural resources of this small intertidal marsh for the purposes of estuarine production.

**#25** .....to conserve and enhance the natural resources of the tidal portion of Bear Creek for the purposes of estuarine production.

**SECTION 4.1.200. Zoning District Maps.** The location and boundaries of the zoning districts designated in Section 4.1.100 are indicated 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. 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.

**SECTION 4.1.300. 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 may require, 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)

**SECTION 4.1.400. 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 line;
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 4.1.450. 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. 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 to the County Clerk's office.

**SECTION 4.1.500. 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. 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.
3. Hearings required in Section 1.2.400 shall comply with the provisions of Article 5.7 of this Ordinance.
4. 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 4.1.300 of this Ordinance.

**SECTION 4.1.600. (Reserved)**

**SECTION 4.1.700. 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.

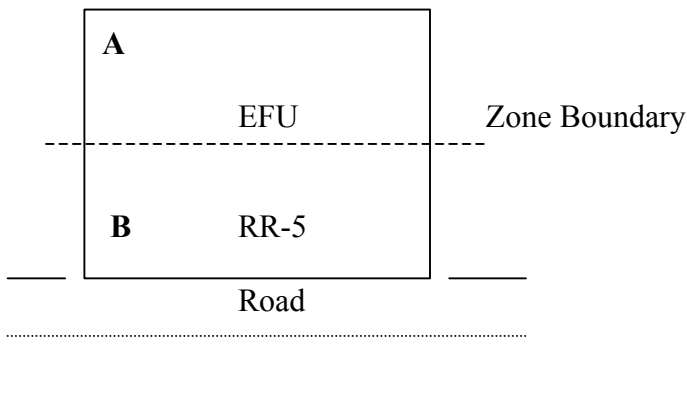
2. When errors in transcription, interpretation, or clerical mistakes are found, the Planning Director shall have the authority to correct those errors pursuant to Section 4.1.300 (Amendment of Map).

**SECTION 4.1.800. Special Considerations 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 4.8.

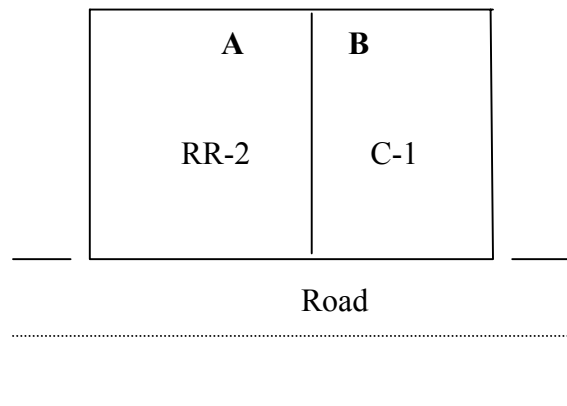
**SECTION 4.1.900. Split Zoning.** Split zoning occurs when a contiguous ownership is divided into two or more zoning districts.

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.

Example 1



Example 2



In the example above, “A” may be used for any use allowed by the applicable zoning district irrespective of portions “B”. Likewise, portions “B” may be used for any use allowed by the applicable zoning district irrespective of portions “A”.

2. For the purpose of land division, the ownership of each portion of the total contiguous ownership within an individual zoning district may be transferred to another ownership, subject to:
  - A. A partition or subdivision submittal; and
  - B. Any required applicable findings; and
  - C. In addition to any other required findings, lands subject to the EFU or F zones shall be subject to the provisions of this section only if finding is made that the division of resource land shall be appropriate for the continuation of the existing commercial resource enterprise of the area.  
[OR-92-07-012PL]

## ARTICLE 4.2 USES

**SECTION 4.2.100. Use Matrices - General.** The uses and activities allowed within the individual zoning districts prescribed in Section 4.1.100, together with those uses that may be conditionally allowed or which are prohibited, are set forth in Tables 4.2a through 4.2g.

These zoning use tables stipulate where and under what specific circumstances development may occur.

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

- P The use or activity is permitted outright.
- P-# The use or activity may be allowed outright, but is specifically conditioned or limited by Section 4.2.900.
- ACU-# This use or activity is subject to approval of an Administrative Conditional Use, subject to Section 4.2.900.
- C-# This use or activity is subject to approval of a Hearings Body Conditional Use, subject to Section 4.2.900.
- UC Lands located within an unincorporated community boundary designated in the Comprehensive Plan as a Rural Community, Rural Service Center or Resort Community in accordance with OAR 660, Division 22.
- UUC Lands located within an unincorporated community boundary designated in the Comprehensive Plan as a Urban Unincorporated Community in accordance with OAR 660, Division 22.
- " - " The use or activity is "not listed" as an allowed use in the respective zoning district.

In addition to any applicable special conditions or findings prescribed in Section 4.2.900, the following may also limit and regulate uses and activities in Tables 4.2a through 4.2g:

1. Article 4.6, "Overlay Zones"
2. Article 4.7, "Special Considerations"
3. Chapter V, "Administration" (Procedural requirements)
4. Article 4.3, "General Development Standards"

**SECTION 4.2.200. Open Space and Natural Zoning Districts.**

The uses and activities regulated by the open space and natural zoning districts are set forth below:

TABLE 4.2a

OPEN SPACE/NATURAL USE	ZONE DISTRICT				
	SS	REC	MES	CREMP REC	CREMP NR
Airport	N	N	N	N	N
Aquaculture	N	N	N	N	N
Farm use pursuant to ORS 215.203	P	P	P-83	P-100,101	ACU-54,34
Farm use pursuant to ORS 215.203 but not for profit	P	P	P-83	P-100,101	ACU-54,34
Farm buildings	P	P	P-83	ACU-54	ACU-54
Timber farming/harvesting	P	P	P-83	P-100,101	P
Propagation, management and harvesting of a forest product	P	P	P-83	ACU-38, 52,54,85	ACU-38, 52,54
Log storage/sorting yard (land)	N	N	N	N	N
Recreation:					
high intensity	P	P	N	ACU-54,86	N
low intensity	P	P	P-82	ACU-54,86	ACU-54,94
Dryland moorage	N	N	N	N	N
Marina shoreside facility	N	N	N	ACU-54,87	N
Marinas	N	P	N	P	N
Fish & wildlife habitat management	P	P	P	N	N
Hunting & fishing preserve	N	P	P-83	N	N
Research & education observation structure	P	P	N	N	N
Campground	P-30	P-30	N	N	N
Recreational vehicle park	N	P-30	N	N	N
Educational-associated facilities	P	P	N	N	N
Dorm facilities	P	N	N	N	N
Modification of historic structure	ACU-65	ACU-65	N	ACU-54,65	ACU-54,65
Water-borne transportation	N	N	N	N	N
Dryland moorage	N	N	N	N	N
Industrial & port facilities	N	N	N	N	N
Contaminated soil/land farming	N	N	N	N	P
Stream alteration	N	N	N	N	N
Navigation aids	N	N	N	N	N

TABLE 4.2a

OPEN SPACE/NATURAL USE	ZONE DISTRICT				
	SS	REC	MES	CREMP REC	CREMP NR
Restoration:					
passive	N	N	P	N	N
active restoration of fish & wildlife habitat or water quality & estuarine enhancement	P	P	P	N	N
Residential:					
single family dwelling:	N	ACU-5	N	ACU-54,88	ACU-10,32, 96,97,99,105
temporary residence	N	P-13	N	P-13,100, 101	N
watchman/caretaker	P-72	P-72	N	ACU-54,72, 89	N
2-family duplex	N	N	N	N	N
multi-family duplex	N	N	N	N	N
2nd floor apartment	N	N	N	N	N
family hardship	N	N	N	N	ACU-2
Bed & Breakfast	N	N	N	N	C-104
Home occupation	N	N	N	N	P-120
Cottage industry	N	N	N	N	P-120
Day care facility (12 people or less)	N	N	N	N	N
Day care facility (13 people or more)	N	N	N	N	N
Land divisions:					
partition	N	P-6	P-6	P-6,48,54	ACU-6,48,54
subdivision	N	P-6	P-6	P-6,48,54	ACU-6,48,54
residential planned unit dev.	N	N	N	N	N
recreational planned unit dev.	N	N	N	N	N
Mobile Home Park	N	N	N	N	N
Industrial uses:					
water-dependent (WD)	N	N	N	N	N
water-related (WR)	N	N	N	N	N
non-WD/non-WR	N	N	N	N	N
Circus/Carnival	N	P-27	N	N	N
Fire station	N	ACU-7	N	N	N
Solid waste disposal	N	N	N	N	N
Museum	N	ACU-7	N	N	N
Zoos	N	ACU-7	N	N	N

TABLE 4.2a

OPEN SPACE/NATURAL USE	ZONE DISTRICT				
	SS	REC	MES	CREMP REC	CREMP NR
Utility facility:					
generation of power for public sale	N	N	N	N	N
generation of power not for public sale	N	N	N	N	N
service lines	P	N	P-83	N	ACU-54
communication structure	N	P	P-83	ACU-7,54	N
air and water navigation aids	N	ACU-7	N	ACU-7,54	N
sewer/water plant/pump station	N	N	N	N	N
Exploration:					
geo-thermal	N	N	N	N	N
aggregate	N	N	N	N	N
other mineral or subsurface resource	N	N	N	N	N
Mining/mineral extraction, including dredging necessary for mineral extraction:					
geo-thermal	N	N	N	N	N
aggregate	N	N	N	N	N
other mineral or subsurface resource	N	N	N	N	N
Dikes:					
new construction	N	P	ACU-83, 90	ACU-54,92	N
maintenance/repair	N	P	ACU-83, 90	ACU-54,92	N
Drainage and tidegating	N	P	N	ACU-54,92	N
Dredge material disposal	N	P	N	ACU-40, 41,51,54	ACU-36,41, 51,54
Fill	N	P	N	ACU-54,93	ACU-36,41, 51,54
Mitigation	N	P	P	ACU-54,87	ACU-54
Shoreland Stabilization:					
structural	N	ACU-102	ACU-84	ACU-46, 54	ACU-46, 54,95
non-structural	N	P	P	P	P
Commercial:					
convenience store	N	C-7,72, 107	N	N	N
off-road vehicle parts & repair service	N	C-7,108	N	N	N
golf course	N	P	N	N	N
kennel	N	P	N	ACU-54	ACU-54



TABLE 4.2a

<b>OPEN SPACE/NATURAL</b>	<b>ZONE DISTRICT</b>				
<b>USE</b>	<b>SS</b>	<b>REC</b>	<b>MES</b>	<b>CREMP REC</b>	<b>CREMP NR</b>
Commercial - continued:					
water-dependent	N	N	N	N	N
water-related	N	N	N	N	N
non-water-dependent/related	N	N	N	N	N
hotel/motel	N	N	N	N	N
off road vehicle rental	N	P	N	N	N
race track	N	C-7	N	N	N

**SECTION 4.2.300. Resource Zoning Districts.**

Refer to Article 4.8, Exclusive Farm Use Zones (EFU) or Article 4.9, Forest Zone.

**SECTION 4.2.400. Rural Residential Zoning Districts including Rural Unincorporated Communities.**

The uses and activities regulated by the rural residential zoning districts are set forth below:

TABLE 4.2c

NOTE: U.C. - Unincorporated Communities

RURAL RESIDENTIAL USE	ZONE DISTRICT						
	RR-5	RR-2	RC - OUTSIDE U.C.	CREMP RR ZONE	CREMP RC ZONE OUTSIDE U.C.	RC INSIDE U.C.	CREMP RC ZONE INSIDE U.C.
Aquaculture	N	N	N	N	N	N	N
Agriculture:							
farm use pursuant to ORS 215.203	P	P	P	P-66	P-66	P	P-66
farm use pursuant to ORS 215.203 but not for profit	P	P	P	P-66	P-66	P	P-66
farm buildings	P	P	P	P	P	P	P-66
Commercial activities in conjunction with farm or forest use:							
equipment sales or repair	N	N	C-7	N	ACU-7,54	C-7	ACU-7,54
seasonal product sale	P-12	P-12	P-12	N	ACU-7,54	P-12	ACU-7,54
Commercial :							
water-dependent(WD)	N	N	N	N	C-7,54, 111	N	C-7,54, 112
water-related(WR)	N	N	N	N	C-7,54, 111	N	C-7,54, 112
non-WD/non-WR	N	N	N	N	N	N	N
veterinary clinic	C-7	C-7	C-7,111	N	ACU-7, 54,111	C-7,112	ACU-7, 54,112
kennel	C-7	C-7	C-7,111	N	ACU-7, 54,111	C-7,112	ACU-7, 54,112
off-road vehicle rental	N	N	N	N	N	N	N
race track	N	N	N	N	N	N	N
water-dependent	N	N	N	N	N	N	N
water-related	N	N	N	N	N	N	N
non-water-dep./related	N	N	N	N	N	N	N
hotel/motel	N	N	N	N	N	N	N
Log storage/sorting yard (land)	N	N	N	N	N	N	N
Dryland moorage	N	N	N	N	N	N	N
Industrial & port facilities	N	N	N	N	N	N	N
Land transportation facilities	N	N	N	N	N	N	N

TABLE 4.2c

NOTE: U.C. - Unincorporated Communities

RURAL RESIDENTIAL USE	ZONE DISTRICT						
	RR-5	RR-2	RC - OUTSIDE U.C.	CREMP RR ZONE	CREMP RC ZONE OUTSIDE U.C.	RC INSIDE U.C.	CREMP RC ZONE INSIDE U.C.
Restoration:							
passive	P	P	P	P	P	P	P
active restoration of fish & wildlife habitat or water quality & estuarine enhancement	N	N	N	N	N	N	N
Contaminated Soil/Land Farming	C-7	C-7	C-7	C-7	C-7	C-7	C-7
Forestry:							
propagation, management or harvesting of a forest product	P	P	P	ACU-52, 54	ACU-52-54	P	ACU-52, 54
primary processing of forest products	C-7,9	C-7,9	N	N	N	N	N
Exploration:							
geo-thermal	P-4	P-4	P-4	N	N	P-4	N
aggregate	P-4	P-4	P-4	N	N	P-4	N
other mineral or subsurface resource	P-4	P-4	P-4	N	N	P-4	N
Mining/mineral extraction, including dredging necessary for mineral extraction:							
geo-thermal	C-7,23	C-7,23	C-7,23	N	N	C-7,23	N
aggregate	C-7	C-7	C-7	N	N	C-7	N
other mineral or subsurface resource	C-7,23	C-7,23	C-7,23	N	N	C-7,23	N
Processing:							
geo-thermal	N	N	N	N	N	N	N
aggregate	N	N	N	N	N	N	N
other mineral or subsurface resource	N	N	N	N	N	N	N
Solid waste disposal including buildings and facilities:							
ordered by DEQ	N	N	N	N	N	N	N
not ordered by DEQ	N	N	N	N	N	N	N
Golf course	C-7	C-7	C-7	N	N	C-7	N
Hunting and fishing preserve	C-7	C-7	C-7	N	N	C-7	N
Campground	N	N	N	N	N	N	N
Recreational vehicle park	N	N	C-7,30	N	N	C-7,30	N

TABLE 4.2c

NOTE: U.C. - Unincorporated Communities

RURAL RESIDENTIAL USE	ZONE DISTRICT						
	RR-5	RR-2	RC - OUTSIDE U.C.	CREMP RR ZONE	CREMP RC ZONE OUTSIDE U.C.	RC INSIDE U.C.	CREMP RC ZONE INSIDE U.C.
<b>Recreation:</b>							
low intensity	P	P	P	ACU-54	ACU-54	P	ACU-54
high intensity	C-7	C-7	C-7	C-7,54	C-7,54	C-7	C-7,54
Fish & wildlife habitat management	P	P	P	N	N	P	N
<b>Residential:</b>							
Single family dwelling	P	P	P	ACU-53,54	ACU-54	P	ACU-54
family hardship dwelling	ACU-2	ACU-2	ACU-2	ACU-53,54	ACU-54	ACU-2	ACU-54
temporary residence	P-13	P-13	P-13	P-13	P-13	P-13	P-13
2nd floor apartments	N	N	P-29	N	P-29	P-29	P-29
watchman/caretaker	N	N	N	N	N	N	N
two family duplex	P-21	P-21	P-21	P-21,54	P-21,54	P-21	P-21,54
hotel/motel	N	N	N	N	N	C-7,115	C-7,54, 115
bed & breakfast	C-7,104	C-7,104	C-7,104	C-7, 54,104	C-7, 54,104	C-7,115	C-7,54, 104
Home Occupation	P-103	P-103	P-103	N	N	P-103	N
Cottage industry	ACU-7, 103, 111	ACU-7, 103,111	ACU-7, 103,111	N	N	ACU-7, 103,112	N
Modification of historic structure	ACU-65	ACU-65	ACU-65	N	N	ACU-65	N
<b>Land Divisions:</b>							
partition	P-6	P-6	P-6	ACU-6, 48,54	ACU-6, 48,54	P-6	ACU-6, 48,54
subdivision	P-6	P-6	P-6	ACU-6, 48,54	ACU-6, 48,54	P-6	ACU-6, 48,54
residential PUD	P-67	P-67,25	P-67,25	ACU-6, 48,54,67	ACU-6, 48,54,67	P-67,25	ACU-6, 48,54,67
recreational PUD	C-68,22	P-68,22	N	N	N	N	N
<b>Industrial uses:</b>							
water-dependent (WD)	N	N	N	N	N	N	N
water-related (WR)	N	N	N	N	N	N	N
non-WD/non-WR	N	N	N	N	N	N	N
Library	N	N	P	N	N	P	N
Mobile home park	C-7,24	C-7,24	C-7,24	N	N	C-7,24	N
Museum	N	N	C-116	N	N	P	N
School	C-7	C-7	C-7	N	N	N	N
Fire station	P	P	P	N	N	N	N

TABLE 4.2c

NOTE: U.C. - Unincorporated Communities

RURAL RESIDENTIAL USE	ZONE DISTRICT						
	RR-5	RR-2	RC - OUTSIDE U.C.	CREMP RR ZONE	CREMP RC ZONE OUTSIDE U.C.	RC INSIDE U.C.	CREMP RC ZONE INSIDE U.C.
House of worship	C-7	C-7	C-7	N	N	ACU-7	N
Cemetery	ACU-7	ACU-7	ACU-7	N	N	ACU-7	N
Utility Facility:							
generation of power for public sale	C-7	C-7	C-7	C-7,54	C-7,54	C-7	C-7,54
generation of power not for public sale	C-7	C-7	C-7	C-7,54	C-7,54	C-7	C-7,54
service lines	P	P	P	P	P	P	P
communication structure	ACU-7	ACU-7	ACU-7	ACU-7,54	ACU-7,54	ACU-7	ACU-7, 54
air & water navigation aids	ACU-7	ACU-7	ACU-7	ACU-7,54	ACU-7,54	ACU-7	ACU-7
sewer/water plant/ pump station	ACU-7	ACU-7	ACU-7	ACU-7,54	ACU-7,54	ACU-7	ACU-7, 54
Community center:							
grange or lodge	C-7,117	C-7,117	C-7,117	N	N	C-7	N
Circus/carnival	P-27	P-27	P-27	N	N	N	N
Asphalt/concrete (portable plant)	P-26	P-26	P-26	N	N	P-26	N
Airport	N	N	N	N	N	N	N
Personal use airport/heliport	C-7	C-7	N	N	N	N	N
Aero club	C-7	C-7	N	N	N	N	N
Commercial parking lots	C-7	C-7	N	N	N	N	N
Taverns, cocktail lounge, etc.	N	N	C-7,111	N	N	C-7,112	N
Neighborhood store	N	N	C-7,111	N	N	C-7,112	N
Restaurant/café	N	N	C-7,111	N	N	C-7,112	N
Service station	N	N	C-7,111	N	N	C-7,112	N
Feed/grain store	N	N	C-7	N	N	N	N
Hardware supply store	N	N	C-7,111	N	N	C-7,112	N
Second Hand Store	N	N	C-7,111	N	N	C-7,112	N
Assembling, manufacturing, packaging, processing, production, storage or treatment	N	N	C-7,113	N	N	C-7,112	N
Antique sales	N	N	C-7,111	N	N	C-7,112	N
Appliance sales/repair	N	N	C-7,111	N	N	C-7,112	N
Bakery	N	N	C-7,111	N	N	C-7,112	N
Barber/beauty shop	N	N	C-7,111	N	N	C-7,112	N
Confectionery	N	N	C-7,111	N	N	C-7,112	N
Florist-nurseries	N	N	C-7,111	N	N	C-7,112	N

TABLE 4.2c

NOTE: U.C. - Unincorporated Communities

RURAL RESIDENTIAL USE	ZONE DISTRICT						
	RR-5	RR-2	RC - OUTSIDE U.C.	CREMP RR ZONE	CREMP RC ZONE OUTSIDE U.C.	RC INSIDE U.C.	CREMP RC ZONE INSIDE U.C.
Gift shop	N	N	C-7,111	N	N	C-7,112	N
Government building	N	N	C-7	N	N	C-7	N
Grocery	N	N	C-7,111	N	N	C-7,112	N
Vehicle sales/repair	N	N	C-7,111	N	N	C-7,112	N
Building supply sales	N	N	C-7,111	N	N	C-7,112	N
Cabinet/myrtlewood manufacturing sales	N	N	C-7,111	N	N	C-7,112	N
Zoos	N	N	C-7	N	N	C-7	N
Fertilizer bulk sales	N	N	C-7	N	N	C-7	N
Dikes:							
new construction	P	P	P	ACU-54, 77	ACU-54, 77	P	ACU-54, 77
maintenance/repair	P	P	P	ACU-54, 77	ACU-54, 77	P	ACU-54, 77
Drainage & tidegating	P	P	P	ACU-54, 78	ACU-54, 78	P	ACU-54, 78
Dredge material disposal	P	P	P	ACU-41, 51,54,79	ACU-41, 51,54,79	P	ACU-41, 51,54,79
Fill	P	P	P	ACU-54, 80	ACU-54, 80	P	ACU-54, 80
Mitigation	P	P	P	ACU-54	ACU-54	P	ACU-54
Stream alteration	N	N	N	N	N	N	N
Shoreland Stabilization:							
structural	ACU-102	ACU-102	ACU-102	ACU-46, 54,81	ACU-46, 54,81	ACU-102	ACU-46, 54,81
non-structural	P	P	P	P-81	P-81	P	P-81
Alcohol treatment center	C-7	C-7	N	N	N	N	N
Medical - rest home	C-7	C-7	N	N	N	N	N
Day care facility (12 or fewer persons)	P	P	P	P	P	P	P
Day care facility (13 or more persons)	ACU-7	ACU-7	ACU-7	ACU-7	ACU-7	ACU-7	ACU-7
Research & education observation structure	ACU-7, 54	ACU-7, 54	ACU-7, 54	ACU-7, 54	ACU-7, 54	ACU-7, 54	ACU-7, 54
Water-borne transportation	N	N	N	N	N	N	N
Contaminated soil/land farming	N	N	N	N	N	N	N
Winery *OR 04-1-002PL 6-30-04	ACU-7, 8, 64, 118	ACU-7, 8, 64, 118	ACU-7, 8, 64, 118	N	N	ACU-7, 8, 64, 118	N

**SECTION 4.2.500. Urban Residential Zoning Districts.**

The uses and activities regulated by the urban residential zoning districts are set forth below:

TABLE 4.2d

URBAN RESIDENTIAL USE	ZONE DISTRICT		
	UR-1	UR-2	UR-M
Residential:			
---a) single family dwelling (conventional)	P	P	P
---b) mobile home	N	P	P
---c) manufactured home	P	P	P
---d) floating home	N	P	N
---e) temporary residence	N	P-13	P-13
---f) two family duplex	P	P	P
---g) multi-family dwelling	N	P-69	P
---h) family hardship	ACU-2	ACU-2	ACU-2
Home Occupation	P-103	P-103	P-103
Mobile home park	N	C-7,24	C-7,24
Hotel/Motel	N	N	C-7,115
Land Divisions:			
---a) partition	P-6	P-6	P-6
---b) subdivision	P-6	P-6	P-6
---c) residential planned unit development	P-25,67	P-25,67	P-25,67
---d) Recreational planned unit development within urban unincorporated communities		P-22, 68 [OR 04-09-010PL 1/19/05]	
Utility Facility:			
---a) generation of power for public sale	C-7	C-7	C-7
---b) generation of power not for public sale	C-7	C-7	C-7
Service lines	P	P	P
Communication structure	ACU-7	ACU-7	ACU-7
Air & water navigation aids	ACU-7	ACU-7	ACU-7
Sewer/water plant pump station	ACU-7	ACU-7	ACU-7
Farm use pursuant to ORS 215.203 for profit	P	P	P
Farm use pursuant to ORS 215.203 but not for profit	P	P	P
Commercial activity in conjunction with a farm use	N	N	N
Farm buildings	P	P	P



TABLE 4.2d

URBAN RESIDENTIAL USE	ZONE DISTRICT		
	UR-1	UR-2	UR-M
Low intensity recreation	P	P	P
High intensity recreation	C-7	C-7	C-7
Golf course	C-7	C-7	C-7
Circus/carnival	N	N	N
Fire station	C-7	C-7	C-7
Schools	C-7	C-7	C-7
House of worship	C-7	C-7	C-7
Modification of historic structure	ACU-65	ACU-65	ACU-65
Community center, grange or lodge hall	C-7,117	C-7,117	C-7,117
Medical - rest home	C-7	C-7	C-7
Medical - convalescent home	C-7	C-7	C-7
Personal use airport/heliport	C-7	C-7	C-7
Aero club	C-7	C-7	C-7
Exploration:			
---a) geo-thermal	ACU-4,7	ACU-4,7	ACU-4,7
---b) aggregate	ACU-4,7	ACU-4,7	ACU-4,7
---c) other mineral or subsurface resource	ACU-4,7	ACU-4,7	ACU-4,7
Mining:			
---a) geo-thermal	P-23	P-23	P-23
---b) aggregate	N	N	N
---c) other mineral or subsurface resource	P-23	P-23	P-23
Processing:			
---a) geo-thermal	N	N	N
---b) aggregate	N	N	N
---c) other mineral or subsurface resource	N	N	N
Bed & breakfast	C-7, 104	C-7, 104	C-7, 104
Cottage industry	N	C-7,103,106,119	N
Day care facility (12 or fewer persons)	P	P	P
Day care facility (13 or more persons)	ACU-7	ACU-7	ACU-7

**SECTION 4.2.600. Commercial-Industrial Zoning Districts.**

The uses and activities regulated by the commercial-industrial zoning districts are set forth below:

TABLE 4.2e

COMMERCIAL-INDUSTRIAL USE	ZONE DISTRICT				
	CD-5 / CD-10	C-1	IND	CREMP IND	AO
Residential:					
Single family dwelling (conventional)	P	C-7 or P-72	P-72	N	N
Mobile home	P	C-7 or P-72	P-72	N	N
Two-family duplex	P	N	N	N	N
Multi-family dwelling	C-7,71	N	N	N	N
Watchman/Caretaker	C-72,72	P-72	P-72	P-57,72,100	P-72
2nd floor apartment	ACU-7,72	P-72	P-72	N	P-72
Temporary dwelling	P-13	P-13	P-13	N	P-13
Family hardship dwelling	ACU-2	N	N	N	N
Home Occupation	P	P	P	P-100	P
Contaminated Soil/land farming	C-7	C-7	P	P-100	P
Cottage industry	ACU-7,119	P-119	P-119	N	N
Hotel/Motel	C-7,115	P-115	N	N	P-115
Bed & Breakfast	C-7,104	P-104	N	N	N
Mobile Home Park	N	N	N	N	N
Land Divisions:					
Partition	P-6	P-6	P-6	ACU-6,48,57,100	P-6
Subdivision	P-6	P-6	P-6	ACU-6,48,57,100	P-6
Residential Planned Unit Development	C-25,67	N	N	N	N
Recreational Unit Development	C-22,68	N	N	N	N
Utility Facility:					
Generation of Power for public sale	C-7	C-7	P	C-7,57,100	C-7
Generation of power not for public sale	C-7	C-7	P	ACU-7,57,100	P
Service Lines	P	P	P	P-100	P
Communication structure	P	P	P	ACU-7,57,100	P
Air & water navigation aids	ACU-7	ACU-7	P	ACU-7,57,100	P
Sewer/water plant/pump station	P	P	P	ACU-7,57,100	P
Exploration:					
Geo-thermal	ACU-4,7	ACU-4,7	P-4	P-4,100	P-4
Aggregate	ACU-4,7	ACU-4,7	P-4	P-4,100	ACU-4,7
Other mineral or subsurface resource	ACU-4,7	ACU-4,7	P-4	P-4,100	ACU-4,7

TABLE 4.2e

COMMERCIAL-INDUSTRIAL USE	ZONE DISTRICT				
	CD-5 / CD-10	C-1	IND	CREMP IND	AO
Mining/mineral extraction, including dredging necessary for mineral extraction					
Geo-thermal	C-7,23	C-7,23	P	ACU-54	C-7,23
Aggregate	N	N	P	ACU-54	C-7,23
Processing:					
Geo-thermal	C-7	N	P	N	N
Aggregate	C-7	N	P	N	N
Other mineral or subsurface resource	C-7	N	P	N	N
Farm use pursuant to ORS 215.203	P	N	P	P-100	P
Farm use pursuant to ORS 215.203 but not for profit	P	N	P	P-100	P
Farm Buildings	P	N	P	P-100	P
Propagation, management, harvesting, or primary processing of forest products including sawmills, manufacture and storage of logs and lumber	N	N	P	ACU-38,52,54	N
Dikes:					
construction & maintenance	P	P	P	ACU-54,75	P
new construction	P	P	P	ACU-54,75	P
Drainage & tidegating	P	P	P	ACU-54,76	P
Dredge material disposal	P	P	P	ACU-41,51,54	P
Fill	P	P	P	ACU-54	P
Mitigation	P	P	P	ACU-54	P
Shoreland Stabilization:					
Structural	P	P	P	ACU-46,54	P
Non-structural	P	P	P	P-100	P
Aero:					
Airport/Heliport	C-7	N	P	N	P
Air cargo warehousing and distribution facilities	ACU-7	N	P	N	P
Aircraft or aircraft component manufacturing and assembly	N	N	P	N	P
Air operations facilities	ACU-7	N	P	N	P
Aerial related offices	ACU-7	N	P	N	P
Aero sales, repair and storage including retail commercial dependent upon air transportation	ACU-7,118	N	P-118	N	P-118
Aero school	ACU-7	N	P	N	P
Aero club	ACU-7	N	P	N	P
Advertising	ACU-7	P	N	N	N
Alcohol: distilling (including wineries and breweries)	N	N	P	N	N

TABLE 4.2e

COMMERCIAL-INDUSTRIAL USE	ZONE DISTRICT				
	CD-5 / CD-10	C-1	IND	CREMP IND	AO
Antique sales	ACU-7,118	P-118	N	N	N
Appliance sales and repair	ACU-7,118	P-118	N	N	N
Art or photograph sales or services	ACU-7,118	P-118	N	N	N
Asphalt/concrete portable plant	N	P-26	P	N	N
Asphalt/concrete permanent plant	N	N	P	N	N
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, wood	N	N	P-119	N	N
Auction houses: general sales	ACU-7	P	P	N	N
Auction houses: livestock sales	N	N	P	N	N
Banks, loan companies brokers	ACU-7,118	P-118	N	N	N
Baths, spas, massage parlors	ACU-7,118	P-118	N	N	N
Bakery	ACU-7,118	P-118	N	N	N
Barber & beauty shop	ACU-7,118	P-118	N	N	N
Bicycle shop	ACU-7,118	P-118	N	N	N
Blacksmith shop & foundry	N	N	P-118	N	N
Boat & ship construction & repair	N	N	P-119	N	N
Books or stationery sales, book bindery	ACU-7,118	P-118	N	N	N
Building supplies	ACU-7,118	ACU-7,118	P	N	N
Cabinet/myrtlewood products manufacturing	ACU-7,118	P-118	P-118	N	N
Campground	C-7,30	C-7,30	N	N	N
Carpet sales/cleaning	ACU-7,118	P-118	N	N	N
Catering service	ACU-7,118	P-118	N	N	N
Cemetery	ACU-7	ACU-7	N	N	N
Circus/carnival	P-27,118	P-27,118	P-27,118	N	N
Correctional institution, jail, penal farm	C-7	C-7	N	N	N

TABLE 4.2e

COMMERCIAL-INDUSTRIAL USE	ZONE DISTRICT				
	CD-5 / CD-10	C-1	IND	CREMP IND	AO
Cold storage/ice plant	ACU-7,119	P-119	P-119	N	N
Clothing sales/cleaning	ACU-7,118	P-118	N	N	N
Community center/grange or lodge hall	C-7,117	P-117	N	N	N
Confectionery	ACU-7,118	P-118	N	N	N
Dams	ACU-7	ACU-7	ACU-7	N	N
Delicatessen	ACU-7,118	P-118	N	N	N
Department store	ACU-7,118	P-118	N	N	N
Drug store	ACU-7,118	P-118	N	N	N
Dry goods, notions	ACU-7,118	P-118	N	N	N
Electronic sales/service	ACU-7,118	P-118	N	N	N
Entertainment/dancing theaters	ACU-7,118	ACU-7,118	N	N	N
Equipment rental	ACU-7,118	P-118	P-118	N	N
Feed store	ACU-7	ACU-7	P	N	N
Feed lot	N	N	ACU-7	N	N
Fertilizer bulk sales	ACU-7	ACU-7	P	N	N
Fire station	ACU-7	P	P	N	P
Florist and nurseries	ACU-7,118	P-118	N	N	N
Furniture store	ACU-7,118	P-118	N	N	N
Garden supply sales	ACU-7,118	P-118	N	N	N
Gift shop	ACU-7,118	P-118	N	N	N
Glass blowing shop	ACU-7,118	P-118	N	N	N
Golf course	C-7	C-7	N	N	N
Government building	ACU-7	P	N	N	P
Grocery store	ACU-7,118	P-118	N	N	N
Hardware store	ACU-7,118	P-118	N	N	N
High intensity recreation	C-7,118	C-7,118	P*118	ACU-54,118	N
House of worship	C-7	P	N	N	N

TABLE 4.2e

COMMERCIAL-INDUSTRIAL USE	ZONE DISTRICT				
	CD-5 / CD-10	C-1	IND	CREMP IND	AO
Jewelry store	C-7,118	P-118	N	N	N
Junk yard/wrecking yard	N	N	P	N	N
Laundrys/laundro-mat	ACU-7,118	P-118	N	N	N
Leather goods store	ACU-7,118	P-118	N	N	N
Library	ACU-7	P	N	N	N
Locksmith shop	ACU-7,118	P-118	N	N	N
Meat cutting and sales (not including slaughter house or stockyard)	ACU-7,118	P-118	N	N	N
Medical:					
Ambulance service	C-7	P	N	N	N
Medical/dental clinic	C-7,118	P-118	N	N	N
Offices	C-7,118	P-118	N	N	N
Dormitories	C-7	P	N	N	N
Rest or convalescent home	C-7	P	N	N	N
Sanitarium	C-7	P	N	N	N
Hospital	C-7	P	N	N	N
Millinery or dressmaking	ACU-7,118	P-118	N	N	N
Mini-warehouse storage	ACU-7	P	P	N	N
Mobile home sales & service	ACU-7	P	N	N	N
Modification of historic structures	ACU-65	ACU-65	ACU-65	ACU-65,100	N
Mortuary or funeral home	ACU-7,118	P-118	N	N	N
Museum	ACU-7,116	P-116	N	N	P
Music store	ACU-7,118	P-118	N	N	N
Neighborhood store	ACU-7,118	P-118	N	N	N
Office building	ACU-7,118	P-118	P-118	N	N
Office supply store	ACU-7,118	P-118	N	N	N
Packing plant	N	N	C-7,119	N	N
Picture frame shop	ACU-7,118	P-118	N	N	N
Pet shop	ACU-7,118	P-118	N	N	N
Pottery & ceramics shop	ACU-7,118	P-118	N	N	N

TABLE 4.2e

COMMERCIAL-INDUSTRIAL USE	ZONE DISTRICT				
	CD-5 / CD-10	C-1	IND	CREMP IND	AO
Print shop	ACU-7,118	P-118	N	N	N
Public service office	ACU-7	P	N	N	ACU-7
Recreational vehicle park	C-7,30	C-7,30	N	N	N
Rendering plant	N	N	C-7,119	N	N
Re-upholstery shop	ACU-7,118	P-118	P-118	N	N
Restaurant	ACU-7,118	P-118	N	N	P-118
Research & education observation structure	ACU-7	P	N	N	ACU-7
School	C-7	P	N	N	N
Seasonal product sales	P-12	N	N	N	N
Second hand store	ACU-7,118	ACU-7,118	N	N	N
Service station	ACU-7,118	P-118	P-118	N	N
Shoe store	ACU-7,118	P-118	N	N	N
Slaughter house	N	N	C-7,119	N	N
Solid waste landfill	N	N	C-7	N	C-7
Solid waste disposal facility	N	N	C-7	N	C-7
Sporting good store	ACU-7,118	P-118	N	N	N
Storage warehouse	ACU-7,119	ACU-7,119	P-119	N	N
Tannery	N	N	C-7	N	N
Taverns, lounges, etc.	ACU-7,118	C-7,118	N	N	N
Tire recapping shop	C-7,118	C-7,118	P-118	N	N
Tire sales	ACU-7,118	P-118	P-118	N	N
Toy store	ACU-7,118	P-118	N	N	N
Variety store	ACU-7,118	P-118	N	N	N
Vehicle:					
Auto sales, repair	ACU-7,118	P-118	ACU-7,118	N	N
Auto rental	ACU-7,118	P-118	N	N	P-118
Taxi/bus/truck rental	C-7,118	P-118	C-7,118	N	P-118
Off-road vehicle rental	ACU-7,118	P-118	P-118	N	N
Parking lot/structure	ACU-7	P	P	N	N

TABLE 4.2e

COMMERCIAL-INDUSTRIAL USE	ZONE DISTRICT				
	CD-5 / CD-10	C-1	IND	CREMP IND	AO
Race track	N	C-7,118	C-7,118	N	N
Truck/heavy equipment sales, repair, service, storage	ACU-7,119	ACU-7,119	P-119	N	N
Truck stop	N	N	C-7,119	N	N
Veterinary clinic/kennel	C-7,118	P-118	N	N	N
Zoos	C-7,118	P-118	N	N	N
Commercial					
water-dependent	N	N	N	ACU-54,118	N
water-related	N	N	N	ACU-54,118	N
non-water-dependent/related	N	N	N	ACU-54,74,118	N
Industrial					
water-dependent	N	N	N	ACU-39,54,119	N
water-related	N	N	N	ACU-39,54,119	N
non-water-dependent/related	N	N	N	ACU-39,54,73,119	N
Day care facility (12 or fewer persons)	P	P	N	N	N
Day care facility (13 or more persons)	ACU-7	ACU-7	N	N	N
Service station with convenience store	N	N	C-7,118	N	N
Mobile home parks	N	N	N	N	N
Ball Park	N	N	P-118	N	N
Water-borne transportation	N	N	N	ACU-54	N
Restoration					
Active restoration of fish & wildlife habitat or water quality & estuarine enhancement	N	N	N	N	N
Passive	P	P	P	P	P

\* A site plan review is not necessary (CL-03-01, December 9, 2003)



**SECTION 4.2.700. Commercial-Industrial Zoning Districts within Rural Unincorporated Communities.**

The uses and activities regulated by the commercial-industrial zoning districts are set forth below:

TABLE 4.2f

RURAL UNINCORPORATED COMMUNITIES COMMERCIAL-INDUSTRIAL USE	ZONE DISTRICT				
	CD-5 CD-10	C-1	IND	CREMP IND	AO
Advertising	ACU-7	P	N	N	N
Aero:					
Airport/heliport	C-7	N	P	N	P
Air cargo warehousing and distribution facilities	ACU-7	N	P	N	P
Aircraft or aircraft component manufacturing and assembly	N	N	P	N	P
Air operations facilities	ACU-7	N	P	N	P
Aerial related offices	ACU-7	N	P	N	P
Aero sales, repair and storage including retail commercial dependent upon air transportation	ACU-7,118	N	P-118	N	P-118
Aero school	ACU-7	N	P	N	P
Aero club	ACU-7	N	P	N	P
Agriculture:					
Air & water navigation aids	ACU-7	ACU-7	P	ACU-7,57,100	P
Alcohol: distilling (including wineries and breweries)	N	N	P	N	N
Antique sales	ACU-7,118	P-118	N	N	N
Appliance sales and repair	ACU-7,118	P-118	N	N	N
Art or photograph sales or services	ACU-7,118	P-118	N	N	N
Asphalt/concrete portable plant	N	P-26	P	N	N
Asphalt/concrete permanent plant	N	N	P	N	N
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, wood	N	N	P-119	N	N
Auction houses: general sales	ACU-7	P	P	N	N
Auction houses: livestock sales	N	N	P	N	N

TABLE 4.2f

RURAL UNINCORPORATED COMMUNITIES COMMERCIAL- INDUSTRIAL USE	ZONE DISTRICT				
	CD-5 CD- 10	C-1	IND	CREMP IND	AO
Bakery	ACU- 7,118	P-118	N	N	N
Ball Park	N	N	P-118	N	N
Banks, loan companies brokers	ACU- 7,118	P-118	N	N	N
Barber & beauty shop	ACU- 7,118	P-118	N	N	N
Baths, spas, massage parlors	ACU- 7,118	P-118	N	N	N
Bed & Breakfast	C-7,104	P-104	N	N	N
Bicycle shop	ACU- 7,118	P-118	N	N	N
Blacksmith shop & foundry	N	N	P-118	N	N
Boat & ship construction & repair	N	N	P-119	N	N
Books or stationery sales, book bindery	ACU- 7,118	P-118	N	N	N
Building supplies	ACU- 7,118	ACU- 7,118	P	N	N
Cabinet/myrtlewood products manufacturing	ACU- 7,118	P-118	P-118	N	N
Campground	C-7,30	C-7,30	N	N	N
Carpet sales/cleaning	ACU- 7,118	P-118	N	N	N
Catering service	ACU- 7,118	P-118	N	N	N
Cemetery	ACU-7	ACU-7	N	N	N
Circus/carnival	P-27,118	P-27,118	P-27,118	N	N
Clothing sales/cleaning	ACU- 7,118	P-118	N	N	N
Cold storage/ice plant	ACU- 7,119	P-119	P-119	N	N
Communication structure	P	P	P	ACU- 7,57,100	P
Community center/grange or lodge hall	C-7,117	P-117	N	N	N
Confectionery	ACU- 7,118	P-118	N	N	N
Contaminated Soil/land farming	C-7	C-7	P	P-100	P
Correctional institution, jail, penal farm	C-7	C-7	N	N	N
Cottage industry	ACU- 7,119	P-119	P-119	N	N

TABLE 4.2f

RURAL UNINCORPORATED COMMUNITIES COMMERCIAL- INDUSTRIAL USE	ZONE DISTRICT				
	CD-5 CD- 10	C-1	IND	CREMP IND	AO
Commercial					
Water-dependent	N	N	N	ACU- 54,118	N
Water-related	N	N	N	ACU- 54,118	N
Non-water-dependent/related	N	N	N	ACU-54, 74,118	N
Dams	ACU-7	ACU-7	ACU-7	N	N
Day care facility (12 or fewer persons)	P	P	N	N	N
Day care facility (13 or more persons)	ACU-7	ACU-7	N	N	N
Delicatessen	ACU- 7,118	P-118	N	N	N
Department store	ACU- 7,118	P-118	N	N	N
Diking:					
construction & maintenance	P	P	P	ACU-54,75	P
new construction	P	P	P	ACU-54,75	P
Drainage & tidegating	P	P	P	ACU-54,76	P
Dredge material disposal	P	P	P	ACU- 41,51,54	P
Drug store	ACU- 7,118	P-118	N	N	N
Dry goods, notions	ACU- 7,118	P-118	N	N	N
Electronic sales/service	ACU- 7,118	P-118	N	N	N
Entertainment/dancing theaters	ACU- 7,118	ACU- 7,118	N	N	N
Equipment rental	ACU- 7,118	P-118	P-118	N	N
Exploration:					
Geo-thermal	ACU-4,7	ACU-4,7	P-4	P-4,100	P-4
Aggregate	ACU-4,7	ACU-4,7	P-4	P-4,100	ACU-4,7
Other mineral or subsurface resource	ACU-4,7	ACU-4,7	P-4	P-4,100	ACU-4,7
Farm use pursuant to ORS 215.203	P	N	P	P-100	P
Farm use pursuant to ORS 215.203 but not for profit	P	N	P	P-100	P
Farm Buildings	P	N	P	P-100	P

TABLE 4.2f

RURAL UNINCORPORATED COMMUNITIES COMMERCIAL- INDUSTRIAL USE	ZONE DISTRICT				
	CD-5 CD- 10	C-1	IND	CREMP IND	AO
Feed store	ACU-7	ACU-7	P	N	N
Feed lot	N	N	ACU-7	N	N
Fertilizer bulk sales	ACU-7	ACU-7	P	N	N
Fill	P	P	P	ACU-54	P
Fire station	ACU-7	P	P	N	P
Florist and nurseries	ACU-7, 7,118	P-118	N	N	N
Forestry: Propagation, management, harvesting, or primary processing of forest products including sawmills, manufacture and storage of logs and lumber	N	N	P	ACU-38, 52,54	N
Furniture store	ACU-7, 7,118	P-118	N	N	N
Garden supply sales	ACU-7, 7,118	P-118	N	N	N
Gift shop	ACU-7, 7,118	P-118	N	N	N
Glass blowing shop	ACU-7, 7,118	P-118	N	N	N
Golf course	C-7	C-7	N	N	N
Government building	ACU-7	P	N	N	P
Grocery store	ACU-7, 7,118	P-118	N	N	N
Hardware store	ACU-7, 7,118	P-118	N	N	N
Recreation:					
high-intensity	C-7,118	C-7,118	P*-118	ACU-54, 118	N
low intensity	P	P	N	N	N
Home Occupation					
Home Occupation	P	P	P	P-100	P
Hotel/Motel	C-7,115	P-115	N	N	P-115
House of worship	C-7	P	N	N	N
Industrial					
water-dependent	N	N	N	ACU-39, 54,119	N
water-related	N	N	N	ACU-39, 54,119	N
non-water-dependent/related	N	N	N	ACU-39, 54,73,119	N
Jewelry store					
Jewelry store	C-7,118	P-118	N	N	N
Junk yard/wrecking yard	N	N	P	N	N

TABLE 4.2f

RURAL UNINCORPORATED COMMUNITIES COMMERCIAL- INDUSTRIAL USE	ZONE DISTRICT				
	CD-5 CD- 10	C-1	IND	CREMP IND	AO
Land Divisions:					
partition	P-6	P-6	P-6	ACU-6, 48,57,100	P-6
subdivision	P-6	P-6	P-6	ACU-6, 48,57,100	P-6
residential PUD	C-25,67	N	N	N	N
recreational PUD	C-22,68	N	N	N	N
Laundries/laundro-mat					
Laundries/laundro-mat	ACU- 7,118	P-118	N	N	N
Leather goods store					
Leather goods store	ACU- 7,118	P-118	N	N	N
Library					
Library	ACU-7	P	N	N	N
Locksmith shop					
Locksmith shop	ACU- 7,118	P-118	N	N	N
Meat cutting and sales (not including slaughter house or stockyard)					
Meat cutting and sales (not including slaughter house or stockyard)	ACU- 7,118	P-118	N	N	N
Medical:					
ambulance service					
ambulance service	C-7	P	N	N	N
medical/dental clinic					
medical/dental clinic	C-7,118	P-118	N	N	N
offices					
offices	C-7,118	P-118	N	N	N
dormitories					
dormitories	C-7	P	N	N	N
rest or convalescent home					
rest or convalescent home	C-7	P	N	N	N
sanitarium					
sanitarium	C-7	P	N	N	N
hospital					
hospital	C-7	P	N	N	N
Millinery or dressmaking					
Millinery or dressmaking	ACU- 7,118	P-118	N	N	N
Mining/mineral extraction, including dredging necessary for mineral extraction:					
geo-thermal					
geo-thermal	C-7,23	C-7,23	P	ACU-54	C-7,23
aggregate					
aggregate	N	N	P	ACU-54	C-7,23
Mini-warehouse storage					
Mini-warehouse storage	ACU-7	P	P	N	N
Mitigation					
Mitigation	P	P	P	ACU-54	P
Mobile Home Park					
Mobile Home Park	N	N	N	N	N
Mobile home sales & service					
Mobile home sales & service	ACU-7	P	N	N	N
Modification of historic structures					
Modification of historic structures	ACU-65	ACU-65	ACU-65	ACU- 65,100	N
Mortuary or funeral home					
Mortuary or funeral home	ACU- 7,118	P-118	N	N	N

TABLE 4.2f

RURAL UNINCORPORATED COMMUNITIES COMMERCIAL- INDUSTRIAL USE	ZONE DISTRICT				
	CD-5 CD- 10	C-1	IND	CREMP IND	AO
Museum	ACU- 7,116	P-116	N	N	P-116
Music store	ACU- 7,118	P-118	N	N	N
Neighborhood store	ACU- 7,118	P-118	N	N	N
Office building	ACU- 7,118	P-118	P-118	N	N
Office supply store	ACU- 7,118	P-118	N	N	N
Packing plant	N	N	C-7,119	N	N
Picture frame shop	ACU- 7,118	P-118	N	N	N
Pet shop	ACU- 7,118	P-118	N	N	N
Pottery & ceramics shop	ACU- 7,118	P-118	N	N	N
Print shop	ACU- 7,118	P-118	N	N	N
Processing:					
geo-thermal	C-7	N	P	N	N
aggregate	C-7	N	P	N	N
other mineral or subsurface resource	C-7	N	P	N	N
Public service office					
Public service office	ACU-7	P	N	N	ACU-7
Recreational vehicle park	C-7,30	C-7,30	N	N	N
Rendering plant	N	N	C-7,119	N	N
Research & education observation structure	ACU-7	P	N	N	ACU-7
Residential:					
single family dwelling (conventional)	P	C-7or P- 72	P-72	N	N
mobile home	P	C-7or P- 72	P-72	N	N
two-family duplex	P	N	N	N	N
multi-family dwelling	C-7,71	N	N	N	N
watchman/caretaker	C-72,72	P-72	P-72	P- 57,72,100	P-72
2nd floor apartment	ACU-7, 72	P-72	P-72	N	P-72
temporary dwelling	P-13	P-13	P-13	N	P-130
family hardship dwelling	ACU-2	N	N	N	N

TABLE 4.2f

RURAL UNINCORPORATED COMMUNITIES COMMERCIAL- INDUSTRIAL USE	ZONE DISTRICT				
	CD-5 CD- 10	C-1	IND	CREMP IND	AO
Restaurant	ACU- 7,118	P-118	N	N	P-118
Re-upholstery shop	ACU- 7,118	P-118	P-118	N	N
School	C-7	P	N	N	N
Seasonal product sales	P-12	N	N	N	N
Second hand store	ACU- 7,118	ACU- 7,118	N	N	N
Service Lines	P	P	P	P-100	P
Service station	ACU- 7,118	P-118	P-118	N	N
Service station with convenience store	N	N	C-7,118	N	N
Sewer/water plant/pump station	P	P	P	ACU- 7,57,100	P
Shoe store	ACU- 7,118	P-118	N	N	N
Shoreland Stabilization:					
structural	P	P	P	ACU-46,54	P
non-structural	P	P	P	P-100	P
Slaughter house					
Slaughter house	N	N	C-7,119	N	N
Solid waste landfill					
Solid waste landfill	N	N	C-7	N	C-7
Solid waste disposal facility					
Solid waste disposal facility	N	N	C-7	N	C-7
Sporting good store					
Sporting good store	ACU- 7,118	P-118	N	N	N
Storage warehouse					
Storage warehouse	ACU- 7,119	ACU- 7,119	P-119	N	N
Tannery					
Tannery	N	N	C-7	N	N
Taverns, lounges, etc.					
Taverns, lounges, etc.	ACU- 7,118	C-7,118	N	N	N
Tire recapping shop					
Tire recapping shop	C-7,118	C-7,118	P-118	N	N
Tire sales					
Tire sales	ACU- 7,118	P-118	P-118	N	N
Toy store					
Toy store	ACU- 7,118	P-118	N	N	N
Utility Facility:					
generation of power for public sale	C-7	C-7	P	C-7,57,100	C-7
generation of power not for public sale	C-7	C-7	P	ACU- 7,57,100	P
Variety store					
Variety store	ACU- 7,118	P-118	N	N	N

TABLE 4.2f

RURAL UNINCORPORATED COMMUNITIES COMMERCIAL- INDUSTRIAL USE	ZONE DISTRICT				
	CD-5 CD- 10	C-1	IND	CREMP IND	AO
Vehicle:					
auto sales, repair	ACU- 7,118	P-118	ACU- 7,118	N	N
auto rental	ACU- 7,118	P-118	N	N	P-118
taxi/bus/truck rental	C-7,118	P-118	C-7,118	N	P-118
off-road vehicle rental	ACU- 7,118	P-118	P-118	N	N
parking lot/structure	ACU-7	P	P	N	N
race track	N	C-7,118	C-7,118	N	N
truck/heavy equipment sales, repair, service, storage	ACU- 7,119	ACU- 7,119	P-119	N	N
truck stop	P	P	C-7,119	P	P
Veterinary clinic/kennel	C-7,118	P-118	P	P	P
Zoos	C-7,118	P-118	P	P	P
Restoration					
passive	N	N	N	N	N
active restoration of fish & wildlife habitat or water quality & estuarine enhancement	N	N	N	N	N
Water-borne transportation	N	N	N	N	N

\* A site plan review is not necessary (CL-03-01, December 9, 2003)



**SECTION 4.2.800. Commercial-Industrial Zoning Districts within Urban Unincorporated Communities.**

The uses and activities regulated by the commercial-industrial zoning districts are set forth below:

TABLE 4.2g

URBAN UNINCORPORATED COMMUNITIES COMMERCIAL- INDUSTRIAL USE	ZONE DISTRICT				
	CD-5 / CD-10	C-1	IND	CREMP IND	AO
Residential:					
single family dwelling (conventional)	P	C-7 or P-72	P-72	N	N
mobile home	P	C-7 or P-72	P-72	N	N
two-family duplex	P	N	N	N	N
multi-family dwelling	C-7,71	N	N	N	N
watchman/caretaker	C-72,72	P-72	P-72	P-57, 72,100	P-72
2nd floor apartment	ACU-7, 72	P-72	P-72	N	P-72
temporary dwelling	P-13	P-13	P-13	N	P-130
family hardship dwelling	ACU-2	N	N	N	N
floating home	N	C-7	P-72	N	N
Home Occupation					
Home Occupation	P	P	P	P-100	P
Contaminated Soil/land farming	C-7	C-7	P	P-100	P
Cottage industry	ACU-7,119	P-119	P-119	N	N
Hotel/Motel	C-7,115	P-115	N	N	P-115
Bed & Breakfast	C-7,104	P-104	N	N	N
Mobile Home Park	N	N	N	N	N
Land Divisions:					
partition	P-6	P-6 P-6		ACU-6, 48,57,100	P-6
subdivision	P-6	P-6	P-6	ACU-6, 48,57,100	P-6
residential PUD	C-25,67	N	N	N	N
recreational PUD	C-22,68	N	N	N	N
Utility Facility:					
generation of power for public sale	C-7	C-7	P	C- 7,57,100	C-7
generation of power not for public sale	C-7	C-7	P	ACU-7, 57,100	P

TABLE 4.2g

URBAN UNINCORPORATED COMMUNITIES COMMERCIAL- INDUSTRIAL USE	ZONE DISTRICT				
	CD-5 / CD-10	C-1	IND	CREMP IND	AO
Service lines	P	P	P	P-100	P
Communication structure	P	P	P	ACU-7, 57,100	P
Air & water navigation aids	ACU-7	ACU-7	P	ACU-7, 57,100	P
Sewer/water plant/pump station	P	P	P	ACU-7, 57,100	P
Exploration:					
geo-thermal	ACU-4,7	ACU-4,7	P-4	P-4,100	P-4
aggregate	ACU-4,7	ACU-4,7	P-4	P-4,100	ACU-4,7
other mineral or subsurface resource	ACU-4,7	ACU-4,7	P-4	P-4,100	ACU-4,7
Mining /mineral extraction, including dredging necessary for mineral extraction:					
geo-thermal	C-7,23	C-7,23	P	ACU-54	C-7,23
aggregate	N	N	P	ACU-54	C-7,23
Processing:					
geo-thermal	C-7	N	P	N	N
aggregate	C-7	N	P	N	N
other mineral or subsurface resource	C-7	N	P	N	N
Farm use pursuant to ORS 215.203	P	N	P	P-100	P
Farm use pursuant to ORS 215.203 but not for profit	P	N	P	P-100	P
Farm Buildings	P	N	P	P-100	P
Forestry: Propagation, management, harvesting, or primary processing of forest products including sawmills, manufacture and storage of logs and lumber	N	N	P	ACU-38, 52,54	N
Dikes:					
new construction	P	P	P	ACU-54, 75	P
construction & maintenance	P	P	P	ACU-54, 75	P
drainage & tidedgating	P	P	P	ACU-54, 76	P

TABLE 4.2g

URBAN UNINCORPORATED COMMUNITIES COMMERCIAL- INDUSTRIAL USE	ZONE DISTRICT				
	CD-5 / CD-10	C-1	IND	CREMP IND	AO
Dredge material disposal	P	P	P	ACU-41, 51,54	P
Fill	P	P	P	ACU-54	P
Mitigation	P	P	P	ACU-54	P
Shoreland Stabilization:					
structural	P	P	P	ACU-46, 54	P
non-structural	P	P	P	P-100	P
Aero:					
airport/heliport	C-7	N	P	N	P
air cargo warehousing and distribution facilities	ACU-7	N	P	N	P
aircraft or aircraft component manufacturing and assembly	-	N	P	N	P
air operations facilities	ACU-7	N	P	N	P
aerial related offices	ACU-7	N	P	N	P
aero sales, repair and storage including retail commercial dependent upon air transportation	ACU-7,118	N	P-118	N	P-118
aero school	ACU-7	N	P	N	P
aero club	ACU-7	N	P	N	P
Advertising	ACU-7	P	N	N	N
Alcohol: distilling (including wineries and breweries)	N	N	P	N	N
Antique sales	ACU-7,118	P-118	N	N	N
Appliance sales and repair	ACU-7,118	P-118	N	N	N
Art or photograph sales or services	ACU-7,118	P-118	N	N	N
Asphalt/concrete portable plant	N	P-26	P	N	N
Asphalt/concrete permanent plant	N	N	P	N	N

TABLE 4.2g

URBAN UNINCORPORATED COMMUNITIES COMMERCIAL- INDUSTRIAL USE	ZONE DISTRICT				
	CD-5 / CD-10	C-1	IND	CREMP IND	AO
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, wood	N	N	P-119	N	N
Auction houses: general sales	ACU-7	P	P	N	N
Auction houses: livestock sales	N	N	P	N	N
Banks, loan companies brokers	ACU-7,118	P-118	N	N	N
Baths, spas, massage parlors	ACU-7,118	P-118	N	N	N
Bakery	ACU-7,118	P-118	N	N	N
Barber & beauty shop	ACU-7,118	P-118	N	N	N
Bicycle shop	ACU-7,118	P-118	N	N	N
Blacksmith shop & foundry	N	N	P-118	N	N
Boat & ship construction & repair	N	N	P-119	N	N
Books or stationery sales, book bindery	ACU-7,118	P-118	N	N	N
Building supplies	ACU-7,118	ACU-7,118	P	N	N
Cabinet/myrtlewood products manufacturing	ACU-7,118	P-118	P-118	N	N
Campground	C-7,30	C-7,30	N	N	N
Carpet sales/cleaning	ACU-7,118	P-118	N	N	N
Catering service	ACU-7,118	P-118	N	N	N
Cemetery	ACU-7	ACU-7	N	N	N
Circus/carnival	P-27,118	P-27,118	P-27,118	N	N
Correctional institution, jail, penal farm	C-7	C-7	N	N	N
Cold storage/ice plant	ACU-7,119	P-119	P-119	N	N

TABLE 4.2g

URBAN UNINCORPORATED COMMUNITIES COMMERCIAL- INDUSTRIAL USE	ZONE DISTRICT				
	CD-5 / CD-10	C-1	IND	CREMP IND	AO
Clothing sales/cleaning	ACU-7,118	P-118	N	N	N
Community center/grange or lodge hall	C-7,117	P-117	N	N	N
Confectionery	ACU-7,118	P-118	N	N	N
Dams	ACU-7	ACU-7	ACU-7	N	N
Delicatessen	ACU-7,118	P-118	N	N	N
Department store	ACU-7,118	P-118	N	N	N
Drug store	ACU-7,118	P-118	N	N	N
Dry goods, notions	ACU-7,118	P-118	N	N	N
Electronic sales/service	ACU-7,118	P-118	N	N	N
Entertainment/dancing theaters	ACU-7,118	ACU-7,118	N	N	N
Equipment rental	ACU-7,118	P-118	P-118	N	N
Feed store	ACU-7	ACU-7	P	N	N
Feed lot	N	N	ACU-7	N	N
Fertilizer bulk sales	ACU-7	ACU-7	P	N	N
Fire station	ACU-7	P	P	N	P
Florist and nurseries	ACU-7,118	P-118	N	N	N
Furniture store	ACU-7,118	P-118	N	N	N
Garden supply sales	ACU-7,118	P-118	N	N	N
Gift shop	ACU-7,118	P-118	N	N	N
Glass blowing shop	ACU-7,118	P-118	N	N	N
Golf course	C-7	C-7	N	N	N
Government building	ACU-7	P	N	N	P
Grocery store	ACU-7,118	P-118	N	N	N
Hardware store	ACU-7,118	P-118	N	N	N
Recreation:					
passive	N	N	N	N	N
high intensity	C-7,118	C-7,118	P*-118	ACU- 54,118	N
House of worship	C-7	P	N	N	N
Jewelry store	C-7,118	P-118	N	N	N
Junk yard/wrecking yard	N	N	P	N	N
Laundries/laundromat	ACU-7,118	P-118	N	N	N
Leather goods store	ACU-7,118	P-118	N	N	N
Library	ACU-7	P	N	N	N
Locksmith shop	ACU-7,118	P-118	N	N	N

TABLE 4.2g

URBAN UNINCORPORATED COMMUNITIES COMMERCIAL- INDUSTRIAL USE	ZONE DISTRICT				
	CD-5 / CD-10	C-1	IND	CREMP IND	AO
Meat cutting and sales (not including slaughter house or stockyard)	ACU-7,118	P-118	N	N	N
Medical:					
ambulance service	C-7	P	N	N	N
medical/dental clinic	C-7,118	P-118	N	N	N
offices	C-7,118	P-118	N	N	N
dormitories	C-7	P	N	N	N
rest or convalescent home	C-7	P	N	N	N
sanitarium	C-7	P	N	N	N
hospital	C-7	P	N	N	N
Millinery or dressmaking	ACU-7,118	P-118	N	N	N
Mini-warehouse storage	ACU-7	P	P	N	N
Mobile home sales & service	ACU-7	P	N	N	N
Modification of historic structures	ACU-65	ACU-65	ACU-65	ACU-65, 100	N
Mortuary or funeral home	ACU-7,118	P-118	N	N	N
Museum	ACU-7,116	P-116	N	N	P-116
Music store	ACU-7,118	P-118	N	N	N
Neighborhood store	ACU-7,118	P-118	N	N	N
Office building	ACU-7,118	P-118	P-118	N	N
Office supply store	ACU-7,118	P-118	N	N	N
Packing plant	N	N	C-7,119	N	N
Picture frame shop	ACU-7,118	P-118	N	N	N
Pet shop	ACU-7,118	P-118	N	N	N
Pottery & ceramics shop	ACU-7,118	P-118	N	N	N
Print shop	ACU-7,118	P-118	N	N	N
Public service office	ACU-7	P	N	N	ACU-7
Recreational vehicle park	C-7,30	C-7,30	N	N	N
Rendering plant	N	N	C-7,119	N	N
Re-upholstery shop	ACU-7,118	P-118	P-118	N	N
Restaurant	ACU-7,118	P-118	N	N	P-118

TABLE 4.2g

URBAN UNINCORPORATED COMMUNITIES COMMERCIAL- INDUSTRIAL USE	ZONE DISTRICT				
	CD-5 / CD-10	C-1	IND	CREMP IND	AO
Research & education observation structure	ACU-7	P	N	N	ACU-7
Water-borne transportation	N	N	N	ACU-7,54	N
School	C-7	P	N	N	N
Seasonal product sales	P-12	N	N	N	N
Second hand store	ACU-7,118	ACU- 7,118	N	N	N
Service station	ACU-7,118	P-118	P-118	N	N
Shoe store	ACU-7,118	P-118	N	N	N
Slaughter house	N	N	C-7,119	N	N
Solid waste landfill	N	N	C-7	N	C-7
Restoration:					
passive	P	P	P	P	P
active restoration of fish & wildlife habitat or water quality & estuarine enhancement	N	N	N	N	N
Solid waste disposal facility	N	N	C-7	N	C-7
Water-borne transportation	N	N	N	ACU-54,7	N
Sporting good store	ACU-7,118	P-118	N	N	N
Storage warehouse	ACU-7,119	ACU- 7,119	P-119	N	N
Tannery	N	N	C-7	N	N
Taverns, lounges, etc.	ACU-7,118	C-7,118	N	N	N
Tire recapping shop	C-7,118	C-7,118	P-118	N	N
Tire sales	ACU-7,118	P-118	P-118	N	N
Toy store	ACU-7,118	P-118	N	N	N
Variety store	ACU-7,118	P-118	N	N	N
Vehicle:					
auto sales, repair	ACU-7,118	P-118	ACU-7, 118	N	N
auto rental	ACU-7,118	P-118	N	N	P-118
taxi/bus/truck rental	C-7,118	P-118	C-7,118	N	P-118
off-road vehicle rental	ACU-7,118	P-118	P-118	N	N
parking lot/structure	ACU-7	P	P	N	N
race track	N	C-7,118	C-7,118	N	N
truck/heavy equipment sales, repair, service, storage	ACU-7,119	ACU-7, 119	P-119	N	N

TABLE 4.2g

URBAN UNINCORPORATED COMMUNITIES COMMERCIAL- INDUSTRIAL USE	ZONE DISTRICT				
	CD-5 / CD-10	C-1	IND	CREMP IND	AO
truck stop	N	N	C-7,119	N	N
Veterinary clinic/kennel	C-7,118	P-118	N	N	N
Zoos	C-7,118	P-118	N	N	N
Commercial:					
water-dependent	N	N	N	ACU-54, 118	N
water-related	N	N	N	ACU-54, 118	N
non-water-dependent/related	N	N	N	ACU-54, 74,118	N
Industrial:					
water-dependent	N	N	N	ACU-39, 54,119	N
water-related	N	N	N	ACU-39, 54,119	N
non-water-dependent/related	N	N	N	ACU-39, 54,73,119	N
Day care facility (12 or fewer persons)	P	P	N	N	N
Day care facility (13 or more persons)	ACU-7	ACU-7	N	N	N
Service station with convenience store	N	N	C-7,118	N	N
Mobile home parks	N	N	N	N	N
Ball Park	N	N	P-118	N	N

\* A site plan review is not necessary (CL-03-01, December 9, 2003)



**SECTION 4.2.900. Review Standards and Special Development Conditions.** The review standards and special development conditions referenced in Tables 4.2-a through 4.2-g are set forth below:

1. (Reserved)
2. Applicant must submit an application including the following information and subject to the following condition:
  - a. certification from a qualified physician
    - i. what the hardship is, and
    - ii. that the person requiring the hardship dwelling must live close to someone due to the hardship.
  - b. Must be a mobile home or recreational vehicle used temporarily during a family hardship condition relating to the aged, infirmed or persons incapable of maintaining a complete separate residence apart from their families, and must be removed upon termination of the hardship.
3. Additional dwellings in conjunction with an existing commercial farm use provided:
  - a. each proposed dwelling is necessary for the effective management of the commercial farm operation; or
  - b. the proposed dwelling will replace an existing dwelling which has been listed in the County inventory as historic property as defined in ORS 358.480.
4. 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 Gell") 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 "a" 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.
5. 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]
6. Use must comply with Article 6.1 and 6.5.

7. The proposed use must be found compatible with surrounding uses or may be made compatible through the imposition of conditions.
8. This use shall be allowed only where findings establish that the use will not:
  - a. force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use; or
  - b. significantly increase the cost of accepted farm or forest practices on surrounding lands devoted for farm or forest use.

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]

9. A facility for the primary processing of forest products, provided that such facility is found to not seriously interfere with accepted farming practices and is compatible with farm uses described in subsection (2) of ORS 215.203. 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.
10. Single family residential dwelling, not provided in conjunction with farm use (farm use not for profit may occur in conjunction with this use), upon findings that the proposed dwelling:
  - a. is 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; and
  - b. does not interfere seriously with accepted farming practices, as defined in paragraph (c) of subsection (2) of ORS 215.203, on adjacent lands devoted to farm use; and
  - c. does not materially alter the stability of the overall land use pattern of the area; and
  - d. is situated upon generally unsuitable land for the production of farm crops and livestock, considering the terrain, adverse soil or

land conditions, drainage, flooding, vegetation, location and size of the tract.

11. The subject non-forest use may be permitted in the (F) zoning district only if findings demonstrate that the use is proposed on property contained within the "Mixed Agricultural - Forest Use Areas" inventory map (See Coos County Comprehensive Plan, Volume I, Part 2).
12. Seasonal product sales for a time period not to exceed forty-five (45) days, subject to renewal.
13. 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. For any operation that mines cumulatively more than 1,000 cubic yards but less than 5,000 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.

[Note: Any operation that sells greater than 5000 cubic yards must comply with standards established by the Department of Geology and Mineral Industries) [OR-92-07-012PL]

15. The use may be permitted only upon a finding that the proposed use:
  - a. is 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, the Comprehensive Plan and Section 4.1.100 of this Ordinance.
  - b. 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; and
  - c. does not materially alter the stability of the overall land use pattern of the area; and

- d. 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.
16. 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.

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, on-site road construction or other on-site construction or non-surface impacts of underground mines. (ORS 215.298) [OR-92-07-012PL]

17. The use must be:
- a. compatible with surrounding uses or may be made compatible to surrounding uses through the imposition of conditions; and
  - b. accessory to a forest use.
18. Dams shall be 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.
19. The use may be permitted subject to the following findings:
- a. evidence is provided supporting reasons why the proposed use should be sited in forest land; or

- b. that the proposed site is on land generally unsuitable for forest uses;
  - c. that the proposed use will not significantly impact forest uses on adjacent and nearby forest lands;
  - d. that the proposed use will not significantly increase the costs of forest management on adjacent and nearby forest lands;
  - e. that the site is limited in size to the area suitable and appropriate only for the needs of the proposed use;
  - f. that, where necessary, measure are taken to minimize potential negative impacts on adjacent and nearby forest lands; and
  - g. that the proposed use is consistent with the forest policies contained in the Comprehensive Plan.
20. The use must be:
- a. compatible with surrounding uses or may be made compatible to surrounding uses through the imposition of conditions; and
  - b. accessory to a farm or forest use.
21. The use may be permitted provided the density of units do not, exceed the allowable density of the zoning district.
22. The proposed use shall comply with applicable provisions of Articles 6.1, 6.5 and 6.7.
23. Mining is restricted to subsurface activity only.
24. The proposal must comply with Article 9.1.
25. The proposed use shall comply with applicable provisions of Articles 6.1, 6.5 and 6.6.
26. Temporary use not to exceed 30 days.
27. 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.
28. The use must be in conjunction with a farm, forest, commercial or industrial use.

29. 2nd floor apartments may be permitted above a commercial or industrial use.
30. The proposal must comply with Article 9.2.
31. Division of forest parcels:
  - a requirements for forest parcels:
    1. any proposed parcel intended for forest use must be shown to be adequate to support the specific type of forest use proposed, or other forest use; and
    2. if the proposed forest use is the production of trees, the parcel size shall be compatible with other parcels being managed for the same purpose in the nearby general area of the subject parcel, so as to ensure that new parcels will be large enough to foster and enhance long-term management of the subject parcel for timber production or other forest uses. In determining compatibility, consideration shall be given to type of land ownership (whether government, commercial corporate, or private individual), to mode of operation, and to other factors such as whether the ownerships are in strictly forest or mixed farm-forest use.
  - b. Requirements for non-forest parcels:
    1. review standards #19 is complied with.
    2. If the proposed parcel is intended for a non-farm or forest use, it shall be only as large as necessary to accommodate the use and any buffer area needed to ensure compatibility with adjacent farm or forest uses.
32. Seasonal farm worker housing in conjunction with an existing commercial farm use provided:
  - a. the seasonal farm housing will be removed or dismantled each year, the housing shall be located on a parcel which is part of a commercial farm enterprise, as determined from the evaluation of the factors in Section 4.2.900 (96), which will require as many seasonal farm workers as the housing will accommodate.
  - b. A dwelling occupied by a manager of the seasonal farm housing is located within a distance that facilitates adequate supervision of the residents and management of the housing facilities.



- c. The seasonal farm housing will not force a significant change in, or significantly increase the cost of, accepted farm practices employed on surrounding lands devoted to farm use.
  - d. The seasonal farm housing will not be occupied on a year-round basis.
  - e. Maximum occupancy for seasonal farm worker housing shall be no more than 9 months.
- 33. This use is permitted subject to the provisions of CREMP Policy #5b.
  - 34. Aquaculture may be permitted in Aquatic Unit #11 and shall be restricted to low-intensity capture and release facilities only. Aquaculture is not permitted in CREMP Shoreland Unit #29.
  - 35. Low-intensity uses only.
  - 36. In designated site only.
  - 37. Except for caretaker's dwelling.
  - 38. Forest management practices and policies for regulation of forest lands to be consistent with LCDC Goal #17 and the Oregon Forest Practices Act.
  - 39. Industrial uses in Shoreland Unit #14 shall be limited to storage, bulk loading and associated activities. Existing trees in Shoreland Unit #14 as boundary of state park to be retained as screen.
  - 40. DMD allowed only for maintenance dredging of boat ramps.
  - 41. DMD to include stabilization measure to control run-off and prevent sloughing.
  - 42. Mitigation permitted, but voluntary restoration not required as mitigation would require exception. This condition does not apply to CREMP Shoreland Unit #53.
  - 43. This use may be permitted subject to the provisions of CREMP Policy #5.
  - 44. This use may be permitted subject to the provisions of CREMP Policy #6.
  - 45. This use may be permitted subject to the provisions of CREMP Policy #8.
  - 46. This use may be permitted subject to the provisions of CREMP Policy #9.

47. This use may be permitted subject to the provisions of CREMP Policy #10.
48. This use may be permitted subject to the provisions of CREMP Policy #15.
49. This use may be permitted subject to the provisions of CREMP Policy #17.
50. This use may be permitted subject to the provisions of CREMP Policy #19.
51. This use may be permitted subject to the provisions of CREMP Policy #20.
52. This use may be permitted subject to the provisions of CREMP Policy #21.
53. This use may be permitted subject to the provisions of CREMP Policy #27a, except that Policy #27a does not apply to Shoreland Units #15, #17, #19, #35 and #38.
54. The following CREMP Policies shall additionally limit all uses and activities set forth in the matrix. Applicable Policies are set forth below, by Shoreland Unit:

SHORELAND UNIT #	LIMITING POLICY #
11	14, 17, 18, 27
12, 14	14, 18, 27
13, 15, 18, 19, 20, 30, 38, 39, 40, 47, 48, 50, 53, 55, 56, 58, 59, 60, 61, 62, 63, 73, 75	14, 23, 27
17	14, 17, 23, 27
23	14, 18, 19, 22, 23, 27
26	14, 19, 22, 23, 27
27, 28, 31, 33, 34, 36, 37, 41, 43, 44	14, 19, 23, 27
47	14, 19, 27

SHORELAND UNIT #	LIMITING POLICY #
45	23, 27
16, 24, 25, 51, 54, 57, 74	14, 27
29	14, 22
32	14, 18, 19, 23, 27
35	14
52	27

Note: Limiting Policies do not apply to all uses or all areas within units, as specifically described in each policy.

- 55. (Reserved)
- 56. (Reserved)
- 57. Non-water-dependent/related uses shall not be permitted in CREMP Shoreland Units #14 and #16.
- 58. (Reserved)
- 59. (Reserved)
- 60. (Reserved)
- 61. The proposed use may be established subject to the findings set forth below:
  - a. the proposed use must be compatible with surrounding uses or may be made compatible to surrounding uses through the imposition of conditions.
  - b. The proposed use will not force a significant change in or significantly increase the cost of accepted forestry practices on nearby lands devoted to forest uses.
  - c. The modification is necessary to preserve, protect or enhance the original historical character of the structure; and
  - d. The applicant has submitted site and architectural plans for the review.

62. The proposed use may be established subject to the findings set forth below:
- a. the proposed use must be compatible with surrounding uses or may be made compatible to surrounding uses through the imposition of conditions.
  - b. The proposed use will not force a significant change in or significantly increase the cost of accepted farming practices on nearby lands devoted to farm use.
  - c. The modification is necessary to preserve, protect or enhance the original historical character of the structure; and
  - d. the applicant has submitted site and architectural plans for review.
63. The proposed use may be established subject to the findings set forth below:
- a. the proposed use must be compatible with surrounding uses or may be made compatible to surrounding uses through the imposition of conditions.
  - b. The proposed use will not force a significant change in or significantly increase the cost of accepted farming-forestry practices on nearby lands devoted to farm-forest use.
  - c. The modification is necessary to preserve, protect or enhance the original historical character of the structure; and
  - d. The applicant has submitted site and architectural plans for review.
64. Wineries in the rural residential zones shall allow only the sale of:
- a. Wines produced in conjunction with the winery; and
  - b. 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
65. 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.
66. Aquaculture is not permitted in CREMP Shoreland Unit #25.

67. The use may be permitted provided the use conforms with the following criteria and findings:

- a. the proposed use is compatible with surrounding uses or may be made compatible to surrounding uses through the imposition of conditions.

In addition to the above finding, the following criteria and maintenance standards are required:

- i. that the location, size, design, and uses are consistent with the County Comprehensive Plan;
- ii. that the location, design, and size are such that the development can be sell 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 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;
- 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.

- b. Planned Unit Development - Maintenance Standards and Principles

- i. 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.

68. The following criteria shall also be met prior to approval of an R-PUD:
- a. 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.
  - b. 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.
  - c. 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.

- d. 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.
- e. The proposed R-PUD is compatible with surrounding uses or may be made compatible to surrounding uses through the imposition of conditions.
- f. 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]

- 69. This use may be allowed in an approved PUD.
- 70. (Reserved)
- 71. This use may be permitted provided the site is served with public water and public sewer.
- 72. This use permitted only if in conjunction with a permitted or conditionally permitted use.
- 73. Industrial uses shall be limited to water-dependent/water-related.
- 74. Commercial uses in CREMP Shoreland Units #14, #16, and #40 must be found to be water-dependent/related.
- 75. This use is not permitted in CREMP Shoreland Units #14 and #16.
- 76. This use is not permitted in CREMP Shoreland Units #14, #16, and #20.
- 77. This use is not permitted in CREMP Shoreland Units #18 and #30.
- 78. This use is not permitted in CREMP Shoreland Units #18, #30 and #50.
- 79. This use is not permitted in CREMP Shoreland Units #18, #25, #30, #50, #57 and #74.
- 80. This use is not permitted in CREMP Shoreland Units #18, #25, #30 and #57.

81. This use is not permitted in CREMP Shoreland Units #18, #25, #30 and #57.
82. This use must be water-dependent.
83. This use may be permitted in Shoreland Units only.
84. Riprap, to an extent necessary to control erosion and to protect:
  - a. uses existing as of October 7, 1977; or
  - b. unique natural resource and historical and archaeological values; or
  - c. public facilities.
85. This use is not permitted in CREMP Shoreland Units #24 and #51.
86. Non-water-dependent/related recreation shall not be permitted in CREMP Shoreland Units #24.
87. This use shall not be permitted in CREMP Shoreland Unit #24.
88. This use shall only be permitted in CREMP Shoreland Unit #13.
89. This use shall only be permitted in CREMP Shoreland Units #12, #13, #39 and #48.
90. This use shall be limited to maintenance of existing dikes.
91. This use shall not be permitted in CREMP Shoreland Units #12, #13, or #39.
92. This use shall not be permitted in CREMP Shoreland Units #12, #13, #24, #39, or #51.
93. This use shall not be permitted in CREMP Shoreland Units #12, #51 or #58.
94. Low-intensity recreation shall be limited to water-dependent, and only permitted in CREMP Shoreland Unit #11.
95. This use shall not be permitted in CREMP Shoreland Unit #29.
96. A dwelling customarily provided in conjunction with existing commercial farm use may be allowed when findings are developed which document that the subject property is determined to be in commercial farm use, and



situated on a commercial farm unit of sufficient size that it is consistent with the size of existing commercial farm enterprises located within the county or sub-county area [OAR 660-05-015(6)(a)]. If sub-county areas are used, such shall be determined at the time of application and based upon topographic and other geographic considerations.

When determining whether a proposed dwelling is customarily provided in conjunction with commercial farm use the following factors shall be considered:

- a. the size of the entire commercial farm unit, including all land leased for 20 years or more that is part of the managed unit;
- b. types of commercial farm crops and acreage for each type;
- c. the number of other permanent or temporary dwellings on or serving the entire commercial farm unit;
- d. the number of owners/employees/workers on the commercial farm unit, permanent and seasonal; and
- e. the extent and nature of the work to be performed by occupants of the proposed dwelling.

97. A single family dwelling may be allowed provided findings are developed which document that the dwelling is necessary for and accessory to a permitted forest use addressing the following factors:

- a. a findings that the parcel upon which the dwelling is to be located is of sufficient size to perpetuate the existing or potential commercial forest enterprise of the particular area; general guidelines to be used in making this determination include consideration of the following factors:
  - types and sizes of commercial forest units in the area;
  - types of "intensive forest products" (Christmas trees, nurseries, etc.) to be produced, value of products to be sold, expected yields, forest practices and marketing practices;
  - specific site characteristics, such as soil productivity, special soil or land conditions, and terrain and drainage characteristics.
- b. An assessment of the size of the entire forest unit (existing or proposed);
- c. operational requirements for the particular forest or woodlot activity proposed;

- d. the number of other permanent or temporary dwellings on or serving the entire forest unit.

98. Division of EFU lands:

- i. for Farm Use: a proposed division of land to create parcels for farm use as defined in ORS 215.203 may be approved, subject to the findings that the proposed lots or parcels shall be appropriate for the continuation of the existing commercial agricultural enterprise within the county or sub-county area [OAR 660-05-015(6)(a)]. If sub-county areas are used, such shall be determined at the time of application and based upon topographic and other geographic considerations.

Factors to be used in the evaluation shall include:

- a. the size of the entire commercial farm unit, including all land leased for 20 years or more that is part of the managed unit;
  - b. types of commercial farm crops and acreage for each type;
  - c. types and sizes of commercial farm units in the area; and
  - d. specific site characteristics such as soil productivity, special soil or land conditions, and terrain and drainage characteristics.
- ii. For Non-farm Use: In addition to any findings required for a proposed use, a proposed division of land to create a parcel for non-farm use may be approved if Coos County finds that the parcel for the non-farm use is not larger than the minimum size necessary for the use.
  - iii. The special development condition shall not apply to the creation of cemetery lots, nor to divisions of land resulting from foreclosures or foreclosures of recorded contracts for the sale of real property.
  - iv. For Historic Dwellings. A division of land shall be permitted for the purpose of separating an existing dwelling which has been listed in the Coos County inventory as historic property as defined in ORS 358.480.

99.

- i. Coos County shall not grant final approval for a non-farm dwelling without evidence that the lot or parcel upon which the dwelling is proposed has been disqualified for special assessment at value for farm use under ORS 308.370 or other special assessment under ORS 308.765, 321.352, 321.730 or 321.815 and any additional tax imposed as a result of disqualification has been paid.
- ii. Coos County may grant tentative approval (subject to any other Special Development Conditions) of an application for a non-farm dwelling on a lot or parcel valued at true cash value for farm use under ORS 308.370.

An application for the establishment of a non-farm dwelling that has been tentatively approved shall be given final approval upon receipt of evidence that the lot or parcel upon which establishment of the dwelling is proposed has been disqualified for special assessment at value for farm use under ORS 308.370 and any additional tax imposed as the result of disqualification has been paid.

- iii. The owner of a lot or parcel upon which the establishment of a dwelling has been tentatively approved as provided by subsection (ii) of this section shall within 60 days after the date tentative approval was granted, simultaneously:
  - a. notify the County Assessor that the lot or parcel is no longer being used as farm land; and
  - b. request that the County Assessor disqualify the lot or parcel for special assessment under ORS 308.370, 308.765, 321.352, 321.730 or 321.815; and
  - c. pay any additional tax imposed upon disqualification from special assessment.
- iv. A parcel that has been disqualified pursuant to subsection (iii) of this section shall not requalify for special assessment unless, when combined with another contiguous parcel, constitutes a qualifying parcel.
- v. When the owner of a lot or parcel upon which the establishment of a dwelling has been tentatively approved notifies the County Assessor that the lot or parcel is no longer being used as farmland and requests disqualification of the lot or parcel for special assessment at value for farm use, the County Assessor shall:

- a. disqualify the lot or parcel for special assessment at value for farm use under ORS 308.370 or other special assessment by removing the special assessment;
    - b. provide the owner of the lot or parcel with written notice of the disqualification; and
    - c. impose the additional tax or penalty, if any, provided by statute upon disqualification.
  - vi. The Building Codes Agency, a building official authorized by Coos County, or any other agency or official responsible for the administration and enforcement of the State Building Code [ORS 455.010(8)] shall not issue a building permit for the construction of a dwelling on a lot or parcel in an exclusive farm use zone without evidence that the owner of the lot or parcel upon which the dwelling is proposed to be constructed has paid the additional tax or penalty, if any, imposed by the County Assessor under paragraph (c) of subsection (v) of this section [OR-92-07-012PL]
100. This use is subject to the provisions of CREMP Policy #18.
101. This use is subject to Policy #22 in CREMP Shoreland Units #23, #26 and #29.
102. This use is subject to Natural hazards Policy #5 (pages 5-43) in Volume I, Part 1 of the Coos County Comprehensive Plan.
103. 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.
104. A bed and 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:

Two spaces for the owner/occupant, plus 1 space for each additional bedroom.

A site plan shall be submitted, delineating:

- i. the property boundaries,
- ii. access to the property,
- iii. location of all structures on the subject property,
- iv. required parking spaces.

In addition, for the RR-2, RR-5 and RC zones only.

- f. 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).
- g. 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.

105. One farm-help dwelling in conjunction with farm use may be allowed for the relative of a farm operator when:

- a. the relative is the grandparent, grandchild, parent, child, brother, or sister of the farm operator or the farm operator's spouse [ref. ORS 215.283(1)(e)(B)];
- b. the farm operator states in writing that the relative's assistance in the management of the farm use is or will be required by the farm operator [ref. ORS 215.283 (1)(e)(B)], and states how the farm operator will continue to have some significant involvement in farm operations and the County finds, based on the material so submitted and such other evidence that is presented, that the relative's assistance in the management of the farm use is or will be required by the farm operator [ref. ORS 215.283 (1)(e)(B), and that the farm operator will continue to have some significant involvement in farm operations.
- c. The farm-help dwelling will be located on the same lot or parcel as the dwelling of the farm operator [ref. ORS 215.283(1)(e)(A)];
- d. the lot or parcel upon which the farm operator's dwelling is located is at least 20 acres in size, including any portion of the lot or parcel not zoned EFU or CREMP-AG;
- e. the farm operator's dwelling and the farm-help relative's dwelling are the only dwellings on the subject lot or parcel; and

- f. the county imposes 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 [ref. ORS 215.263(7)].
106. Additional standards for "cottage industries" in the UR-2 zone:
- a. 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.
  - b. A site plan shall be submitted, delineating:
    - i. the property boundaries,
    - ii. access to the property,
    - iii. location of all structures on the subject property,
    - iv. required parking spaces.
107. A convenience store in the REC zone shall be subject to the following standards:
- a. the use must be subordinate in size and scope to the primary use of the property and shall not exceed 2500 square feet in total floor area.
  - b. A site plan shall be submitted, delineating:
    - i. the property boundaries;
    - ii. access to the property;
    - iii. location of all structures on the property;
    - iv. a floor plan indicating the area(s) and square footage of existing and proposed uses; and
    - v. off-street parking (a minimum of 1 space per 200 square feet of total floor area, plus 1 space per employee).
  - c. The use shall comply with the definition of a convenience store pursuant to Section 2.1.200 of this Ordinance.
108. An off-road vehicle parts and repair service in the REC zone shall be subject to the following standards:

- a. an off-road vehicle parts and repair service shall only be operated in conjunction with an off-road vehicle rental facility.
  - b. The use shall be subordinate in size and scope to the primary use of the property and shall not exceed 2500 square feet in total floor area.
- 109. Contaminated soil land farming is permitted in this zoning district without conditional use review provided the activity is situated not less than 1000 feet from any rural-residential zone or urban growth boundary. [OR-93-02-003PL 3/30/93]
- 110. These requirements are designed to make the use compatible with forest and agricultural operations and to conserve values found on forest lands.
  - a. 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;
  - b. The proposed use will not significantly increase fire hazard or significantly increase fire suppression costs or significantly increase risks to fire suppression personnel; and
  - c. A written statement recorded with the deed or written contract with the County or its equivalent is obtained from the land owner which recognizes the rights of adjacent and nearby land owners to conduct forest operations consistent with the Forest Practices Act and Rules. [OR-95-05-005PL 8-30-95]
- 111. The commercial use is located in building or buildings not to exceed 2,500 square feet of floor area.
- 112. The commercial use is located in building or buildings not to exceed 4,000 square feet of floor area.
- 113. The industrial use or activity involves the primary processing of raw material produced in the area.
- 114. The industrial use or activity involves the primary processing of raw material produced in the area. All other industrial uses are allowed in building or buildings not to exceed 10,000 square feet of floor area.
- 115. 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.

116. The museum is directly associated with an historical event or site located on or near the subject property.
117. Community centers and lodges are not allowed outside an unincorporated community.
118. 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)
119. 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 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. (04-04-005PL 9/1/04)

Alternatively, the industrial use satisfies the standards for home occupations under ORS 215.448.

120. This use is permitted subject to the provisions of CREMP Policy #5d.
121. This use is permitted subject to the provisions of CREMP Policy #16a.
122. This use may be permitted subject to the provisions of CREMP Policy #25.



## ARTICLE 4.3 CREMP AQUATIC USES

**SECTION 4.3.100. Use Matrix—CREMP Aquatic Units.** The uses and activities allowed within the individual CREMP Aquatic Units prescribed in Section 4.1.100, together with those uses that may be conditionally allowed or which are prohibited, are set forth in Table 4.3a.

This zoning use table stipulates where and under what specific 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 Coquille River Estuary.

1. Locate the subject site on the official zoning maps.
2. Note the unit number.
3. Turn to Table 4.3a for a review of the districts units uses, activities, conditions, and applicable policies strategies, and whether a 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 unit. The following symbols are pertinent:

- P - means the use or activity is permitted outright subject only to the management objective.
- ACU - means the use or activity may be permitted pursuant to an Administrative Conditional Use.
- HB - means the use or activity may be permitted pursuant to a Hearings Body Conditional Use.
- N - means the use or activity is prohibited.
- C - conditions applied

Example:

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USES OR ACTIVITIES	
AQUATIC UNIT NO.	DREDGE MATERIAL DISPOSAL
59	8 ACU #9, 17, 18

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TABLE 4.3a  
 CREMP ESTUARINE USES/ACTIVITIES  
 MATRIX

Aquatic Zoning District		USES				
AQUATIC UNIT NO.	Designation	Aquaculture	Commercial			Docks and Moorage
			Water-Dependent	Water-Related	Non-WD/WR	
8	Conservation	2,11 P #17,18	N	N	N	1,2 ACU #10,17,18
10	Natural	2,13 ACU #17,18	N	N	N	N
11	Natural	2,13 ACU #17,18	N	N	N	N
12	Conservation	2,11 P #17,18	N	N	N	1,2 ACU #10,17,18
13	Natural	2,13 ACU #17,18	N	N	N	N
14	Development	2,12 ACU #17,18	2 P	2,3 ACU #17,18	N	2 ACU #10,17,18
15	Conservation	2,11 P #17,18	1,2 ACU #17,18	N	N	1,2 ACU #10,17,18
16	Natural	2,13 ACU #17,18	N	N	N	N
17	Conservation	2,11 P #17,18	1,2 ACU #17,18	N	N	1,2 ACU #10,17,18
18	Development	2,12 ACU #17,18	P	2,3 ACU #17,18	N	2 ACU #10,17,18

Aquatic Zoning District		USES				
AQUATIC UNIT NO.	Designation	Aquaculture	Commercial			Docks and Moorage
			Water-Dependent	Water-Related	Non-WD/WR	
19	Development	N	P	2,3 ACU #17,18	2,3 ACU #17,18	2 ACU #10,17,18
20	Conservation	2,11 P #17,18	N	N	N	N
21	Conservation	2,11 P #17,18	2 ACU #17,18	N	N	1,2 ACU #10,17,18
22	Conservation	2,11 P #17,18	N	N	N	N
23	Conservation	2,11 P #17,18	N	N	N	1,2 ACU #10,17,18
24	Conservation	2,11 P #17,18	N	N	N	N
25	Conservation	2,11 P #17,18	N	N	N	N

AQUATIC UNIT NO.	USES					
	Industrial			Bridge Crossing support Structures and dredging necessary for their installation	Bridge Crossings	In-Water Log- Dump/Storage / Sorting
	Water- Dependent	Water- Related	Non- WD/WR			
8	N	N	N	2 ACU #6,17,18	2 ACU #6,17,18	2 ACU
10	N	N	N	N	N	N
11	N	N	N	N	N	N
12	N	N	N	N	N	N
13	N	N	N	N	N	N
14	P	2,3 ACU #17,18	N	N	N	P
15	1,2 ACU #17,18	N	N	2 ACU #6,17,18	N	N
16	N	N	N	N	N	N
17	1,2 ACU #17,18	N	N	2 ACU #6,#17,18	2 ACU #6,17,18	2 ACU
18	P	2,3 ACU #17,18	N	2 P #6,17,18	2 ACU 36,17,18	P

AQUATIC UNIT NO.	USES					
	Industrial			Bridge Crossing support Structures and dredging necessary for their installation	Bridge Crossings	In-Water Log- Dump/Storage / Sorting
	Water- Dependent	Water- Related	Non- WD/WR			
19	N	N	N	N	N	N
20	N	N	N	N	N	N
21	1,2 ACU #17,18	N	N	2 P #6,17,18	2 ACU #6,17,18	2 ACU
22	N	N	N	N	N	N
23	N	N	N	2 P #6,17,18	2 ACU #6,17,18	N
24	N	N	N	N	N	N
25	N	N	N	2 P #6,17,18	2 ACU #6,17,18	N

USES						
AQUATIC UNIT NO.	Marina	Mining, Mineral Extraction, including dredging necessary for mineral extraction	RECREATION		UTILITIES	
			High- intensity	Low- intensity	Low-Intensity	High- Intensity
8	2,4 ACU #17,18	N	2,5 ACU #1718	2,5 ACU #17,18	P #17,18	2 ACU #17,18
10	N	N	N	N	N	N
11	N	N	N	N	N	N
12	2,4 ACU #17,18	N	2,5 ACU #17,18	2,5 ACU #17,18	P #17,18	2 ACU #17,18
13	N	N	N	N	N	N
14	N	N	2,5 ACU #17,18	2,5 ACU #17,18	P	2 ACU #17,18
15	2,4 ACU #17,18	N	2,5 ACU #17,18	2,5 ACU #17,18	P	2 ACU #17,18
16	N	N	N	N	N	N
17	2,4 ACU #17,18	N	2,5 ACU #17,18	2,5 ACU #17,18	P	2 ACU #17,18
18	P	N	2,5 ACU #17,18	2,5 ACU #17,18	P	2 ACU #17,18

USES						
AQUATIC UNIT NO.	Marina	Mining, Mineral Extraction, including dredging necessary for mineral extraction	RECREATION		UTILITIES	
			High- intensity	Low- intensity	Low-Intensity	High- Intensity
19	P	N	2,5 ACU #17,18	2,5 ACU #17,18	2 ACU #17,18	2 ACU #17,18
20	N	N	N	N	2 P #17,18	2 ACU #17,18
21	2,4 ACU #17,18	2 ACU #17,18	2,5 ACU #17,18	2,5 ACU #17,18	2 P #17,18	2 ACU #17,18
22	N	N	N	N	P	2 ACU #17,18
23	N	N	2,5 ACU #17,18	2,5 ACU #17,18	P	2 ACU #17,18
24	N	N	N	N	P	2 ACU #17,18
25	N	N	N	N	P	2 ACU #17,18



ACTIVITIES				
AQUATIC UNIT NO.	SHORELINE STABILIZATION			DIKES
	Riprap	Vegetative	Bulkheads	New
8	2 ACU #9,17,18	2 P	N	2,8 ACU #5,6,8,20,17,18
10	N	2 ACU #9,17,18	N	N
11	N	2 ACU #9,17,18	N	N
12	2 ACU #9,17,18	2 ACU #9,17,18	N	2,8 ACU #5,6,8,17,18,20
13	N	2 ACU #9,17,18	N	N
14	2 ACU #9,17,18	2 ACU #9,17,18	2 ACU #9,17,18	2,8 ACU #5,6,8,17,18,20
15	2 ACU #9,17,18	2 ACU #9,17,18	2 ACU #9,17,18	N
16	2 ACU #9,17,18	2 ACU #9,17,18	2 ACU #9,17,18	N
17	2 ACU #9,17,18	2 ACU #9,17,18	2 ACU #9,17,18	2,8 P #17,18
18	2 ACU #9,17,18	2 ACU #9,17,18	2 ACU 39,17,18	2 ACU #5,6,8,17,18,20

ACTIVITIES				
AQUATIC UNIT NO.	SHORELINE STABILIZATION			Dikes
	Riprap	Vegetative	Bulkheads	New
19	2 ACU #9,17,18	2 ACU #9,17,18	2 ACU #9,17,18	2 ACU #5,6,8,17,18,20
20	N	2 ACU #9,17,18	N	N
21	2 ACU #9,17,18	2 ACU #9,17,18	2 ACU #9,17,18	2 ACU #5,6,8,17,18,20
22	2 ACU #9,17,18	2 ACU #9,17,18	2 ACU #9,17,18	N
23	2 ACU #9,17,18	2 ACU #9,17,18	2 ACU #9,17,18	N
24	N	2 ACU #9,17,18	N	N
25	2 ACU #9,17,18	2 ACU #9,17,18	2 ACU #9,17,18	N

ACTIVITIES			
AQUATIC UNIT NO.	DIKES		NAVIGATIONAL STRUCTURES
	Repair and Maintenance	Installation of tidegates in existing functional dikes	Aids
8	2 ACU #5,6,8,20,17,18	2 ACU #5,#6,#8,#20,#17,#18	2 ACU
10	N	N	N
11	N	N	N
12	2 ACU #5,6,8,17,18,20	2 ACU #5,6,8,17,18,20	P
13	N	N	2 ACU #17,18
14	2 ACU #5,8,20	2 ACU #5,8,17,18,20	2 ACU #5,8,17,18,20
15	N	N	P
16	N	N	N
17	N	2 ACU #5,8,17,18,20	P
18	2 ACU #5,8,17,18,20	2 ACU #5,8,17,18,20	2 ACU #5,8,17,18,20

ACTIVITIES			
AQUATIC UNIT NO.	DIKES		NAVIGATIONAL STRUCTURES
	Repair and Maintenance	Installation of tidegates in existing functional dikes	Aids
19	2 ACU #5,6,8,17,18,20	2 ACU #5,6,8,17,18,20	2 ACU #17,18
20	N	N	P
21	ACU #5,6,8,17,18,20	2 ACU #5,6,8,17,18,20	P
22	N	N	P
23	2 ACU #5,6,8,17,18,20	2 ACU #5,6,8,17,18,20	N
24	N	N	N
25	N	N	N

ACTIVITIES					
AQUATIC UNIT NO.	NAVIGATIONAL STRUCTURES		Water-dependent commercial enterprises and activities	Pilings- Dolphins	Research and Educational Observation
	Minor Navigation Improvements	Other Navigation Structures			
8	2 ACU	N	N	2,16 ACU #17,18	P
10	N	N	N	N	P
11	N	N	N	N	P
12	2 ACU #17,18	N	N	2,16 ACU #17,18	P
13	N	N	N	N	P
14	2 ACU #5,8,17,18,20	2 ACU #5,8,17,18,20	2 ACU #5,8,17,18,20	2,16 ACU #17,18	P
15	2 ACU #5,8,17,18,20	N	N	2,16 ACU #17,18	P
16	N	N	N	N	P
17	2 ACU #5,8,17,18,20	N	N	2,16 ACU #17,18	P
18	2 ACU #5,8,17,18,20	2 ACU #5,8,17,18,20	2 ACU #5,8,17,18,20	2,16 ACU #17,18	P

ACTIVITIES					
AQUATIC UNIT NO.	NAVIGATIONAL STRUCTURES		Water-dependent commercial enterprises and activities	Pilings- Dolphins	Research and Educational Observation
	Minor Navigation Improvements	Other Navigation Structures			
19	2 ACU #5,8,17,18,20	2 ACU #5,8,17,18,20	2 ACU #5,8,17,18,20	2,16 ACU #17,18	P
20	N	N	N	N	P
21	2 ACU #5,8,17,18,20	N	N	2,16 ACU #17,18	P
22	N	N	N	N	P
23	N	N	N	2,16 ACU #17,18	P
24	N	N	N	N	P
25	N	N	N	N	P

AQUATIC UNIT NO.	ACTIVITIES					
	RESTORATION		Mitigation	DREDGING		
	Passive	Active restoration of fish and wildlife habitat or water quality and estuarine enhancement		New	Maintenance dredging of existing functional tidegates and associated drainage channels	To repair dikes and tidegates
8	N	10 N	10 P #17,18	2,8 P #17,18	2,9 ACU #17,18	2 ACU #5,8,17,18,20
10	P	2 ACU #17,18,22b	2,10 P #17,18	N	N	N
11	P	2 ACU #17,18,22b	2,10 ACU #17,18	N	N	N
12	P	2 P #17,18,22b	2,10 P #17,18	N	N	2 ACU #5,8,17,18,20
13	P	2 ACU #17,18,22b	2,10 ACU #17,18	N	N	N
14	P	2 P #17,18,22b	2,10 P #17,18	2,8 ACU #5,8,17,18, 20	2,9 ACU #17,18	2 ACU #5,8,17,18,20
15	P	2 P #17,18,22b	2,10 P #17,18	2,8 P #17,18	2,9 ACU #17,18	2 ACU #5,8,17,18,20
16	P	2 ACU #17,18,22b	2,9 ACU #17,18	N	N	N
17	P	2 P #17,18,22b	2,10 P #17,18	2,8 P #17,18	2,9 ACU #17,18	ACU #5,8,17,18,20
18	P	2 P #17,18,22b	2,10 P #17,18	2,8 ACU #5,8,17,18, 20	2,9 ACU #17,18	2 ACU #5,8,17,18,20

AQUATIC UNIT NO.	ACTIVITIES					
	RESTORATION		Mitigation	DREDGING		
	Passive	Active restoration of fish and wildlife habitat or water quality and estuarine enhancement		New	Maintenance dredging of existing functional tidegates and associated drainage channels	To repair dikes and tidegates
19	P	2 P #17,18,22b	2,10 P #17,18	2,8 ACU #5,8,17,18, 20	2,9 ACU #17,18	2 ACU #5,8,17,18,20
20	P	2 P #17,18,22b	2,10 P #17,18	N	N	N
21	P	2 P #17,18,22b	2,10 P #17,18	2,8 ACU #5,8,17,18, 20	2,9 ACU #17,18	2 ACU #5,8,17,18,20
22	P	2 P #17,18,22b	2,10 P #17,18	N	2,9 ACU #17,18	2 ACU #5,8,17,18,20
23	P	2 P #17,18,22b	2,10 P #17,18	N	2,9 ACU #17,18	2 ACU #5,8,17,18,20
24	P	2 P #17,18,22b	2,10 P #17,18	N	2,9 ACU #17,18	2 ACU #5,8,17,18,20
25	P	2 P #17,18,22b	2,10 P #17,18	N	2,9 ACU #17,18	2 ACU #5,8,17,18,20



AQUATIC UNIT NO.	ACTIVITIES					
	Dredge material disposal (in- water)	Fill (including New Dikes)	Protection of habitat, nutrient, fish, wildlife and aesthetics	Temporary alterations	Waste water/storm water discharge	Research and educational observation structure
	8	N	2 ACU #5,6,8,17,18,20	P	2 ACU #5a,17,18	2,6,15 ACU #17,18,25
10	N	N	P	N	N	N
11	N	N	P	N	N	N
12	N	2 ACU #5,6,8,17,18,20	P	N	N	2 ACU #5d,17,18
13	N	N	P	N	N	N
14	N	2 ACU #5,6,8,17,18,20	P	2 P #17,18	2,6,17 ACU #17,18,25	2 ACU #17,18
15	N	2 ACU #5,6,8,17,18,20	P	N	N	N
16	N	N	P	N	N	N
17	N	2 ACU #5,6,8,17,18,20	P	N	2,6,17 ACU #17,18,25	N
18	2 ACU #5,8,17,18,20	2 ACU #5,6,8,17,18,20	P	N	N	N

AQUATIC UNIT NO.	ACTIVITIES					
	Dredge material disposal (in- water)	Fill (including New Dikes)	Protection of habitat, nutrient, fish, wildlife and aesthetics	Temporary alterations	Waste water/storm water discharge	Research and educational observation structure
19	N	2 ACU #5,6,8,17,18,20	P	2 ACU #5a,17,18	2,6,17 ACU #17,18,25	2 ACU #17,18
20	N	N	P	N	N	N
21	N	2, ACU #5,6,8,17,18,20	P	N	N	N
22	N	N	P	N	N	N
23	N	N	P	N	N	N
24	N	N	P	N	N	N
25	N	N	P	N	N	N

### **ESTUARINE MATRIX FOOTNOTES:**

1. Only permitted where occupying water surface by means other than fill.
2. “Where consistent with the resource capabilities of the area and the purposes of this management unit.”
3. Fill not permitted for non-water-dependent uses.
4. Marinas only permitted without jetties or dredged channels.
5. Provided recreation is water-dependent.
6. Storm water/waste water outfalls only permitted subject to DEQ/EPA approval.
7. Outside city limits only.
8. New dredging only permitted as necessary for boat marinas without jetty or dredged channel.
9. Only maintenance dredging of tidegate permitted.
10. Mitigation only shall be permitted.
11. (Conservation Aquatic) Aquaculture, which does not involve: (1) dredge; or (2) fill; or (3) other estuarine alteration other than incidental dredging for harvest of benthic species; or (4) removing in-water structures such as stakes or racks (commercial, not archaeological stakes or racks) is allowed; or (5) where aquaculture requires dredging or fill, or other alteration of the estuary is subject to CREMP Policy #4a.
12. (Development Aquatic) 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 CREMP Policy #4a.
13. (Natural Aquatic) Aquaculture which does not involve: (1) dredge; or (2) fill; or (3) other estuarine alteration other than incidental dredging for harvest of benthic species; or (4) removing in-water structures such as stakes or racks (commercial, not archaeological stakes or racks) is allowed; or (5) where aquaculture requires dredging or fill, or (6) other alteration of the estuary is subject to CREMP Policy #4a.
14. Must meet the Coos County Zoning and Land Development Ordinance definition description.
15. Must meet the Coos County Zoning and Land Development Ordinance definition description of “facility”.

16. Pilings/dolphins shall be allowed if necessary to support recreational uses.

**ARTICLE 4.4            GENERAL DEVELOPMENT STANDARDS**

**SECTION 4.4.100.    Development Standards—General.** The general development standards set forth in Sections 4.4.200 through 4.4.600 shall, in addition to other applicable requirements, govern development of uses that are allowed, or conditionally allowed pursuant to Sections 4.2.200 through 4.2.600.

**SECTION 4.4.200.    General Standards for Open Space and Natural Zoning Districts.** The general standards set forth in this section apply to the zoning districts and uses addressed in Table 4.2-a.

1.     SOUTH SLOUGH ZONING DISTRICT:

A.     Minimum Lot Size: No requirement

2.     RECREATION ZONING DISTRICT:

A.     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# 03-02-002PL 5/14/03]

B.     Dwelling Unit Density: Not applicable.

C.     Lot Coverage: No requirement.

D.     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.

E.     Structure Height: NO REQUIREMENT

F.     Fences, Hedges and Walls: No requirement, but vision clearance provisions of Section 3.3.500 apply.

G.     Offstreet Parking and Loading: See Chapter X.

H.     Minimum Road Frontage/Lot Width:

within UGB’s – 50 feet  
outside UGB’s – 20 feet

I. Riparian Vegetation Protection:

- i. 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 by the Coos Soil and Water Conservation District, a port district or u.s. Soil Conservation Service posing an erosion or safety hazard may be removed to minimize said hazard; or
  - 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, or 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; 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.
- ii. 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". (ORD 92-05-009PL)

3. MINOR ESTUARY AND SHORELAND ZONING DISTRICT:  
No requirements.
  
4. CREMP RECREATION ZONING DISTRICT:
  - A. Lot Coverage: No requirement.
  
  - B. Dwelling Unit Density: One dwelling unit shall be permitted on each legally established parcel when the findings and special development standards of Table 4.2b have been satisfied; however, the exceptions to minimum lot size requirements of Section 3.3.100 shall apply.
  
  - C. Lot Coverage: No Requirement.
  
  - D. Setbacks: 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.
  
  - E. Structure Height: No Requirement.
  
  - F. Fences, Hedges, and Walls: No requirements, but vision clearance provisions of Section 3.3.400 apply.
  
  - G. Offstreet Parking and Loading: See Chapter X.
  
  - H. Minimum Road Frontage/Lot Width: 20 feet.
  
  - I. Riparian Vegetation Protection:
    - i. 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 by the Coos Soil and Water Conservation District, a port district, or U.S. Soil Conservation Service posing an erosion or safety hazard may be removed to minimize said hazard; or
  
      - 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, or 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; 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.
- ii. 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". (ORD 92-05-009PL)

5. CREMP NATURAL RESOURCE ZONING DISTRICT

- A. Minimum Lot Size: No requirement.
- B. Dwelling Unit Density: Not applicable.
- C. Lot Coverage: No requirement.
- D. Setbacks: No requirement.
- E. Structure Height: No requirement.
- F. Fences, Hedges and Walls: No requirements, but vision clearance provisions of Section 3.3.400 apply.
- G. Offstreet Parking and Loading: See Chapter X.
- H. Minimum Road Frontage/Lot Width: 20 feet.



I. Riparian Vegetation Protection:

- i. 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 by the Coos Soil and Water Conservation District, a port district, or U.S. Soil Conservation Service posing an erosion or safety hazard may be removed to minimize said hazard; or
  - 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, or 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; 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.
- ii. 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". (ORD 92-05-009PL)

**SECTION 4.4.300. General Standards for Resource Zoning Districts.** Refer to Article 4.8 and 4.9.

**SECTION 4.4.400. General Standards for Rural Residential Zoning Districts.**

The general standards set forth in this section shall apply to the zoning districts and uses addressed in Table 4.2-c.

1 RR-5, RR-2, RC, CREMP RURAL RESIDENTIAL, AND CREMP RC ZONING DISTRICTS.

A. Minimum Lot Size:

- 5 acres in the RR-5 district
- 2 acres in the RR-2 district
- 1 acre in the RC district
- refer to the lot size Special Considerations Map for CREMP Rural Residential districts
- refer to the lot size Special Considerations Map for CREMP Rural Center districts

except:

- i. Pre-existing legal lots of record shall be entitled to a use, subject to the findings and special standards on Table 4.2-c.
- ii. Smaller parcels may be permitted in an approved residential planned unit development, provided the allowable density of the parent parcel is not exceeded; or
- iii. As provided by Section 3.3.100(E); or
- iv. As provided by Section 3.3.100 (B).

B. Dwelling Unit Density: Dwellings shall be permitted on lots or parcels complying with the minimum lot size requirements of (1) A above, when the findings and special standards of Table 4.2-c have been satisfied; however, the exceptions to minimum lot size requirements of Section 3.3.100 shall apply.

C. Lot Coverage: No requirement.

D. 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]

- E. Structure Height: No requirement.
- F. Fences, Hedges, and Walls: No requirement, but vision clearance provisions of SECTION 3.3.400 apply.
- G. Offstreet Parking and Loading: See Chapter X.
- H. Minimum Road Frontage/Lot Width:  
  
within UGB’s – 50 feet  
outside UGB’s – 20 feet
- I. Compatibility with Forest and Agricultural Management Practices and Production: 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”.
- J. Riparian Vegetation Protection:
  - i 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 by the Coos Soil and Water Conservation District, a port district, or U.S. Soil Conservation Service posing an erosion or safety hazard may be removed to minimize said hazard; or

- 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, or 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 to site or maintain irrigation pumps.
- ii. 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". (ORD 92-05-009PL)
- K. Access to new dwellings shall meet road and driveway standards in Chapter VII.

**SECTION 4.4.500. General Standards for Urban Residential Zoning Districts.**

The general standards set forth in Tables 4.4-a and 4.4-b shall apply to the zoning districts and uses addressed in Table 4.2-d.

Access to new dwellings shall meet road and driveway standards in Chapter VII.  
[OR 95-05-006PL 11/29/95]

**TABLE 4.4-a**

**PROPERTY DEVELOPMENT STANDARDS  
URBAN RESIDENTIAL WITHIN CITY – UGB**

Zone	UR-1	UR-2	UR-M
Minimum Lot Size	#4	#4	#4
Minimum Street Frontage	50'	50'	50'
Minimum Lot Width	50'	50'	50'
Minimum Lot Depth	50'	50'	50'
Front Set-Back	20'	20'	20'
Side Set-Back	#2 5' #8	#2 5' #8	#2 5' #8
Rear Set Back	#8 5'	#8 5'	#8 5'
Maximum Building Height	35'	35'	35'
Off-Street Parking	#7	#7	#7

**TABLE 4.4-b**

**PROPERTY DEVELOPMENT STANDARDS  
URBAN RESIDENTIAL WITHIN CBA – UGB**

Zone	UR-1	UR-2	UR-M
Minimum Lot Size	#4	#4	#4
Minimum Street Frontage	50'	50'	50'
Minimum Lot Width	50'	50'	50'
Minimum Lot Depth	50'	50'	50'
Front Set-Back	20'	20'	20'
Side Set-Back	#2 5' #8	#2 5' #8	#2 5' #8
Rear Set-Back	5'#8	5'#8	5'#8
Maximum Building Height	35'	35'	35'
Off-Street Parking	#7	#7	#7

Footnotes:

1. The following minimum lot sizes shall apply:
  - a. sites without both public water and public sewer – one acre.
  - b. sites with both public water and public sewer – 10,000 square feet.

Maximum dwelling unit density:

1-3 dwelling units per 10,000 square feet. Each additional dwelling unit requires an additional 1200 square feet above the initial 10,000 square feet (e.g., 4 dwelling units require 11,200 square feet).
2. The side yard adjacent to a street or road (corner lot) shall require a minimum setback of 15 feet.
3. No requirement, except those sites abutting a residential or controlled development zone shall have a maximum height of 35 feet plus one additional foot in height for each foot of setback exceeding 5 feet. (i.e., if the setback is 10; the maximum height would be 40 feet.)
4. The following minimum lot sizes shall apply:
  - a. Site having neither public water or public sewer – one acre.
  - b. Sites having public water, but no public sewer – 8000 square feet.
  - c. Sites having both public water and public sewer – 5000 square feet, except a two family duplex which requires 8000 square feet.
5. The minimum lot sizes per “4” above apply. 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.
6. The following minimum lot sizes shall apply:
  - a. sites having both public water and public sewer – 5,000 square feet.
  - b. sites not having both public water and public sewer – one acre.

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.
7. Offstreet parking and loading requirements per Chapter X apply.



8. Riparian Vegetation Protection.

- i. 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 by the Coos Soil and Water Conservation District, a port district, or U.S. Soil Conservation Service posing an erosion or safety hazard may be removed to minimize said hazard; or
  - 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, or 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; 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.
- ii. 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". (ORD 92-05-009PL)

**SECTION 4.4.550. Standards for Manufactured Homes in the “Urban Residential-1” Zone.**

In addition to the general standards set forth in Tables 4.4-a and 4.4-b the following standards shall apply:

1. The manufactured home shall be multisectional and enclose a space of not less than 1,000 feet.
2. 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.
3. 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.

[OR 93-12-017PL 2/23/94]

**SECTION 4.4.600. General Standards for Commercial-Industrial Zoning Districts.**

The general standards set forth in Tables 4.4-c shall apply to the zoning districts and uses addressed in Table 4.2-e.

**SECTION 4.4.610. Site Plan Review.** A Site Plan Review pursuant to Article 5.6 shall be required for all uses within the IND District.

**SECTION 4.4.620. Site Plan Review.** A Site Plan Review pursuant to ARTICLE 5.6 shall be required for all uses within the AO District.

**SECTION 4.4.630. 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, lights, glare producing surfaces, radio interference, smoke, steam or dust, and other hazards to flight, air navigation or public health, safety and welfare.

**TABLE 4.4-c**

**PROPERTY DEVELOPMENT STANDARDS  
COMMERCIAL – INDUSTRIAL ZONES**

Zone	AO	CREMP IND	CD-5	CD-10	C-1	IND
Minimum Lot Size	NR	#8	#6	#1	NR	NR
Minimum Street frontage	20'	20'	50'	50'	20'	20'
Minimum Lot Width	20'	20'	50'	50'	20'	20'
Minimum Lot Depth	NR	NR	50'	50'	NR	NR
Front Set-Back	20'	#10 #9	20'	20'	5' required on any side or rear abutting a residential or controlled development zone.	
Side Set-Back	#2 5' #10	#10 #9	#2 5' #10	#2 5' #10		
Rear Set-Back	#10 5'	#10 #9	#10 5'	#10 5'		
Maximum Building Height	NR	NR	35'	35'	#3	#3
Off-Street Parking	#7	#7	#7	#7	#7	#7

NR – No Requirement

# - Footnote

**FOOTNOTES:**

1. The following minimum lot sizes shall apply:
  - a. site not having both public water and public sewer cannot be less than one (1) acre.

- b. sites having both public water and public sewer cannot be less than 10,000 square feet.

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)

- 2. The side yard adjacent to a street or road (corner lot) shall require a minimum setback of 15 feet.
- 3. No 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 ( ie., if the setback is 10, the maximum building height would be 40 feet).
- 4. The following minimum lot sizes shall apply:
  - a. site having neither public water or public sewer cannot be less than one (1) acre.
  - b. sites having public water but no public sewer cannot be less than 8000 square feet.
  - c. sites having both public water and public sewer cannot be less than 5000 square feet, except a two-family duplex which requires 8000 square feet.
- 5. The minimum lot sized per “4” above apply. 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.
- 6. The following minimum lot sizes shall apply:
  - a. sites having both public water and public sewer cannot be less than 5,000 square feet.
  - b. sites not having both public water and public sewer cannot be less than one (1) acre.

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.

- 7. Offstreet parking and loading requirements per Chapter X apply.
- 8. Refer to CREMP lot size Special Consideration Map.

9. 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.
10. Riparian Vegetation Protection
  - i. 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 by the Coos Soil and Water Conservation District, a port district, or U.S. Soil Conservation Service posing an erosion or safety hazard may be removed to minimize said hazard; or
    - 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, or 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.
  - ii. 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". (ORD 92-05-009PL)

**ARTICLE 4.5        CBEMP ZONING DISTRICTS/USES AND ACTIVITIES/LAND  
DEVELOPMENT STANDARDS.**

**SECTION 4.5.100. 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 4.5 shall govern all development within the Coos Bay Estuary Shoreland Districts.

TABLE 4.5

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/	(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 4.5

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 4.5

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 4.5

Brackets around numbers see "Footnotes"

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

TABLE 4.5 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 X for rural off-street parking requirements
- (7) 5 feet; but 10 feet for corner lots
- (8) See Chapter X for off-street parking requirements within UGB's
- (9) Setback requirements are also subject to the vision clearance requirements set forth in Section 3.3.400
- (10) None required for dredged material disposal, mitigation or utilities

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 4.5.150. 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 4.5.175. 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 4.1.200. 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 4.5.180. 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 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 by the Coos Soil and Water Conservation District, a port district or U.S. Soil Conservation Service posing an erosion or safety hazard may be removed to minimize said hazard; or
  - 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.

2. 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”.  
(ORD 92-05-009PL)

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 4.5.201. 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 4.5.202. 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)

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**SECTION 4.5.205. 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 4.5.206. 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

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**SECTION 4.5.210. Management Objective:** This channel may be dredged to the authorized depth (22-feet). Private dredging shall continue as in the past.

**SECTION 4.5.211. 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 | 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
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

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**SECTION 4.5.215. 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 4.5.216. 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.

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**SECTION 4.5.220. 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 4.5.221. 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 4.5.222. Land Development Standards.** The requirements set forth in Table 4.5 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.

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**SECTION 4.5.225. 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 4.5.226. 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".

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**SECTION 4.5.230. 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 4.5.231. 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 4.5.232.** Land Development Standards. the requirements set forth in Table 4.5 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.

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**SECTION 4.5.235. 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 4.5.236. 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.

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**SECTION 4.5.240. 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 4.5.241. 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 4.5.242. Land Development Standards.** The requirements set forth in Table 4.5 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.

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**SECTION 4.5.242.01**      **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 4.5.242.02**      **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 4.5.242.03. Land Development Standards.** The requirements set forth in Table 4.5 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.

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**SECTION 4.5.245. 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 4.5.246. 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 4.5.247. Land Development Standards.** The requirements set forth in Table 4.5 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.

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**SECTION 4.5.250. 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 4.5.251. 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.

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**SECTION 4.5.255. 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 4.5.256. 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 4.5.257 Land Development Standards.** The requirements set forth in Table 4.5 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 - a line extending from the northeast 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 Oregon International Port of Coos Bay's aquaculture facility. Western Boundary - a line running approximately SSW across dune hummocks from the southern side of the lagoon to an open sand dune.

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**SECTION 4.5.260 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 4.5.261 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 4.5.262 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 4.5.263. Land Development Standards.** The requirements set forth in Table 4.5 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.

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**SECTION 4.5.265. 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 4.5.266. 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 4.5.267. Land Development Standards.** the requirements set forth in Table 4.5 shall govern development in the 5A-NS district.

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.

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**SECTION 4.5.275. 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 4.5.276. 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 4.5.277. Land Development Standards.** The requirements set forth in Table 4.5 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.

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**SECTION 4.5.280. Management Objective:** This aquatic district shall be managed to provide water access for the industrial uses in the adjacent uplands.

**SECTION 4.5.281. 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).

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**SECTION 4.5.285. 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 4.5.286. 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 4.5.287. Land Development Standards.** The requirements set forth in Table 4.5 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.

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**SECTION 4.5.290. 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 4.5.291. 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.

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**SECTION 4.5.295. 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 4.5.296. 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 4.5.297. Land Development Standards.** The requirements set forth in Table 4.5 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.

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**SECTION 4.5.300. Management Objective:** This aquatic district shall be managed to allow recreational uses consistent with aquatic resource characteristics.

**SECTION 4.5.301. 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.

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**SECTION 4.5.305. 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 4.5.306. 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.

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**SECTION 4.5.310. 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 site 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 4.5.311. 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 4.5.312. Land Development Standards.** The requirements set forth in Table 4.5 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.

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**SECTION 4.5.315. 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 4.5.316. 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

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**SECTION 4.5.320. 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 4.5.321. 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 4.5.322. Land Development Standards.** The requirements set forth in Table 4.5 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.

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**SECTION 4.5.325. 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 4.5.326. 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.

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**SECTION 4.5.330. 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 4.5.331. 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
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 4.5.332. Land Development Standards.** The requirements set forth in Table 4.5 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.

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**SECTION 4.5.335. 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 4.5.336. 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.

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**SECTION 4.5.340. Management Objective:** This district shall be managed to allow conservation of the aquatic area as intended by the Goals.

**SECTION 4.5.341. 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.

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**SECTION 4.5.345. 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 4.5.346. 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 4.5.347. Land Development Standards.** The requirements set forth in Table 4.5 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.

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**SECTION 4.5.350. Management Objective:** This district shall be managed to maintain the jetty for navigation.

**SECTION 4.5.351. 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.

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**SECTION 4.5.355. 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 4.5.356. 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.

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**SECTION 4.5.360. 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 4.5.361. 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 4.5.362. Land Development Standards.** The requirements set forth in Table 4.5 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.

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**SECTION 4.5.365. 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 4.5.366. 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 4.5.367. Land Development Standards.** The requirements set forth in Table 4.5 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.

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**SECTION 4.5.370. 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 4.5.371. 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 4.5.372. Land Development Standards.** The requirements set forth in Table 4.5 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.

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**SECTION 4.5.375. 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 4.5.376. 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.

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**SECTION 4.5.380. 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 4.5.381. 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 4.5.382. Land Development Standards.** The requirements set forth in Table 4.5 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.

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**SECTION 4.5.385. 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 4.5.386. 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 4.5.387. Land Development Standards.** The requirements set forth in Table 4.5 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.

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**SECTION 4.5.390. 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 4.5.391. 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 4.5.392. Land Development Standards.** The requirements set forth in Table 4.5 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).

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**SECTION 4.5.395. 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 4.5.396. 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.

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**SECTION 4.5.400. 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 4.5.401. 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 4.5.402. Land Development Standards.** The requirements set forth in Table 4.5 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.

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**SECTION 4.5.405. 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 4.5.406. 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.

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**SECTION 4.5.410. Management Objective:** This shoreland district shall be managed to allow continuation and expansion of uses existing in the district.

**SECTION 4.5.411. 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 4.5.412. Land Development Standards.** The requirements set forth in Table 4.5 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

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**SECTION 4.5.415. 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 4.5.416. 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.

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**SECTION 4.5.420. Management Objective:** This district shall be managed to allow recreational uses while protecting riparian vegetation for its habitat, slope stability, and scenic qualities.

**SECTION 4.5.421. 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 4.5.422. Land Development Standards.** The requirements set forth in Table 4.5 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.

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**SECTION 4.5.425. 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 4.5.426. 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.

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**SECTION 4.5.430. 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 4.5.431. 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 4.5.432. Land Development Standards.** The requirements set forth in Table 4.5 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.

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**SECTION 4.5.435. 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 4.5.436. 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.

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**SECTION 4.5.440. 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 4.5.441. 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 4.5.442. Land Development Standards.** The requirements set forth in Table 4.5 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.

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**SECTION 4.5.445. 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 4.5.446. 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.

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**SECTION 4.5.450. 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 4.5.451. 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 4.5.452. Land Development Standards.** The requirements set forth in Table 4.5 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).

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**SECTION 4.5.455. 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 4.5.456. 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.

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**SECTION 4.5.460. 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 4.5.461. 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 4.5.462. Land Development Standards.** The requirements set forth in Table 4.5 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.

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**SECTION 4.5.465. 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 4.5.466. 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.

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**SECTION 4.5.470. 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 4.5.471. 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 4.5.472. Land Development Standards.** The requirements set forth in Table 4.5 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.

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**SECTION 4.5.475. Management Objective:** This aquatic district consisting of mudflats and marsh areas shall be managed to protect its natural resource productivity.

**SECTION 4.5.476. 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.

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**SECTION 4.5.480. 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 4.5.481. 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 4.5.482. Land Development Standards.** The requirements set forth in Table 4.5 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.

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**SECTION 4.5.485. 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 4.5.486. 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.

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**SECTION 4.5.490. Management Objective:** This natural shallow-draft channel shall be managed for navigation and subtidal log storage uses.

**SECTION 4.5.491. 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.

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**SECTION 4.5.495. 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 4.5.496. 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.

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**SECTION 4.5.505. 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 4.5.506. 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.

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**SECTION 4.5.525. 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 4.5.526. 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.

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**SECTION 4.5.535. 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 site plan that accomplishes this goal and is approved by the Coos County Board of Commissioners or their designee.

**SECTION 4.5.536. 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 4.5.537. Land Development Standards.** The requirements set forth in Table 4.5 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.

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**SECTION 4.5.540. 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 4.5.541. 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 site 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.

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**SECTION 4.5.545. 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 4.5.546. 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
		b.	Maintenance/repair
	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
		b.	Riprap
		c.	Retaining wall
	7.	Navigation aids	P-G
	8.	Mitigation	P-G
	9.	Restoration	
		a.	Active
		b.	Passive
	10.	Land divisions	
		a.	Partition
		b.	Subdivision
		c.	Planned Unit Development
		d.	Recreation PUD

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 4.5.547. Land Development Standards.** The requirements set forth in Table 4.5 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.

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**SECTION 4.5.550. 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 4.5.551. 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.

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**SECTION 4.5.555. 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 site plan review pursuant to Article 5.6, when such non-water-dependent/non-water-related industrial uses are found to meet the applicable "general conditions" set forth at Section 4.5.556.

**SECTION 4.5.556. 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 4.5.557. Land Development Standards.** The requirements set forth in Table 4.5 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.

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**SECTION 4.5.560. 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 4.5.561. 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.

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**SECTION 4.5.565. 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 4.5.566. 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 4.5.567. Land Development Standards.** The requirements set forth in Table 4.5 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.

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**SECTION 4.5.570. 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 4.5.571. 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.

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**SECTION 4.5.575. 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 4.5.576. 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 4.5.577. Land Development Standards.** The requirements set forth in Table 4.5 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.

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**SECTION 4.5.580. Management Objective:** This district shall be managed to allow water access for the purpose of transporting forest resources.

**SECTION 4.5.581. 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.

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**SECTION 4.5.585. 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 4.5.586. 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 4.5.587. Land Development Standards.** The requirements set forth in Table 4.5 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.

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**SECTION 4.5.590. Management Objective:** This district shall be managed to allow water access for the purpose of transporting forest resources.

**SECTION 4.5.591. 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.

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**SECTION 4.5.595. 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 4.5.596. 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 4.5.597. Land Development Standards.** The requirements set forth in Table 4.5 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.

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**SECTION 4.5.600. 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 4.5.601. 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.

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**SECTION 4.5.605. 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 4.5.606. 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.

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**SECTION 4.5.615. 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 4.5.616. 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.

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**SECTION 4.5.620. 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 4.5.621. 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.

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**SECTION 4.5.625. 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 4.5.626. 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 4.5.627. Land Development Standards.** The requirements set forth in Table 4.5 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.

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**SECTION 4.5.630. Management Objective:** This aquatic marsh and tideflat is a "high priority" mitigation site, which shall be protected for this purpose (see Policy #22).

**SECTION 4.5.631. 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.

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**SECTION 4.5.635. 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 4.5.636. 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 4.5.637. Land Development Standards.** The requirements set forth in Table 4.5 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.

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**SECTION 4.5.640. 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 4.5.641. 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 4.5.642. Land Development Standards.** The requirements set forth in Table 4.5 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.

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**SECTION 4.5.645. 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 4.5.646. 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 4.5.647. Land Development Standards.** The requirements set forth in Table 4.5 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-feet maximum above the head-of-tide (tidegate).

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**SECTION 4.5.650. Management Objective:** This district shall be managed for continuation of low-intensity rural uses.

**SECTION 4.5.651. 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 4.5.652. Land Development Standards.** The requirements set forth in Table 4.5 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.

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**SECTION 4.5.655. 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 4.5.656. 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 4.5.657. Land Development Standards.** The requirements set forth in Table 4.5 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.

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**SECTION 4.5.660. 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 4.5.661. 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: ISTMUS 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.

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**SECTION 4.5.665. 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 4.5.666. 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 4.5.667. Land Development Standards.** The requirements set forth in Table 4.5 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.

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**SECTION 4.5.670. 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 4.5.671. 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.

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**SECTION 4.5.675. 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 4.5.676. 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 Site Plan Review pursuant to Article 5.6.
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 4.5.677. Land Development Standards.** The requirements set forth in Table 4.5 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.

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**SECTION 4.5.680. 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 4.5.681. 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 4.5.682. Land Development Standards.** The requirements set forth in Table 4.5 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.

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**SECTION 4.5.685. 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 4.5.686. 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.

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**SECTION 4.5.690. 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 4.5.691. 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 4.5.692. Land Development Standards.** The requirements set forth in Table 4.5 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.

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**SECTION 4.5.695. 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 4.5.696. 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 4.5.697. Land Development Standards.** The requirements set forth in Table 4.5 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.

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**SECTION 4.5.700. 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 4.5.701. 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

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**SECTION 4.5.705. 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 4.5.706. 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 4.5.707. Land Development Standards.** The requirements set forth in Table 4.5 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.

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**SECTION 4.5.710. 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 4.5.711. 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.

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**SECTION 4.5.715. 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 4.5.716. 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 4.5.717. Land Development Standards.** The requirements set forth in Table 4.5 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.

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**SECTION 4.5.720. 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 4.5.721. 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 4.5.722. Land Development Standards.** The requirements set forth in Table 4.5 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.

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**SECTION 4.5.725. Management Objective:** This aquatic area shall be managed to promote uses and activities as allowed outright or through the application process.

**SECTION 4.5.726. 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.

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**SECTION 4.5.730. Management Objective:** This aquatic area shall be managed to protect its natural resources and allow mitigation/restoration activities.

**SECTION 4.5.731. 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:

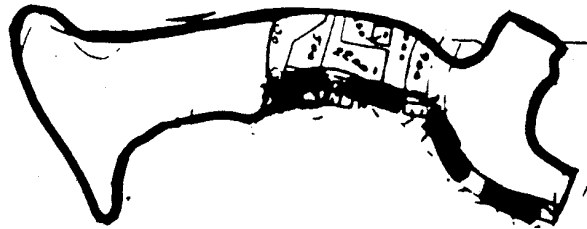
- 7b. This activity is permitted subject to the general findings required by Policy #9, "Solutions to Erosion and Flooding Problems", preferring non-structural to structural solutions, and to the specific findings for riprap. Riprap may be allowed to a very limited extent where necessary for erosion 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 4.5.735.**

**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 4.5.736. 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 4.5.737. Land Development Standards.** The requirements set forth in Table 4.5 shall govern development in the 61-UW district.

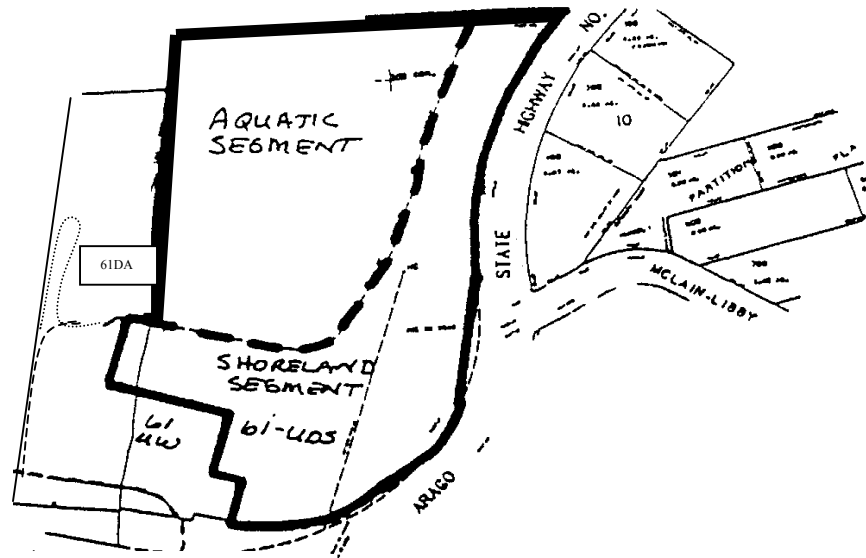


GENERAL LOCATION: SOUTH SLOUGH

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 4.5.738. Management Objective:** This shoreland unit will be managed for urban non-water-dependent and urban water-dependent uses and activities.

**SECTION 4.5.739. 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.

**4.5.739.1** **Land Development Standards.** The requirements set forth in Table 4.5 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.

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**SECTION 4.5.740. 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 4.5.741. 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.

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**SECTION 4.5.745. 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 4.5.746. 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 4.5.747. Land Development Standards.** The requirements set forth in Table 4.5 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.

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**SECTION 4.5.750. 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 4.5.751. 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 4.5.752. Land Development Standards.** The requirements set forth in Table 4.5 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).

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**SECTION 4.5.755. 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 4.5.756. 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).

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**SECTION 4.5.760. 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 4.5.761. 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 4.5.762. Land Development Standards.** The requirements set forth in Table 4.5 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.

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**SECTION 4.5.765. 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 4.5.766. 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.

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**SECTION 4.5.770. 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 4.5.771. 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 4.5.772. Land Development Standards.** The requirements set forth in Table 4.5 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.

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**SECTION 4.5.775. 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 4.5.776. 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:

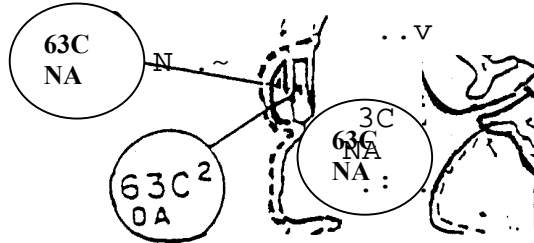
- 7b. These activities are permitted subject to the general findings required by Policy #9, "Solutions to Erosion and Flooding Problems", preferring nonstructural to structural solutions, and to the specific findings for riprap. Riprap may be allowed to a very limited extent where necessary for erosion 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 4.5.780. 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 4.5.781. Uses, Activities and Special Conditions.** Table 63C<sub>2</sub>-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 63C<sub>2</sub>-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.

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**SECTION 4.5.785. Management Objective:** With the exception of an existing oyster processing use, (see Aquatic District 63C<sub>2</sub>), 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 4.5.786. 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 4.5.787. Land Development Standards.** The requirements set forth in Table 4.5 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.

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**SECTION 4.5.790. 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 4.5.791. 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 4.5.792. Land Development Standards.** The requirements set forth in Table 4.5 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.

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**SECTION 4.5.795. 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 4.5.796. 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 4.5.797. Land Development Standards.** The requirements set forth in Table 4.5 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.

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**SECTION 4.5.800. Management Objective:** This aquatic district shall be managed for expansion of the commercial fishing industry and for maintenance and expansion of recreational moorage.

**SECTION 4.5.801. 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).

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**SECTION 4.5.805. 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 4.5.806. 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.

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**SECTION 4.5.810. 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 4.5.811. 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 4.5.812. Land Development Standards.** The requirements set forth in Table 4.5 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.

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**SECTION 4.5.815. 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 4.5.816. 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.

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**SECTION 4.5.820. 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 4.5.821. 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 4.5.822. Land Development Standards.** The requirements set forth in Table 4.5 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.

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**SECTION 4.5.825. 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 4.5.826. 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 4.5.827. Land Development Standards.** The requirements set forth in Table 4.5 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.

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**SECTION 4.5.830. 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 4.5.831. 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 4.5.832. Land Development Standards.** The requirements set forth in Table 4.5 shall govern development in the 72-RS district.



**ARTICLE 4.6**

**OVERLAY ZONES**

**SECTION 4.6.100.Purpose.** Overlay zones may be super-imposed over the primary zoning district and 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 4.6.200.Purpose.** The purpose of the Floodplain Floating zone is to protect public health and safety. The secondary aim is to improve the general welfare by reducing economic loss due to interruption of businesses and industry or damage to homes on other property. Development in a floodplain may constitute a ‘public nuisance’ by reducing the flow-carrying capacity of the channel and thus endangering others.

**SECTION 4.6.201.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 thereunder.

**SECTION 4.6.202.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 4.6.200 to 4.6.290, 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, 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, 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 4.6.205. Designation of Flood Areas.**

- a. 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 “Flood Insurance Study—Coos County, Oregon” with accompanying Flood Insurance Rate Maps and Flood Boundary. Floodway maps shall be subject to the requirements of this Ordinance.
- b. 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.
- c. When base flood elevation data has not been provided in accordance with a. 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.
- d. 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.

**SECTION 4.6.210. 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 FLOATING ZONE, subject to the provisions of this article.

**SECTION 4.6.215. 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 FLOATING ZONE, subject to the provisions of this article.

**SECTION 4.6.220. 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 4.6.225. 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 flood (including basement) of all new or substantially improved structures, and whether or not such structures contain a basement;

b. if a structure is to be floodproofed, the elevation (in relation to mean sea level) to which the structure will be floodproofed;

2. Maintain a record of all such information.

**SECTION 4.6.230. 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 clearance letter (verification letter) pursuant to Section 3.1.200, 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.”

If the application complies with this Ordinance, Coos County shall issue a “conditional zoning clearance letter” which will enable 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/floodproofing certificate” to the Coos County Planning Department.

Upon verification of compliance with all conditions of this article, 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 4.6.260(2)].
3. Sanitary Sewage Systems. Prior to a new installation 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 and repair standards as sufficient to avoid impairment to the system or contamination from the system during flooding. Prior to new installation or replacement of an existing sanitary sewage system, the applicant shall request from the county a zoning clearance letter. Coos County shall recognize the Department of Environmental Quality installation and replacement standards as sufficient to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into the flood waters.
4. Other Development. “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.

A permit must be obtained before “other development” may occur. Such permit 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.

**SECTION 4.6.235.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 of the structure;
  - b. be constructed with materials and utility equipment resistant to flood damage;
  - c. be constructed by methods and practices that minimize flood damage.
  
2. All new construction and substantial improvements of residential structures shall have the lowest habitable flood (including basement) elevated to or 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 exist 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.

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.
- 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 floodproofed.

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 to the level of 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; and
  - c. be certified by a registered professional engineer or architect that the standards of this subsection are satisfied; and
  - 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 floodproofed.
  
- 4. All new construction and substantial improvements of any agricultural structure shall either have the lowest floor, including basement, elevated above the base flood elevation; meet the floodproofing requirements of (3) above; or together with attendant utility and sanitary facilities shall:
  - a. have a low potential for structural flood damage; and
  - b. be designed and oriented to allow the free passage of floodwaters through the structure in a manner affording minimum flood damage; and

- 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 4.6.240. 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 at or above the base flood elevation and be securely anchored to an adequately anchored foundation system in accordance with the provisions of Section 4.6.235(1).

**SECTION 4.6.245. Reserved.**

**SECTION 4.6.250. Reserved.**

**SECTION 4.6.255. Reserved.**

**SECTION 4.6.260. 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;
2. All public utilities and facilities, such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood damage; and
3. Adequate drainage is provided to reduce exposure to flood hazards; and
4. Base flood elevation data shall be provided for subdivision proposals.

**SECTION 4.6.265. 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 floating 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.

**SECTION 4.6.270. 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 a technical evaluation demonstrates 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).

**SECTION 4.6.275. 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) 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

Department of HUD  
451 Seventh Street, S.W.  
Washington, D.C. 20410

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 4.6.280. 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 with AO zones shall have the lowest floor (including basement) elevated above the highest adjacent grade of the building site, to or above the depth number specified on the FIRM (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:
  - i. have the lowest floor (including basement) elevated above the highest adjacent grade of the building site, to or above the depth number specified on the FIRM (at least two feet if no depth number is specified); or
  - ii. together with attendant utility and sanitary facilities, be completely floodproofed 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 4.6.235.
3. Require adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures.



4. 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 4.6.281. 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 wavewash; therefore, the following provisions shall apply:

1. All buildings or structure shall be located landward of the reach of the mean high tide.
2. All new construction and substantial improvements in zones V1-V30 and VE (V if base flood elevation data is available) shall be elevated on pilings and columns so that:
  - i. the bottom of the lowest horizontal structural member of the lowest floor (excluding the pilings or columns) is elevated to or above the base flood level; and
  - ii. 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 (i) and (ii) 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 and VE, 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 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:

- i. breakaway wall collapse shall result from a water load less than that which would occur during the base flood; and
  - ii. 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.

**SECTION 4.6.285. Coordination.** If a permit applicant needs a local permit before obtaining permits from other agencies, the County may issue a permit on the condition that the specified state or federal permits are subsequently obtained.

**SECTION 4.6.290. 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**

**SECTION 4.6.300. 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.

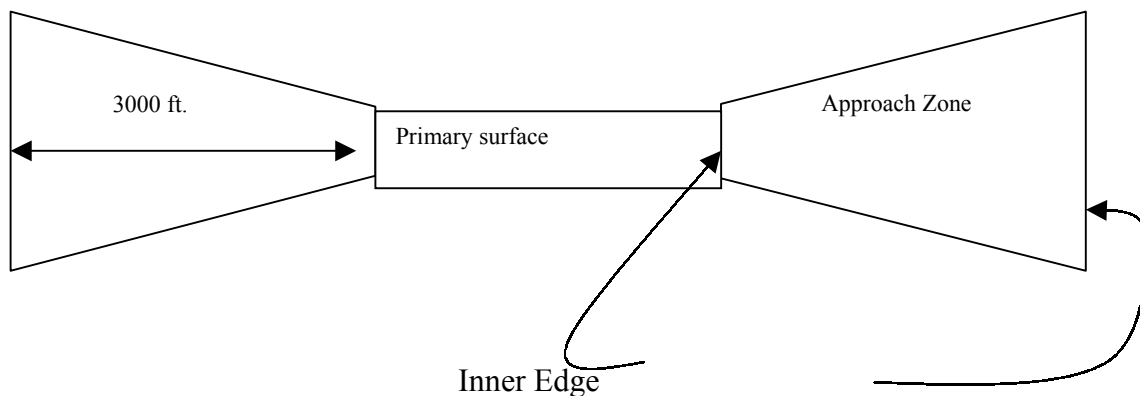
**SECTION 4.6.305. Designation of Airport Surfaces.** Those lands lying beneath the approach surfaces, transition surfaces, horizontal surfaces and conical surfaces as they apply to the “Bandon, Lakeside and Powers Airports Approach and Clear Zone Inventory Map” shall be subject to the requirements of this floating zone.

**SECTION 4.6.310. 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

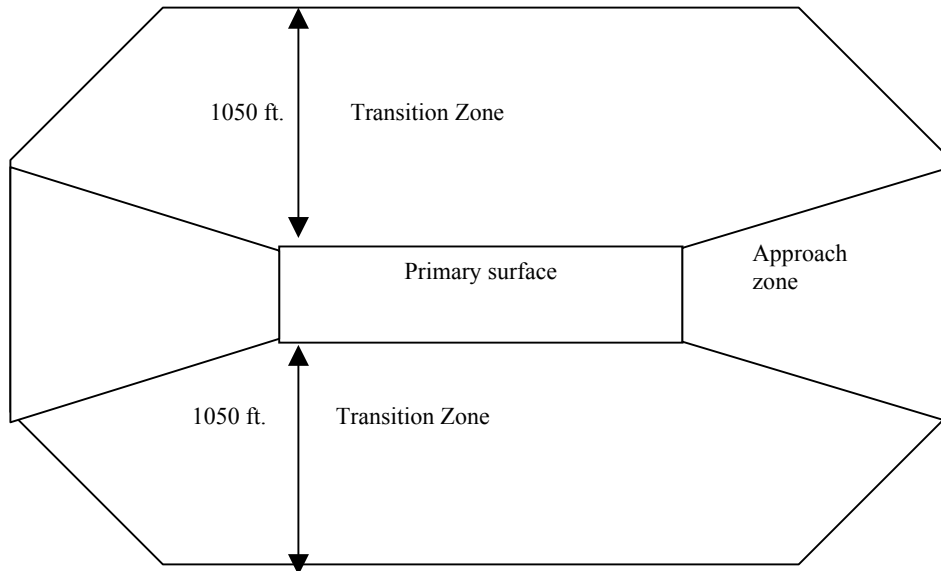
The approach zone expands outward uniformly to a width of:  
Bandon = 1400 ft. wide  
Lakeside = 900 ft. wide  
Powers = 900 ft. wide

at a horizontal distance of 3000 feet for all airports from the primary surface. Its centerline is the continuation of the runway centerline.



Outer Edge

2. 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.

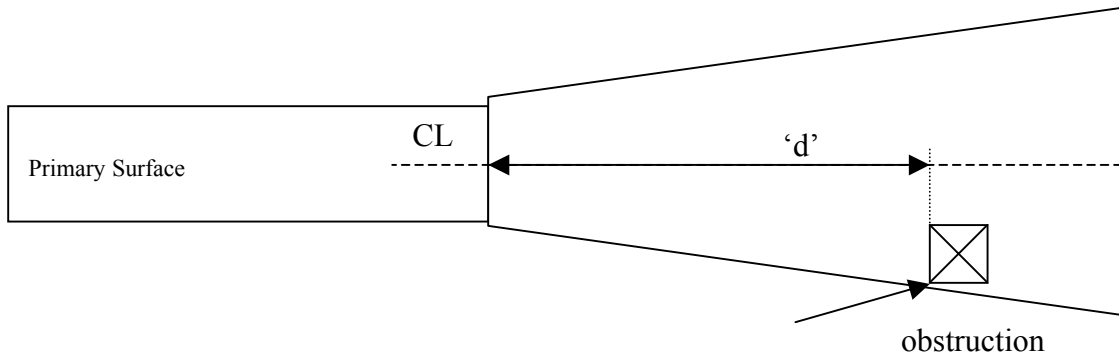


3. Horizontal Conical Zone – The horizontal conical zone is established by swinging arcs of 9,000 feet radii from the center of each end of the primary surface of each runway and connecting the adjacent arcs by drawing lines tangent to those arcs. The horizontal conical zone does not include the approach 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

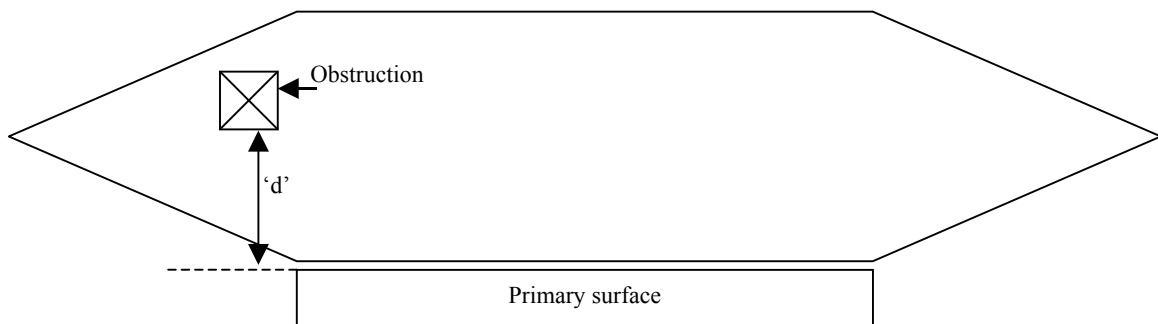
**SECTION 4.6.315. Airport Surfaces Height Limitations.** Notwithstanding other provisions of this Ordinance, no structure shall be created or altered to a height in excess of the applicable height limits herein established. Such applicable height limitations are hereby established:

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 aids permitted by State Aeronautics is prohibited.

**SECTION 4.6.320. Permitted Uses.** Except as restricted by Section 4.6.330, 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 4.6.325. Conditional Uses.** Except as restricted by Section 4.6.330, 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 4.6.330. 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 4.6.335. 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 4.6.340. Variances.** Variances may be granted where consistent with the procedural and substantive requirements of Article 5.3.

**SECTION 4.6.345. 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.

## ARTICLE 4.7

## SPECIAL CONSIDERATIONS

**SECTION 4.7.100.** 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 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.

**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.** Priority of Restrictions. Where the restrictions imposed by the provisions of an overlay zone; or the restrictions imposed by Table 4.7 pertaining to the Special Considerations Map, or the restrictions imposed by the primary zone conflict with each other, 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.** Goal #5 Conflict Resolution Process. When in the course of implementing the Comprehensive Plan it becomes evident that a conflict exists concerning the use of land identified as a LCDC 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 issuance of an Administrative Conditional Use that is based on findings that address the requirements of OAR 660-16-005(2) and OAR 660-165-010.



TABLE 4.7a

**SPECIAL REGULATORY CONSIDERATIONS PRESCRIBED  
BY THE COOS COUNTY COMPREHENSIVE PLAN**

PHENOMENON	SPECIAL REGULATORY CONSIDERATIONS	Appendix I	
		Page	Strategy No.
1. Mineral &Aggregate	<p>1a. Preserve these in their original character until mined</p> <p>b. Agriculture &amp; forestry uses are acceptable per zone and use district requirements.</p> <p>c. Allow new conflicting uses within 500 ft. subject to ESEE findings through the conditional use process.</p> <p>d. Non-exploratory mining operations are conditional uses, where allowed</p>	<p>1-12</p> <p>1-12</p> <p>1-12</p> <p>1-13</p>	<p>1</p> <p>1</p> <p>1</p> <p>2</p>
2. Water Resources	2a. Prohibits new residential and commercial developments in rural areas other than committed areas when evidence or irreversible degradation by new withdrawal or septic tanks has been submitted.	1-21	1
3. Historical/ Archeological Sites & Structures	<p>3a. Manage these for their original resource value.</p> <p>b. Develop proposals in identified archaeological areas must have a “sign-off” by qualified person(s).</p> <p>c. Historical structures and sites can only be expanded, enlarged or modified if Coos County finds the proposal to be consistent with the original historical character of the structure or site.</p>	<p>1-19</p> <p>1-20</p> <p>1-19</p>	<p>1</p> <p>3</p> <p>2</p>

TABLE 4.7a

**SPECIAL REGULATORY CONSIDERATIONS PRESCRIBED  
BY THE COOS COUNTY COMPREHENSIVE PLAN**

PHENOMENON	SPECIAL REGULATORY CONSIDERATIONS	APPENDIX I	
		Page	Strategy No.
4. Beaches & Dunes	4a. Permit development within “limited development suitability” only upon establishment of findings. Requires Administrative Conditional Use.	1-23	2
	b. Prohibits residential, commercial, or industrial development within areas “unsuitable for development”. Permit other developments only upon establishment of findings. Requires Administrative Conditional Use.	1-24	3
	c. Cooperation with agencies to regulate: destruction of vegetation, erosion shore structures and other developments, requires Administrative Conditional Use and agency comments.	1-25	4
5. Non-Estuarine Shoreland Boundary	5a. Protection of major marshes (wetlands), habitats, headlands, aesthetics, historical and archaeological sites.	1-25	5
	b. Specifies allowed uses within C.S.B.	1-26	7
	c. Permits subdivision, major and minor partitions only upon findings.	1-27	8
	d. Maintain, restore or enhance riparian vegetation as consistent with water dependent uses. Requires Administrative Conditional Use.	1-28	11

TABLE 4.7a

**SPECIAL REGULATORY CONSIDERATIONS PRESCRIBED  
BY THE COOS COUNTY COMPREHENSIVE PLAN**

PHENOMENON	SPECIAL REGULATORY CONSIDERATIONS	APPENDIX I	
		Page	Strategy No.
6. Significant Wildlife Habitat IORD 85-08-011L)	6a. Conserve riparian vegetation adjacent to salmonid spawning and rearing areas; density restriction in Big Game Range.	1-14	1
	b. Protect "wet meadows" for agricultural use	1-18	4
	c. Manage riparian vegetation and non-agricultural wetland areas so as to preserve their significant habitat value, and to protect their hydrologic and water quality benefits.	1-17	2
	d. Restrict conflicting uses on "5c" bird sites except as permitted with EESE balancing. 300 ft. setback from Bald Eagle nests.	1-14	1A
7. Natural Hazards	7a. Comply with floodplain overlay zone set forth in this Ordinance.	1-29	1
	b. Support <u>structural</u> protection measures for bankline stabilization projects requiring state and federal permits when the applicant establishes that non-structure measures either are not feasible or inadequate to provide the necessary degree of protection.	1-29	5
	c. Issue zoning clearance letters in known areas potentially subjected to mass movement, including earth flow, slump topography, rockfall and debris flow pursuant to the provisions of natural hazards Strategy #6 in the Comp Plan.*	1-30	6

\*Requires Administrative Conditional Use

TABLE 4.7a

**SPECIAL REGULATORY CONSIDERATIONS PRESCRIBED  
BY THE COOS COUNTY COMPREHENSIVE PLAN**

PHENOMENON	SPECIAL REGULATORY CONSIDERATIONS	APPENDIX I	
		Page	Strategy No.
Airport Surfaces	8a. Comply with Airport Surfaces Overlay Zone set forth in this Ordinance.	1-40	11

TABLE 4.7b

**SPECIAL REGULATORY CONSIDERATIONS PRESCRIBED  
BY THE COOS COUNTY COMPREHENSIVE PLAN  
COQUILLE RIVER ESTUARY**

PHENOMENON	SPECIAL REGULATORY CONSIDERATIONS	APPENDIX 2	
		Page	Strategy No.
1. Coquille River Estuary Shorelands Boundary Area	1a. Prioritize uses.	2-20	13
	b. Requires special findings for some uses and activities in rural areas.	2-21	14
	c. Requires special findings for land divisions in rural shorelands.	2-22	15
	d. Maintain, restore or enhance riparian vegetation as consistent with water-dependent uses. Requires site plan and on-site inspection.	2-33	23
2. Sensitive Beach and Dune Area	2a. Prohibits residential, commercial or industrial development within areas “Unsuitable for Development”. Permits only upon establishment of findings through an Administrative Conditional Use process.	2-35	29
	b. Permit development within “Limited Development Suitability” areas only upon establishment of findings through an Administrative Conditional Use process.	2-37	30
	c. Cooperation with agencies to regulate: destruction of vegetation, erosion, shore structure and other developments. Requires Administrative Conditional Use.	2-37	30

TABLE 4.7b

**SPECIAL REGULATORY CONSIDERATIONS PRESCRIBED  
BY THE COOS COUNTY COMPREHENSIVE PLAN  
COQUILLE RIVER ESTUARY**

PHENOMENON	SPECIAL REGULATORY CONSIDERATIONS	APPENDIX 2	
		Page	Strategy No.
3. Natural Hazards	3a. Comply with floodplain overlay zone set forth in Article 4.6.	2-34	27
	b. Comply with “Natural Hazard” Strategy #3 & #6 – Vol. I, Coos County Comprehensive Plan.	2-34 2-34	27 27a
	c. Restricts dwellings in known areas of “Mass Movement”	2-34	27a
4. Agricultural and Forest Lands	4a. Protect “wet meadows” for agricultural purposes.	2-27	19
	b. Specifies permitted uses.	2-27	19
	c. Prohibits filling (with exceptions).	2-27	19
	d. Subordinates use and activity matrix to Statewide Goals #3 and #17 and ORS 215 requirements. Where this policy applies, ORS 215.203 supercedes use and activities matrices in respective shoreland districts.	2-35	28
	e. Subordinates use and activities matrix to “Forest Uses” consistent with Statewide Goal #4.	2-39	34
5. Urban Growth Areas	5a. Manage “Especially Suited Water-Dependent (ESWD)” urban and urbanizable shorelands so as to protect for water-dependent commercial, recreational and industrial uses.	2-22	16
	b. Allows NEW non-water-dependent uses in “Urban Water-Dependent (UW)” districts which are “especially suited for water-dependent uses” ONLY if findings are made.	2-24	16a

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TABLE 4.7b

**SPECIAL REGULATORY CONSIDERATIONS PRESCRIBED  
BY THE COOS COUNTY COMPREHENSIVE PLAN  
COQUILLE RIVER ESTUARY**

PHENOMENON	SPECIAL REGULATORY CONSIDERATIONS	APPENDIX 2	
		Page	Strategy No.
6. Shoreland Values Requiring Mandatory Protection	6a. Protection of major marshes and significant wildlife habitats.	2-25	17
	b. Restricts uses and activities to those consistent with protection of natural values. Such uses may include propagation and selective harvesting of forest products, grazing, harvesting wild crops, and low intensity water-dependent recreation.	2-25	17
	c. Protection of historic and archaeological sites.	2-26	18
	d. Requires documentation of protection or appropriate protection measures.	2-26	18
	e. Only uses consistent with the protection of natural archaeological values are permitted within identified archaeological sites unless an exception has been taken.	2-26	18
7. Selected Mitigation Sites	7a. Support mitigation/restoration on identified sites.	2-30	21
	b. Prioritize designated mitigation sites.	2-31	22
	c. Protection of mitigation sites from uses which would pre-empt use.	2-31	22

TABLE 4.7b

**SPECIAL REGULATORY CONSIDERATIONS PRESCRIBED  
BY THE COOS COUNTY COMPREHENSIVE PLAN  
COQUILLE RIVER ESTUARY**

PHENOMENON	SPECIAL REGULATORY CONSIDERATIONS	APPENDIX 2	
		Page	Strategy No
8. Selected Dredged Material Disposal Sites	8a. Support stockpiling and disposal of dredged materials on identified sites.	2-28	20
	b. Identified sites to be managed so as to prevent uses and activities which would preempt disposal.	2-28	20
	c. A designated site may be released upon a finding and plan amendment.	2-28	20
	d. Prioritize in-bay disposal sites.	2-30	20b



TABLE 4.7c

**SPECIAL REGULATORY CONSIDERATIONS PRESCRIBED  
BY THE COOS BAY ESTUARY MANAGEMENT PLAN**

PHENOMENON	SPECIAL REGULATORY CONSIDERATIONS SUMMARY	APPENDIX 3	
		Page	Policy No.
1. Coos Bay Estuary Coastal Shorelands Boundary Area	<p>1a. Prioritize uses.</p> <p>b. Requires special findings for some uses and activities in rural areas.</p> <p>c.. Requires special findings for land divisions in rural shorelands.</p> <p>d. Maintain, restore or enhance riparian vegetation as consistent with water-dependent uses. Requires site plan and on site inspection.</p>	3-18	13
		3-18	14
		3-19	15
		3-31	23
2. Sensitive Beach and Dune Areas	<p>2a. Prohibits residential, commercial or industrial development within areas “Unsuitable for Development”. Permits other developments only upon establishment of findings.</p> <p>b. Permits development within “Limited Development Suitability” areas only upon establishment of findings.</p> <p>c. Cooperation with agencies to regulate: destruction of vegetation, erosion, shore structures and other developments. Requires Administrative Conditional Use.</p>	3-33	29
		3-35	30
		3-35	31
3. Floodplain Hazard Areas	3a. Comply with floodplain overlay zone set forth in Article 4.6.	3-33	27

TABLE 4.7c

**SPECIAL REGULATORY CONSIDERATIONS PRESCRIBED  
BY THE COOS BAY ESTUARY MANAGEMENT PLAN**

PHENOMENON	SPECIAL REGULATORY CONSIDERATIONS SUMMARY	APPENDIX 3	
		Page	Policy No.
4. Agricultural and Forest Lands	4a. Protect “wet meadows” for agricultural purposes.	3-25	19
	b. Specifies permitted uses.	3-25	19
	c. Prohibits filling (with exceptions)	3-25	19
	d. Subordinates use and activity matrix to Statewide Goals #3 and #17 and ORS 215 requirements. Where this policy applies, ORS 215.203 supercedes use and activities matrices in respective shoreland districts (see Appendix 2).	3-33	28
	e. Subordinates use and activities matrix to “Forest Uses” consistent with Statewide Goal #4 (see Appendix 3)	3-37	34
5. Urban Growth Areas	5a. Manage “Especially Suited Water-Dependent (ESWD)” urban and urbanizable shorelands so as to protect for water-dependent commercial, recreational and industrial uses.	3-20	16
	b. Allow NEW non-water-dependent uses in “Urban Water-Dependent (UW)” districts which are “especially suited for water-dependent uses” ONLY if findings are made.	3-21	16a

TABLE 4.7c

**SPECIAL REGULATORY CONSIDERATIONS PRESCRIBED  
BY THE COOS BAY ESTUARY MANAGEMENT PLAN**

PHENOMENON	SPECIAL REGULATORY CONSIDERATION SUMMARY	APPENDIX 3	
		Page	Policy No.
6. Shoreland Values Requiring Mandatory Protection	6a. Protection of major marshes and significant wildlife habitats.	3-23	17
	b. Restricts uses and activities to those consistent with protection of natural values; such uses may include propagation and selective harvesting of forest products, grazing, harvesting wild crops, and low-intensity water-dependent recreation.	3-23	17
	c. Protection of historic and archaeological sites.	3-24	18
	d. Requires documentation of protection or appropriate protection measures.	3-24	18
	e. Only uses consistent with the protection of natural archaeological values are permitted within identified archaeological sites unless an exception has been taken.	3-24	18
7. Selected Mitigation Sites	7.a Support mitigation/restoration on identified sites.	3-29	21
	b. Prioritize designated mitigation sites.	3-29	22
	c. Protection of mitigation sites from uses which would pre-empt use.	3-29	22

TABLE 4.7c

**SPECIAL REGULATORY CONSIDERATIONS PRESCRIBED  
BY THE COOS BAY ESTUARY MANAGEMENT PLAN**

PHENOMENON	SPECIAL REGULATORY CONSIDERATIONS SUMMARY	APPENDIX 3	
		Page	Policy No.
8. Selected Dredged Material Disposal Sites	8a. Support stockpiling and disposal of dredged materials on identified sites.	3-26	20
	b. Identified sites to be managed so as to prevent uses and activities which would pre-empt disposal.	3-26	20
	c. A designated site may be released upon a finding and plan amendment.	3-26	20
	d. Future dredged material disposal guidelines.	3-27	20a
	e. Ranks in-bay disposal sites by priority.	3-28	20a

## ARTICLE 4.8 FOREST ZONE (F)

Note that uses noted with \* are supplemental uses not addressed under OAR 660-06-025.

### Sections:

4.8.100	Purpose
4.8.200	Uses Permitted
4.8.300	Administrative Conditional Uses
4.8.350	Hearings Body Conditional Uses
4.8.400	Review Criteria for Conditional Uses
4.8.500	“Lot-of-Record” Dwellings
4.8.525	Forest Dwellings
4.8.600	Mandatory Siting Standards Required for Dwellings and Structures in the Forest Zone.
4.8.700	Fire Siting and Safety Standards
4.8.750	Development Standards
4.8.800	Land Divisions in the Forest Zone
4.8.900	Declarations of Covenants, Conditions, and Restrictions Form
4.8.925	For Purposes of Consolidation, Declarations of Covenants, Conditions and Restrictions

**SECTION 4.8.100. Purpose.** 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.

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.

**SECTION 4.8.200. Uses Permitted Outright.** The following uses and activities and their accessory uses shall be permitted outright in the Forest zone, subject to applicable siting criteria set forth in this Article and elsewhere in this Ordinance.

- 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.

This is permitted in CREMP F also.

- 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. This use is subject to Policies 14, 17, 23, and 27 in CREMP F segments.
- F. Farm use as defined in ORD 215.203. This use is permitted in CREMP F also.
- G. \* Farm buildings. This use is permitted in CREMP F also.
- 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. This use is permitted in CREMP F except for segments 17 and 19.
- K. Private hunting and fishing operations without any lodging accommodations.
- L. Towers and fire stations for forest fire protection.
- M. Notwithstanding Section 3.2.500, 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) (m) through (p) and ORS 215.283 (1) (k) through (n).
- N. Water intake facilities, canals and distribution lines for farm irrigation and ponds.
- O. Reserved.
- P. Uninhabitable structures accessory to fish and wildlife enhancement.
- Q. Temporary forest labor camps limited to the duration of the forest operation requiring its use.

R. 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.

S. Alteration, restoration or replacement of a lawfully established dwelling.

A lawfully established dwelling is a single-family dwelling that:

1. Has intact exterior walls and roof structure; and
2. Has indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system; and
3. Has interior wiring for interior lights; and
4. Has a heating system; and

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.

T. \* Diking (construction and maintenance).

U. \* Drainage and tide-gating.

V. \* Dredge material disposal.

W. \* Fill.

X. \* 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.

Y. \* Shoreland stabilization, nonstructural. This activity may be allowed in CREMP F, except for Segment 15.

Z. \* In the Forest/Mixed Use zone only, farm stands if:

1. 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

2. 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.

AA. \* 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. This is also permitted in CREMP F.

**SECTION 4.8.300 Administrative Conditional Uses.** The following uses and their accessory uses may be allowed as administrative conditional uses in the “Forest” zone subject to applicable requirements in Section 4.8.400 and applicable siting criteria set forth in this Article and elsewhere in this Ordinance.

- A. Log scaling and weigh stations.
- B. Television, microwave and radio communication facilities and transmission towers. This may be permitted in CREMP F. Policies 14, 17, 23, and 27 may be applicable.
- C. Aids to navigation and aviation. In CREMP F, Policies 14, 17, 23 and 27 may be applicable.
- D. Water intake facilities, related treatment facilities, pumping stations, and distribution lines. In CREMP F, Policies 14, 17, 23, and 27 may be applicable.
- E. Cemeteries.
- F. 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.
- G. Temporary asphalt and concrete batch plants as accessory uses to specific highway projects.
- H. 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.



- I. \* 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.
- J. 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.

- K. for the purpose of this Section, public road and highway projects as described in ORS 215.213 (2) (q) through (s) and ORS 215.283 (2) (p) through (r).

- L. Forest management research and experimentation facilities as defined by ORS 526.215 or where accessory to forest operations.
- M. \* Structural shoreland stabilization. This use is subject only to Natural Hazards Policy #5 in Volume I, Part 1 of the Coos County Comprehensive Plan and not to Section 4.8.400.

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.

- N. \* In the Forest/Mixed Use zone, commercial activities in conjunction with farm use.
- O. \* In the Forest/Mixed Use zone, dog kennels.  
\* In CREMP F, the use may be subject to CREMP Policies 14, 17, 23 and 27.
- P. \* Modification of an historic structure where:
  - 1. The modification is necessary to preserve, protect or enhance the original historical character of the structure;
  - 2. The use must be compatible with surrounding uses or may be made compatible to surrounding uses through the imposition of conditions; and
  - 3. A site plan and architectural plans must be submitted for review.

\* This use may also be permitted in CREMP F. In addition to the above, CREMP Policies 14, 17, 23 and 27 may be applicable. CREMP Policy 27a also applies in segment 13.
- Q. 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.

**SECTION 4.8.350. Hearings Body Conditional Uses.** The following uses and their accessory uses may be allowed as hearings body conditional uses in the Forest zone subject to the applicable requirements in Section 4.8.400 and applicable siting criteria set forth in this Article and elsewhere in this Ordinance.

- 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 ORD 459.245, together with equipment, facilities or buildings necessary for its operation.
- D. Parks and Campgrounds. For the purposes of the Section, 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, recreational vehicle or yurt. The yurt shall be located on the ground or on a wood floor with no permanent foundation.

Campgrounds shall not include intensively developed recreational uses such as swimming pools, tennis courts, retail stores or gas stations. Thus use must also comply with Article 9.2 of the Ordinance.

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.

As used in this section, “yurt” means a round, domed shelter of cloth or canvas on a collapsible frame with no plumbing, sewage disposal hookup or internal cooking appliance. (OR-00-05-014PL)

- E. 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 (P) (e.g., compressors, separators and storage serving multiple wells), and mining and processing of aggregate and mineral resources as defined in ORS Chapter 517.

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.

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.

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.

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.

Mining may be allowed in CREMP F. CREMP Policies 14, 17, 23, and 27 may be applicable. This use is not permitted in segments 17 and 19. Processing is not permitted.

- F. Fire stations for rural fire protection.
- G. 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. In CREMP F segments, this is an Administrative Conditional Use where CREMP policies 14, 17, 23, and 27 may be applicable.
- H. 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:
  1. Accommodations are limited to no more than 15 guest rooms as that term is defined in the Oregon Structural Specialty Code; and
  2. Only minor incidental and accessory retail sales are permitted; and
  3. Accommodations are occupied temporarily for the purpose of hunting game bird and big game hunting seasons authorized by the Oregon Fish and Wildlife Commission.
- I. Expansion of existing airports.

J. 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:

1. Accommodations limited to no more than 15 guest rooms as that term is defined in the Oregon Structural Specialty Code;
2. Only minor incidental and accessory retail sales are permitted;
3. Accommodations occupied temporarily for the purpose of fishing during fishing seasons authorized by the Oregon Fish and Wildlife Commission;
4. Accommodations must be located within  $\frac{1}{4}$  mile of fish bearing Class I waters.

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.

K. Firearms training facility.

L. \* 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.

1. Public or private schools, including all buildings essential to the operation of a school.
2. Churches or cemeteries in conjunction with churches.

M. \* Community center, grange or lodge.

N. \* 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.

Section 4.8.400 is not applicable for this use.

This use may be allowed in CREMP F according to the same standards.

- O. \* Bed and breakfast subject to the following conditions:
1. All “bed and breakfast facilities” shall be established within the primary residence.
  2. Breakfast shall be the only meal served to overnight paying guests.
  3. No cooking facilities shall be permitted in any rented room.
  4. The maximum number of rooms which may be rented shall not exceed four (4).
  5. Off-street parking shall be provided as follows:  
  
Two spaces for the owner/occupant, plus 1 space for each additional bedroom.  
  
A site 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.
- P. \* In the Forest/Mixed Use zone, personal use airport. See Section 4.9.350 (G).
- Q. 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.

**SECTION 4.8.400. Review Criteria for Conditional Uses in Section 4.8.300 and Section 4.8.350.** A use authorized by Section 4.8.300 and Section 4.8.350 may be allowed provided the following requirements are met. These requirements are designed to make the use compatible with forest operations and agriculture and to conserve values found on forest lands.

- A. 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; and

- B. The proposed use will not significantly increase fire hazard or significantly increase fire suppression costs or significantly increase risks to fire suppression personnel; and
- C. All uses must comply with Section 4.8.600, Section 4.8.700 and Section 4.8.750.
- D. 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 4.8.300 H, J, and Q and Section 4.8.350 D, J. and Q.

**SECTION 4.8.500. “Lot-of-Record” Dwelling.** In addition to requirements set forth in Section 4.8.600 and Section 4.8.700, a “lot-of-record” single-family dwelling may be allowed as an administrative conditional use if:

- 1. The lot or parcel is designated “Mixed Agriculture-Forest Use Areas” on the Coos County Comprehensive Plan inventory map; or

The lot or parcel meets the criteria set forth below:

- a. Areas with soil, aspect, topographic features and present ground cover that are best suited to a combination of forest and agricultural uses; and
  - b. Areas predominately co-managed for both farm and forest uses as of January 1, 1993.
- 2. The lot or parcel on which the dwelling will be sited was, prior to January 1, 1985:
    - a. lawfully created; and
    - b. acquired by the present owner; or
    - c. inherited from a person who acquired the lot or parcel prior to January 1, 1985; and

(For the purposes of this Section “owner” includes the wife, husband, son, daughter, mother, father, brother, brother-in-law, sister, sister-in-law, son-in-law, daughter-in-law, mother-in-law, father-in-law, aunt, uncle, niece, nephew, stepparent, stepchild, grandparent or grandchild of the owner or a business entity owned by any one or combination of these family members.)

3. The tract, one or more contiguous lots or parcels in the same ownership, on which the dwelling will be sited does not include a dwelling.
4. A lot, parcel or tract can not have been reconfigured (any change in the boundary of the lot, parcel or tract) after November 4, 1993, the effect of which is to qualify for the siting of a dwelling, the date of the reconfiguration is the date of creation or existence.
5. The tract on which the dwelling is proposed is composed of soils not capable of producing 5,000 cubic feet per year of commercial tree species and is located within 1,500 feet of a public road as defined in ORS 368.001. The road shall be maintained and either paved or surfaced with rock and shall not be:
  - A. a United States Bureau of Land Management Road; or
  - B. a United States Forest Service road unless the road is paved to a minimum width of 18 feet, there is at least one defined lane in each direction and a maintenance agreement exists between the United States Forest Service and landowners adjacent to the road, a local government or a state agency. (OR 98-01-002PL 5/4/98)
6. 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 shall be consistent with the limitations on density upon which the acknowledged comprehensive plan and land use regulations intended to protect the habitat are based; and
7. The proposed dwelling is not prohibited by, and will comply with, the requirements of the acknowledged comprehensive plan and its implementing measures. More specifically, if the subject property is affected by an overlay zone (e.g., flood hazard environs area, etc.), a “lot-of-record” dwelling may be sited only after satisfying the applicable provisions of the overlay zone; and
8. When the lot or parcel on which the dwelling will be sited is part of a tract, the remaining portions of the tract shall be 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 Section 4.8.925 has been recorded with the deed records of the county; and
9. The Assessor shall be notified of the intention to allow a dwelling.

In CREMP F, CREMP Policies 14, 17, 23, and 27 may also be applicable.



**SECTION 4.8.525. Forest Dwellings.** In addition to the provisions in Section 4.8.600, Section 4.8.700 and elsewhere in this Ordinance, a dwelling in the Forest zone may be allowed as a conditional use.

A. **160/200 ACRE DWELLING.** A single-family dwelling may be allowed as a conditional use if a “lot-of-record” dwelling is not allowed pursuant to Section 4.8.500, and the following criteria are satisfied:

1. The parcel on which the dwelling will be sited is designated “mixed Agriculture-Forest Use Areas” on the Coos County Comprehensive Plan inventory map; or

The parcel meets the criteria as set forth below:

- a. Areas with soil, aspect, topographic features and present ground cover that are best suited to a combination of forest and agricultural uses; and
  - b. Areas predominately co-managed for both farm and forest uses as of January 1, 1993.
2. There are at least 160 contiguous acres or 200 acres in one ownership that are not contiguous but are in the same county or adjacent counties and zoned for forest. For purposes here, a public road or waterway does not make the tract non-contiguous; and
  3. There are no other dwellings on the tract; and
  4. The proposed dwelling is not prohibited by, and will comply with, the requirements of the acknowledged Comprehensive Plan and its implementing measures.
  5. The applicant for a dwelling authorized here, that requires one or more lots or parcels to meet minimum acreage requirements, shall provide evidence that the covenants, conditions, and restrictions form at Section 4.8.900 has been recorded with the deed records of the county or counties where the property subject to the covenants, conditions and restrictions is located.

The covenants, conditions and restrictions are irrevocable, unless a statement of release is signed by an authorized representative of the county or counties where the property subject to the covenants, conditions and restrictions is located.

The failure to follow these requirements shall not affect the validity of the transfer or property or the legal remedies available to the buyers of property which is subject to the covenants, conditions and restrictions required above. The County Planning Director shall maintain a copy of the covenants, conditions and restrictions filed in the county deed records as required above and a map or other record depicting tracts which do not qualify for the siting of a dwelling under the covenants, conditions and restrictions filed in the county deed records. The map or other record required shall be readily available to the public in the County Planning Office.

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:

1. There are no other dwellings on the tract on which the dwelling will be sited.
2. There are no deed restrictions established on the lots or parcels that make up the tract which do not allow a dwelling.
3. 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, with 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.

4. 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:

- a. 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
  - b. 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.
5. 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.
  6. The proposed dwelling is not prohibited by, and will comply with, the requirements of the acknowledged Comprehensive Plan and its implementing measures.

**SECTION 4.8.600. Mandatory Siting Standards Required for Dwellings and Structures in the Forest Zone.** 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, and shall be considered together with the requirements in Section 4.8.700 to identify the building site.

- A. Dwellings and structures shall be sited on the parcel so that:
  1. They have the least impact on nearby or adjoining forest or agricultural lands; and
  2. The siting ensures that adverse impacts on forest operations and accepted farming practices on the tract will be minimized; and
  3. The amount of forest lands used to site access roads, service corridors, the dwelling and structures is minimized; and
  4. 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:
1. 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; or
  2. A water use permit issued by the Water Resources Department for the use described in the application; or
  3. 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.
- C. 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.
- D. Approval of a dwelling shall be subject to the following additional requirements:
1. 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.
  2. The Planning Department shall notify the County Assessor of the above condition at the time the dwelling is approved.
  3. 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 incases 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.

4. 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 4.8.700 Fire Siting and Safety Standards.** 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 he has contacted the Department of Forestry of the proposed development.

A. Firebreak:

1. A firebreak shall be established and maintained around all structures, including decks, for a distance of at least 30 feet in all directions.

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.

2. Sufficient garden hose to reach the perimeter of the primary safety zone shall be available at all times.
3. A secondary fire break of at least 100 feet radius around the primary safety zone shall be established and maintained. 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.

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)

- B. 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.
- C. 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).
- D. The dwelling shall not be sited on a slope of greater than 40 percent.
- E. If the dwelling has a chimney or chimneys, each chimney shall have a spark arrester.
- F. 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.
- G. 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 fire fighting equipment.
- H. access to new dwellings shall meet road and driveway standards in Chapter VII.

**SECTION 4.8.750. Development Standards.** All development and structures approved pursuant to Article 4.8 shall be sited in accordance with this Section.

- A. Minimum Lot Size: The minimum parcels size shall be at least 80 acres. Land divisions involving a house that existed prior to June 1, 1995 see Section 4.8.800 (C). For land divisions where all resulting parcels are at least 80 acres, a conditional use is not required. However, the standards in Article 6.1 and 6.5 must be met. [OR96-06-007PL 9/4/96]

- B. 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.
- C. Structure Height: No requirement.
- D. Lot Coverage: No requirement.
- E. Fences, Hedges and Walls: No requirement, except for vision clearance provisions in Section 3.3.400 and Fire Siting and Safety Standards in Section 4.8.700.
- F. Off-Street Parking and Loading: See Chapter X.
- G. Minimum Road Frontage/Lot Width: 20 feet.
- H. 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.
- H. Riparian Vegetation Protection.
  - 1. 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 by the Coos Soil and Water Conservation District, a port district or U.S. Soil Conservation Service posting an erosion or safety hazard may be removed to minimize such hazard; or
    - 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, or USFS stream enhancement plan; or

- 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 closed 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".

**SECTION 4.8.800. Land Divisions in the Forest Zone.** The following standards shall govern the development of new lots and parcels in the Forest zone including the CREMP and CBEMP 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, a conditional use is not required. However, the standards in Articles 6.1 and 6.5 must be met.
- B. Notwithstanding "A" above, the land divisions creating new lots or parcels less than 80 acres may be approved if:
  - The new lot or parcel is for a use listed at Section 4.8.200 P and Q; Section 4.8.300 A, B, C, D, E, M; and Section 4.8.350 A, B, C, D, E, F, G, and K, and provided that the uses referenced above have been found to satisfy applicable standards at Section 4.8.400 and approved pursuant to the procedural requirements of this Ordinance. Such divisions shall create a parcel that is the minimum size necessary for the use.
- C. 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]
  - 1. A dwelling existed on the parcel prior to June 1, 1995; and



2. 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
3. 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; and
4. 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; and
5. 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; and
6. all land divisions must meet the standards of Articles 6.1 and 6.5 of the Coos County Zoning and Land Development Ordinance.  
[OR96-06-007PL 9/4/96]

**SECTION 4.8.900**

**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: \_\_\_\_\_

**SECTION 4.8.925 For the Purpose of Consolidation, Declaration of Covenants, Conditions and Restrictions.**

**DECLARATION OF CONVENANTS, 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**, 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: \_\_\_\_\_

## ARTICLE 4.9 EXCLUSIVE FARM USE ZONE (EFU)

Note that uses noted with \* are supplemental uses not addressed under OAR 660-33-120.

### Sections:

4.9.100	Purposes
4.9.200	Uses Permitted Outright
4.9.300	Administrative Conditional Use
4.9.350	Hearings Body Conditional Use
4.9.400	Review Criteria for Conditional Use
4.9.450	Additional Hearings Body Conditional Uses and Review Criteria
4.9.500	“Lot-of-Record” Dwellings
4.9.525	Farm-Related Dwellings on Land Not Identified as High-Value
Farmland	
4.9.540	Farm-Related Dwellings on High-Value Farmland
4.9.550	Non-Farm Dwellings
4.9.600	Siting Standards for Dwellings and Structures in the EFU Zone
4.9.700	Development Standards
4.9.900	Land Divisions
4.9.925	Declarations of Covenants, Conditions and Restrictions

**SECTION 4.9.100 Purpose.** The purpose of the agriculture zone is to implement the requirements of ORS 215 and OAR 660, Division 33, which implement the requirements for agricultural land as defined by Statewide Planning Goal 3.

**SECTION 4.9.200. Uses Permitted Outright.** The following uses and activities and their accessory uses are permitted outright in the “Exclusive Farm Use” zone and “Mixes Use” overlays subject to applicable siting and development standards set forth in Sections 4.9.600 and 4.9.700.

A. Farm use as defined in ORS 215.203.

This use is also permitted in CREMP EFU. CREMP Policy 18 is applicable in units 23 and 32. CREMP Policy 22 is applicable in units 23 and 26.

B. Other buildings customarily provided in conjunction with farm use.

This use is permitted in CREMP EFU. CREMP Policy 18 is applicable in segments 23 and 32. CREMP Policy 22 is applicable in segments 23 and 26.

C. Propagation and harvesting of a forest product.

- D. RESERVED
- E. Farm stands, if:
  - 1. 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
  - 2. 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.
- F. Climbing and passing lanes within the right-of-way existing as of July 1, 1987. See also Section 3.2.500.
- 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 Section 3.2.500.
- 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 Section 3.2.500.
- 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 Section 3.2.500.
- J. Alteration, restoration, or replacement of a lawfully established dwelling. 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; and

4. Has a heating system.

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.

A replacement dwelling may be sited on any part of the same lot or parcel.

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. 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)

Coos County does not allow conversion of mobile homes into accessory storage buildings or uses.

These uses must comply with Coastal Shoreland Boundary conditional use criteria in CREMP EFU.

An additional farm dwelling authorized pursuant to Section 4.9.525 (f) (3) (c) or Section 4.9.540 (D) (3) (c) may only be replaced with a manufactured dwelling.

- K. \* 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. This use is not permitted in CREMP.
- L. \* Utility facility including service lines for the generation of power not for public sale.

This use is also permitted in CREMP EFU. This use is subject to CREMP Policy 18 in Segments 23 and 32 and to Policy 22 in segments 23 and 26.

- M. \* 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 also permitted in CREMP EFU. This use is subject to CREMP Policy 18 in Segments 23 and 32 and to Policy 22 in segments 23 and 26.

- N. \* Diking (construction and maintenance).

However, this is an administrative conditional use in CREMP EFU. The applicable review criteria are CREMP Policies 14, 18, 19, 22, 23, and 27.

- O. \* Drainage and tide-gating.

However, this is an administrative conditional use in CREMP EFU. The applicable review criteria are CREMP Policies 14, 18, 19, 22, 23, and 27.

- P. \* Fill.

However, this is an administrative conditional use in CREMP EFU. CREMP Policies 14, 18, 19, 22, 23, and 27 may be applicable. The use is not permitted in segment 26.

- Q. \* Mitigation.

However, this is an administrative conditional use in CREMP EFU.

CREMP Policies 14, 18, 19, 22, 23, and 27 may be applicable.

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.

- R. \* Non-structural shoreland stabilization. This use is also permitted in CREMP EFU.

- S. \* Dredge material disposal.

However, this is an administrative conditional use in CREMP EFU. 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.

T. 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 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.

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.

This use under these conditions is also permitted in CREMP EFU.

U. Mining for owner/tenant use. For any operation that mines less than 1,000 cubic yards of aggregate, the conditions in T, 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 5,00 cubic yards of aggregate, the conditions in T, above, must be met.

V. Passive Restoration is an allowed interim farm use. [OR#01-04-009PL



5/16/01]

**SECTION 4.9.300. Administrative Conditional 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 Section 4.9.400 and applicable siting and development requirements in Sections 4.9.600 and 4.9.700.

- 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 also 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. 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.

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 4.9.200(J) criteria. (OR 98-01-002PL 5/4/98)

As used in this section “manufactured dwelling” means a manufactured home, mobile home, or recreational vehicle.

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. 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.

- F. 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 also Section 3.2.500 for additional requirements.
- G. 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 also Section 3.2.500 for additional requirements.
- H. 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.
- I. 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 resource use. A home occupation located on high-value farmland may employ only residents of the home.
- J. Residential home or facility as defined in ORS 197.660, in existing dwellings.

This use may be allowed in CREMP EFU also.

- K. Room and board arrangements for a maximum of five unrelated persons in existing dwellings.

This use may be allowed in CREMP EFU also.

- L. 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.

This use may be allowed in CREMP EFU subject to CREMP Policies 14, , 18, 19, 22, and 27 may be applicable in addition to the above.

- M. \* Air and water navigation aids.

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.

- N. \* 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 site plan and architectural plans must be submitted for review.

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.

- O. \* Structural shoreland stabilization. This use is subject only to Natural Hazards Policy #5 in volume 1 Part 1 of the Coos County Comprehensive Plan and not to Section 4.9.400.

This use may be permitted in CREMP EFU. CREMP Policies 14, 23, 27, 18, 19, and 22 may be applicable. In addition Policy 9 is applicable. The use is not permitted in Segment 47.

**SECTION 4.9.350. Hearings Body Conditional Uses.** The following uses and their

accessory uses may be allowed as hearings body conditional uses in the "Exclusive Farm Use" zone and "Mixed Use" overlay subject to the applicable requirements in Section 4.9.400 and applicable siting and development requirements in Sections 4.9.600 and 4.9.700.

- A. A winery as described in ORS 215.452.
- B. Operations conducted for mining and processing of geothermal resources as defined by ORS 522.005 and oil and gas as defined by ORS 520.005 not otherwise permitted under this rule.

This use may be allowed in CREMP EFU. In addition to the above, CREMP Policies 14, 18, 19, 22, 23 and 27 may be applicable.

- C. Operations for the exploration for and production of geothermal 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.

This use may be allowed in CREMP EFU. In addition to the above, CREMP Policies 14, 18, 19, 22, 23 and 27 may be applicable.

- D. Operations conducted for mining, crushing or stockpiling of aggregate and other mineral and other subsurface resources subject to ORS 215.298.

Any operation that mines less than 1,000 cubic yards of aggregate, Section 4.9.200(T) is applicable.

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 4.9.200(T) 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.

This use may be allowed in CREMP EFU. In addition to the above, CREMP Policies 14, 18, 19, 22, 23, and 27 may be applicable.

- E. Processing 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 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.
- F. Processing of other mineral resources and other subsurface resources.
- G. 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.

- H. Transmission towers over 200 feet in height.

In addition to the above, the use may be permitted on CREMP EFU. CREMP Policies 14, 18, 19, 22, 23, and 27 may be applicable.

- I. Except on high-value farmland, a site for the disposal of solid waste that has been ordered 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.

- J. 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 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.

- K. Commercial utility facilities for the purpose of generating power for public use by sale.

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.

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.

In addition to the above, the use may be permitted on CREMP EFU. CREMP Policies 14, 18, 19, 22, 23, and 27 may be applicable.

- L. Except on high-value farmland, private parks, playgrounds, hunting and fishing preserves and campgrounds. 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 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 clothe or canvas on a collapsible frame with no plumbing, sewage disposal hookup or internal cooking appliance.

On high-value farmland existing facilities may be maintained, enhanced or expanded subject to other requirements of law.

In addition to the above, a campground may be permitted in CREMP EFU. CREMP Policies 14, 18, 19, 22, 23, and 27 may be applicable.

This use must also comply with Article 9.2 of the Ordinance. (OR 00-05-014PL)

- M. Parks, playgrounds or community centers owned and operated by a governmental agency of a nonprofit community organization and operated primarily by and for residents of the local rural community. (OR-00-05-014PL)
- N. \* Community center, grange, or lodge.
- O. Golf course. Except on high-value farmland, “golf course” means an area of land with highly maintained natural turf laid out for the game of golf with a series of 9 or more holes, each including a tee, a fairway, a putting green, and often one or more natural or artificial hazards. A “golf course” for the purposes of ORS 215.283(2)(e) and this division means a 9 or 18 hole regulation golf course or a combination 9 and 18 hole regulation golf course consistent with the following:
  - 1. A regulation 18 hole gold course is generally characterized by a site of about 120 to 150 acres of land, has a playable distance of 5,000 to 7,200 yards, and a par of 64 to 73 strokes.
  - 2. A regulation 9 hole golf course is generally characterized by a site of about 65 to 90 acres of land, has a playable distance of 2,500 to 3.600 yards, and a par of 32 to 36 strokes.
  - 3. Non-regulation golf courses are not allowed uses within these areas. “Non-regulation golf course” means a golf course or golf course-like development that does not meet the definition of golf course in this rule, including but not limited to executive golf course, par 3 golf courses, pitch and putt golf courses, miniature golf courses and driving ranges.
  - 4. The County shall limit accessory uses provided as part of a golf course consistent with the following standards:

- i. An accessory use to a golf course is a facility or improvement that is incidental to the operation of the golf course and is either necessary for the operation and maintenance of the golf course or that provides goods or services customarily provided to golfers at a golf course. An accessory use or activity does not serve the needs of the non-golfing public. Accessory uses to a golf course may include: parking; maintenance buildings; cart storage and repair; practice range or driving range; clubhouse; restrooms; lockers and 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 gold 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.
- ii. Accessory uses shall be limited in size and orientation on the site to serve the needs of persons and their guests who patronize the golf course to golf. An accessory use that provides commercial services (e.g., food and beverage service, pro shop, etc.) shall be located in the clubhouse rather than in separate buildings.

On high-value farmlands existing facilities may be maintained, enhanced or expanded, subject to other requirements of law. An existing golf course may be expanded consistent with the requirements set forth above and Section 4.9.400 of this Ordinance, but shall not be expanded to contain more than 36 holes.

- P. A site for the takeoff and landing of model aircraft, including such buildings or facilities as may reasonably be 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 the surface pre-existed this use. "Model Aircraft" means a small-scale version of an airplane, glider, helicopter, dirigible or balloon that is used or intended to be



used for flight and is controlled by radio, lines or design by a person on the ground.

- Q. Operations for the extraction and bottling of water.
- R. 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)
- S. 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 than an exclusive farm use zone can not 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.

“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; and

“Local historical society” means the local historical society recognized by the County governing body and organized under ORS Chapter 65. (OR 00-05-014PL).

**SECTION 4.9.400. Review Criteria for Conditional Uses in Section 4.9.300**

**and Section 4.9.350.** A use authorized by Section 4.9.300 and Section 4.9.350 may be allowed provided the following requirements are met.

Uses may be approved only where such uses:

- A. Will not force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use; and
- B. Will not significantly increase the cost of accepted farm or forest practices on lands devoted to farm or forest use.

**SECTION 4.9.450. Additional Hearings Body Conditional Uses and Review Criteria.** The following uses and their accessory uses may be allowed as

hearings body conditional uses in the “Exclusive Farm Use” zone and “Mixed Use” overlay subject to the corresponding review standard and development requirements in Sections 4.9.600 and 4.9.700.

A. On other than high-value farmland, 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.

1. Public or private schools, including all buildings essential to the operation of a school.
2. Churches and cemeteries in conjunction with churches.

On high-value farmland existing facilities may be maintained, enhanced or expanded, subject to other requirements of law.

B. Roads, highways and other transportation facilities, and improvements not otherwise allowed under the rule. Such uses may be established, subject to the adoption of the governing body or its designate of an exception to Goal 3, Agricultural Lands, and to any other applicable goal with which the facility or improvement does not comply.

C. 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.

In CREMP EFU, this use is also subject to CREMP Policies 14, 18, 19, 22, 23, and 27.

D. \* 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 1000 feet from any Rural-Residential zone or urban growth boundary.

This use may be allowed in CREMP EFU according to the same standards.

**SECTION 4.9.500. “Lot-of-Record” Dwelling.**

A. “Lot-of-record” dwelling on land not identified as high-value farmland. A single family dwelling may be allowed as an administrative conditional use if:

1. The lot or parcel on which the dwelling will be sited was, prior to January 1, 1985:
  - a. lawfully created; and
  - b. acquired by the present owner; or
  - c. inherited from a person who acquired the lot or parcel prior to January 1, 1985; and

(For the purposes of this section “owner” includes the wife, husband, son, daughter, mother, father, brother, brother-in-law, sister, sister-in-law, son-in-law, daughter-in-law, mother-in-law, father-in-law, aunt, uncle, nephew, step-parent, step-child, grandparent or grandchild of the owner or a business entity owned by any one or a combination of these family members.)

2. The tract on which the dwelling will be sited does not include a dwelling; and

(Tract means one or more contiguous lots or parcels in the same ownership.)

3. A lot, parcel or tract can not have been reconfigured (any change in the boundary of the lot, parcel or tract) after November 4, 1993, the effect of which is to qualify for the siting of a dwelling, the date of the reconfiguration is the date of creation or existence.
4. 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 consistent with the limitations on density upon which the acknowledged comprehensive plan and land use regulations intended to protect the habitat are based; and
5. The proposed dwelling is not prohibited by, and will comply with, the requirements of the acknowledged

Comprehensive Plan and its implementing 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; and

6. 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 Section 4.9.925 has been recorded with the deed records of the county; and
7. The lot or parcel on which the dwelling will be sited is not high-value farmland; and
8. The Assessor shall be notified of the intention to allow a dwelling.

In CREMP EFU, CREMP Policies 14, 18, 19, 22, 23, and 27 may also be applicable.

B. "Lot of Record" Dwelling on High-Value Farmland. A single-family dwelling may be allowed as an administrative conditional use on a tract composed predominantly of soils 2C, 5A, 5B, 17B, 25, 33, and 36C if:

1. The lot or parcel on which the dwelling will be sited was, prior to January 1, 1985:
  - a. lawfully created; and
  - b. acquired by the present owner; or
  - c. inherited from a person who acquired the lot or parcel prior to January 1, 1985; and

(For the purposes of this section “owner” includes the wife, husband, son, daughter, mother, father, brother, brother-in-law, sister, sister-in-law, son-in-law, daughter-in-law, mother-in-law, father-in-law, aunt uncle, nephew, stepparent, stepchild, grandparent or grandchild of the owner or a business entity owned by any one or a combination of these family members.)

2. The tract on which the dwelling will be sited does not include a dwelling; and  
  
("Tract" means one or more contiguous lots or parcels in the same ownership.)
3. A lot, parcel or tract can not have been reconfigured (any change in the boundary of the lot, parcel or tract) after November 4, 1993, the effect of which is to qualify for the siting of a dwelling, the date of the reconfiguration is the date of creation or existence.
4. 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 consistent with the limitations on density upon which the acknowledged Comprehensive Plan and land use regulations intended to protect the habitat are based; and
5. The proposed dwelling is not prohibited by, and will comply with, the requirements of the acknowledged Comprehensive Plan and its implementing 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; and
6. The County must determine that:
  - a. the lot or parcel can not 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; and
  - b. the dwelling will comply with the provisions of ORS 215.296(1); and
  - c. the dwelling will not materially alter the stability of the overall land use pattern in the area; and
7. 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 allowed. The applicant shall provide evidence that the covenants, conditions and restrictions form at Section 4.9.925 has been recorded with the deed records of the county; and

8. The Assessor shall be notified of the intention to allow a dwelling.

In CREMP EFU, CREMP Policies 14, 18, 19, 22, 23, and 27 may also be applicable.

C. "Lot-of-Record" Dwelling on High-Value Farmland in Conjunction with a Dairy. A single family dwelling may be allowed as an administrative conditional use 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:

1. The lot or parcel on which the dwelling will be sited was prior to January 1, 1985:
  - a. lawfully created; and
  - b. acquired by the present owner; or
  - c. inherited from a person who acquired the lot or parcel prior to January 1, 1985; and

(For the purposes of this section "owner" includes the wife, husband, son, daughter, mother, father, brother, brother-in-law, sister, sister-in-law, son-in-law, daughter-in-law, mother-in-law, father-in-law, aunt, uncle, nephew, step-parent, stepchild, grandparent or grandchild of the owner or a business entity owned by any one or a combination of these family members.)

2. The tract on which the dwelling will be sited does not include a dwelling; and

("Tract" means one or more contiguous lots or parcels in the same ownership.)

3. A lot, parcel or tract can not have been reconfigured (any change in the boundary of the lot, parcel or tract) after November 4, 1993, the effect of which is to qualify for the

siting of a dwelling, the date of the reconfiguration is the date of creation or existence.

4. 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 consistent with the limitations on density upon which the acknowledged Comprehensive Plan and land use regulations intended to protect the habitat are based; and
5. The proposed dwelling is not prohibited by, and will comply with, the requirements of the acknowledged Comprehensive Plan and its implementing 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; and
6. The tract must be 21 acres or less in size; and
7. 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
8. 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; and
9. 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 allowed. The applicant shall provide evidence that the covenants, conditions and restrictions form at Section 4.9.925 has been recorded with the deed records of the county.
10. The Assessor shall be notified of the intention to allow a

dwelling.

In CREMP EFU, CREMP Policies 14, 18, 19, 22, 23, and 27 may also be applicable.

**SECTION 4.9.525. Farm-Related Dwellings on Land Not Identified as High-Value Farmland.** A dwelling customarily provided in conjunction with farm use may be allowed as an administrative conditional use subject to the following requirements and other applicable provisions of this Ordinance. In CREMP EFU CREMP Policies 14, 18, 19, 22, 23 and 27 may also be applicable.

- A. On land not identified as high-value farmland, a dwelling may be considered customarily provided in conjunction with farm use if:
  - 1. The parcel on which the dwelling will be located is at least 160 acres; and
  - 2. The subject tract is currently employed for farm use, as defined in ORS 215.203; and
  - 3. 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
  - 4. There are no other dwellings on the subject tract except for seasonal farm worker dwellings as permitted in ORS 215.283 (1)(p).
  
- B. On land not identified as high-value farmland, a dwelling may be considered customarily provided in conjunction with farm use if:
  - 1. 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; and
  - 2. 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; and
  - 3. The subject parcel on which the dwelling is proposed is at least 10 acres in size; and



4. There are no other dwellings on the subject tract except for seasonal farm worker dwellings as permitted by ORS 214.283(1)(p).
- C. On land not identified as high-value farmland, a dwelling may be considered if customarily provided in conjunction with farm use if:
1. 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).
  2. There are no other dwellings on the subject tract except for seasonal farm worker dwellings as permitted by ORS 215.283 (1) (p).
  3. The dwelling will be occupied by a person or persons who produced the commodities which grossed the income in 1, above.
- D. Seasonal farmworker housing may be allowed as defined in ORS 197.675 and ORS 197.685. For purposes of this rule, 9 months means 273 days within any calendar year.
- E. A dwelling(s) on property used for farm use may be allowed when it is located on the same lot or parcel as the dwelling of the farm operator, and occupied by a grandparent, grandchild, parent, child, brother or sister of the farm operator or the farm operator's spouse, whose assistance in the management of the farm use is or will be required by the farm operator.

The farm operator must state in writing that the relative's assistance in the management of the farm is or will be required by the farm operator [ref. ORS 215.283 (1) (e) (B)], and state how the farm operator will continue to have the predominate role in 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.

The County imposes 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.

- F. Additional farm dwellings may be considered customarily provided in conjunction with the farm use if:
1. 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; and
  2. 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 years or three of the last five years the lower of the following:
    - a. At least \$40,000 (1994 dollars) 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
    - b. 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.
  3. The additional dwelling shall be located:
    - a. On the same lot or parcel as the principal farm dwelling; or
    - b. 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
    - c. 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 reappraised under this Section; and

4. 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.
5. The County shall not approve any proposed division of a lot or parcel for an additional farm dwelling approved pursuant to this Section. If it is determined that an additional farm dwelling satisfies the requirements of Section 4.9.525, a parcel may be created consistent with the minimum parcel size requirements of the zoning district.
6. An additional farm dwelling approved pursuant to this Section cannot later be used to satisfy the requirements for a non-farm dwelling.

**SECTION 4.9.540 Farm-Related Dwellings on High-Value Farmland.** On land identified as high-value farmland, a dwelling, considered customarily provided in conjunction with farm use, may be allowed as an administrative conditional use subject to the following requirements and other applicable provisions of the Ordinance. In addition, in CREMP EFU, CREMP Policies 14, 18, 19, 22, 23, and 27 may be applicable.

- A. On land identified as high-value farmland, a dwelling may be considered customarily provided in conjunction with farm use if:
  1. The subject tract is currently employed for the farm use, as defined in ORS 215.203, that produced at least \$80,000 (1994 dollars) 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; and

NOTE: The \$80,000 standard is pursuant to OAR 660-33-135(6).

2. There are no other dwellings on the subject tract except for seasonal farm worker dwellings as permitted by ORS 215.283 (1) (p); and
  3. The dwelling will be occupied by a person or persons who produced the commodities which grossed the income in 1, above.
- B. Seasonal farmworker housing may be allowed as defined in ORS 197.675 and ORS 197.685 conditional use. For purposes of this rule, 9 months means 273 days within any calendar year.
- C. A dwelling(s) on property used for farm use may be allowed when it is located on the same lot or parcel as the dwelling of the farm operator, and occupied by a grandparent, grandchild, parent, child, brother or sister of the farm operator or the farm operator's spouse, whose assistance in the management of the farm use is or will be required by the farm operator.

The farm operator must state in writing that the relative's assistance in the management of the farm is or will be required by the farm operator [ref. ORS 215.283 (1) (e) (B)], and state how the farm operator will continue to have the predominate role in 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.

The County imposes 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.

- D. Additional farm dwellings may be considered customarily provided in conjunction with farm use if:
1. 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; and

2. 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 (1994 dollars) in gross annual income from the sale of farm products in the last two years or three out of the last five years; and
3. The additional dwelling shall be located:
  - a. On the same lot or parcel as the principal farm dwelling; or
  - b. 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
  - c. 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
4. 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.
5. The County shall not approve any proposed division of a lot or parcel for an additional farm dwelling approved pursuant to this Section. If it is determined that an additional farm dwelling satisfies the requirements of Section 4.9.525, a parcel may be created consistent with the minimum parcel size requirements of the zoning district.

6. An additional farm dwelling approved pursuant to this Section cannot later be used to satisfy the requirements for a non-farm dwelling.

**SECTION 4.9.550 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. In addition, in CREMP EFU, CREMP Policies 14, 18, 19, 22, 23 and 27 may be applicable.

- A. The dwelling will be sited on a lot or parcel created before January 1, 1993; and
- B. 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
- C. The dwelling is situated upon a lot or parcel, or a portion of a lot or parcel, that is generally unsuitable land 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.

A lot or parcel shall not be considered unsuitable solely because of size or location if it can reasonably be put to farm or forest use in conjunction with other land. 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.

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 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 lot or parcel is unsuitable for one farm use does not mean it is not suitable for another farm use. 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

- D. 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
- E. 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
- F. The dwelling complies with such other conditions as considered necessary; and
- G. 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.
- H. 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 tax 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, constitutes a qualifying parcel.

**SECTION 4.9.600 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 Exclusive Farm Use 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 4.9.700 to identify the building site.

- A. Dwellings and structures shall be sited on the parcel so that:
  - 1. They have the least impact on nearby or adjoining forest or agricultural lands; and
  - 2. The siting ensures that adverse impacts on forest operations and accepted farming practices on the tract will be minimized; and
  - 3. The amount of agricultural lands used to site access roads, service corridors, the dwelling and structures is minimized; and
  - 4. the risks associated with wildfires are minimized.

**SECTION 4.9.700. Development Standards.** All dwellings and structures approved pursuant to Article 4.9 shall be sited in accordance with this Section.

- A. 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 4.9.900 (C). For land divisions where all resulting parcels are at least 80 acres, a conditional use is not required. However, the standards in Articles 6.1 and 6.5 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 4.9.500 and Section 4.9.900 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.

B. Setbacks:

1. 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 centerline, whichever is greater.
2. 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.

C. Structure Height: No requirement.

D. Lot Coverage: No requirement.

E. Fences, Hedges and Walls: No requirement except for vision clearance provisions of Section 3.3.400 apply.

F. Offstreet parking and Loading: See Chapter X.

G. Minimum Road Frontage/Lot Width:

- a. Within UGB’s – 50 feet
- b. Outside UGB’s – 20 feet

H. Access: Access to new dwellings shall meet road design standards in Chapter VII.

- I. 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]
  
- J. Riparian Vegetation Protection:
  1. 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 by the Coos Soil and Water Conservation District, a port district or U.S. Soil Conservation Service posing an erosion or safety hazard may be removed to minimize said hazard; or
    - 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, or USFS stream enhancement plan; or
    - 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' 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)

**SECTION 4.9.900. Land Divisions.** The following standards, along with Articles 6.1 and 6.5, shall govern the development of new lots or parcels in the Exclusive Farm Use zone.

- A. For Nonfarm Uses: In addition to any findings for a proposed use, a proposed division of land to create a parcel for nonfarm use 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.
- B. For Farm Uses: 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
- C. To allow the establishment of a parcel for a dwelling on land zoned Exclusive Farm Use the following requirements apply: (ORS 215.780)
  - 1. a dwelling existed on the parcel prior to June 1, 1995; and
  - 2. 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
  - 3. 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; and
  - 4. evidence that a "Waiver of Right to Object" Farm Management Covenant ensuring the compatibility with the neighboring farm uses and practices is recorded at the Coos County Clerk's office; and

5. all land divisions must meet the standards of Articles 6.1 and 6.5 of the Coos County Zoning and Land Development Ordinance. (OR 00-05-014PL)
- D. 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.
  - E. For 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.
  - F. Parcels Reserved for Park 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; and
    1. A parcel created by the land division that contains a dwelling is large enough to support continued residential use of the parcel.
    2. A parcel created pursuant to this subsection that does not contain a dwelling:
      - a. is not eligible for siting a dwelling, except as may be authorized under ORS 195.120;
      - b. may not be considered in approving or denying an application for siting any other dwelling;
      - c. 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; and
      - d. 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 cumulative ownership of at least 10,000 acres of open space or park property with Coos County. (OR-00-05-014PL)

3. The owner of any parcel not containing a dwelling shall sign and record in the deed records 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 30.937. (ORS 215.265)
- G. To allow establishment of a church including cemeteries in conjunction with the church:
1. the church has been approved pursuant to Section 4.9.450 of this Ordinance;
  2. the newly created lot or parcel is not larger than five (5) acres; and
  3. the remaining lot or parcel, not including the church, meets the minimum lot or parcel size of 80 acres either by itself or after it is consolidated with another lot or parcel. (OR-00-05-014PL)

**SECTION 4.9.925**

**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 \_\_\_\_\_

My Commission expires: \_\_\_\_\_

## 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

**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.

#### **4.10.015 - Applicability**

- A. 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.
- B. 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.



#### **4.10.020 - Definitions**

- A. "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.
- B. "Element" means a recreational facility, resort facility, residential cluster, infrastructure facility, or other discrete component of a destination resort or a phase thereof.
- C. "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.
- D. "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.
- E. "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.
- F. "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.

- G. "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.
  
- H. "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.
  
- I. "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.
  
- J. "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.
  
- K. "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.
  
- L. "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.

**4.10.030 - Standards**

- A. Development shall be located on a tract that contains a site of at least 160 acres.
  
- B. 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.

- C. 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:
1. A total of 150 units of overnight lodgings shall be provided as follows:
    - a. 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.
    - b. 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.
    - c. Deed restrictions imposed under paragraphs 1(a) and 1(b) 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.
  2. 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 (1) of this subsection. Thus not more than 150 such lots may be approved for residential sale under paragraph (1)(a), 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 (1)(b).
- D. 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 E are subject to this paragraph.

- E. 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.
- F. 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.
- G. Development shall comply with the standards for rural roads set out in Chapter VII.
- H. Riparian Corridor and Wetland Protection
  - 1. For the purposes of this section, the following definitions apply:
    - a. "Fish habitat" means those areas upon which fish depend in order to meet their requirements for spawning, rearing, food supply, and migration.
    - b. "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.
    - c. "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.

- d. "Riparian corridor" is a Goal 5 resource that includes the water areas, fish habitat, adjacent riparian areas, and wetlands within the riparian area boundary.
- e. "Riparian corridor boundary" is an imaginary line that is a certain distance upland from the top bank, for example, as specified in paragraph (2) of this subsection.
- f. "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.
- g. "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.
- h. "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.
- i. "Water area" is the area between the banks of a lake, pond, river, perennial or fish-bearing intermittent stream, excluding man-made farm ponds.
- j. "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.

2. The riparian corridor boundary shall be:
  - a. 50 feet from the top of bank of Cut Creek, Fahy Creek, Whiskey Run Creek, and their tributaries;
  - b. 50 feet from the upland edge of significant wetlands, as identified on the comprehensive plan Fish and Wildlife Habitat II special considerations map; and
  - c. 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.
3. 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:
  - a. Streets, roads, and paths;
  - b. Drainage facilities, utilities, and irrigation pumps;
  - c. Water-related and water-dependent uses; and
  - d. Replacement of existing structures with structures in the same location that do not disturb additional riparian surface area.
  - e. 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.
4. 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:

- a. Trees certified by the Coos Soil and Water Conservation District, a port district or U.S. Soil Conservation Service as posing an erosion or safety hazard may be removed to minimize said hazard.
- b. Riparian vegetation may be removed where necessary for development of a water-dependent or water-related use.
- c. 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.
- d. 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.
- e. 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.
- f. 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.
- g. 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.
- h. 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.

- i. 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.
  - j. 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.
  - k. Protected riparian vegetation shall not be removed solely for the purpose of providing enhanced views of Chrome, Round or Fahys Lake.
5. Except as otherwise provided in the preceding paragraph, replacement vegetation planted in the riparian corridor shall consist of:
- a. Native tree, shrub, herbaceous plant or grass species; or
  - b. A mixture of native and non-native grasses where at least 50 percent of the mix is native Red Fescue grass.
6. Mapping Errors
- a. 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.
  - b. 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.

- c. 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 1 and 2 of this subsection, and is supported by substantial evidence.

#### 7. Hardship Variance

- a. A request for a hardship variance to provisions in paragraphs 2 through 5 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.
- b. A request for a hardship variance shall include identification of the provision or provisions in paragraphs 2 through 5 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 c below.
- c. 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.

- I. 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.

- J. 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:
1. 100 feet for commercial development listed in Section 4.10.050.D and E, including all associated parking areas;
  2. 100 feet for visitor-oriented accommodations other than single-family residences, including all associated parking areas;
  3. 50 feet for above-grade development other than that listed in paragraphs (1) and (2);
  4. 25 feet for internal roads;
  5. 50 feet for golf courses and playing fields; and
  6. 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.
- K. 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:
1. 50 feet for above-grade structures, including all associated parking areas;
  2. 25 feet for internal roads;
  3. 50 feet for golf courses and playing fields; and
  4. 25 feet for jogging trails, nature trails and bike paths.
- L. Eastern Boundary Woodland Buffer
1. 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:

- a. Entry roadways, as shown on the Road Network Map in the Master Plan, or as required for access by emergency and resort maintenance vehicles;
  - b. Hiking trails;
  - c. Fences that are not visible from the exterior of the BDR zone boundary;
  - d. Underground utility lines serving the resort;
  - e. Removal of invasive non-native vegetation and replacement with native species; and
  - f. Removal of excessive understory fuel build-up and construction and maintenance of fire roads, as appropriate for sound fire management practices.
2. Where the provisions of this section are more restrictive than the setback required by Section 4.10.030.J, the provisions of this section shall control.

#### **4.10.040 – Use Specific Subzones**

- A. 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.
- B. 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.

- C. 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.A.7, B.1, C.1, D.1 and E.1.
- D. 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.B.10-11, C.8-9, D.1 and E.1. 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.
- E. 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.
- F. Industrial uses of any kind are prohibited in all subzones.

**4.10.045 – Uses Permitted Prior to Approval of Final Development Plan.**

Uses permitted outright under Section 4.8.200.A-D, F, H-N and P-S 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.

**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.

- A. Natural Resource Subzones
  - 1. Open space. [NR-1 through NR-13]
  - 2. Wildlife observation facilities. [NR-1 through NR-13]
  - 3. Fish and wildlife research and rehabilitation facilities, habitat mitigation, restoration and enhancement. [NR-1 through NR-13]
  - 4. Wetland and plant research and habitat mitigation, restoration and enhancement. [NR-1 through NR-13]

5. Nature interpretive centers and educational facilities. [NR-4, NR-5, NR-6, NR-8, NR-9, NR-11, NR-13]
6. Pedestrian hiking trails, nature trails, walkways, bridges and lookouts. [NR-1, NR-3 through NR-6, NR-8 through NR-13]
7. Bicycle paths and equestrian trails. [NR-3 through NR-6, NR-8, NR-11, NR-12]
8. Paved roads. [NR-6, NR-8, NR-9, NR-11]
9. Paved golf-cart paths. [NR-6]
10. Facilities necessary for public safety and utilities serving the resort. [NR-1 through NR-13]
11. Accepted agricultural and forestry practices other than commercial timber harvesting. [NR-2 through NR-12]

B. Golf Course/Residential Subzones

1. Uses permitted in one or more natural resource subzones under subsection A of this section. [GR-1, GR-2, GR-3, GR-4]
2. Golf courses, clubhouses, pro shops, related services and maintenance support facilities. [GR-1, GR-2, GR-3, GR-4]
3. Public Restrooms. [GR-1, GR-2, GR-3, GR-4]
4. Physical fitness facilities. [GR-1, GR-2, GR-3]
5. Playing fields. [GR-1, GR-2, GR-3, GR-4]
6. Launching, docking and limited storage facilities for non-motorized boats on Fahy Lake. [GR-2]
7. Fish production and sports fishing in Round Lake and Fahy Lake. [GR-2]
8. Temporary or seasonal fairs, festivals, charity events and resort promotional activities. [GR-1, GR-2, GR-3]
9. Overnight accommodations in conjunction with golf course facilities. [GR-1, GR-2, GR-3]

10. Single family dwellings. [GR-1, GR-2, GR-3]
11. Townhouses. [GR-1, GR-2, GR-3]
12. Home offices. [GR-1, GR-2, GR-3]
13. Storage for personal and household effects. [GR-1, GR-2, GR-3].
14. Motor vehicle parking and storage. [GR-1, GR-2, GR-3]
15. Recycling and garbage collection facilities. [GR-1, GR-2, GR-3]

C. Special Residential Subzones

1. Uses permitted in one or more natural resource subzones under subsection A of this section. [SR-1, SR-2, SR-3, SR-4]
2. Public Restrooms. [SR-1, SR-4]
3. Launching, docking and limited storage facilities for non-motorized boats on Fahy Lake. [SR-1]
4. Fish production and sports fishing in Fahy Lake. [SR-1]
5. 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]
6. Temporary or seasonal fairs, festivals, charity events and resort promotional activities. [SR-1]
7. Recreational Vehicle Park. [SR-4]
8. Single family dwellings. [SR-1, SR-2, SR-3, SR-4]
9. Townhouses. [SR-1, SR-2, SR-3, SR-4]
10. Home offices. [SR-1, SR-2, SR-3, SR-4]
11. Storage for personal and household effects. [SR-1, SR-2, SR-3, SR-4].

12. Motor vehicle parking and storage. [SR-1, SR-2, SR-3, SR-4]
13. Recycling and garbage collection facilities. [SR-1, SR-2, SR-3, SR-4]
14. Service employee quarters. [SR-1, SR-2, SR-3, SR-4]
15. Recreation facilities in support of residential development. [SR-1, SR-2, SR-3, SR-4]

D. Resort Village Center Subzone

1. Uses permitted in one or more golf course/residential subzones under subsection B of this section. [RVC]
2. Landing site for emergency helicopter transport. [RVC]
3. Emergency medical facilities not exceeding 500 square feet. [RVC]
4. Hotels and other overnight accommodations. [RVC]
5. Convention and conference facilities. [RVC]
6. Restaurants, lounges and cafes. [RVC]
7. 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]
8. Spas and other facilities that provide personal health or grooming services, such as barber shops, beauty salons, tanning salons, and massage studios. [RVC]
9. Indoor and outdoor swimming pools. [RVC]
10. Concert shells, dance pavilions and theaters for live performance, limited to a size appropriate for serving residents of and visitors to the resort. [RVC]
11. Native American cultural facilities, art studios, and educational facilities. [RVC]

12. 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]
13. Automated teller machines. [RVC]
14. Service employee quarters. [RVC]
15. Maintenance shops and facilities, and equipment and materials storage structures and areas. [RVC]

E. Mixed Use Center Subzones

1. Uses permitted in one or more golf course/residential subzones under subsection B of this section. [MXC-1, MXC-2]
2. Landing site for emergency helicopter transport. [MXC-1, MXC-2]
3. Emergency medical facilities not exceeding 500 square feet. [MXC-1, MXC-2]
4. Hotels and other overnight accommodations. [MXC-1, MXC-2]
5. Convention and conference facilities. [MXC-1, MXC-2, MXC-3]
6. Restaurants, lounges and cafes. [MXC-1, MXC-2, MXC-3]
7. 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]
8. Neighborhood grocery (“country”) store. [MXC-1]
9. Real estate offices. [MXC-1, MXC-2]
10. 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]



11. Indoor and outdoor swimming pools. [MXC-1, MXC-2]
12. Tennis courts. [MXC-1]
13. Equestrian facilities. [MXC-1, MXC-3]
14. Launching, docking and limited storage facilities for non-motorized boats on Madrone Reservoir. [MXC-1]
15. Fish production and sports fishing in Madrone Reservoir. [MXC-1]
16. Movie theater, limited to a size appropriate for serving residents of and visitors to the resort. [MXC-1]
17. 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]
18. Native American cultural facilities, art studios, and educational facilities. [MXC-1, MXC-2, MXC-3]
19. 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]
20. 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]
21. Automated teller machines. [MXC-1, MXC-2, MXC-3]
22. Offices for businesses that primarily serve residents of and visitors to the resort. [MXC-1]
23. Clubhouses, meeting rooms, libraries for resort residents. [MXC-1]
24. Home occupations. [MXC-1, MXC-2]
25. Boarding kennels. [MXC-1]
26. Service employee quarters. [MXC-1]

27. Maintenance shops and facilities, and equipment and materials storage structures and areas. [MXC-1, MXC-2, MXC-3]
28. Post-secondary educational facility for subjects and training related to resort management and services. [MXC-1]

**4.10.060 – Final Development Plan Review Procedure**

- A. Before submitting final development plans for approval of 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.
- B. Following a pre-application conference, the applicant shall submit a final development plan for review by the Approval Authority. Fifteen (15) copies of the final development plan 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.
- C. 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.
- D. Review of the final development plan shall be in accordance with the provisions of Section 5.6.500 (Site Plan Application Submittal and Review Procedure), except that notwithstanding Section 5.6.500(2), the Planning Director shall approve or deny an application for final development plan approval or, if significant interpretation or policy issues are raised by the final development plan application, may submit the application to the Planning Commission for its review pursuant to applicable provisions of Article 5.7.
- E. 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.

- F. The Approval Authority shall issue a final order setting out its decision on the final development plan and shall give notice of that decision as provided in Section 5.6.500(4).

**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:

- A. Illustrations and graphics to scale, identifying:
  - 1. The location and total number of acres to be developed in the current phase.
  - 2. The subject area and all land uses adjacent to the subject area.
  - 3. Types and location of proposed development and uses, including residential and commercial uses and landscaping.
  - 4. A general depiction of site characteristics, including:
    - a. Existing topography;
    - b. Water areas, including streams, lakes, ponds, County inventoried wetlands and Division of State Lands recognized wetlands;
    - c. Vegetation types and locations;
    - d. Areas of geologic instability; and
    - e. Beach and dune formations.
  - 5. 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.
  - 6. Parking plan.
  - 7. Major pedestrian and bicycle trail systems.
  - 8. 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.

9. Proposed recreational amenities and their approximate locations.
  10. A water and sewer facilities plan for the phase consistent with the Master Plan and all other applicable regulations.
  11. A drainage plan for the phase consistent with the Master Plan and all other applicable regulations.
- B. 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:
1. A detailed description of site and climatic conditions, evaluating how specific conditions will impact management strategies.
  2. 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.
  3. 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.
  4. A description of safety measures for storage, handling, disposal and record keeping of pesticides.
  5. 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.
  6. 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.

7. 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.

C. Further information as follows:

1. 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.
2. 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.
3. 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.
4. 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).
5. 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.

6. 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.
7. 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.
8. Proposed findings addressing how the destination resort final development plan approval standards of section 4.10.070 are satisfied.

**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:

- A. The development is consistent with the Exception Statement.
- B. 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.
- C. The development meets the standards established in Section 4.10.030.
- D. The uses allowed under the final development plan comply with Sections 4.10.040 and 4.10.050.

**4.10.075 – Final Development Plan Modification**

- A. 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.
- B. The Approval Authority shall review an application for modification of a final development plan pursuant to Article 5.6

(Design and Site Plan Review), except as provided in Section 4.10.060.C and subsection C of this section. The Approval Authority shall approve the requested modification if the final plan as modified continues to conform to the Master Plan.

- C. If the Approval Authority finds that the modifications render the final development plan materially inconsistent with the Master Plan, the Approval Authority shall:
  - 1. If practicable, impose such reasonable conditions and adjustments as necessary to bring the final development plan into compliance; or
  - 2. If the inconsistency cannot be so resolved, the Approval Authority shall deny the application.

**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.

**4.10.090 – Land Divisions.**

- A. 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.
- B. 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.
- C. Division Standards.

1. 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.
2. 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.

D. Development and Maintenance Standards.

1. 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.
2. 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.
3. 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.J and K do not provide adequate screening or privacy to properties adjacent to the BDR zone, the Approval Authority may require that:
  - a. Structures located near the exterior boundaries are designed so as to protect the privacy and amenity of adjacent existing uses and/or
  - b. 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.

4. 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.C.1 must be constructed on the resort site.
5. 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.
6. 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.
7. 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:
  - a. Easements necessary to the orderly extension of public utilities.

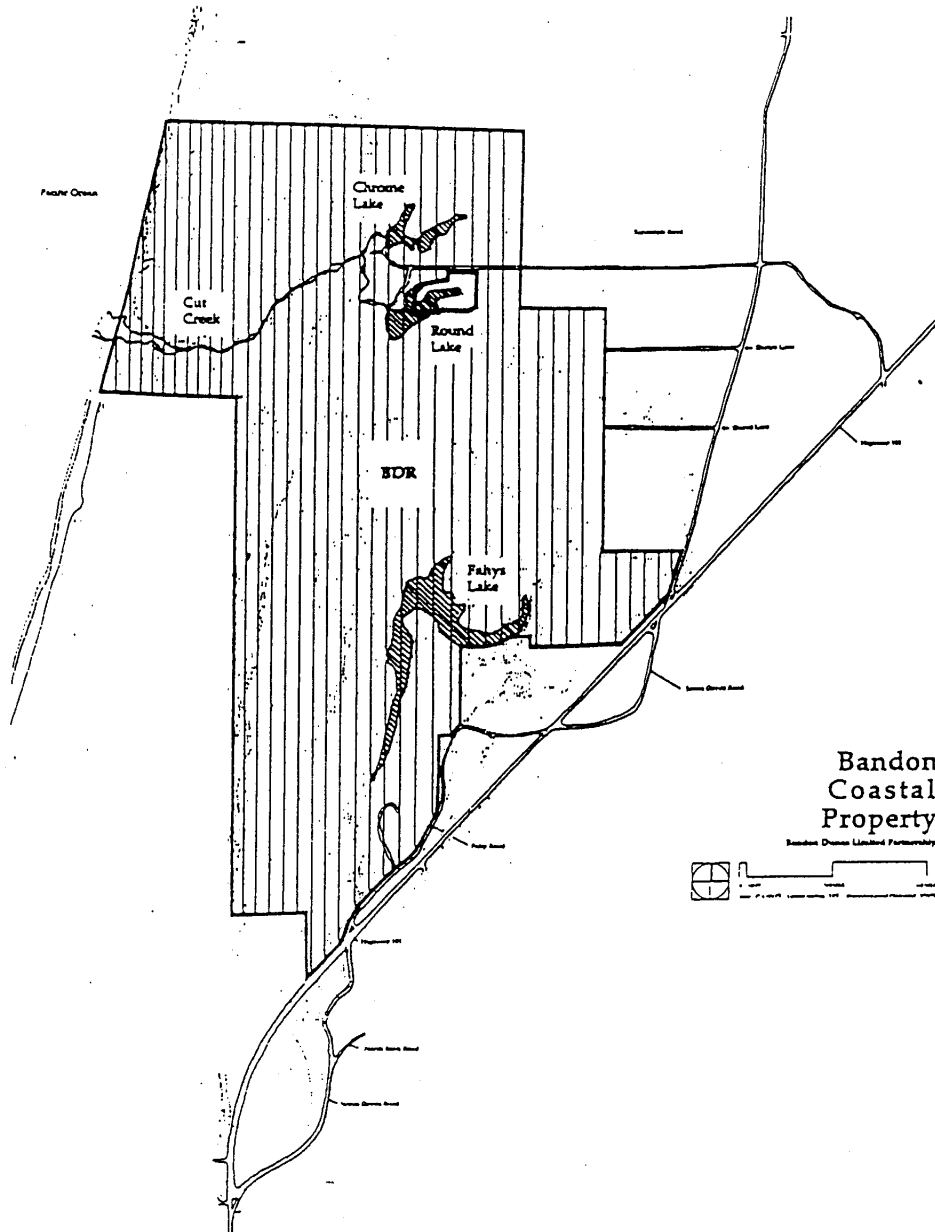
- b. Streets and pedestrian ways necessary to development of the subject lots or parcels in accordance with the Master Plan.
- E. Filing, Submittal and Review. The filing, submittal and review of a land division application in the BDR zone shall comply with Article 6.5, Sections 6.5.100 - 6.5.500, provided 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:
  - 1. Approval. If the Approval Authority approves an application, the Approval Authority shall adopt findings of fact which substantiate the following conclusions:
    - a. The tentative plan complies with the submittal requirements of Section 6.5.250.
    - b. The tentative plan complies with the use limitations, division standards and development and maintenance standards of Section 4.10.090.B to D.
    - c. The tentative plan complies with the Master Plan and Exception Statement.
  - 2. 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:
    - a. Roadway and plat design modifications;
    - b. Utility design modifications;
    - c. Conditions deemed necessary to provide safeguards against documented geologic hazards;
    - d. Conditions deemed necessary to implement section 4.10.090.D.4; and
    - e. 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.

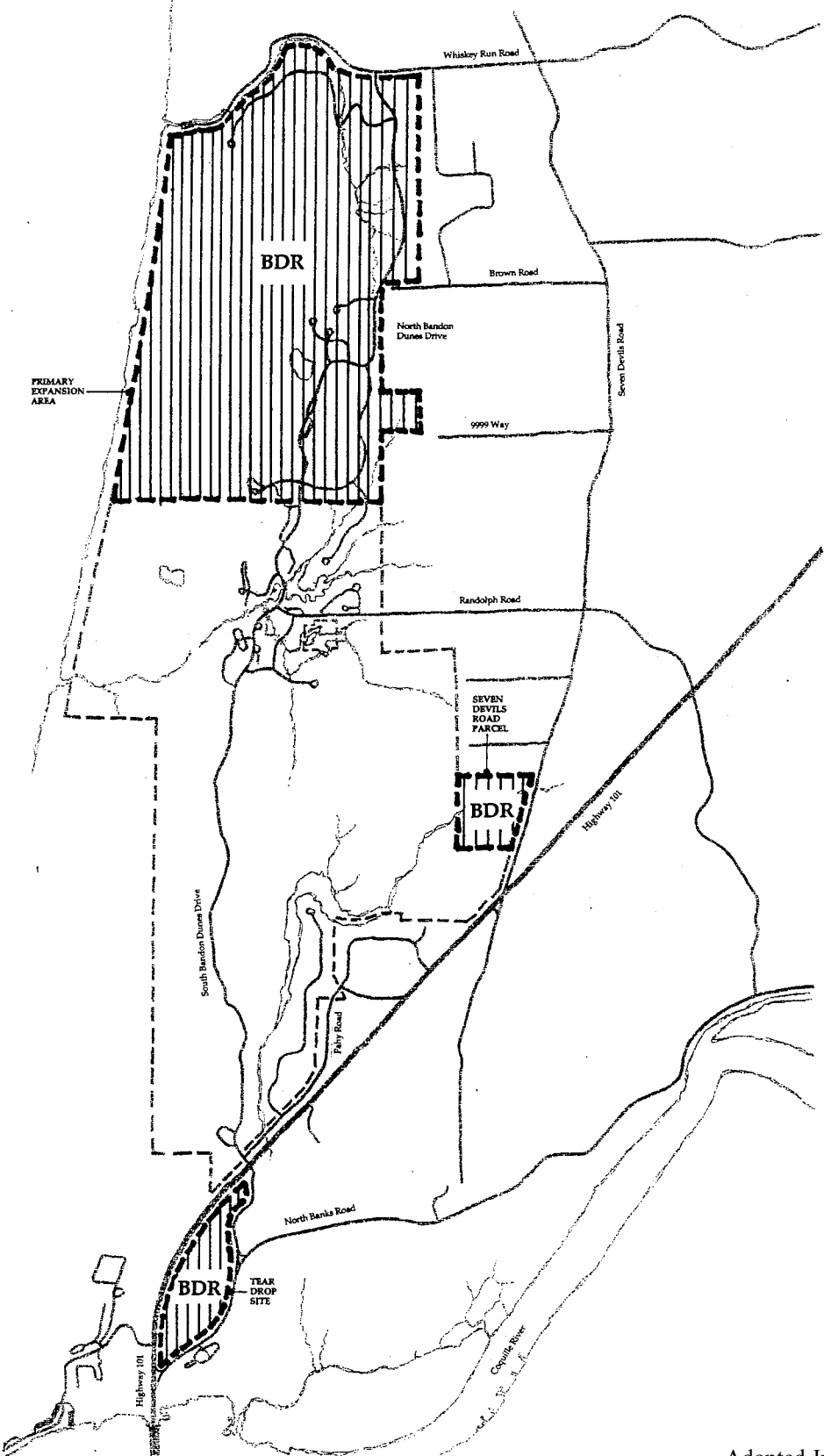
- F. Wetlands Notification. If a tentative plan includes areas identified as wetlands on the Statewide Wetlands Inventory, as shown in Exhibit A to this Ordinance, the Planning Department shall submit a Wetland Land Use Notification Form to the Division of State Lands within five working days after acceptance of a complete application for tentative plan review.

[OR-03-04-004PL, June 18, 2003]

BANDON COASTAL DUNELANDS  
FINAL DECISION

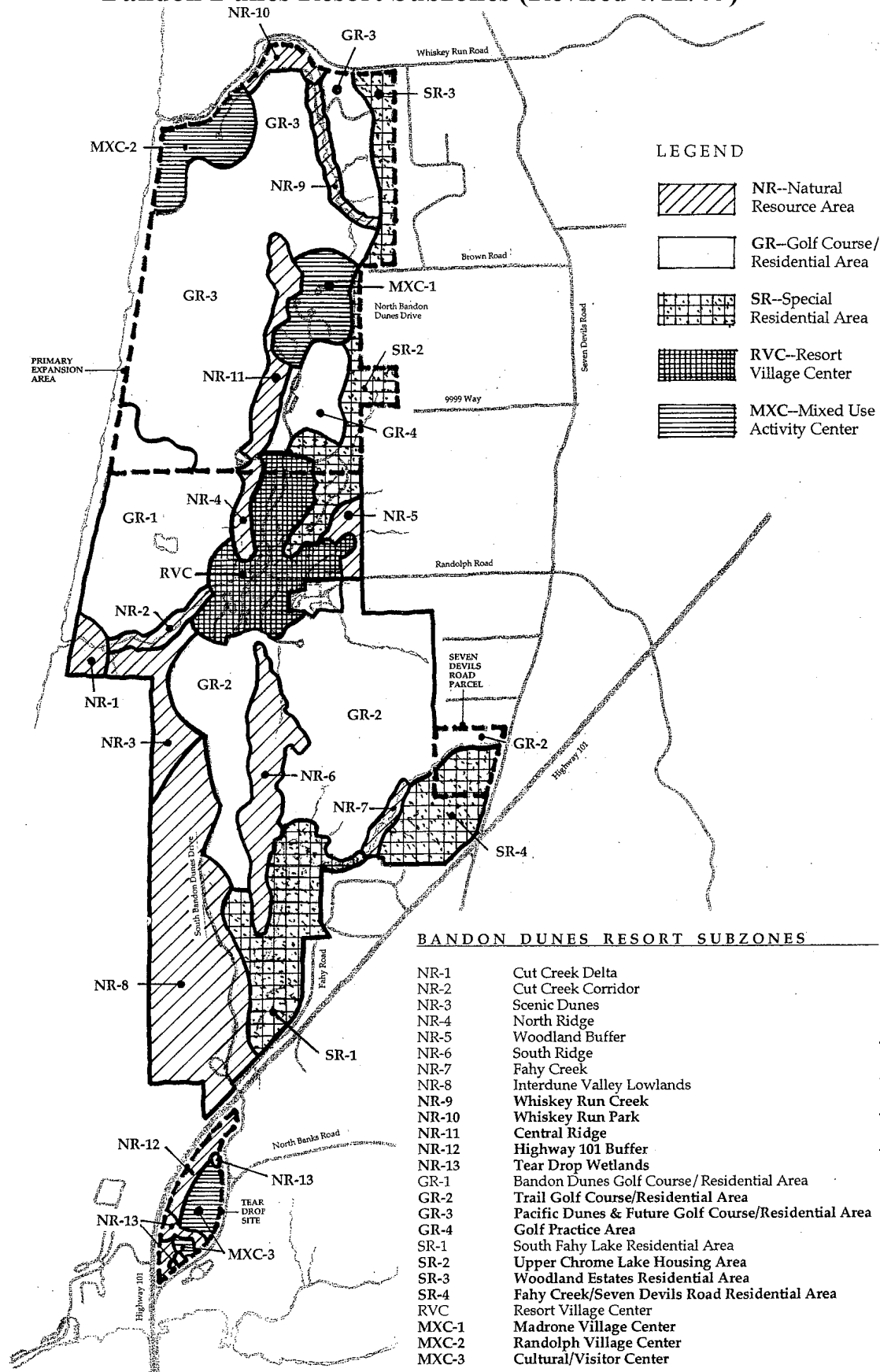


# Bandon Dunes Resort (June 12, 2003)

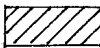
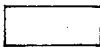


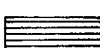


Adopted June 18, 2003  
OR-03-04-004PL

# Bandon Dunes Resort Subzones (Revised 6/12/03)



**LEGEND**

-  NR--Natural Resource Area
-  GR--Golf Course/Residential Area
-  SR--Special Residential Area
-  RVC--Resort Village Center
-  MXC--Mixed Use Activity Center

**BANDON DUNES RESORT SUBZONES**

- NR-1 Cut Creek Delta
- NR-2 Cut Creek Corridor
- NR-3 Scenic Dunes
- NR-4 North Ridge
- NR-5 Woodland Buffer
- NR-6 South Ridge
- NR-7 Fahy Creek
- NR-8 Interdune Valley Lowlands
- NR-9 Whiskey Run Creek
- NR-10 Whiskey Run Park
- NR-11 Central Ridge
- NR-12 Highway 101 Buffer
- NR-13 Tear Drop Wetlands
- GR-1 Bandon Dunes Golf Course/Residential Area
- GR-2 Trail Golf Course/Residential Area
- GR-3 Pacific Dunes & Future Golf Course/Residential Area
- GR-4 Golf Practice Area
- SR-1 South Fahy Lake Residential Area
- SR-2 Upper Chrome Lake Housing Area
- SR-3 Woodland Estates Residential Area
- SR-4 Fahy Creek/Seven Devils Road Residential Area
- RVC Resort Village Center
- MXC-1 Madrone Village Center
- MXC-2 Randolph Village Center
- MXC-3 Cultural/Visitor Center

**CHAPTER V  
ADMINISTRATION**

**REZONE  
CONDITIONAL USE  
VARIANCE  
SITE PLAN  
PUBLIC HEARINGS  
APPEALS**

**ARTICLE 5.1 REZONES**

**SECTION 5.1.100. Rezone.** Rezoning constitutes a change in the permissible use of a specific piece of property after it has been previously zoned. Rezoning is therefore distinguished from original zoning and amendments to the text of the Ordinance in that it entails the application of a pre-existing zone classification to a specific piece of property, whereas both original zoning and amendments to the text of the Ordinance are general in scope and apply more broadly.

**SECTION 5.1.200. Recommendation of Rezone Expansion by the Planning Director.** The Planning Director may recommend an expansion of the geographic limits set forth in the application if, in his judgment, such an expansion would result in better conformity with the criteria set forth in this Ordinance for the rezoning of property. The Planning Director shall submit his recommendation for expansion to the Hearings Body prior to the scheduled public hearing for a determination whether the application should be so extended.

**SECTION 5.1.250. Zoning for Appropriate Non-farm Use.** Consistent with ORS 215.215(2) and 215.243, Coos County may zone for the appropriate non-farm use one or more lots or parcels in the interior of an exclusive farm use zone if the lots or parcels were physically developed for the non-farm use prior to the establishment of the exclusive farm use zone.

**SECTION 5.1.300. Required Application.** An application for a rezone shall be required. Such application shall be filed with the Planning Department on the form provided and shall include the following:

1. The name and address of the applicant, which may be one of the following:
  - a. the owner of the property;
  - b. the purchaser of the property under a duly executed written contract who has the written consent of the vendor to make such application;
  - c. a lessee in possession of the property who has written consent of the owner to make such applications;
  - d. the agent of any of the foregoing who states on the application that he is the duly authorized agent and who submits evidence of being duly authorized in writing by his principal.
2. A statement of the applicant's legal interest in the property, a description of that interest, and in case the applicant is not the legal owner, the necessary written consent;



3. The address and legal description of the property;
4. A general location map of the property and a detailed parcel map of the property, each on 8 ½ x 11” paper;
5. A statement explaining the reasons for the application and why it is justified under the criteria set forth in this Article;
6. The fee required to defray the cost of processing the application;
7. Any other material or information the Planning Director deems necessary for proper evaluation of the request.

**SECTION 5.1.325. Process and Criteria for CBEMP Rezones.** Due to the specificity of the Coos Bay Estuary Management Plan, a plan amendment is required concurrently with the initial zoning or rezoning of any property within the jurisdiction of the Coos Bay Estuary Management Plan (CBEMP). The procedure for plan amendments is regulated by Article 1.2. Such decision shall utilize the process set forth in Section 1.2.400 and shall be based on findings supporting the conclusion that a change in the Coos Bay Estuary Management Plan is consistent with the Statewide Planning Goals and other provisions of the Coos Bay Estuary Management Plan.

**SECTION 5.1.350. Process for Non-CBEMP Rezones.**

1. Valid application must be filed with the Planning Department at least 30 days prior to a public hearing on the matter.
2. The Planning Department shall comply with the notice requirements of the Urban Growth Management and Special District Coordination Agreements.
3. The Planning Director shall cause an investigation and report to be made to determine compatibility with this Ordinance and any other findings required.
4. The County shall forward a copy of the investigation/staff report, required in “3” above to the affected city, special district, applicant and Hearings Body at least 10 days prior to the scheduled public hearing..
5. Coos County shall cause a public notice to be published in the designated newspaper of record not less than 10 days prior to any rezone hearing.
6. The County shall forward a copy of the public notice to all property owners pursuant to Section 5.7.100.

7. The Hearings Body shall hold a public hearing.

All continuance requests shall be reviewed by the Hearings Body on its own merits except as follows:

If the City of Bandon, requests a continuance of the initial public hearing, Coos County shall grant the continuance request and continue the hearing to the next scheduled public hearing or to any other scheduled public hearing only if mutually agreed to by the applicant and the county.

8. The Hearings Body shall make a decision on the application pursuant to Section 5.1.400.
9. Notice of decision shall be afforded to the applicant and those with “party” status as defined in Article 5.7 Public Hearings. Notice of the decision shall also be afforded to any witness participating in the public hearing and requesting such notification.
10. The Board of Commissioners shall review and take appropriate action on any rezone recommendation by the Hearings Body pursuant to Section 5.1.550.
11. A decision by the Hearings Body that a proposed rezone is not justified may be appealed pursuant to Article 5.8.

**SECTION 5.1.400. Decisions of the Hearings Body for a Non-CBEMP Rezone.**

The Hearings Body shall, after a public hearing on any rezone application, either:

1. Recommend the Board of Commissioners approve the rezoning, only if on the basis of the initiation or application, investigation and evidence submitted, all the following criteria are found to exist:
  - a. the rezoning will conform with the Comprehensive Plan or Section 5.1.250; and
  - b. the rezoning will not seriously interfere with permitted uses on other nearby parcels; and
  - c. the rezoning will comply with other policies and ordinances as may be adopted by the Board of Commissioners.
2. Recommend the Board of Commissioners approve, but qualify or condition a rezoning such that:

- a. the property may not be utilized for all the uses ordinarily permitted in a particular zone; or
- b. the development of the site must conform to certain specified standards; or
- c. any combination of the above.

A qualified rezone shall be dependent on findings of fact including but not limited to the following:

- i. such limitations as are deemed necessary to protect the best interests of the surrounding property or neighborhood; or
  - ii. such limitations as are deemed necessary to assure compatibility with the surrounding property or neighborhood; or
  - iii. such limitations as are deemed necessary to secure an appropriate development in harmony with the objectives of the Comprehensive Plan; or
  - iv. such limitations as are deemed necessary to prevent or mitigate potential adverse environmental effects of the zone change.
3. Deny the rezone if the findings of 1 or 2 above can not be made. Denial of a rezone by the Hearings Body is a final decision not requiring review by the Board of Commissioners unless appealed.

**SECTION 5.1.450. Status of Hearings Body Recommendation of Approval.** The recommendation of the Hearings Body made pursuant to 5.1.400(1) or (2) shall not in itself amend the zoning maps.

**SECTION 5.1.550. Board of Commissioners Action on Hearings Body Recommendation.** Not earlier than 15 days following the mailing of written notice of the Hearings Body recommendation pursuant to Section 5.1.400, the Board of Commissioners shall either:

- A. adopt the Hearings Body recommendation for approval or approval with conditions; or
- B. reject the Hearings Body recommendation for approval or approval with conditions and dismiss the application; or

- C. accept the Hearings Body recommendation with such modifications as deemed appropriate by the Board of Commissioners; or
- D. if an appeal has been filed pursuant to Article 5.8, the Hearings Body recommendation shall become a part of the appeal hearing record, and no further action is required to dispense with the Hearings Body recommendation.

**SECTION 5.1.600. Requirements for “Q” Qualified Classification.** Where limitations are deemed necessary, Board of Commissioners may place the property in a “Q” Qualified rezoning classification. Said “Q” Qualified Classification shall be indicated by the symbol “Q” preceding the proposed zoning designation (for example: Q C-1).

**SECTION 5.1.650. Permits and Applications Moratorium.**

- 1. After a proposed rezoning has been set for public hearing, no building or septic permit shall be issued until final action has been taken. Final action constitutes either:
  - a. withdrawal of the application by the applicant; or
  - b. expiration of the County’s appeal period without an appeal having been filed; or
  - c. final order of Board of Commissioners upon hearing the appeal.
- 2. Following final action on the proposed rezoning, the issuance of a verification letter shall be in conformance with the application approval.

**ARTICLE 5.2           CONDITIONAL USES**

**SECTION 5.2.100.   Conditional Uses.**

- A.   Hearings Body Conditional Uses (C). A Hearings Body conditional use is a use or activity which is basically similar to the uses permitted in a district but which may not be entirely compatible with the permitted uses. An application for a conditional use requires review by the Hearings Body to insure that the conditional use is or may be made compatible with the permitted uses in a district and consistent with the general and specific purposes of this Ordinance.
  
- B.   Administrative Conditional Uses (ACU). An Administrative Conditional use is a use or activity with similar compatibility or special conservation problems. An application for an administrative conditional use requires review by the Planning Director to insure compliance with approval criteria.

**SECTION 5.2.200.   Required Application.** An application for a conditional use or an administrative conditional use shall be filed with the Planning Department on the form provided\* and shall include the following:

- 1.   The name and address of the applicant, which may be one of the following:
  - a.   the owner of the property;
  - b.   the purchaser of the property under a duly executed written contract who has the written consent of the vendor to make such application;
  - c.   a lessee in possession of the property who has the written consent of the owner to make such applications;
  - d.   the agent of any of the foregoing who states on the application that he is the duly authorized agent and who submits evidence of being duly authorized in writing by his principal.

\*   The DSL waterway permit notification may be substituted for the county's application form.

- 2.   A statement of the applicant's legal interest in the property, a description of that interest, and in case the applicant is not the legal owner, the necessary written consent;
  
- 3.   The address and legal description of the property;

4. A general location map of the property and a detailed parcel map of the property, each on 8 ½ x 11 paper;
5. A statement explaining the reasons for the application and why it is justified under the criteria set forth in this Ordinance;
6. The fee required to defray the cost of processing the application;
7. Any other material or information the Planning Director deems necessary for proper evaluation of the request.

**SECTION 5.2.250. Application Made By Transportation Agencies.** A

transportation Agency may submit an application to the Planning Department for a permit or zoning authorization required for a transportation project without landowner consent otherwise required by this ordinance. A transportation agency must mail certified notice to the Planning Department and any owner of land upon which the transportation project would be constructed at least ten (10) days before submitting an application to the Planning Department. Said notice shall state the transportation agency's intent to file the application and must include a map, brief description of the proposed transportation project, and a name and telephone number of an official with the transportation agency available to discuss the proposed project.

A transportation agency (applicant) must comply with all applicable requirements of this ordinance; however, a property divided by the sale or grant of property for state highway, county road, city street or other right-of-way purposes shall continue to be considered a single unit of land until such time as the property is further subdivided or partitioned.

Notwithstanding any other requirement of this ordinance, approvals granted to a transportation agency for a transportation improvement shall not become effective until the subject property is acquired for the project. Any permit will be effective for two (2) years unless a request for renewal for another two (2) years is received from the transportation agency within the 2 year period, in which case renewal will be automatic to a maximum of 5 renewals. [OR-92-07-012PL]

**SECTION 5.2.300. Coordination with Division of State Lands (DSL) State/Federal**

**Waterway Permit Reviews.** If the County is notified by DSL that a state or federal permit has been requested for a use or activity requiring County review, the County shall:

- A. i. if the applicant has received prior County review (pursuant to this Article) for a use or activity requiring a state or federal waterway permit, Coos County shall notify DSL that the project was or was not found to be consistent with this Ordinance. The notification to DSL shall be

accomplished within 3 working days after the Planning Department's receipt of the DSL permit notice; or

ii. if the applicant has not received prior County review for a state or federal waterway permit, and if Coos County is notified by DSL requesting County comment on a proposed project, the Coos County shall respond to DSL and the applicant within 3 working days. Said notification shall state that local authorization is required pursuant to the Coos County Comprehensive Plan or this Ordinance.

B. Notification of Public Agencies. The following agencies shall be notified of all Administrative Conditional Use determinations involving waterway permits:

1. State Agencies:

Division of State Lands  
Department of Fish & Wildlife- Charleston, OR  
Department of Environmental Quality  
Department of Forestry  
South Slough Estuarine Sanctuary Commission

2. Federal Agencies:

Army Corps of Engineers  
National Marine Fisheries Service  
U.S. Fish & Wildlife Service

3. Other Notification:

State Water Resource Department (uses including appropriation of water only)  
State Department of Geology and Mineral Industries (mining and Mineral extraction only)  
State Department of Energy (generating and other energy facilities Only)  
Department of Economic Development (docks, industrial and port Facilities, and marinas only)

**SECTION 5.2.400. Process for Conditional Uses.**

A. Hearings Body Conditional Uses:

1. An application complete with all submittal requirements is filed with the Planning Department at least 45 days prior to a public hearing on the matter.

2. The Planning Department shall forward a copy of the application to any affected city or special district pursuant to applicable provisions of Article 5.7 or this Ordinance.
3. The Planning Director shall cause an investigation and report to be made to determine compatibility with this Ordinance and any other findings required.
4. The Planning Department shall mail a copy of the staff report, required in (3) above, to the affected city, special district, applicant and Hearings Body at least ten (10) days prior to the scheduled public hearing.
5. The Planning Director shall cause a public notice to be distributed to interested persons and the news media which have requested notice and post said notice in the Planning Department office and the Coos County Courthouse not less than ten (10) days prior to any scheduled public hearing. Said notice shall contain:
  - a. A preliminary agenda listing the principal matters anticipated to be considered at the meeting, but this requirement shall not limit the ability of the Hearings Body to consider additional matters, and
  - b. The time, date and location of the meeting.
6. The Planning Director shall cause notice of the hearing to be mailed to all affected property owners pursuant to Section 5.7.100.
7. Coos County shall hold a public hearing on the application pursuant to Article 5.7:
  - a. If the City of Bandon requests a continuance of the initial public hearing, Coos County shall grant the continuance request and continue the hearing to the next scheduled public hearing or to any other scheduled public hearing only if mutually agreed to by the applicant and the County.
  - b. If additional evidence or documents are provided in support of an application, any party shall be entitled to a continuance of the hearing. Such a continuance shall not be subject to the limitations of ORS 215.428.
8. Notice of the decision shall be afforded to the applicant and those persons participating in the public hearing.



9. Any appeal of a Hearings Body decision shall be made pursuant to Article 5.8

B. Administrative Conditional Uses:

1. Application. An application complete with all submittal requirements is filed with the Planning Department.
2. Notice to Cities and Districts. For applications for conditional uses within Urban Growth Boundaries and Areas of Mutual Interest, the Planning Department shall comply with the notice requirements contained in the Urban Growth Management and Special Districts Coordination Agreements.
3. Administrative Decision. An administrative decision shall be made by the Planning Director not later than 30 days after application submittal pursuant to subsection (1) above. The Director's determination shall be supported by written findings and conclusions. The Planning Director may extend the thirty (30) day time limit for rendering a decision, but such extension shall not exceed thirty (30) working days.
4. Notice of Decision. Within five (5) working days of making the decision, the Planning Director shall cause a notice to be prepared and distributed announcing the decision pursuant to Section 5.7.100; and
  - i. mail the notice to the applicant, affected cities, special districts, hearings body members and other parties requesting such notification; and
  - ii. post the notice at a conspicuous location in the Planning Department office and the Coos County Courthouse.
5. Appeals. Any appeal of a Planning Director's decision shall be made pursuant to Article 5.8.

**SECTION 5.2.500. Criteria for Approval of Applications.** An application for a conditional use or an administrative conditional use shall be approved only if it is found to comply with this Article and the applicable review standards and special development conditions set forth in Tables 4.2-a through 4.2-f, and Table 4.3-a and any other applicable requirements of this Ordinance.

**SECTION 5.2.600. Deferral of Administrative Conditional Use.** The Planning Director may at his discretion defer any administrative conditional use to the

Hearings Body at no additional fee to the applicant. If such a deferral is made the process for review and decision shall be the same as a conditional use otherwise reviewed by the Hearings Body.

**SECTION 5.2.700. Hearings Body Review of Administrative Decisions.**

Notwithstanding Article 5.8 (Appeals), a contested quasi-judicial hearing shall be held to review a Planning Director's decision regarding an administrative conditional use, when, within fifteen (15) days of notice of the decision, two or more members of the Hearings Body advise the Planning Director, orally or in writing, of their desire for a public hearing to review the application.

Said hearing shall be held pursuant to Article 5.7.

**SECTION 5.2.800. Conditions.** Reasonable conditions may be imposed in conjunction with the approval of a conditional use or administrative conditional use, as necessary to fulfill the general and specific purposes of this Ordinance. Such conditions may include but are not limited to the following:

1. special yards and spaces;
2. fences and walls;
3. surfacing of parking areas to the requirements of the County or other appropriate agencies;
4. street dedication and improvements or bonds in lieu of improvements;
5. control points of vehicular ingress or egress;
6. special provisions for signs;
7. landscaping and maintenance of grounds;
8. control of noise, vibration, odors, or other similar nuisances;
9. limitation of time for certain activities;
10. a time period in which a proposed use shall be developed;
11. a limit to total duration of use;
12. within the Shorelands Boundary, such conditions as are necessary to implement the requirements of shoreland or aquatic management units;
13. provisions restricting the establishment or location of dwellings.

**SECTION 5.2.825. Authority to Modify Conditions of Approval.** The Planning Director may, while considering extending a conditional use pursuant to Section 5.2.900, modify any approved conditional use by adding, deleting or changing approval conditions applicable to the conditional use.

1. A change to a conditional use's approval conditions may be reviewed on appeal pursuant to Article 5.8, but such appeals may not challenge the validity of the conditional use itself. [OR-92-07-012PL]
2. To delete or modify a condition of an approved conditional use application, which has passed its approval deadline, a new conditional use application must be submitted requesting review of ONLY the specific condition (removal of condition). This conditional use review will be administrative unless the Planning Director deems it to be a Hearings Body review.

**SECTION 5.2.900. Validity of Conditional Uses.** All conditional uses, except for land divisions, remain valid for the period set forth in ORS 215.417. Any conditional use not initiated within said time frame may be granted one extension as specified in ORS 215.417 provided that:

1. An application for said extension is filed with the Planning Department prior to the expiration of the deadline. The applicant must state the reasons that prevented him from beginning or continuing development within the approval period; and
2. The Planning director finds:
  - a. that there have been no substantial changes in the land use pattern of the area or other circumstances sufficient to cause a new conditional use application to be sought for the same use; and
  - b. that the applicant was unable to begin or continue development during the approval period for reasons for which the applicant was not responsible.

Additional extensions granted are ministerial decisions and not a land use decisions as described in ORS 197.015 and are not subject to appeal as land use decisions per OAR 660-33-140(3). (OR-93-12-017PL 2-23-94) (OR-95-05-006 PL 11-29-95) (OR 05-01-002PL 3-21-05)

## ARTICLE 5.3.

**SECTION 5.3.100. General.** Practical difficulty and unnecessary physical hardship may result from the size, shape, or dimensions of a site or the location of existing structures thereon, geographic, topographic or other physical conditions on the site or in the immediate vicinity, or, from population density, street location, or traffic conditions in the immediate vicinity. Variances may be granted to overcome unnecessary physical hardships or practical difficulties. The authority to grant variances does not extend to use regulations

**SECTION 5.3.150. Self-inflicted Hardships.** A variance shall not be granted when the special circumstances upon which the applicant relies are a result of the actions of the applicant or owner or previous owners, including but not limited to:

- ◆ self-created hardship
- ◆ willful or accidental violations
- ◆ manufactured hardships

This does not mean that a variance can not be granted for other reasons.

**SECTION 5.3.200. Variance.** The Planning Director shall consider all formal requests for variances for zoning and land development variances.

**SECTION 5.3.250. Required Application.** An application for a variance shall be required. Such application shall be filed with the Planning Department on the form provided and shall include the following:

1. The name and address of the applicant, which may be one of the following:
  - a. the owner of the property;
  - b. the purchaser of the property under a duly executed written contract who has the written consent of the vendor to make such application;
  - c. a lessee in possession of the property who has the written consent of the owner to make such applications;
  - d. the agent of any of the foregoing who states on the application that he is the duly authorized agent and who submits evidence of being duly authorized in writing by his principal.

2. A statement of the applicant's legal interest in the property, a description of that interest, and in case the applicant is not the legal owner, the necessary written consent;
3. The address and legal description of the property;
4. A general location map of the property and a detailed parcel map of the property, each on 8 ½ x 11" paper;
5. A statement explaining the reasons for the application and why it is justified under the criteria set forth in this Article;
6. An application for a variance to the Airport Surfaces Floating Zone shall include a determination from the Federal Aviation Administration as to the effect of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable air-space, and compliance with FAR-77 or its successor;
7. The fee required to defray the cost of processing the application;
8. Any other material or information the Planning Director deems necessary for proper evaluation of the request.

**SECTION 5.3.300. Process for Variances.**

1. Application. An application complete with all submittal requirements shall be submitted to the Planning Department with the appropriate fee.
  - a. No application for a variance to the requirements of the Airport Surfaces Overlay zone may be considered unless a copy of the application has been furnished to the airport owner for advice as to the aeronautical effects of the variance. If the airport owner does not respond to the application within twenty (20) days after receipt, the Planning Director may act to grant or deny said application.
2. Notice to cities and districts. The Planning Department shall comply with the notice requirements of the Urban Growth Management and Special Districts Coordination Agreements.
3. Administrative Decision. As administrative decision shall be made by the Planning Director not later than thirty (30) days after application submittal pursuant to subsection (1) above. The Director's determination shall be supported by written findings and conclusions. The Planning Director may extend the thirty (30) day time limit for rendering a decision, but such extension shall not exceed thirty (30) working days.

4. Notice of Decision. Within five (5) working days of making the decision, the Planning Director shall cause a notice to be prepared and distributed announcing the decision pursuant to Section 5.7.100; and
  - i. mail the notice to the applicant, affected cities, special districts, Hearing Body members and other parties requesting such notification; and
  - ii. post the notice at a conspicuous location in the Planning Department office and the Coos County Courthouse.
5. Appeals. Any appeal of a Planning Director’s decision shall be made pursuant to Article 5.8.
6. All variance applications shall be subject to the provisions contained in Section 5.2.600, Section 5.2.700, and Section 5.2.800 of this Ordinance.

**Section 5.3.350. Criteria for Approval of Variances.** No variance may be granted by the Planning Director unless, on the basis of the application, investigation, and evidence submitted;

1. Both findings “A” and “B” below are made:
  - A.
    - i. that a strict or literal interpretation and enforcement of the specified requirement would result in unnecessary physical hardship and would be inconsistent with the objectives of this Ordinance; or
    - ii. that there are exceptional or extraordinary circumstances or conditions applicable to the property involved which do not apply to other properties in the same zoning district; or
    - iii. that strict or literal interpretation and enforcement of the specified regulation would deprive the applicant of privileges legally enjoyed by the owners of other properties or classified in the same zoning district;
  - B. that the granting of the variance will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the near vicinity.
2. In addition to the criteria in (1) above, no application for a variance to the Airport Surfaces Floating Zone may be granted by the Planning Director unless the following additional finding is made:

“the variance will not create a hazard to air navigation”.

**ARTICLE 5.6            DESIGN AND SITE PLAN REVIEW**

**SECTION 5.6.100.    Purpose.** The purpose and objectives of site development requirements and the site design review procedure are to:

1.     Encourage originality, flexibility and innovation in site planning and development, including the architecture, landscaping and graphic design of said development;
2.     Conserve the County’s natural beauty and visual character and charm by insuring that structures and other improvements are properly related to their sites, and to surrounding sites and structures, with due regard to the aesthetic qualities of the natural terrain and landscaping, and that proper attention is given to exterior appearances of structures and other improvements;
3.     Protect and enhance the County’s appeal to tourists and visitors and thus support and stimulate business and industry and promote the desirability of investment and occupancy in marine and industrial properties;
4.     Stabilize and improve property values and prevent blighted areas and thus increase tax revenues;
5.     Achieve the beneficial influence of pleasant environments for living and working on behavioral patterns and, thus, decrease the cost of governmental services;
6.     Foster civic pride and community spirit so as to improve the quality and quantity of citizen participation in local government and in community growth, change and improvement;
7.     Sustain the comfort, health, tranquility and contentment of residents and attract new residents by reason of the County’s favorable environment;
8.     Assure that proposed structures are harmonious with the applicable zoning; and thereby promote and protect the health, safety and welfare of the County; and
9.     Protect riparian vegetation which is needed to stabilize the shoreline and to maintain water quality and temperature necessary for the maintenance of fish habitat and spawning areas.

**SECTION 5.6.200.    Site Review and Approval Criteria.** The County finds that excessive uniformity, dissimilarity, inappropriateness or poor quality of design in the exterior appearance of structures and the lack of proper attention to site development and landscaping in the: industrial and airport operations zone

districts hinders the harmonious development of the County, impairs the desirability of residence, investment or occupation in the County, limits the opportunity to attain the optimum use and value of land and improvements, adversely affects the stability and value of property, produces degeneration of property in such areas with attendance deterioration of conditions affecting the health, safety and welfare of the County, and destroys a proper relationship between the taxable value of property and the cost of services thereof.

Further, the County finds that riparian vegetation is a resource which has been identified in the Comprehensive Plan.

**SECTION 5.6.300. Jurisdiction.**

1. Within any zone designation requiring a site plan review, no building permit or verification letter shall be issued for the erection or construction of a permitted or conditional use until the plans, drawings, sketches and other documents required under Section 5.6.500 have been approved by the Planning Director in conformity with the criteria specified in Section 5.6.400 (Criteria and Standards). For the purpose of this Section “Construction” shall include any remodeling that substantially changes the exterior appearance of the building.
2. Construction, site development and landscaping shall be carried out in substantial accord with the plans, drawings, sketches and other documents as approved.
3. Nothing in this subsection shall be construed to prevent ordinary repair, maintenance and replacement of any part of the building or landscaping which does not involve a substantial change from the purpose and objectives of Section 5.6.100. Proposed “substantial changes” shall be submitted to the Planning Director for approval.
4. All variances from the site development criteria which are deemed necessary by the applicant shall be requested pursuant to ARTICLE 5.3.

**SECTION 5.6.400. Site Development Criteria and Standards.** These standards are intended to provide a frame of reference for the applicant to the development of a site and building plans as well as a method of review. These standards shall not be regarded as inflexible requirements, nor do they advocate any particular architectural style, for they are intended to encourage creativity, invention and innovation. The following standards shall be utilized in reviewing the plans, drawings, sketches and other documents required under Section 5.6.500:



1. Landscaping.
  - a. The landscape shall be such to minimize soil erosion and lessen the visual impact;
  - b. any grade changes shall be in keeping with the general appearance of neighboring developed areas.
  
2. Structures.
  - a. Proposed structures shall be related harmoniously to the terrain and to existing buildings in the vicinity that have a visual relationship to the proposed buildings;
  - b. the achievement of such relationship may include the enclosure of space in conjunction with other existing buildings or other proposed buildings and the creation of focal points with respect to avenues of approach, terrain features or other buildings.
  
3. Drives, Parking and Circulation. With respect to vehicular and pedestrian circulation, including walkways, interior drives and parking, special attention shall be given to the location and number of access points, general interior circulation, separation of pedestrian and vehicular traffic, and arrangement of parking areas that are safe and convenient.
  
4. Surface Water Drainage. 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.
  
5. Utility Service.
  - a. Whenever feasible, electric, telephone and other utility lines shall be underground;
  - b. any utility installations remaining above ground shall be located so as to have an harmonious relation to neighboring properties and the site;
  - c. the proposed method of sanitary sewage disposal from all buildings shall be indicated.

6. Special Features.

- a. Exposed storage areas, exposed machinery installations, service areas, truck loading 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;
- b. service, processing, and storage on property abutting a residential zone or commercial zone shall be wholly within an enclosed building or screened from view from such zone, street or highway by a permanently maintained, sight obscuring device or vegetation.

7. Application of Design Standards. The standards of review outlined in (1) to (6) above also apply to all accessory buildings, structures, exterior signs and other site features however related to the major buildings or structures.

8. Riparian Vegetation Protection:

- a. 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:
  - 1) Trees certified by the Coos Soil and Water Conservation District, a port district or U.S. Soil Conservation Service posing an erosion or safety hazard may be removed to minimize said hazard; or
  - 2) Riparian vegetation may be removed to provide direct access for a water-dependent use; or
  - 3) Riparian vegetation may be removed in order to allow establishment of authorized structural shoreline stabilization measures; or
  - 4) 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; or
  - 5) 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

- 6) 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.
- b. 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.” [OR 92-05-009PL]

**SECTION 5.6.500. Application Submittal and Review Procedure.**

1. Submission of Documents. A prospective applicant for a building or other permit who is subject to site design review shall submit the following to the County Planning Director:
  - a. A site plan, drawn to scale, showing the proposed layout of all structures and other improvements including but not limited to, where appropriate, driveways, pedestrian walks, landscaped areas, fences, walls, offstreet parking and loading areas, and railroad tracks. The site plan shall indicate the location of entrances and exits and the direction of traffic flow into and out of offstreet parking and loading areas, the location of each parking space and each loading berth and areas of turning and maneuvering vehicles. The site plan shall indicate how utility service and drainage are to be provided.
  - b. A landscape plan, drawn to scale, showing the location of existing trees proposed to be retained on the site, the location and design of landscaped areas, the varieties and sizes of trees and plant materials to be planted on the site, other pertinent landscape features, and irrigation systems required to maintain trees and plant materials.
  - c. Architectural drawings or sketches, drawn to scale, including floor plans, in sufficient detail to permit computation of yard requirements and showing all elevations of the proposed structures and other improvements as they will appear on completion of construction.

- d. Specifications as to type, color and texture of exterior surfaces of proposed structures including reflective surfaces of solar collectors.
  - e. A site plan drawn to scale, showing the location, size, design, material, color and methods of illumination of all exterior signs.
  - f. An application request which shall include:
    - i. name and address of applicant;
    - ii. statement of applicant's legal interest in the property (owner, contract purchaser, lessee, renter, etc.) and a description of that interest, and in cast the applicant is not the owner, verification of the owner's consent.
    - iii. address and legal description of the property;
    - iv. statement explaining the intended request;
    - v. the required fee pursuant to SECTION 1.3.900;
    - vi. any other materials or information as may be deemed necessary to assist in evaluation of the request.
2. Action by Planning Director. The Planning Director, or his designee, shall review all drawings, plans and specifications submitted for design review. If he finds that they meet all other requirements of the Ordinances of the County, he shall approve or condition the site plan. If the Planning Director disapproves, the proposal may be submitted to the Board of County Commissioners for their review. Reasonable conditions may be established by the Planning Director or Board of Commissioners in connection with a Site Review Permit as deemed necessary to secure the purpose and requirements of this Article. Guarantees and evidence may be required that such conditions will be or are being complied with.
3. Threshold Standard. The Planning Director, at his discretion, may waive part or all of the site plan requirements including fees, if, in the Director's judgement, the proposed development is diminimous in extent to the existing development.

4. Notice of Decision. Within five (5) working days of making the decision, the Planning Director shall cause a notice to be prepared and distributed announcing the decision pursuant to Section 5.7.100; and
  - a. mail the notice to the applicant, affected cities, special districts, Hearings Body members and other parties requesting such notification; and
  - b. post the notice at a conspicuous location in the Planning Department office and the Coos County Courthouse.
5. Appeals. Any appeal of a Planning director's decision shall be made pursuant to Article 5.8.

## ARTICLE 5.7 NOTICES AND PUBLIC HEARINGS

### SECTION 5.7.100. Notice Requirements

1. Hearing. Notice of hearing governed by this section shall be prepared and provided as required by ORS 197.763(2)(a).

Content of the public hearing notice shall comply with ORS 197.763(3) and (4).

2. Administrative Decision. Such notice shall be provided pursuant to ORS 215.416(11) and ORS 197.763(3)(a), (c), (g), and (h).

3. Plan Map Amendment/Rezone.

A. Notice of hearing shall comply with #1 above. IF the application includes an exception to a goal, notice shall also comply with ORS 197.732. The notice shall be published at least 20 days prior to the date of the hearing

B. At least 45 days prior to the initial hearing, notice shall be provided as required by ORS 197.610.

[OR 04 12 013PL 2/09/05]

### SECTION 5.7.125. RESERVED [OR 04 12 013PL 2/09/05]

### SECTION 5.7.150. Special Notice Requirements for Zone Changes within the Environs of Public Use Airports.

Notice shall be provided pursuant to ORS 215.223(4), (5), and (6).

[OR 04 12 013PL 2/09/05]

### SECTION 5.7.175. Special Notice Requirements for Hearings on a Rezone of Property Containing a Mobile Home Park.

Notice shall be provided pursuant to ORS 215.223(7).

[OR 04 12 013PL 2/09/05]

**SECTION 5.7.200. Failure to Receive Notice.** The failure of the property owner to receive notice as provided in this Article shall not invalidate such proceeds if the local government can demonstrate by affidavit that such notice was given. The notice provisions of this Article shall not restrict the giving of notice by other means, including posting, newspaper publication, radio and television.

**SECTION 5.7.300. Quasi-Judicial Land Use Hearings Procedures.**

1. The presiding officer shall provide an opportunity for members to announce conflicts or abstain from participating and allow challenge to any member participating as a decision maker in a quasi-judicial hearing.
2. At the beginning of a hearing under the Comprehensive Plan or land use regulations of Coos County, a statement shall be made to those in attendance that:
  - A. Lists the applicable substantive criteria;
  - B. States that testimony and evidence must be directed toward the criteria listed or other criteria in the Plan or implementing ordinances which the person believes to apply to the decision; and
  - C. States that failure to raise an issue with statements and evidence sufficient to afford the decision maker an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals.
3. Presentation of Testimony:
  - A. Staff Report
  - B. Applicant or, in the case of an appeal of a prior decision, appellant
  - C. Additional testimony by other parties in support of the application or appeal
  - D. Testimony by opponents or, in the case of an appeal, the applicant
  - E. Applicant's or, in the case of an appeal, appellant's rebuttal arguments.
4. If additional documents or evidence in support of an application is submitted at a public hearing, any party shall be entitled to a continuance of the hearing. Such a continuance is not subject to the limitations of ORS 215.427.
5. Unless there is a continuance, if a participant so requests before the conclusion of the initial evidentiary hearing, the record shall remain open for at least seven days after the hearing. Such an extension shall not be subject to the limitations of ORS 215.427.
6. When the Board of Commissioners, Planning Commission, or Hearings Officer reopens a record to admit new evidence or testimony, any person

may raise new issues which relate to the new evidence, testimony, or criteria for decision-making which apply to the matter at issue.  
[OR 04 12 013PL 2/09/05]

**SECTION 5.7.400. (RESERVED)**

**SECTION 5.7.500. Findings.** The final decision of the Hearings Body or Board of Commissioners, shall be based on factual information to the extent required by state law based on the record including the Comprehensive Plan and land use regulations applying the evidence and testimony in the record to the applicable criteria. (OR 98-01-002PL 5/4/98)

**SECTION 5.7.600. (RESERVED)**

**SECTION 5.7.700. (RESERVED)**

**SECTION 5.7.800. (RESERVED)**



**ARTICLE 5.8 APPEALS OF DISCRETIONARY DECISIONS.**

**SECTION 5.8.100.**

Coos County has established an appeal period of 15 days from the date written notice of administrative or Planning Commission decision.

The Board of Commissioners or Hearings Body may retain authority to dismiss an appeal for failure to follow the requirements of this article.

[OR 04 12 013PL 2/09/05]

**SECTION 5.8.150. Standing to Appeal.**

A decision by the Planning Director, Hearings Body, or Board of Commissioners to approve or deny an application may be appealed as identified in the Sections below. The appeal must be filed within the appeal period and meet one of the following criteria:

1. In the case of a decision by the Planning Director, the petitioner was entitled to notice of the decision; or
2. In the case of a decision by the Hearings Body, the petitioner was entitled to notice of the decision of the hearing; or
3. The person is aggrieved or has interests adversely affected by the decision.

In the case of an appeal of a Hearings Body decision to the Board of Commissioners, the petitioner must have appeared before the Hearings Body orally or in writing. [OR 04 12 013PL 2/09/05]

**SECTION 5.8.200. Appeals of Administrative Decisions.**

An appeal shall be filed with the Department and shall be accompanied by a written statement of the grounds for the appeal and any required filing fee. Upon receipt of an appeal, the Department shall schedule a public hearing before the Hearings Body and provide public notice as provided in Section 5.7.100(1). The hearing on appeal of an administrative decision shall be de novo (ORS 215.416).

The appeal hearing procedure shall be in accordance with Section 5.7.300. [OR 04 12 013PL 2/09/05]

**SECTION 5.8.223 Appeal of Hearings Body Decision to board of Commissioners.**

An appeal shall be filed with the Department and shall be accompanied by a written statement of the grounds for the appeal and any required filing fee. The review of the decision of the Hearings Body by the Board of Commissioners shall be confined to the record of the proceeding, which shall include:

1. All materials, pleading, memoranda, stipulations, and motions submitted by any party to the proceeding and received or considered by the Hearings Body as evidence;
  2. All materials submitted by the Planning Department with respect to the application;
  3. Minutes of the public hearing of the Hearings Body;
  4. The findings and action of the Hearings Body and the notice of decision; and
  5. Arguments confined to the record by the parties or their legal representatives at the time of review by the Planning Commission.
- [OR 04 12 013PL 2/09/05]

**SECTION 5.8.230. Board of Commissioners Action**

The Board of Commissioners may affirm, modify, or reverse all or part of the action of the Hearings Body or may remand the matter for additional review or information. [OR 04 12 013PL 2/09/05]

**SECTION 5.8.250. Reconsideration of Administrative Decision.**

1. During the period set forth at Section 5.8.200(1)(a), the Planning Director may withdraw for the purposes of reconsideration, any administrative decision.
  2. If an administrative decision is withdrawn for the purposes of reconsideration, the Planning Director shall, within 30 days of the withdrawal, affirm, modify or reverse the administrative decision.
  3. Notice of the reconsidered administrative decision shall be provided in the same manner as notice of the original administrative decision, and any appeal of said decision may proceed pursuant to Article 5.8.
- [OR-92-07-012PL]

**SECTION 5.8.300. Record Presented to Hearings Body or Board of**

**Commissioners.** After notice of intent to appeal has been filed pursuant to Section 5.8.200, then: [OR 96-06-007PL 9/4/96]

1. For appeals of administrative decisions, the Planning Director shall forward to the Hearings Body a copy of:
  - a. the application for the subject administrative permit; and
  - b. the written findings establishing the basis for his decision; and

- c. the notice of intent to appeal.
2. For appeals of Hearings Body decisions, the Planning Director shall forward to the Board of Commissioners a copy of:
    - a. the application for the requested action; and
    - b. the staff report on the request; and
    - c. the public hearing record of the Hearings Body's decision; and,
    - d. the notice of intent to appeal.

**SECTION 5.8.400. Multiple Appeals.** Multiple appeals of the same land use decision may be consolidated into one hearing, at the discretion of the Planning Director, Planning Commission or Board of Commissioners, provided the appeals involve the same or substantially similar issues and/or a common question of law or fact. The consolidation process must not work to deprive any appellant of his or her right to a full and fair hearing on the merits of their case. Such consolidation of the appeals into one hearing will avoid unnecessary costs or delay and will assist in the proper resolution of the matter in question.

**SECTION 5.8.500. (RESERVED)** [OR 04 12 013PL 2/09/05]

**SECTION 5.8.600. (RESERVED)** [OR 04 12 013PL 2/09/05]

**SECTION 5.8.700. Reconsideration of Final Decision By Board of Commissioners.**

At any time subsequent to the filing of a notice of intent to appeal a decision made by the Board of Commissioners pursuant to Section 5.8.600, and prior to the date set by the Land Use Board of Appeals for filing the record on said appeal, the Board of Commissioners may withdraw its decision for the purposes of reconsideration. If the Board withdraws its final decision order for purposes of reconsideration, it shall, within such time as the Land Use Board of Appeals may allow, affirm, modify or reverse its decision. [OR 92-07-012PL]

**SECTION 5.8.800. Review of Remanded Decisions.** Decisions remanded by the Land Use Board of Appeals will be scheduled for hearing for one of the following:

1. within 30 days from the date of the final LUBA order, the applicant will provide a written request for a hearing on those issues raised at LUBA; the request must be accompanied by the appeal fee;
2. within 30 days of receiving the request a hearing will be scheduled before the Board of Commissioners; or

3. if no such request is received the application shall be deemed to be withdrawn and action taken to void the implementing Ordinance.
4. each time a decision is remanded, 1, 2, and 3, above must be followed.  
(OR 98-01-002PL 5/4/98)

## CHAPTER VI LAND DIVISIONS

### ARTICLE 6.1 GENERAL PROVISIONS, ENFORCEMENT

**SECTION 6.1.100. General Purpose.** The general purpose of this Chapter is to prescribe the form and content of subdivision plats and partition plats (minor and majors) and the procedures to be followed in their development and approval and to designate those authorized to give such approval; to establish the minimum requirements and standards necessary for efficient, safe, and attractive subdivisions and partitions consistent with the natural resources of the County; and to provide penalties for violations. It is intended that this Chapter be consistent with ORS Chapters 92 and 215.

It is further the intent of this Chapter:

1. To ensure that land be subdivided or partitioned in a manner which will promote the public health, safety, convenience, and general welfare.
2. To aid in the implementation of the Coos County Comprehensive Plan.
3. To protect the natural assets of the County by providing the means for encouraging orderly developments by relating the number, design, and distribution of lots or parcels to existing topographical, ecological, hydrological, and other natural conditions.
4. To minimize through proper design and layout, the danger to life and property by the hazards of fire, flood, water pollution, soil erosion and land slippage.
5. To ensure that proper consideration be given for adequate light and air, and prevention of overcrowding of land.
6. To provide lots, parcels, and development sites of sufficient size and appropriate shape and character for the purpose for which they are to be used.
7. To provide for adequate water supply, sewage disposal, storm drainage, and other utilities needed for public health, safety, and welfare.
8. To provide adequate provisions for transportation designed to handle the anticipated usage and to ensure that they minimize safety hazards and adverse impact on the neighboring area.

9. To ensure that the costs of providing rights-of-way and improvements for vehicular and pedestrian traffic, utilities, and public areas serving new developments be borne by the benefited persons rather than by the people of the County at large.
10. To encourage new concepts and innovations in the arrangement of building sites, lots, and parcels within divisions by means of a Planned Unit Development or clustering. Deviations from the traditional approaches of dividing lands may be considered for approval when such deviations will facilitate the ultimate development of the land in a unique manner that will be compatible with the purpose of this Chapter.

**SECTION 6.1.200. Approval of Partitions, PUD's and Subdivisions Required.**

1. No person shall divide land, except after approval of such division pursuant to this Chapter.
2. No person shall sell any lot in any subdivision or convey any interest in a parcel in any partition until the plat of the subdivision or partition or declaration of partition described in Section 6.4.450 has been acknowledged and recorded with the recording officer of Coos County.
  - a. No person shall negotiate to sell any lot in a subdivision until a tentative plan has been approved.
  - b. A person may negotiate to sell any parcel in a partition prior to the approval of the tentative plan.
  - c. In negotiating to sell a lot in a subdivision or convey any interest in a parcel in any partition, a person may use the approved tentative plan for such subdivision or partition. [OR-92-07-012PL]
3. No person shall create a road or street for the purpose of land division without the approval of the County.
4. Coos County shall refrain from issuing any permit or approval for any application other than approval pursuant to this Section, including building permits or verification letters for any parcel of land not complying with this Section. [OR-93-12-017PL 2/23/94]

**SECTION 6.1.300. Inter-relationship with Other County Ordinances, Codes, Orders and Policies.**

1. Comprehensive Plan. All land divisions shall be in conformity with the Coos County Comprehensive Plan.
2. Coos County Zoning and Land Development Ordinance. All land divisions shall conform to all applicable requirements of this ordinance.
3. Whenever any department of the County finds that the provisions of a Chapter have apparently been or may be violated by any person, the director of said department shall report such finding to the Planning Department Director for investigation and enforcement.
4. (RESERVED)
5. Under no circumstances shall Coos County be responsible for the administration of city codes on specific properties after annexation.
6. (RESERVED)

**SECTION 6.1.350. Water Rights: Reporting and Recording.** All persons offering for filing (with the County Clerk) an approved plan, plat, or replat of subdivisions or land partitions for land located outside the boundaries of an irrigation district, drainage district, water control district, or district improvement company must concurrently present to the Planning Department a “statement of water rights” to be filed with the County Clerk. [OR-92-07-012PL]

**SECTION 6.1.400. Application for Land Divisions.**

1. Applications: All applications for land divisions shall be submitted to the Planning Department as required by this Chapter.

**SECTION 6.1.500. Amendment of Subdivision Plat or Partition Plat.**

1. Any plat of a subdivision or partition filed and recorded under provisions of ORS 92.018 to 92.190 may be amended by an affidavit of correction:
  - a. To show any courses or distances omitted from the subdivision or partition plat;

- b. To correct an error in any courses or distances shown on the subdivision or partition plat;
  - c. To correct an error in the description of the real property shown on the subdivision or partition plat; or
  - d. To correct any other errors or omissions where the error or omission is ascertainable from the data shown on the final subdivision or partition plat as recorded.
2. Nothing in this Section shall be construed to permit changes in courses or distances for the purpose of redesigning lot or parcel configurations.
3. The affidavit of correction shall be prepared by the registered professional land surveyor who filed the plat of the subdivision or partition. In the event of the death, disability, or retirement from practice of the surveyor who filed the subdivision or partition plat, the County Surveyor may prepare the affidavit of correction. The affidavit shall set forth in detail the corrections made and show the names of the present fee owners of the property materially affected by the correction. The seal and signature of the registered professional land surveyor making the correction shall be affixed to the affidavit of correction.
4. The County Surveyor shall certify that the affidavit of correction has been examined and that the changes shown on the certificate are permitted under this Section.
5. The surveyor who prepared the affidavit of correction shall cause the affidavit to be recorded in the office of the County Recorder where the subdivision or partition plat is recorded. The County Clerk shall promptly provide a recorded copy of the affidavit to the County Surveyor. The County Surveyor shall note the correction and the recorder's filing information with permanent red ink, upon the original subdivision or partition plat and upon any true and exact copies filed in accordance with ORS 92.1203.. The corrections and filing information shall be marked in such a manner so as not to obliterate any portion of the subdivision or partition plat.
6. For recording the affidavit in the County deed records, the County Clerk shall collect a fee set by the County governing body. The County Clerk also shall collect a fee set by the County governing body to be paid to the County Surveyor for services provided under this Section.



**SECTION 6.1.550. Replating:** The act of replatting shall allow the reconfiguration of lots and public easements within a recorded plat. Upon approval by Coos County, pursuant to the process prescribed in Article 6.5, replats will act to vacate the platted lots, parcels, and easements within the replat areas with the following conditions:

1. A replat, as defined in Section 2.1.200 shall apply only to a recorded plat.
2. When the replat is replatting all of an undeveloped subdivision as defined in ORS 92.225, Coos County shall notify in writing each owner of record (of land described in the plat) not later than 30 days before the date of a hearing to determine whether the undeveloped subdivision should be replatted.
3. Notice, consistent with County approval of a tentative plan of a subdivision plat or partition plat, shall be provided by Coos County to the owners of property adjacent to the exterior boundaries of the tentative replat.
4. When a utility easement is proposed to be realigned, reduced in width, or omitted by a tentative replat approval, all affected utility companies or public agencies shall be notified, consistent with notice to owners of property contiguous to the tentative plat.

## ARTICLE 6.2 DESIGN AND DEVELOPMENT STANDARDS

**SECTION 6.2.100. Purpose.** All land divisions shall conform to the design and development standards specified in the following sections. The standards so specified shall be considered as the minimum appropriate for land division, partition, PUD or subdivision development and are not intended to limit the developer from using higher standards of design and development.

**SECTION 6.2.150. Roads or Streets.** The standards of Chapter VII shall apply.

**SECTION 6.2.200. Control Strip.** The County may require, or at the request of the developer, the creation of a 1 (one) foot wide strip of land contiguous to a road, whereby such strip of land would be deeded to the County for the purpose of restricting access to said road from an adjacent lot or parcel. Control strips shall not be regarded as a lot or parcel. Control strips may be permitted for any of the following reasons:

1. to prevent access to abutting land at the end of a road right-of-way in order to assure the proper extension of the road pattern and the orderly division of land lying beyond the road;
2. to prevent access to the side of a road where additional width or improvement is required or future partition or subdivision action is needed;
3. to prevent access to the side of a road from abutting property that is not part of the division until proportional road construction costs are conveyed to the appropriate developer.

**SECTION 6.2.250. Access.**

1. The development of land shall be such as to provide each lot or parcel with one of the following alternative means of access:
  - a. a lot or parcel shall abut upon a public street, other than an alley; or
  - b. a lot or parcel shall abut upon a private easement (restricted agricultural, mining, and forestry easements may be used for land divisions, but not for siting dwellings and other development uses); or
2. Any access approval request under this section shall be reviewed to assure

that no development occurs in known natural hazard areas without appropriate safeguards. The Planning Director or designee may condition its approval of a request on the provision of such safeguards, or otherwise condition approval of such requests to insure compatibility with the objectives of this ordinance, and the Coos County Comprehensive Plan.

3. Any land division that involves the creation of a public or private road or street or “foot access” will require a partition, planned community or subdivision approval. [OR-92-07-012PL]

All private road right-of-way easements shall be part of a lot, parcel or designated common areas. The area within the private easement can only be considered as part of a required minimum lot size pursuant to Section 3.3.500.

5. As used in this section, the following definitions shall apply:
  - a. “foot access” means a private way, other than a street or road, legally created to provide access across the entire parcel or lot of land lying within the shoreland boundary from a waterbody to an “upland” lot or parcel which shall abut the coastal shoreland boundary. Said access shall terminate at the shoreland boundary and shall have an improved permeable surface as deemed appropriate by the Coos County Roadmaster (i.e. sand, gravel, etc.)
  - b. “upland lot or parcel” means a lot or parcel not abutting a waterway and partially or totally outside a coastal shoreland boundary.

**SECTION 6.2.300. Easements.** Easements may include but are not limited to the following:

1. Private Road Access. Pursuant to Chapter VII (Roads or Streets).
2. Utility Easements. Easements including but not limited to sewers, water mains and electrical lines shall be at least 15 feet wide, except for utility pole tieback easements which may be reduced to 6 feet in width.
3. Pedestrian and Bicycle Ways. When necessary for public convenience, safety or if designated on an adopted County or State recreation or transportation system plan, the County Planning Director will require a developer of a subdivision, PUD, and office park complex to dedicate to the public, public access easements<sup>10</sup>

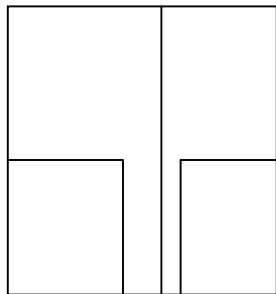
feet in width. Said easements may be deemed necessary to provide access:

- a. through unusually long or oddly shaped lots or parcels; or
  - b. to schools, parks, or other public areas; or
  - c. for pedestrian travel adjacent to streets; or
  - d. to water bodies or other natural amenities; or
  - e. between streets or cul-de-sacs; or
  - f. between office structures and through parking facilities.
4. Slope Easements. Necessary when right-of-way slope construction extends outside of the normal right-of-way.

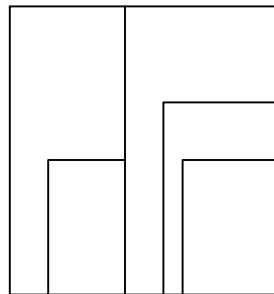
**SECTION 6.2.350. Lots and Parcels.**

- 1. Lot and parcel sizes shall meet the minimum lot sizes as established by the applicable zoning district (also see Section 3.3.500 maintenance of minimum requirements).
- 2. Panhandle lots or parcels shall be an acceptable method of land division. More than two contiguous panhandles (as opposed to the panhandle “lots” themselves) shall not be permitted. Where two panhandles are contiguous, the County may require easements and construction of an access road.

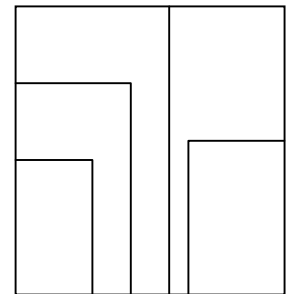
**EXAMPLE:**



May be acceptable



May be acceptable



Not acceptable

3. Dimensional Standards.
  - a. Minimum access frontage for any lot or parcel shall be fifty feet (50’).
  - b. Minimum panhandle width for any lot or parcel shall be 20 feet (20’).
4. Side lot and parcel lines shall be avoided, except when needed to overcome specific disadvantages of topography and orientation.
5. Double frontage lots or parcels shall be avoided, except when needed to overcome specific disadvantages of topography and orientation.
6. Lot and parcel size, width, shape and orientation shall be appropriate for the location of the property being developed, the topography and the type of development and use proposed as determined by the County Surveyor.
7. Lots or parcels shall not be unreasonably shaped or laid out, or the lots or parcels shall not violate or destroy the lay of the land contrary to the provisions of this ordinance.
8. Within UGB’s only, lot, tract, or parcel width shall be at least 25% of the depth, and not less than otherwise required by this ordinance.

**SECTION 6.2.400. Improvement Specifications.** Improvements shall conform to the following standards:

1. Water supply systems, both public and private, shall conform to the requirements of state law.
2. Sewage disposal systems, both public and private, shall conform to the requirements of state law.
3. Grading shall be performed and drainage facilities installed (i.e. french drains, catch basins, etc.) as is necessary to provide proper drainage within the partitioned area.
4. The Hearings Body may require the installation of storm sewers where necessary to insure proper drainage, to conform with an established or proposed drainage system or to eliminate threat to the public health and safety.

5. Streets or roads shall conform to the improvement standards stated in Chapter VII of this Ordinance.

“(5.5) For developments affecting State road facilities by more than 300 trips per day, as estimated using the most recent edition of the ITE Trip Generation Manual, or where the development causes traffic impacts that bring a State road below acceptable levels of service standards, or impacts a State road that is already operating below acceptable levels of service, or impacts a State road that has a documented safety problem, the applicant shall be required to provide a traffic impact study that identifies traffic impacts attributable to the development and appropriate mitigation measures. Mitigation must be provided in order for the development to be approved. The determination of impact effect, scope of the impact study, scheduling, and funding of improvements shall be coordinated between the developer, the County and the Oregon Department of Transportation.”

6. Sidewalks of an all-weather material not less than 5 feet in width, nor more than 8 feet in width shall be constructed as close to the center of pedestrian and bicycle ways as practical, when required. Also see Section 6.2.3003.
7. Erosion prevention. When necessary to prevent erosion all cuts and fills and other graded areas shall be protected from erosion by appropriate seeding or planting of grass shrubs, trees or other soil stabilizing vegetation. (OR 98-12-009PL)

**ARTICLE 6.4. REVIEW COMMITTEE**

**SECTION 6.4.100. Land Division Technical Review Committee.**

1. Establishment. The land division Technical Review Committee (TRC) is established to act in a technical review capacity for the Board of Commissioners, and is authorized to perform such functions as provided for in this Ordinance. The TRC shall consist of the following members or their duly authorized representatives:
  - a. Director – County Planning Department, who shall serve as Chairman;
  - b. Director – County Public Works (i.e., Roadmaster);
  - c. County Surveyor;
  - d. County Assessor;
  - e. County Counsel;
  - f. County Hearings Body Chairman;
  - g. Representative of Affected City;
  - h. Representative of Affected Special District.
  
2. Responsibility of TRC. When requested by the Planning Director the TRC shall examine all tentative (preliminary) partition plats, subdivision plats, and planned unit development plats, and assist the Planning Director in rendering a decision relating to the approval, conditional approval, or disapproval of said applications. In case of a variance request, the TRC shall form a committee recommendation to the Planning Director. The following notification requirements shall apply:
  - a. The applicant shall be given notice of any TRC meeting pertaining to his or her request.
  - b. Notice of all Planning Director decisions shall be provided to all affected property owners pursuant to the requirements of Section 5.7.100 and any affected cities and special districts.
  - c. If no appeals or reconsideration hearing requests are received pursuant to Article 5.8, the decision shall be binding. If any appeals are received, the application shall be scheduled for an appeal hearing before the Hearings Body. If a reconsideration hearing request is received from an affected city or special district, the matter shall be scheduled for review before the Hearings Body.  
[OR-92-07-012PL]

**SECTION 6.4.450. Required Declaration of Partition.** After final approval of any partition plat creating unsurveyed partitioned parcels, the partitioner shall cause to be recorded in the County deed records a “Declaration of Partition” which shall be numbered as required under ORS 92.1202. and shall include:

- a. the declaration described in ORS 92.075(1) to (3);
- b. a description of each parcel being created, prepared by a registered professional land surveyor together with the seal, signature, and address of the registered professional land surveyor; and
- c. evidence of any approval required by this Ordinance.

The County Surveyor shall review the “Declaration of Partition” to determine that the “Declaration of Partition” complies with the provisions of this Section and other applicable laws and with the partition requirements established by this Ordinance. [OR-93-12-017PL 2/23/94]



**ARTICLE 6.5. PARTITIONS AND SUBDIVISIONS.** A property divided by the sale or grant of property for state highway, county road, city street or other right-of-way shall continue to be considered a single unit of land until such time as the property is further subdivided or partitioned. (OR 92-07-012PL)

**SECTION 6.5.100. Filing Schedule.** The following is a general outline of the process for the review of subdivision and partitioning of land in Coos County:

1. applicant files pre-application (optional at the Planning Director's discretion);
2. Planning Director reviews pre-application;
3. applicant files tentative plans;
4. TRC reviews tentative plans;
5. Planning Director makes a decision;
6. applicant submits construction drawings for any new public roads or access easements;
7. County Roadmaster reviews construction drawings and applicable specifications for public roads and access easements;
8. applicant constructs or bonds for required improvements;
9. County Roadmaster inspects construction unless improvements are bonded;
10. applicant submits final plat;
11. Planning Department coordinates review of final plat by affected County Departments;
12. Board of Commissioners reviews final plats for subdivisions and for partitions proposing public dedications; Planning Director reviews final plats for partitions not proposing public dedications;
13. If the final plat is approved, the applicant shall comply with Section 6.1.350 and file the plat with the County Clerk. (OR 92-07-012PL)

**SECTION 6.5.200. Pre-Application.**

1. Submittal of Sketch Plan. The applicant at the discretion of the Planning Director shall submit to the Planning Department a sketch plan(s) of the proposed partition or subdivision. The sketch plan(s) shall be clearly and legibly drawn in a manner which may be photo copied without loss of detail. The overall size of the plans or map shall not be less than 11" x 17".
2. Review of Sketch Plan. The Planning Director shall review the sketch plan(s) in relation to:
  - i. Coos County Comprehensive Plan;
  - ii. state law requirements;
  - iii. the provisions of this ordinance;
  - iv. special problems associated with the land or proposed development;
  - v. development of adjacent properties;
  - vi. general scope of all streets and utilities. [OR-92-07-012PL]

**SECTION 6.5.250. Tentative Plan and Base Map. (Tentative Plan)**

1. Application
  - a. All proposed tentative partition and subdivision plats and base maps shall comply with all applicable sections of this Ordinance. Applicants shall secure appropriate zoning authorization or clearance prior to submittal.
  - b. A tentative partition or subdivision plat map and base map, complete with all submittal requirements and the appropriate fee, shall be submitted to the Planning Department.
  - c. Within ten (10) days of receiving a complete application, the Planning Department shall distribute copies of the tentative partition or subdivision plat map and base map to affected cities, special districts and County departments.
2. Tentative Plat Map and Base Map Standards.

An application for a partition or subdivision shall include a tentative plat map and a base map, each drawn on mylar or substantial high quality tracing paper measuring 18" x 24" using archival ink and drafting material. The maps shall be clearly and legibly drawn to a standard engineer's scale. All maps shall be drawn to the same scale except as otherwise authorized by the County Surveyor. Each map shall be clearly titled as being part of a tentative partition, subdivision plat, or planned community. (OR 00-5-014PL)

3. Required Maps. A tentative partition or subdivision plat map and base map shall be submitted for the lot or parent parcel to be divided.
  - A. Base Map. A base map shall be submitted containing the following information:
    - i. Map Data.
      - a. Property Boundaries;
      - b. Lot or parcel area in acres or square feet;
      - c. North point, scale of drawing, and date;
      - d. Location of the property by quarter-quarter section, township, range, and tax lot number(s);
      - e. Names and addresses of the owner(s) and any other person employed in the preparation, layout or design of the base map;
      - f. Section lines;
      - g. City boundaries;
      - h. Location(s) of existing zoning districts applicable to the subject property.
    - ii. Topography. All existing natural features including:
      - a. Contour lines (may be taken from USGS 7.5 minute quad sheets);

- b. Areas subject to inundation;
  - c. Lakes, streams, creeks, rivers, and other bodies of water;
  - d. Identified wetlands;
  - e. Identified geologic hazards and other features affecting development.
  - iii. Existing Improvements. All existing improvements including:
    - a. Location, name, right-of-way width and road improvement width of all existing streets, roads, highways, alleys, and other easements;
    - b. Existing monuments;
    - c. Adjacent subdivisions;
    - d. Existing non-dedicated roads, trails, and driveways;
    - e. Existing dwellings, farm buildings or other structures.
  - iv. Utilities. The location(s) of existing utilities including:
    - a. Sewer and water mains;
    - b. Wells or springs that provide potable water;
    - c. Septic systems;
    - d. Culverts and drainage lines or pipes.
- B. Tentative Plan. This map shall show the following additional information proposed for the development:
- i. Map Data.

- a. Appropriate identification clearly stating the map is part of a tentative plan. Proposed subdivision name if applicable.
  - b. Names and addresses of the owners and any other person employed in the preparation, layout or design of the tentative plan.
  - c. North point, scale of drawing, and date.
  - d. Property boundaries.
- ii. Proposed Developments. The following improvements where applicable shall be shown as approximate:
- a. the name, location, width, grade and radii of the streets, roads or private access easements. Stationing shall be shown at 100-foot intervals;
  - b. the location, width and purpose of all proposed easements;
  - c. the location, dimension, acreage and numbers of all proposed lots or parcels;
  - d. proposed finish grades of the property and streets, showing all cut and fill areas, location of proposed retaining walls or slope protection and proposed drainage systems or drainageways;
  - e. sites, if any, allocated for purposes other than residential structures;
  - f. any proposed public areas;
  - g. locations, grade and size of proposed utilities including water, sewer, fire hydrants, storm drains, electricity and communication lines, and service and utility structures. All facilities shall be considered in their relation to existing and planned facilities, topographical conditions, public

convenience and safety, and proposed use of the land;

- h. existing structures to remain;
- i. location and area of all open spaces, setbacks where applicable. Buffers, screens, recreational facilities, or landscaping.

4. Written Information. The following written information shall be submitted with the tentative plan:

- A. Property Report. 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. A subdivision guarantee may be acceptable, additional information may be required.
- B. If applicable, the conceptual method and obligations of a homeowners association, covenants, or deed restrictions.
- C. Phasing. A statement describing and explaining the rationale for any proposed phasing of construction, the sale of lots or parcels, and the placement of utilities and construction of streets.
- D. Public Services. A statement of available public services, such as police and fire protection, schools and school buses and electric, telephone, or other utilities. The statement shall indicate the proximity of such services in addition to giving an estimate of the capacity of the service to effectively absorb the increased demand reasonably anticipated to be placed on the services as a result of the land development.
- E. Water Supply. A statement of the proposed method of water supply including source, quantity, quality and method of distribution.
- F. Sewage Disposal. A statement of the proposed method of sewage disposal.

5. Supplemental Information. The following supplemental information shall be submitted with the tentative plan, or, prior to or with the construction drawings that may be required for roadways:
  - A. Geologic Report. For proposed roadways with slopes greater than 3:1 or where otherwise required by the County, a site specific geologic investigation report. This report shall be prepared by a licensed engineering geologist, soils engineer, or other qualified expert, who must carry errors and omissions insurance. Verification of the insurance must be submitted with the report. The report shall indicate the structural integrity of improvements, including but not limited to any proposed structures, cuts or fills, recommended storm drains both on and off the site, erosion control measures and slope stabilization devices, and trees or other stabilizing vegetation to be retained.
  - B. Public Services. Pursuant to the statement of public services, Section 6.5.250(4)(D), the applicant shall submit a copy of any agreement with the appropriate companies, districts, agencies or cooperatives providing electrical, telephone or other required service.
  - C. Water Supply. Pursuant to the statement of water supply, Section 6.5.250(4)(E), the applicant shall submit and comply with the following:
    - i. a certification by a city-owned domestic water supply system or by the owner of a privately owned domestic water supply system that water will be available to the lot line of each and every lot or parcel depicted in the proposed land division; or
    - ii. a statement that no domestic water supply facility will be provided to the purchaser of any lot or parcel depicted in the proposed land division, even though a domestic water supply source may exist. This statement must be shown on the face of the final plat. It is the responsibility of the applicant to deliver a copy of the statement to each

prospective purchaser of a lot or parcel depicted in the land division pursuant to ORS 92.090(4)(c).

- iii. Where the proposed source of water is by individual or community wells, proof of an adequate supply of potable water for all anticipated needs of the platted area shall be presented. Proof of an adequate supply of potable water may consist of:
  - a. Test wells, must have at least one well per five lots or parcels, or, in the case of lots or parcels averaging less than two acres, one well per ten acres. The test wells shall produce at least 1,000 gallons per day for two consecutive days for each proposed single-family residential site; and
  - b. certificate of the water as potable by the County Health Department or appropriate state agency; or by an approved private laboratory.
  - c. a hydrology report documenting the availability of potable water by describing the average depth, yield and quality and by giving a general history of wells in the area.
- iv. Where the proposed source of water is by a spring, creek, stream, pond, lake or other natural or man-made surface water impoundment, the following information shall be provided:
  - a. Certificate of the water as potable by the County Health Department, appropriate state agency or by an approved private laboratory.
  - b. Whether the source will be distributed through a community water system or through individual delivery systems;



- c. Whether water rights exist to the supply and, if so, the names of persons holding such rights and amounts allotted to each;
  - d. The location of the sources of water supply;
  - e. The year-round or seasonal nature of the water supply;
  - f. Proof of an adequate water supply for all anticipated needs of the proposed development.
- v. When the water supply is distributed through a community system the proposed method of assuring the continued maintenance of the water system shall be provided.
- D. Sewage Disposal. Pursuant to the statement of sewage disposal, Section 6.5.250(4)(F):
- i. a certificate by a city-owned sewage disposal system, special district sewage disposal system or by the owner of a privately owned sewage disposal system that sewage disposal will be available to the lot line of each and every lot or parcel depicted in the proposed land division; or
  - ii. a statement that no sewage disposal facility will be provided to the purchaser of any lot or parcel depicted in the proposed land division. This statement must be shown on the face of the final plat. It is the responsibility of the applicant to deliver a copy of the statement to each prospective purchaser of a lot or parcel depicted in the land division pursuant to ORS 92.090(5)(c).
  - iii. If the sewage disposal system is by private septic system or another Department of Environmental Quality (DEQ) approved system then DEQ feasibility (approved test

holes) must be submitted for each lot or parcel. [OR96-06-007PL 9/4/96]

- E. Foot Access. If “foot access” is proposed pursuant to Section 6.2.350 the application shall also include the following:
- i. a copy of any easements providing access to the parent parcel;
  - ii. a written statement explaining why extension of any road system is impractical for this particular situation;
  - iii. delineation of the coastal shoreland boundary on the tentative map;
  - iv. evidence establishing that approval of the proposed foot access would be consistent with Coos County Comprehensive Plan, Coos Bay Estuary Management Plan, or the Coquille River Estuary management Plan.
- F. Public Road Access. If a lot or parcel abuts a public road, verification of a road access permit shall be submitted. [OR-92-07-012PL]

**Section 6.5.300. Review of Tentative Plan.**

1. Distribution to Affected Bodies. The Planning Department shall furnish a copy of the tentative plan to all affected special districts and cities which have a coordination agreement with Coos County; and
2. Within twenty (20) days of postmark, each city, special district and County Department receiving a copy of the tentative plan should submit a written statement to the Planning Department with respect to any matter, information, or recommendation deemed necessary for the applicant’s or public’s benefit.
3. The Planning Department shall make copies of all written statements available to the applicant and others interested.
4. Planning Director Review. The Planning Director, after reviewing the tentative plan and comments, may approve, conditionally approve, or disapprove any application. The Planning Director

shall take action within forty-five (45) days of the date the application was accepted as complete, unless additional time is deemed necessary to complete the review.

- A. Approval. If the Planning Director approves an application, the Planning Director shall make findings of fact which substantiate the following conclusions:
- i. The plan complies with the requirements of its submittal (Section 6.5.250. Tentative Plan).
  - ii. The plan complies with the objective of the Comprehensive Plan.
  - iii. The plan complies with all applicable laws, regulations, or ordinances.
  - iv. That any divisions of EFU land comply with Table 4.2-b.
- B. Conditional Approval. The Planning Director 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. 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. other conditions deemed necessary to implement the objectives of the Comprehensive Plan.
- The Planning Director may establish a specific time limit to complete the conditions.
- C. Disapproval. The Planning Director shall disapprove a tentative plan if the plan cannot be found in compliance with “A” or “B” above.
- D. Notice. Notice of the Planning Director’s decision shall be mailed to all property owners of record, pursuant to the requirements of Section 5.7.100, and any affected cities and special districts.

- E. Effective Date. Unless the action of the Planning Director is appealed, the action shall be effective upon the expiration of the appeal period pursuant to Article 5.8.
- F. Effect of Approval. Following approval of a tentative plan, the applicant may proceed with preparation of any required construction drawings. Development as per the tentative plan may yet be subject to approval of the supplemental information as require by Section 6.5.250(5). and approval of construction drawings as required by Section 6.5.350. [OR-92-07-012PL]

**SECTION 6.5.350. Construction Plans and Specifications.**

- 1. Submittal. After approval of the tentative plan, and if the tentative plan includes the creation of access roadways, the applicant shall submit to the Planning Department five (5) copies of the following construction plans:
  - a. road or street profiles, cross-sections and drawings pursuant to Chapter VIII. In lieu of cross-sections and profiles, the Roadmaster may field check the proposed road and if the subject topography does not warrant the requirement of cross-sections and profiles such requirements may be waived by the Roadmaster.
  - b. specifications for the required utilities, road or streets and monumentation, provided the applicant intends to bond for said improvements pursuant to Section 6.5.400.
  - c. A base map indicating accurate contour lines related to a bench mark established pursuant to Chapter VIII and as determined from Table 6.5. [OR-92-07-012PL]

**TABLE 6.5. AVERAGE LOT SIZE (omit largest and smallest lots, average of remainder)**

A – UP TO 5 ACRES		B – 5 OR MORE ACRES
SLOPE	CONTOUR INTERVAL	
		1. Contours may be taken from USGS 7-1/2' Quad sheets, 1972
1. up to 5%	2'	
2. 5% - 20%	5'	2. Contours may be as shown in A. 1, 2, 3 of this table
3. 20%+	10'	

4. Road centerline profiles and cross-sections may be plotted from these contours.	3. TRC may require spot elevations.
5. Contour lines shall extent at least 50 feet beyond land division boundaries.	4. Road profiles and cross-sections to be surveyed in the field if contours are taken from USGS. 5. Contours shall extend 50 feet beyond land division boundaries.

- d. Supplemental information pursuant to Section 6.5.250 5..
- e. Homeowners association bylaws, ownership arrangement of common open space and any covenants or deed restrictions.

- 2. Distribution. The Planning Director shall submit a copy of the construction drawings along with an approval form to the County Road Department and the County Surveyor. Other members of the TRC shall be notified that construction drawings have been submitted and may review the drawings at the Planning Department.

It shall be the responsibility of the County Road Department to review the drawings and submittals relevant to road or street and utility construction. The Road Department shall also be responsible for reviewing the specifications pertaining to roads or streets and utilities pursuant to bonding.

It shall be the responsibility of the County Surveyor to review the drawings and submittals relevant to surveying. The Surveyor shall also be responsible for reviewing the specifications pertaining to surveying and monumentation pursuant to bonding. The County Roadmaster and County Surveyor shall within twenty (20) days after receipt of the construction drawings return the completed approval form to the Planning Director. If all approval forms are positive, the Planning Director shall approve the construction drawings.

If any approval form is negative or with conditions, the applicant shall if necessary resubmit new construction drawings revised to correct any discrepancies. Upon approval of the construction drawings, the Planning Director shall within five (5) days of approval notify the applicant, County Roadmaster and County Surveyor.

3. Effect of Approval. Following approval of the construction drawings, the applicant may proceed with bonding or other security arrangements or construction of improvements and monumentation. Any construction of further site work shall be in conformance with the approved construction drawings and specifications. [OR 92-07-012PL]

**SECTION 6.5.400. Agreement for Improvements.**

Before the final plat may be approved, the partitioner or subdivider shall either:

1. install required monumentation, improvements and repair existing streets and other public facilities damaged in the construction of the subdivision or partition; or
2. execute and file with the County Surveyor or Roadmaster, pursuant to directions below, an agreement between himself and the County.
  - A. Interior Monuments: If the corners of a partition or subdivision are to be monumented on or before a specified date after the recording of the plat, a bond, surety, cash or other security deposit at the option of the Surveyor shall be furnished prior to the recording of the plat.

The estimated cost of performing the work shall be prepared by the surveyor or engineer performing the work on the described plat and shall be approved by the County Surveyor.

When the subdivider wishes to bond for improvements and post-monumentation of the plat, the following notes and calculations will be submitted with the plat in addition to those listed in Section 8.1.400 (Survey Calculations) (OR-00-05-014PL):

- i. copies of all original field notes made in connection with the survey of the plat;
- ii. calculation sheets for:
  - a. bearings;

- b. bearings adjustments;
- c. traverse;
- d. traverse adjustment;
- e. all other calculations made in connection with the survey of the subdivision.

B. Improvements. If the road, street, utility, or other improvements for a partition or subdivision are to be completed on or before a specified date after recording of the plat, the estimated cost (See figure 6.5) of performing the work shall be prepared by the surveyor or engineer performing the work on the described plat and shall be approved by the County Roadmaster.

C. Bond, Surety, Cash or Other Security Deposit Requirements. The bond, surety, cash or other security deposit agreement shall:

- i. specify the time within which the required monumentation, improvements or repairs shall be completed;
- ii. be filed in the amount of 120% of the approved estimated cost, as per the sample Bond Request, Figure 6.5;
- iii. be conditioned upon the final approval and acceptance of the development;
- iv. be forfeited to the County if the applicant does not complete the requirements within the agreed-upon time limit, not to exceed two years from date of final plat approval, 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.

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 subdivider or partitioner shall be liable to the County for the difference.

v. Cover any costs, attorney fees, and liquidation damages resulting from delay or failure to meet the deadline.

D. Phasing. The agreement may provide for the construction of improvements in units and for an extension of time under specific conditions. See Section 6.5.500 (Extension of Time..

[OR-93-12-017PL 2/23/94]



**FIGURE 6.5 SAMPLE BOND REQUEST**

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.

T. \_\_\_\_\_ R. \_\_\_\_\_ Section \_\_\_\_\_

Dear Sir:

Herewith is an estimate of cost for the improvements within the above named subdivision or partition for the purpose of obtaining a performance bond, said improvements to be constructed in accordance with the approved plans and specifications for said subdivision or major partition on file with the Coos County Planning Department.

Item 1.	Excavation	_____ yds @	_____
=	_____		
Item 2.	Crushed rock 1-1/2" minus	_____ yds @	_____
=	_____		
Item 3.	Crushed rock 3/4" minus	_____ yds @	_____
=	_____		
Item 4.	Asphaltic concrete	_____ tons @	_____
=	_____		
Item 5.	Curb & gutter	_____ lin. ft. @	_____
=	_____		
Item 6.	Catch basins	_____ each @	_____
=	_____		
Item 7.	Manholes	_____ each @	_____
=	_____		
Item 8.	_____ diam. concrete pipe	_____ lin. ft. @	_____
=	_____		
Item 9.	_____ diam. concrete pipe	_____ lin. ft. @	_____
=	_____		
Item 10.	Exterior monumentation	_____ mon @	_____
=	_____		
Item 11.	Interior monumentation	_____ mon @	_____
=	_____		
Item 12.			
Item 13.			
Item 14.			
=	_____		
		Subtotal	_____

20% Contingencies and Engineering \_\_\_\_\_  
= \_\_\_\_\_  
total \_\_\_\_\_  
= \_\_\_\_\_

Yours Truly,

\_\_\_\_\_  
(Signature of Developer)

I concur:        Date \_\_\_\_\_

\_\_\_\_\_  
Coos County Road Department

I concur:        Date \_\_\_\_\_

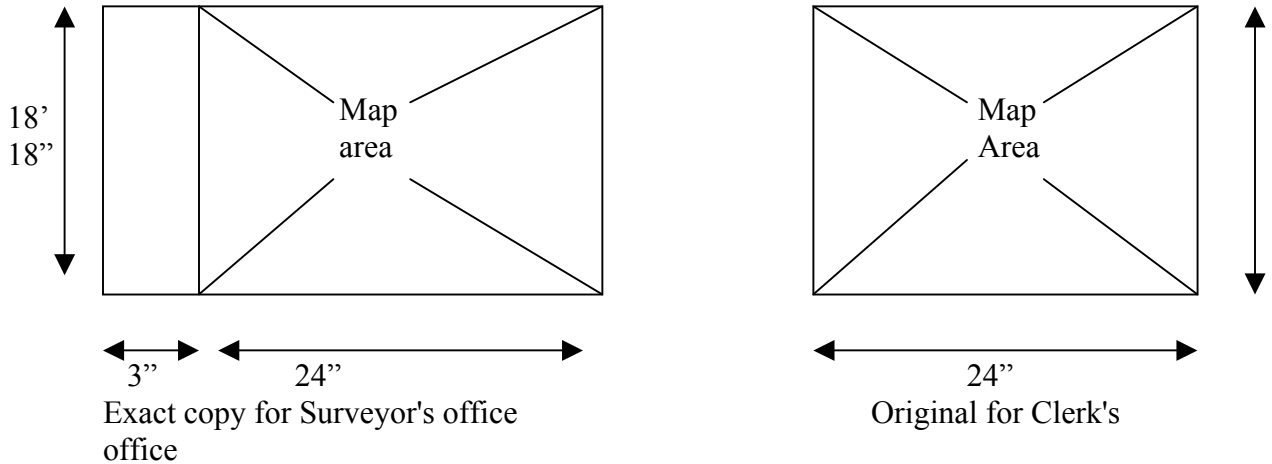
\_\_\_\_\_  
Coos County Surveyor's Department

**SECTION 6.5.450. FINAL PLAT.**

1. Application. An application for a final partition plat or subdivision plat complete with all submittal requirements and the appropriate fee shall be submitted to the Planning Department for approval not later than five 5. years after the date of approval of the tentative plan.
  - A. No final plat may be submitted for consideration and approval unless a tentative plan, and any required construction drawings for the proposed land division have been submitted previously and approved by the County pursuant to this Article.
  - B. The final plat map shall be clearly titled as being a final:
    - i. partition plat;
    - ii. subdivision plat; or
    - iii. planned community.
2. Final Plat Map Standards. A final partition plat or subdivision plat shall meet the following standards (OR 00-05-014PL):
  - A. One original, clearly and legibly drawn to a standard engineer's scale approved by the County Surveyor;
  - B. Be drawn on good quality mylar or similar plastic film measuring 18" x 24" using archival inks and drafting material;

- C. One exact copy or additional original drawn to the same standards as in A and B above, measuring 18" x 27" with at least 3" on left edge being blank for binding purposes. (OR 98-01-002PL 5-4-98)

EXAMPLES



- D. Upon request, the person offering the plat for recording shall also file with the County Assessor an exact copy, certified by the surveyor who made the plat and by the County Clerk, to be a true copy of the final plat.
- E. If additional sheets are required, then all sheets will be indicated as being part of the final plat and as sheet 1 of 2, sheet 2 of 2, etc. and shall comply with the requirements established by the County Surveyor.

3. Plat Map. The final plat map shall contain the following information:

- A. the date, scale, north point, legend, controlling topography such as bluffs, creeks and other bodies of water and existing cultural features such as highways and railroads;
- B. legal description of the tract boundaries, including a statement of the total acreage within the tract;
- C. names of the owners, subdivider, engineer, and surveyor;
- D. reference points of existing surveys identified, related to the plat by distances and bearings, and references to a field book or map as follows:

- i. monuments, stakes, or other evidence found or set on the ground and used to determine boundaries of the partitioned area shall be shown as follows on the final plat:



Initial Point



Monuments found



Monuments set



Monuments to be set after Final Plat is filed.

This information shall include all references to OSHD monument information including map/drawing number;

- ii. adjoining corners of adjacent developed areas;
  - iii. city boundary lines when crossing or adjacent to the subdivision or partition plat;
  - iv. township, section, and donation land claim within or adjacent to the subdivision or partition plat;
  - v. the established centerline monumentation of a street adjacent to or within the subdivision or partition plat;
  - vi. all other monuments found or established in making the survey of the subdivision or partition plat as required to be installed by the provisions of this Ordinance.
- E. the exact location and width of streets or roads and easements intersecting the boundary of the tract;
  - F. the names of all streets or roads;
  - G. tract, lot or parcel boundary lines; (OR 00-05-014PL)
  - H. the width of the streets or roads, the width of any existing right-of-way, and the width on each side of the centerline. For streets on curvatures, curve data shall be based on the street centerline. In addition to the street centerline dimensions, the radius and central angle shall be indicated.

- I. Easements denoted by fine dotted lines, clearly identified and, if already of record, their recorded reference. If an easement is not definitely located of record, a statement of the easement, the width of the easement, its length and bearing, and sufficient ties to locate the easement with respect to the subdivided or partitioned area.

If the easement is being dedicated by the map, it shall be properly referenced to the owners certificate of dedication.  
If private

easements are being created to provide access, language shall be placed on the plat creating an easement to all proposed lots or parcels.

- J. Lot or parcel numbers beginning with number "1" and numbered consecutively and the area of each lot or parcel to the nearest hundredth of an acre.
- K. Land parcels to be dedicated or reserved for public use or common ownership as distinguished from lots intended for sale.
- L. Declaration.
  - i. A written declaration shall be included on the face of the partition or subdivision final plat stating that the declarant has caused the subdivision or partition plat to be prepared and the property subdivided or partitioned in accordance with ORS chapter 92. Any dedication of land to public purposes or any public or private easements created, or any other restriction made, shall be stated in the declaration.
  - ii. If the declarant is not the fee owner of the property, the fee owner and the vendor under any instrument of sale shall also execute the declaration for the purpose of consenting to the property being subdivided or partitioned.
  - iii. If the subdivision or partition plat contains any dedication or donation of land to public purposes, the holder of any mortgage or trust deed shall also execute the declaratin for the purpose of consenting

to the property being submitted to the provisions of ORS chapter 92.

- iv. Notwithstanding the provisions of subsections i. through iii. above, the fee owner, vendor or the mortgage or trust deed holder may record an affidavit consenting to the declaration of property being subdivided or partitioned and to any dedication or donation of property to public purposes. Such affidavit shall indicate the recorded document by which the interest in the property was acquired and all information required by ORS 93.410 to 93.530 and shall be recorded in deed records at the same time as the subdivision or partition plat. The county clerk shall note the recording information of the affidavit on the original and any exact copies of the subdivision or partition plat.

M. Certificates. The following certificates, which may be combined where appropriate, must be included on the final plat or on an additional sheet pursuant to 6.5.450(2)(c).

- i. If the plat contains the creation of a private road, the following statement shall be presented in the form of a certificate signed and acknowledged by all parties having any record title interest in the land being developed:

“As a condition of approval of this map/plat the undersigned hereby agrees that he/she will hold Coos County harmless from and indemnify the County for any liability for damage which may occur to the undersigned or his/her property or to any other persons or property whatsoever as a result of the undersigned’s failure to build, improve or maintain roads in this proposed land division.”

This certificate shall include a statement as to whether any roads depicted on the final subdivision or partition plat that provide access to the lots or parcels are public or private and if they are publicly or privately maintained. If they are publicly or privately maintained, then the statement shall identify who is responsible for the maintenance.

IT IS SO AGREED THIS \_\_\_\_\_ day of \_\_\_\_\_

---

DEVELOPER (Signature.

- ii. A certificate with the signature and seal of the engineer or the surveyor responsible for the survey and final plat. The certificate shall state that the surveyor has correctly surveyed and marked with proper monuments the lands as represented, and has placed a proper monument indicating the initial point of beginning and has indicated the dimensions and kind of monuments and their location in accordance with ORS 92.060(1), and has accurately described the tract of land upon which the parcels or lots are laid out. (OR 00-05-014PL)
- iii. **For subdivisions only**, a certificate with signature block for the County Road Department's approval that the subdivider has complied with the following alternatives: (OR 98-01-002PL)
  - a. all improvements have been installed in accordance with the requirements of these regulations; or
  - b. an agreement has been executed as provided in Section 6.5.400 to ensure completion of the required improvements.
- iv. A certificate with a signature block for the County Surveyor's approval, to-wit:
  - a. the plat complies with the requirements for accuracy and completeness and that all monuments have been set pursuant to this Ordinance; or
  - b. an agreement has been executed as provided in Section 6.5.400 to ensure completion of the required monumentation.
- v. A certificate with a signature block for County Assessor's approval, to-wit:

- a. "all ad valorem taxes and all special assessments, fees, or other charges required by law to be placed upon the tax roll which have become a lien upon the lot or parcel, have been paid or which will become a lien during the tax year have been paid."
- vi. A certificate with a signature block for the approval of the Planning Director indicating that the plat is in conformity with the requirements of this Ordinance.
- vii. For all subdivision, and for partition plats with public dedication a certificate with a signature block for the Board of Commissioners indicating that:
  - a. The Board determines that the plat is in conformity with the requirements of this Ordinance; and
  - b. The Board accepts any and all dedications as represented on the final plat.
  - c. If the plat contains the creation of a private road the following statement shall precede the Board of Commissioners signature certificate:

“Coos County hereby gives notice to all developers, purchasers, potential purchasers and all third parties whatsoever that the County disclaims any liability whatsoever for any damage which may occur as a result of the failure of the developer to construct, improve or maintain roads in this proposed land division.”

N. RESERVED (OR-98-01-002PL 5/4/98)

O. Approval of Subdivision by Special Districts.

All plats of subdivisions located within the boundaries of an irrigation district, drainage district, water control district or district improvement company shall be submitted to the board of directors of the district or company and its approval thereof shall be endorsed thereon by the board of directors before approval of such plat of any subdivision



may be approved by the Board of Commissioners pursuant to Section 6.5.450(3)(L)(viii), unless the procedures and requirements of ORS 92.110 are otherwise met.

[Cross-reference: ORS 92.110]

- P. Survey Dimensions. Survey dimensions shall comply with Article 8.1 Surveying Standards of this Ordinance and the County Surveyor shall be responsible for ensuring compliance.
4. Supplementary Information with Final Plat. The following data shall accompany the final plat:
- A. address of the owner, developer, engineer, surveyor, planner, or any other professional persons engaged in the design and/or preparation of the plat;
  - B. a preliminary title report issued by a title insurance company in the name of the owner of the land showing all parties whose consent is necessary and their interest in the premises;
  - C. a copy of any deed restrictions applicable to the subdivision, partition plat or planned community (OR 00-05-014PL);
  - D. a copy of any dedication requiring separate documents;
  - E. written proof that all ad valorem taxes and all special assessments, fees, or other charges required by law to be placed upon the tax roll have been paid which have become a lien upon the subject properties or which will become a lien during the calendar year;
  - F. sheets and drawings concerning survey drawings and calculations specified in Chapter VIII.
5. Final Plat Monumentation Standards.
- A. Except as provided by subsection (5)(e), the following points shall be monumented:
    - a. the initial point;
    - b. points on the exterior boundary;

- c. the intersection of all streets and roads;
  - d. all lot and parcel corners; and
  - e. road centerline curve point and points of tangency (PI may be substituted if approved by the County Surveyor in advance.)
- B. Minimum size and type of all monuments shall be 5/8" x 30" steel reinforcing rod, or 3/4" galvanized iron pipe. (interior diameter)
- C. The County Surveyor may authorize the setting of another type of monument if it is impractical to set the size required in B above.
- D. Points shall be plainly and permanently marked upon monuments so that measurements may be taken to them to within one-hundredth of a foot.
- E. All monuments at angle points on the exterior boundaries of a partition/subdivision shall be placed and the monuments shall be referenced on the plat before the plat is offered for recording. However, remaining monuments need not be set prior to the recording of the plat if the land surveyor performing the survey work certifies that the remaining monuments will be set on or before a specified date as provided in Section 6.5.400, and if the person partitioning or subdividing the land furnishes to the county Surveyor a bond, cash deposit or other security as required by the County guaranteeing the payment of the cost of setting the remaining monuments for the subdivision or partition plat as provided in Section 6.5.400. (OR 00-05-014PL)
- F. All parcels in a partition plat that consist of ten 10. acres in size or more need not be monumented on the property corners, except that any corner of a ten 10. acre or larger parcel must be monumented if that corner is also a corner of a parcel smaller than ten 10. acres which is a part of the same partition. All roads created through a partition plat or subdivision shall, without exception, be monumented in conformance with the requirements of this section.

6. Consideration of Final Plat.

- A. Within ten 10. days after a final partition or subdivision plat is submitted according to the provisions of this Ordinance, the Planning Director shall distribute the original mylar of the proposed land division to the surveyor for review. A copy of said proposed land division shall be sent to the Roadmaster for review and comment.
  
- B. Within not less than twenty (20) days from the date the application for final plat is distributed, the Planning Director shall review the final plat and make a decision to review the final plat and make a decision to either approve or conditionally approve the final plat application, unless there is a specific finding that the plat map does not substantially conform to the approved tentative plan and any required construction drawings or to one or more of the requirements of this Ordinance or any other applicable laws and regulations.
  - i. The Planning Director shall notify the applicant within seven (7) working days of any decision to deny the final plat.
  
  - ii. The Planning Director shall notify the applicant within seven (7) working days of any decision to conditionally approve the final plat, and said notice shall identify the conditions of approval. The applicant shall correct or comply with all conditions, and said conditions shall appear on the final plat prior to approval signatures.
  
  - iii. If the Planning Director approves the final plat application, then the County Roadmaster, County Assessor, County Surveyor and County Planning Director shall sign the respective certificates on the final plat.
  
- C. If the final plat does not require the signature of the Board of Commissioners (i.e. partition plat without any public dedications), then within seven (7) working days of the Planning Director's final decision and signing, the Planning Director shall notify the applicant of said decision.
  
- D. If the final plat requires the signatures of the Board of Commissioners (i.e., subdivisions and partition plats including public dedications), the Planning Director shall

schedule a date before the Board of Commissioners to obtain signatures at the earliest available date after obtaining all other required approval signatures.

- E. Following final action by the Board of Commissioners, the Planning Director shall notify the applicant of the action within seven (7) working days.
- F. Within twenty (20) days of such notification to the applicant that the final plat has been approved and signed, the applicant shall deliver the signed plat to the office of the County Clerk to be offered for the record. The same day of recording, the applicant shall submit the exact copy to the County Surveyor pursuant to this Article.
  - i. If a water right is appurtenant, a copy of the acknowledged statement of water rights pursuant to Section 6.1.350 of this Ordinance must be attached to the final plat before the County Clerk may accept the final plat.
- G. If the final plat is not recorded within twenty (20) days of notification of final approval and signing, the plat shall be filed as a new plat application as provided in Section 6.5.100.

- 7. Distribution of Final Plat. Following the recording of the final plat, the County Surveyor shall furnish and distribute a copy of the plat to the Planning Director, Assessor and Roadmaster.

**SECTION 6.5.500. Extension of time.** The Board of Commissioners may extend the time period allowed for the filing of a final plat provided the subdivider or partitioner can establish that a diligent effort has been made toward completion of the final plat. Pursuant to Section 6.5.450 a final plat (and appropriate fee. shall be submitted to the Planning Department not later than five (5) years after the date of approval of the tentative plan.

A request for an extension based upon this provision, must be submitted prior to the expiration of the five (5) year deadline. (OR 00-05-014PL)

## **ARTICLE 6.6. PLANNED UNIT DEVELOPMENTS (PUD)**

**SECTION 6.6.100. Purpose.** The provisions of this Article shall be known as the Planned Unit Development requirements and procedures. Its purpose is to set forth the objectives, principles, standards, and procedures to be used in developing a Planned Unit Development (PUD). The Planned Unit Development Article is designed to permit the flexibility needed to encourage the appropriate development of tracts of land that are large enough to allow the use of individualized site planning. It is intended to provide flexibility in the application of certain regulations in a manner consistent with the general intent and provisions of the Comprehensive Plan for Coos County, and this Ordinance, thereby promoting a harmonious variety of uses, the economy of shared services and facilities, compatibility of surrounding areas and the creation of attractive, healthful, efficient and stable environments for living, shopping, recreation, or working.

Planned Unit Development, for purposes of this Chapter, is described as: an optional approach to community development which allows modification of more or less rigid setback, lot size specifications, and land use provisions of Chapter IV (Zoning) Article 6.5 (Major Partitions/Subdivisions) of this Ordinance, and instead establishes broad standards and goals to be followed, thus enabling and encouraging flexibility of design and development. Often based on the concept of cluster planning, it allows single-family houses and multiple-family dwellings of varying sizes, and appropriate institutional, and commercial uses to be built in the same development, thus inviting considerable variety in both tract and building design and uses, the possible retention of natural settings or community recreational areas, and reduced street and utility installation cost. Although the density of the total area remains consistent with that of conventional development, emphasis is placed on the relationship between buildings, uses, and open space, and the most efficient use of both natural and development resources, rather than planning on a lot-by-lot or building-by-building basis. All PUD proposals shall comply with ORS 94.

**SECTION 6.6.150. Objectives.** The general objectives of the Planned Unit Development are:

1. to encourage innovations and variety in the development or re-use of communities in the County;
2. to maximize choice in the type of environment available in Coos County;

3. to encourage a more efficient use of land and of public services and facilities;
4. to take advantage of and promote advances in technology, architectural design, and functional land use design;
5. to provide for the enhancement and preservation of property with unique features (i.e., historical, topographical, and natural landscape.);
6. to simplify processing of development proposals for developers by providing for concurrent review of land use, subdivision, public improvements, and siting considerations;
7. to enable special problem areas or sites in the County to be developed or improved, in particular where these areas or sites are characterized by special features of geography, topography, size, shape, or historical legal non-conformance;
8. to provide an environment of stable character in harmony with surrounding development or use, or proposed development or use;
9. to permit flexibility of design that will create desirable public and private common open spaces, a variety in type, design, and layout of buildings, and utilize to the best possible extent the potentials of individual sites;
10. to assist in reducing the public service costs of development.

**SECTION 6.6.200. Uses.** The buildings and uses permitted in a Planned Unit Development shall be governed by the parent district, pertinent floating zones, and special considerations map restrictions. In addition to the uses permitted by the parent district, the following uses shall also be permitted:

1. Multiple-family dwelling
2. Two-family dwelling (Duplex)
3. Low intensity recreation
4. High intensity recreation
5. Retail and service establishments that provide a convenience designed to primarily serve the residents of the PUD with goods and services, and not intended to serve a larger trade or service area.

6. Accessory structures and uses to the extent necessary and normal to the uses permitted in this Section.

**SECTION 6.6.250. Land Coverage.**

1. Residential Planned Unit Development. In a Residential Planned Unit Development at least 40% of the gross land area, excluding existing and proposed parking and roads shall be devoted to open space and shall be designated as common property.
2. Density. The overall density of a Planned Unit Development shall not exceed the density of the parent zoning district, floating zone, or special consideration restrictions.
3. Lot Area and Dimensional Standards. The minimum lot area, width, depth, height and setback requirements of Chapter IV applicable to the zoning district in which the Planned Unit Development is proposed shall not dictate the strict guidelines for development within the Planned Unit Development and may therefore be waived. Individual buildings and accessory buildings, shall maintain the required parent district's setback from all exterior plat boundary lines, so as to provide the minimum buffering deemed necessary to protect the integrity of adjacent properties.
4. Perimeter Standards. When Coos County determines that topographical or other existing barriers, or the design of the Planned Unit Development, does not provide adequate screening or privacy necessary for properties adjacent to the Planned Unit Development, Coos County shall require that:
  - a. structures located near the perimeter of a Planned Unit Development are designed and located so as to protect the privacy and amenity of adjacent existing uses; and/or
  - b. a permanent screening be established either by appropriate structure or vegetation or both, along those portions of the site boundaries requiring such screening to assure compatibility with adjacent existing or prospective land uses.
5. Open Space Standards. The location, shape, size and character of required open space shall be consistent with the standards set forth below, and shall be maintained only for those uses so specified:

outdoor

- a. open space may be maintained for scenic, landscaping, recreational purposes, sound, solar availability or buffering;
  - b. open spaces shall be developed and improved to the extent that it will serve the purpose for which it is designated. Outdoor areas containing natural features, existing trees, and groundcover worthy of preservation may be left unimproved.
  - c. any buildings, structures, and improvements within the open space shall be appropriate to the uses which are authorized for the open space and shall protect and enhance the integrity of the open space.
6. Maintenance of Common Open Space and Facilities. Whenever any lands or facilities, including streets or ways, are shown on the final development plan as being shown on the final development plan as being held in common, Coos County shall require that an association of owners or tenants be created into 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 common areas and facilities to the satisfaction of Coos County. Said association shall be formed and continued for the purpose of maintaining such common open space and facilities. 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 areas and facilities for the purposes intended.
7. Dedication. Coos County may, as a condition of approval for any development, require that portions of the Planned Unit Development be set aside, improved, conveyed, or dedicated for the following uses:
- a. easements necessary to the orderly extension of public utilities;
  - b. streets and pedestrian ways necessary to the proper development of either the Planned Unit Development and/or adjacent properties;
  - c. recreational areas or open spaces suitable for the owners, residents, employees, or patrons of the Planned Unit Development of the general public.



8. Construction Standards. Except as expressly provided by this Article, the provisions of this Ordinance and all other County Ordinances and codes shall apply to and control all design and construction of improvements within a Planned Unit Development.

**SECTION 6.6.300. Planned Unit Development.** The filing, submittal, and review of a planned unit development shall comply with applicable provisions of Article 6.5, Sections 6.5.100-6.5.500.

## ARTICLE 6.7 RECREATIONAL PLANNED UNIT DEVELOPMENT (R-PUD)

**SECTION 6.7.100. Purpose.** The purpose of the Article is to set forth the objectives, principals, standards and procedures to be used in developing a Recreation Planned Unit Development (R-PUD). The R-PUD Article is designed to permit the flexibility needed to encourage the appropriate development of tracts of land that are large enough to allow the use of individualized site planning to fulfill an identified need for intense recreational opportunities. It is intended to provide flexibility in the application of certain regulations in a manner consistent with the general intent and provisions of the Comprehensive Plan for Coos County, and this Ordinance, thereby promoting a harmonious variety of residential and recreationally-related structures and uses. These may include tourist-oriented uses such as motels, restaurants, etc. All R-PUD proposals shall comply with ORS 94.

**SECTION 6.7.150. Objectives.** The general objectives of a Recreational Planned Unit Development are:

1. to encourage and provide for local recreational opportunities,
2. to encourage and provide significant diversification of the local economy by increasing the attraction of tourists to the County.
3. to provide incentives to stimulate the development of destination resort complexes;
4. to provide complementary protection of significant open space and natural resource areas.

**SECTION 6.7.200. Uses.** The buildings and uses permitted in a Recreational Planned Unit Development shall be governed by the parent district, pertinent floating zones and special considerations map restrictions. In addition to the uses permitted by the parent district, the following uses shall also be permitted:

1. Multiple-family dwellings;
2. Two-family dwellings (duplexes);
3. Low-intensity recreation facilities;
4. High-intensity recreation facilities;
5. Retail and service establishments not necessarily limited in scope to meet the needs of the R-PUD users;

6. Accessory structures and uses to the extent necessary and normal to the uses permitted in this section.

**SECTION 6.7.300 Development and Maintenance Standards and Principals.** In lieu of the property development standards of the primary zone, the following standards shall apply to a R-PUD.

1. Minimum Sized Area for Developments. The minimum size for a tract of land to be developed as a R-PUD shall not be less than eighty (80) contiguous acres.
2. Land Coverage. In a R-PUD at least forty (40) percent of the gross land area, excluding existing and proposed parking and roads, shall be devoted to open space.
3. Density.
  - a. Owner's Primary Dwelling Unit. The overall density for "owners' primary dwelling units" in a R-PUD shall not exceed the density permitted by the underlying zone or "special consideration" restrictions.

For the purpose of a R-PUD, "owners' primary dwelling unit" shall be defined as providing year-round occupancy for a single-family owner-occupied unit.
  - b. Recreational Dwelling Unit. The overall numbers of permitted recreational dwelling units in a R-PUD shall not be less than the number of the "owners' primary dwelling units", not shall the number of recreational dwelling units exceed the carrying capacity of the land, considering:
    - i. individual septic feasibility approvals for each dwelling unit; or approved public or community sanitary system;
    - ii. proof of an adequate supply of potable water, pursuant to Section 6.5.250(5)(C).

For the purpose of a R-PUD, "recreational dwelling unit" 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.

Example 1: Given 100 acres:

Permitted density: 1 d.u. per 10 acres  
Carrying capacity = 100 units

Owner's primary dwellings (OPDU) cannot exceed 10 units.

Recreational dwellings units (RDU) cannot exceed 100 minus (OPDU)

If the developer proposed 8 OPDU's he may also be permitted to construct not less than 8 or more than 92 RDU's.

Example 2: Given 100 acres:

Permitted density: 1 d.u. per 10 acres  
Carrying Capacity = 12 units

OPDU cannot exceed 10 units.

RDU cannot exceed 12 minus (OPDU).

- a. If the developer proposed 10 OPDU's he could not have any RDU because the allowed RDU's would be less than the number of OPDU's.

(Carrying capacity minus OPDU = RDU. RDU greater than or equal to OPDU therefore 12 minus 10 = 2. 2 is less than 10; result is NO RDU's)

- b. If the developer proposed 3 OPDU's he may be permitted to construct no less than 3 nor more than 9 RDU's.

(Carrying capacity minus OPDU = RDU. RDU greater than or equal to OPDU therefore 12 minus 3 = 9. 9 is greater than 3; result is 9 RDU's)

Example 3 : Given 100 acres:

Permitted density = 1 d.u. per 10 acres  
Carrying Capacity = 1 unit

Only one option exists: one OPDU.

4. Lot Area and Dimensional Standards. The minimum lot area, width, depth, height and setback requirements of Chapter IV (Zoning. applicable to the zoning district in which the Recreational Planned Unit Development

is proposed may be waived. Individual buildings and accessory buildings shall maintain the required parent district's setback from all exterior plat boundary lines, so as to provide the minimum buffering deemed necessary to protect the integrity of adjacent properties.

5. Perimeter Standards. When Coos County determines that topographical or other existing barriers, or the design of the Recreational Planned Unit Development, does not provide adequate screening or privacy necessary for properties adjacent to the R-PUD, Coos County shall require that:
  - a. structures located near the perimeter of a R-PUD are designed and located so as to protect the privacy and amenity of adjacent existing uses; or
  - b. permanent screening be established either by appropriate structure or vegetation or both, along those portions of the site boundaries requiring such screening to assure compatibility with adjacent existing or prospective land uses.
6. Open Space Standards. The required open space shall not be developed except for active and passive recreational activities, non-motorized vehicle or pedestrian trails, hazard control structures, and vegetative alteration such as golf courses and landscaped grounds.

Clustering of intensive or build-up uses shall be encouraged to provide maximum retention of open space and to provide sufficient access to the recreational resource.

7. Maintenance of Common Open Space and Facilities. Whenever any lands or facilities, including streets or ways, are shown on the final development plan as being held in common, Coos County shall require that an association of owners or tenants be created into 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 common areas and facilities to the satisfaction of Coos County. Said association shall be formed and continued for the purpose of maintaining such common open space and facilities. 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 areas and facilities for the purpose intended.
8. Dedication. Coos County may, as a condition of approval for any development, require that portions of the Recreational Planned Unit Development be set aside, improved, conveyed, or dedicated for the following uses:

- a. easements necessary to the orderly extension of public utilities;
  - b. streets and pedestrian ways necessary to the proper development of either the Recreational Planned Unit Development and/or adjacent properties;
  - c. recreational areas or open spaces suitable for the owners, residents, employees, or patrons of the R-PUD or the general public.
9. Construction Standards. Except as expressly provided by this Article, the provisions of this Ordinance and all other County ordinances and codes shall apply to and control all design and construction of improvements within a R-PUD.

**SECTION 6.7.350. Filing Submittal and Review of a Recreational Planned Unit Development.** The filing, submittal and review of a Recreational Planned Unit Development shall comply with Article 6.5, Sections 6.5.100-6.5.500.

**CHAPTER VII      STREETS AND ROADS**

**ARTICLE 7.1      GENERAL PROVISIONS**

**SECTION 7.1.100.    Rural and Urban Street and Road Provisions.** Road and street development standards shall be divided into two categories:

1.      Rural standards (See Article 7.2).
2.      Urban road standards (See Article 7.3).

Policy matters regarding required road improvements are set forth and summarized in Table 7.1.

**SECTION 7.1.200.    Required Dedication of Streets or Roads.** When a land division is reviewed by the County, the Board of Commissioners, Hearings Body or TRC may require design and public dedication of streets or roads to ensure the development and continuance of a convenient roadway network.

**SECTION 7.1.300.    Public and Private Roads.** For the purpose of this ordinance, streets and road shall be divided into two major types:

1.      Private roads (ie., private access easements);
2.      Public roads (created by public dedication or easement, or by fee title transfer to the public);

*NOTE: New public roads created pursuant to this ordinance will not become part of the Coos County road maintenance system without specific action by the Board of Commissioners adopting such new roads into the maintenance system.*

**SECTION 7.1.400.    New Private Roads in Conjunction with Land Divisions.**

New private roads may be created to provide access to proposed land divisions in urban or rural areas only when the Planning Director finds that the private road will not be needed for proper development of the surrounding sub-area. The Planning Director's decision shall be made only after receiving and reviewing a written recommendation from the Roadmaster.

The Planning Director's decision to allow or not allow creation of a private road to access proposed new lots or parcels is a land use action that shall be supported by written findings and subject to the notice provisions of Article 5.7. Notice of the decision shall be provided at the same time that

notice is given for approval or denial of the tentative partition plat for the proposed land division related to the proposed private road.

**SECTION 7.1.500. Special Provisions for New Private Roads.** When new private roads may be created to provide access to proposed land divisions in urban or rural areas:

1. The proposed private road shall be clearly designated as a private road on any required map or plat as shall any reservations or restrictions relating to its use and, if named, the private road shall end with the designation "Lane" or "Way";
2. All new lots and parcels proposed to be served by any new private road shall have a non-exclusive easement covering the entire private road to be created, and this easement shall be made a part of the legal description for the new lots or parcels at the time of title transfer;
3. If an existing private road is to be used as access to the proposed land division, then the property to be divided must also enjoy a non-exclusive easement covering the entire existing private road being used to access the property being divided;
4. Road maintenance agreements are required for new private roads;
5. The following notice shall appear in legible print on the face of any proposed final plat containing a lot or parcel to be served by a private road:

"Coos County hereby gives notice to all developers, purchasers, potential purchasers and all third parties whatsoever that the County disclaims any liability whatsoever for any damage which may occur as a result of the failure of the developer to construct, improve or maintain roads in this proposed land division."

In addition, and for all partitions approved after January 1, 1996, the following shall also appear on the face of any proposed final plat containing a lot or parcel to be served by a private road:

"Confirmation is required from the County Roadmaster that all road and driveway requirements of the Coos County Zoning and Land Development Ordinance have been met prior to the issuance of a Zoning Compliance Letter."

Finally, the developer is required to post and provide for the maintenance of signs on the road stating that the County does not maintain the facility.



Such signs might say “This road is privately maintained by surrounding property owners. All costs for roadway maintenance and upkeep are assessed to each individual property owner”.

## **SECTION 7.1.550 Access Management.**

### **Section 1. Intent and Purpose**

The intent of this ordinance is to manage access to land development while preserving the flow of traffic in terms of safety, capacity, functional classification, and level of service. Major roadways, including arterials, and collectors, serve as the primary network for moving people and goods. These transportation corridors also provide access to businesses and homes and have served as the focus for commercial and residential development. If access points are not properly designed, these roadways will be unable to accommodate the needs of development and retain their primary transportation function. This ordinance balances the right of reasonable access to private property with the right of the citizens of the county and the State of Oregon to safe and efficient travel.

These regulations also further the orderly layout and use of land, protect community character, and conserve natural resources by promoting well-designed road and access systems and discouraging the unplanned subdivision of land.

### **Section 2. Applicability**

This ordinance shall apply to all arterials and collectors within the county and to all properties that abut these roadways.

### **Section 3. Conformance with Plans, Regulations, and Statutes**

This ordinance is adopted to implement the access management policies of the county as set forth in the Transportation System Plan.

### **Section 4. Definitions**

1. **Access.** A way or means of approach to provide pedestrian, bicycle, or motor vehicular entrance or exit to a property.
2. **Access Classification.** A ranking system for roadways used to determine the appropriate degree of access management. Factors considered include functional classification, the appropriate local government's adopted plan for the

roadway, subdivision of abutting properties, and existing level of access control.

3. Access Connection. Any driveway, street, turnout or other means of providing for the movement of vehicles to or from the public roadway system.
4. Access Management. The process of providing and managing access to land development while preserving the regional flow of traffic in terms of safety, capacity, and speed.
5. Accessway. A walkway that provides pedestrian and bicycle passage either between streets or from a street to a building or other destination such as a school, park, or transit stop. Accessways generally include a walkway and additional land on either side of the walkway, often in the form of an easement or right-of-way, to provide clearance and separation between the walkway and adjacent uses. Accessways through parking lots are generally physically separated from adjacent vehicle parking or parallel vehicle traffic by curbs or similar devices and include landscaping, trees, and lighting. Where accessways cross driveways, they are generally raised, paved, or marked in a manner that provides convenient access for pedestrians.
6. Corner Clearance. The distance from an intersection of a public or private road to the nearest access connection, measured from the closest edge of the pavement of the intersecting road to the closest edge of the pavement of the connection along the traveled way.
7. Cross Access. A service drive providing vehicular access between two or more contiguous sites so the driver need not enter the public street system.
8. Easement. A grant of one or more property rights by a property owner to, or for use by, the public or another person or entity.
9. Frontage Road. A public or private drive which generally parallels a public street between the right-of-way and the front building setback line. The frontage road provides access to private properties while separating them from the arterial street. (see also Service Roads)

10. Functional Area (Intersection). That area beyond the physical intersection of two roads that comprises decision and maneuver distance, plus any required vehicle storage length.
11. Functional Classification. A system used to group public roadways into classes according to their purpose in moving vehicles and providing access.
12. Joint Access (or Shared Access). A driveway connecting two or more contiguous sites to the public street system.
13. Lot. A parcel, tract, or area of land whose boundaries have been established by some legal instrument, and which is recognized as a separate legal entity for purposes of transfer of title, has frontage upon a public or private street, and complies with the dimensional requirements of this code.
14. Lot, Corner. Any lot having at least two (2) contiguous sides abutting upon one or more streets, provided that the interior angle at the intersection of such two sides is less than one hundred thirty-five (135) degrees.
15. Lot Depth. The average distance measured from the front lot line to the rear lot line.
16. Lot, Flag. A lot not meeting minimum frontage requirements and where access to the public road is by a narrow, private right-of-way line.
17. Lot, Through. (also called a double frontage lot). A lot that fronts upon two parallel streets or that fronts upon two streets that do not intersect at the boundaries of the lots.
18. Lot Frontage. That portion of a lot extending along a street right-of-way line.
19. Non-conforming Access Features. Features of the property access that existed prior to the date of ordinance adoption and do not conform with the requirements of this ordinance.
20. Parcel. A division of land comprised of one or more lots in contiguous ownership.

21. Plat. An exact and detailed map of the subdivision of land.
22. Private Road. Any roadway for vehicular travel which is privately owned and maintained and which provides the principal means of access to abutting properties.
23. Public Road. A road under the jurisdiction of a public body that provides the principal means of access to an abutting property.
24. Reasonable Access. The minimum number of access connections, direct or indirect, necessary to provide safe access to and from the roadway, as consistent with the purpose and intent of this ordinance and any applicable plans and policies of the county.
25. Right-of-Way. Land reserved, used, or to be used for a highway, street, alley, walkway, drainage facility, or other public purpose.
26. Stub-out (Stub-street). A portion of a street or cross access drive used as an extension to an abutting property that may be developed in the future.
27. Substantial Enlargements or Improvements. A 10 percent increase in existing square footage or 50 percent increase in assessed valuation of the structure.

**Section 5. Joint and Cross Access**

1. Adjacent commercial or office properties classified as major traffic generators (i.e. shopping plazas, office parks) shall provide a cross access drive and pedestrian access to allow circulation between sites.
2. A system of joint use driveways and cross access easements shall be established wherever feasible and shall incorporate the following:
  - a. A continuous service drive or cross access corridor extending the entire length of each block served to provide for driveway separation consistent with the access management classification system and standards;

- b. A design speed of 10 mph and a maximum width of 20 feet to accommodate two-way travel aisles designated to accommodate automobiles, service vehicles, and loading vehicles;
  - c. Stub-outs and other design features to make it visually obvious that the abutting properties may be tied in to provide cross-access via a service drive;
  - d. A unified access and circulation system plan for coordinated or shared parking areas is encouraged.
3. A reduction in required parking spaces in shared parking areas shall be permitted if peak demands do not occur at the same time periods.
4. For County road facilities, Coos County may reduce required separation distance of access points where they prove impractical, provided all of the following requirements are met:
- a. Joint access driveways and cross access easements are provided in accordance with this section;
  - b. The site plan incorporates a unified access and circulation system in accordance with this section;
  - c. The property owner enters into a written agreement with Coos County, recorded with the deed, that pre-existing connections on the site will be closed and eliminated after construction of each side of the joint use driveway.
7. The County Road Department may modify or waive the requirements of this section where the characteristics or layout of abutting properties would make a development of a unified or shared access and circulation system impractical.

**Section 6. Access Connection and Driveway Design**


Driveway approaches must be designed and located to provide an exiting 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.

**Section 7. Requirements for Phased Development Plans**

1. In the interest of promoting unified access and circulation systems, development sites under the same ownership or consolidated for the purposes of development and comprised of more than one building site shall be reviewed as single properties in relation to the access standards of this ordinance. The number of access points permitted provide reasonable access to these properties, not simply the maximum available for that frontage. All necessary easements, agreements, and stipulations shall be met. This shall also apply to phased development plans.
2. All access must be internalized using the shared circulation system of the principal development or retail center. Driveways shall be designed to avoid queuing across surrounding parking and driving aisles.

**Section 8. Non-conforming Access Features**

Legal access connections in place as of the date of adoption of this ordinance that do not conform with the standards herein are considered non-conforming features and shall be brought into compliance with applicable standards under the following conditions:

- a. When new access connection permits are requested;
- b.  Change in use or enlargements or improvements that will increase trip generation by 50% or more; or
- c. When trips increase or the character of traffic changes on ODOT facilities.

**Section 9. Reverse Frontage**

1. Lots that front on more than one street shall be required to locate motor vehicle accesses on the street with the lower average daily traffic. Where safety concerns exist, the County Roadmaster, and/or ODOT will have final authority to permit appropriate access.
2. When a residential subdivision is proposed that would abut an arterial, it shall be designed to provide through lots along the arterial with access from a frontage road or

interior local road, unless otherwise constrained by topography. Access rights of these lots to the arterial shall be dedicated to the County and recorded with the deed.

**Section 10. Shared Access**

Subdivisions with frontage on the state highway system shall be designed into shared access points to and from the highway. A maximum of two accesses shall be allowed regardless of the number of lots or businesses served. If access off of a secondary street is possible, then access should not be allowed onto the state highway. If access off of a secondary street becomes available, then conversion to that access is encouraged, along with closing the state highway access.

**Section 11. Connectivity**

1. The street system of proposed subdivisions shall be designed to connect with existing, proposed, and planned streets outside of the subdivision as provided in this Section.
2. Wherever a proposed development abuts unplatted land or a future development phase of the same development, street stubs shall be provided to access abutting properties or to logically extend the street system into the surrounding area.
3. Minor collector and local residential access streets shall connect with surrounding streets to permit the convenient movement of traffic between residential neighborhoods or facilitate emergency access and evacuation. Connections shall be designed to avoid or minimize through traffic on local streets.

**Section 12. Subdivisions**

A subdivision shall conform to the following standards:

- a. Each proposed lot must be buildable in conformance with the requirements of this ordinance and all other applicable regulations;
- b. Each lot shall abut a local public or private street for the required minimum lot frontage for the zoning district where the lots are located;

- c. If any lot abuts a street right-of-way that does not conform to the design specifications of this ordinance, the owner may be required to dedicate up to one-half of the total right-of-way width required by this ordinance.

**Section 13. Site Plan Review Procedures for Access Management** 

1. Applicants shall submit a preliminary site plan for review by the planning department. At a minimum, the site plan shall show:
  - a. Location of existing and proposed access point(s) on both sides of the road where applicable;
  - b. Distances to neighboring constructed access points, median openings (where applicable), traffic signals (where applicable), intersections, and other transportation features on both sides of the property;
  - c. Number and direction of lanes to be constructed on the driveway plus striping plans;
  - d. All planned transportation features (such as sidewalks, bikeways, auxiliary lanes, signals, etc.);
  - e. Parking and internal circulation plans including walkways and bikeways, in UGBs and unincorporated communities;
  - f. A detailed description of any requested variance and the reason the variance is requested.
2. Subdivision and site plan review shall address the following access criteria:
  - a. All proposed roads shall follow the natural topography and preserve natural features of the site as much as possible. Alignments shall be planned to minimize grading;
  - b. Access shall be properly placed in relation to sight distance, driveway spacing, and other related considerations, including opportunities for joint and cross access;



- c. The road system shall provide adequate access to buildings for residents, visitors, deliveries, emergency vehicles, and garbage collection;
  - d. Within UGBs and unincorporated communities an internal pedestrian system of sidewalks or paths shall provide connections to parking areas, entrances to the development, and open space, recreational, and other community facilities associated with the development;
  - e. For purposes of State-controlled facilities, driveway and roadway spacing standards shall be consistent with ODOT access management standards as contained in the Oregon Highway Plan.
3. Any application that involves access to the State Highway System shall be reviewed by the Oregon Department of Transportation for conformance with state access management standards, before the application is accepted by the County. All access measures ODOT deems necessary shall be made a condition of approval.

**Section 14. Variance Standards on County Facilities**

- 1. The granting of the variation shall be in harmony with the purpose and intent of these regulations and shall not be considered until every feasible option for meeting access standards is explored, as determined by the County.
- 2. Applicants for a variance from these standards must provide proof of unique or special conditions that make strict application of the provisions impractical. Applicants shall include proof that;
  - a. Indirect access cannot be obtained;
  - b. No financially reasonable engineering or construction solutions can be applied to mitigate the condition; and
  - c. No alternative access is available from a street with a lower functional classification than the primary roadway.

3. No variance shall be granted where such hardship is self-created.

**SECTION 7.1.555 Plan Amendments Affecting the Transportation System.** A plan or land use regulation amendment significantly affects a transportation facility if it:

- a. Changes the functional classification of an existing or planned transportation facility;
- b. Changes standards implementing a functional classification system;
- c. Allows types or levels of land use that would result in levels of travel or access that are inconsistent with the functional classification of a transportation facility; or
- d. Would reduce the performance of the facility below the minimum acceptable standards identified in the Transportation System Plan.

Amendments to the comprehensive plan and land use regulations which significantly affect a transportation facility shall assure that allowed land uses are consistent with the function, capacity, and performance standard of the facility identified in the Transportation System Plan. This shall be accomplished by one of the following:

- a. Limiting allowed land uses to be consistent with the planned function of the transportation facility; or
- \*\*b. Amending the Transportation System Plan to ensure that existing, improved, or new transportation facilities are adequate to support the proposed land uses consistent with the requirement of the Transportation Planning Rule; or
- c. Altering land use designations, densities, or design requirements to reduce demand for automobile travel and meet travel needs through other modes; or
- d. Amending the TSP to modify the planned function, capacity and performance standards, as needed, to accept greater motor vehicle congestion to promote mixed use, pedestrian friendly development where multimodal travel choices are provided.

\*\*Note: The Coos County Planning Commission opposes this requirement as stated in the Transportation Planning Rule.

**SECTION 7.1.560 Bicycle and Pedestrian Circulation.** The Transportation Planning Rule specifies that, at a minimum, sidewalks and bikeways be provided along arterials and collectors within urban growth boundaries and unincorporated communities with pedestrian facilities being appropriate in most residential areas as well.

Definitions:

1. Accessway. A walkway that provides pedestrian and bicycle passage either between streets or from a street to a building or other destination such as a school, park, or transit stop.
2. Bikeway. Any road, path, or way that is in some manner specifically open to bicycle travel, regardless of whether such facilities are designated for the exclusive use of bicycles or are shared with other transportation modes. The five types of bikeways are:
  - a. Multi-use Path. A paved way that is physically separated from motorized vehicular traffic; typically shared with pedestrians, skaters, and other non-motorized users.
  - b. Bike Lane. A 4 to 6-foot wide portion of the roadway that has been designated by permanent striping and pavement markings for the exclusive use of bicycles.
  - c. Shoulder Bikeway. The paved shoulder of a roadway that is 4 feet or wider; typically shared with pedestrians in rural areas.
  - d. Shared Roadway. A travel lane that is shared by bicyclists and motor vehicles.
  - e. Multi-use Trail. An unpaved path that accommodates all-terrain bicycles; typically shared with pedestrians.
3. Pedestrian Facilities. A general term denoting improvements and provisions made to accommodate or encourage walking, including sidewalks, accessways, crosswalks, ramps, paths, and trails.
4. Neighborhood Activity Center. An attractor or destination for residents of surrounding residential areas. Includes, but is not limited to, existing or planned schools, parks, shopping areas, transit stops, employment areas.

5. Reasonably direct. A route that does not deviate unnecessarily from a straight line or a route that does not involve a significant amount of out-of-direction travel for likely users.
6. Safe and convenient. Bicycle and pedestrian routes that are:
  - a. Reasonably free from hazards, and
  - b. Provide a reasonably direct route of travel between destinations, considering that the optimum travel distance is one-half mile for pedestrians and three miles for bicyclists.
7. Walkway. A hard-surfaced (i.e. rock, concrete, etc.) area intended and suitable for pedestrians, including sidewalks and the surfaced portions of accessways.

Site Plan Elements:

1. The location and design of bicycle and pedestrian facilities shall be indicated on the site plan.
2. Pedestrian Access and Circulation. Internal pedestrian circulation shall be provided in new commercial, office, and multi-family residential developments through the clustering of buildings, construction of walkways, landscaping, accessways, or similar techniques.
3. All site plans (industrial and commercial) shall clearly show how the internal pedestrian and bicycle facilities of the site connect with external existing or planned facilities or systems.

**SECTION 7.1.600. Forestry, Mining or Agricultural Access.** A private way 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. The categorical exemption provided by this section does not apply to ingress and egress to land for forestry, mining or agricultural purposes when that ingress and egress also provides access to one or more dwellings.

**SECTION 7.1.700. Bridge Standards for Roads.** Bridges in conjunction with required road improvements shall conform to the following design standards and requirements:

1. The travel surface width of the bridge deck shall not be less than the required travel surface width of the roadway.
2. The bridge and its support components shall be designed to meet or exceed H-20 AASHTO loading requirements.
3. A registered professional engineer shall certify that the bridge is safe and that it meets or exceeds H-20 AASHTO loading requirements. The engineer's stamp shall be placed on all designs. Design specifications for prefabricated bridges shall be presented with an engineer's stamp attached.
4. Notwithstanding the above, other bridge designs, including railroad flatcars, may be approved by the Coos County Roadmaster when such alternative designs are found to be safe and adequate to accomplish their purpose.

**SECTION 7.1.800. Standards for Driveways and Driveway Bridges.** When driveway improvements, including driveway bridges, are required by this ordinance, such improvements shall conform to the following design standards:

1. The provisions of Table 7.2 concerning rural driveways shall apply to both rural and urban driveways; and
2. When driveway bridges are necessary, then:
  - a. The provisions of Section 7.1.700 shall apply when the subject driveway exceeds 450 feet in length; or
  - b. When the subject driveway does not exceed 450 feet in length, designs shall be approved when certified by the Roadmaster to safely carry a 10-ton load.

**SECTION 7.1.900 Circumstances Requiring Road Improvements; Extent of Required Road Improvements.**

Public and private road and street improvements are required by this ordinance when the circumstances set forth in Table 7.1 exist.

If and when public or private road improvements are required, then such improvements shall be back to the intersection with an opened public road. This may include road improvements to a series of public roads or streets and private access easements.

When road improvements are required within city urban growth boundaries, including the Coos Bay Area Urban Growth Boundary, road construction shall be

required to the extreme point of physical access (ie., driveway), and not to the furthestmost property line.

"Opened road," as used in this ordinance, means a rocked or paved road which has an all-weather year-round maintained travel surface. The determination of whether a road is "opened" shall be made by the Roadmaster.

**SECTION 7.1.1000. Responsibility for Determining Compliance with this Chapter.**

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 or other matter under review.

**TABLE 7.1 ROAD STANDARD POLICY MATRIX**

	When a new road is created or an unopened road is opened. . .			When a legally created road already exists . . .		
	Rural	City – UGBs	CBA - UGB	Rural	City – UGBs	CBA - UGB
1. Must a road be improved in conjunction with a partition?	no	no		no	no	
A. Before a dwelling may be authorized in a partition created after 1/1/96, to what extent shall roads be improved?	Section 7.1.900	Section 7.1.900		none	Section 7.1.900	
B. Before a dwelling may be authorized in a partition created after 1/1/96, what road standards are required?	Table 7.2	Table 7.3		none	Table 7.3	
2. Must a road be improved in conjunction with a subdivision at the time of final plat?	yes	yes		yes	yes	
A. To what extent shall roads be improved?	Section 7.1.900	Section 7.1.900		Section 7.1.900	Section 7.1.900	
B. What road improvement standards are required?	Table 7.2	Table 7.3		Table 7.2	Table 7.3	
3. Must unopened roads in existing platted subdivisions be improved before a dwelling may be authorized?	yes	yes		N/A	N/A	
A. To what extent shall roads be improved?	Section 7.1.900	Section 7.1.900		N/A	N/A	
B. What road improvement standards are required?	Table 7.2	Table 7.3		N/A	N/A	

## ARTICLE 7.2 RURAL ROAD STANDARDS

### SECTION 7.2.100. Requirements for New Private Roads to be Created in Conjunction with a Partition, Subdivision or Planned Unit Development.

The following standards shall apply to any proposed private road that is to be created in conjunction with a rural land division:

1. The provisions of Table 7.2.
2. Intersection angles.

New roads and streets shall be designed to intersect with existing roads and streets at angles as near to right angles (90 degrees) as practicable. Lesser angles shall be permitted where topography limitations do not allow a right angle intersection but in no case may an intersection angle less than 60 degrees be approved without a variance, and in no case may an intersection angle be approved where the intersection has less than a 50-foot tangent intersecting the centerline of the existing road unless the Roadmaster approves a special intersection design needed to provide safety.

3. Control strip.

A "control strip" may be required or authorized, pursuant to Section 6.2.200.

4. Alignment.

Whenever practicable, all new roads and streets shall be in alignment with existing roads and streets by continuation of the centerlines thereof. Staggered road or street alignments resulting in "T" intersections shall leave a minimum distance of 150 feet between the centerlines of roads or streets oriented in approximately the same direction.

### SECTION 7.2.200 Requirements for New Public Roads to be Created in Conjunction with a Partition, Subdivision or Planned Unit Development.

The following standards shall apply to any proposed public road that is to be created in conjunction with a rural land division:

1. The provisions of Table 7.2.
2. Compaction.

All base and finish rock shall be compacted to 95% as per "Method A", AASHTO regulations, or APWA specifications. If requested by the Roadmaster, the developer shall submit compaction test results.



3. Horizontal Curves.

- a. Centerline radii of curves, as constructed, shall be not less than the standards prescribed in the following table:

TYPE OF PUBLIC STREET	CENTERLINE MAXIMUM DEGREE CURVATURE (Arc definition)	CENTERLINE MINIMUM RADIUS IN FEET
ARTERIALS	24 degrees	238.73
COLLECTOR STREETS, AND ALL BUSINESS STREETS OTHER THAN ARTERIALS	40 degrees	143.24
MINOR STREETS AND CUL-DE-SACS	56 degrees	102.31

- b. Conversion formulas for arc definition of curvature are:

$$\text{Degree of curvature} = \frac{5729.58}{\text{radius}}$$

$$\text{Radius} = \frac{5729.58}{\text{degree of curvature}}$$

- c. Each curve shall have a minimum length of 75 feet.
- d. Whenever the centerline of a road or street changes direction, the tangents of such centerline shall be connected with curves meeting the specifications of this section.

4. Vertical curves.

- a. All tangent grades shall be connected by means of vertical curves.
- b. Vertical curves shall be at least 100 feet long except as provided in this section.

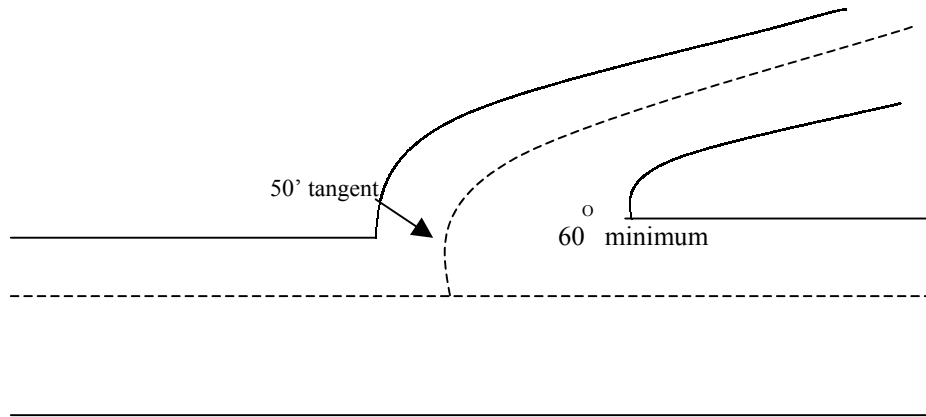
- c. Vertical curves at intersections shall be at least 25 feet long and may have unequal tangents; the shortest tangent shall be at least 10 feet long.
- d. Except under special conditions, vertical curves shall begin at or outside the extended right-of-way lines of intersections.

5. Intersection Angles

**New** roads and streets shall be designed to intersect with existing roads and streets at angles as near to right angles (90 degrees) as practicable. Lesser angles shall be permitted where topography limitations do not allow a right angle intersection but in no case may an intersection angle less than 60 degrees be approved without a variance.

The intersection of arterial or collector roads or streets with other arterial or collector roads or streets shall have a least 50 feet of tangent adjacent to the intersection of centerlines unless topography requires a lesser distance.

Intersections which are not at right angles shall have a minimum corner radius of 20 feet along the right-of-way lines at the acute angle. Right-of-way at intersections with arterial roads or streets shall have a corner radius of not less than 20 feet.



6. Dead End Roads or Streets.

Dead end roads or streets, other than cul-de-sacs, shall not be approved except when such dead end roads or streets are necessary for the effective development of the area. Any approved dead end road or street shall be provided with a turnaround conforming to the provisions of this ordinance.

7. Alignment.

Whenever practicable, all new roads and streets shall be in alignment with existing roads and streets by continuation of the centerlines thereof. Staggered road or street alignments resulting in "T" intersections shall leave a minimum distance of 150 feet between the centerlines of roads or street oriented in approximately the same direction.

8. Future Extension of Street or Road.

Roads and streets shall be extended across property being divided when necessary to facilitate development or provide future access to adjoining property. When extensions are deemed necessary, roads and streets shall be extended to the boundary of the property being divided. The resulting dead end road or street may be approved without a turnaround, notwithstanding subsection "6", above.

9 Road and Street Names.

Except for extensions of existing roads or streets, no new road or street name shall be used which will duplicate or be confused with the name of existing roads or streets in the County. Road or street names, or numbers, shall conform to established patterns in the surrounding area (whether the area is incorporated or not) and must comply with road naming requirements set forth in the Coos County Code.

10 Slope Easements.

In addition to the minimum right-of-way standards set forth in this ordinance, slope easements may be required for cuts or fills that must necessarily extend beyond right-of-way lines.

11. Grading.

- a. Cut slopes shall be not steeper than one (1) foot vertical rise to one (1) foot horizontal run, except that if the material is blow sand, the cut slope shall be not steeper than one (1) foot vertical rise to two (2) feet horizontal run.
- b. Fill slopes shall be not steeper than one (1) foot vertical rise to one and one-half (1.5) feet horizontal run, except that if the material is blow sand, the fill slope shall be not steeper than one (1) foot vertical rise to two (2) feet horizontal run.

**TABLE 7.2**

**MINIMUM STANDARDS FOR NEW ROADS, STREETS AND DRIVEWAYS**

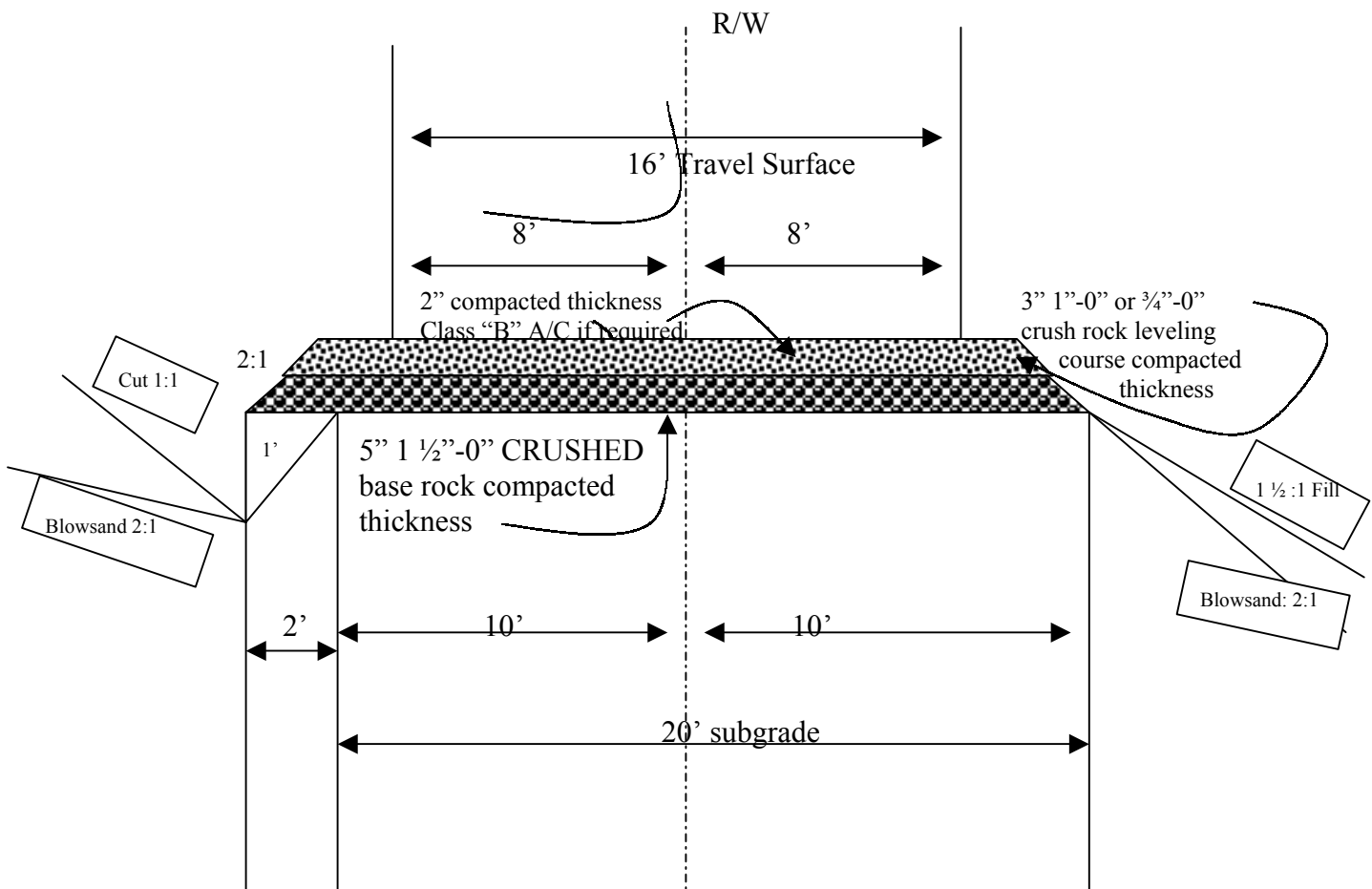
	Typical Cross-Section Figure	Average Daily Traffic <sup>1</sup>	Subgrade Width <sup>2</sup>	All-Weather Travel Surface <sup>3</sup>	Right-of-Way Width <sup>4</sup>	Compacted Rock Depth		Maximum Grade <sup>7</sup>	Centerline Maximum Degree of Curvature	Vertical Unobstructed Clearance
						Base Rock <sup>5</sup>	Finish Rock <sup>6</sup>			
<b>Private roadways in conjunction with a residential partition<sup>8</sup></b>	--	0-12 ADT	16'	12'	50'	5"	3"	18%	56 degrees	13.5'
<b>Other minor roads and streets</b>	Figure 1	0-600 ADT	24'	20'	60'	6"	4"	12%	56 degrees	13.5'
<b>Collector roads and streets</b>	Figure 2	--	36'	32' paved with two 4' bike lanes	60'	6"	4"	12%	56 degrees	13.5'
<b>Arterials</b>	--	--	36'	36' paved with two 6' bike lanes	80'	6"	4"	12%	56 degrees	13.5'
<b>Driveways<sup>10</sup></b>	--	--	--	12'	--	--	--	12%	--	13.5'
<b>Turnarounds</b>										
-Circular	--	--	53' radius <sup>11</sup>	45' radius <sup>12</sup>	60' radius	Same as type of road served		12%	--	13.5'
-Hammerhead	--	--	66' x 44'	60' x 40'	70' x 50'	Same as type of road served		12%	--	13.5'
-Temporary hammerheads at plat lines	--	--	46' x 36'	42' x 32'	50' x 40'	Same as type of road served		12%	--	13.5'

## FOOTNOTES FOR TABLE 7.2

1. Average Daily Traffic (ADT) is computed by using trip generation rates as defined in the most recent version of the Institute of Transportation Engineers Trip Generation Manual.
2. Subgrade width is that grade upon which surfacing materials will be placed. Sloped roadside ditches will be required in cuts outside of slated subgrade widths.
3. All accesses shall have an unobstructed horizontal clearance not less than the width of the all-weather travel surface. In addition, to the maximum extent practicable, vegetation shall be trimmed along the edge of the all-weather travel surface. Gates on roads, streets and driveways leading to a structure shall have a minimum clearance of 12 feet for the safe passage of emergency vehicles.
4. Additional slope easements are required where slopes are constructed outside the normal right-of-way.
5. Base rock shall consist of 1-1/2" minus crushed rock, except that other base rock specifications may be accepted where the Roadmaster finds that 1-1/2" minus base rock is not practical. Additional rock depth may be required if rock other than 1-1/2" minus crushed rock is proposed.
6. Finish rock shall consist of 3/4" minus crushed rock, except that other base rock specifications may be accepted where the Roadmaster finds that 3/4" minus finish rock is not practicable. Additional rock depth may be required if finish rock other than 3/4" minus crushed rock is proposed.
7. Road grades shall not exceed an average of 12%, with a maximum of 18% on short pitches. Variances may be granted when topographical conditions make these standards impractical. For "minor" roads or streets serving more than ten dwellings, any grade exceeding 16% shall have the following conditions imposed: (a) no intersections, driveways or other access shall be permitted, (b) no horizontal curves greater than 16 degrees shall be permitted and (c) no super-elevations of curves greater than 0.02-foot rise per 1.0-foot run shall be permitted. Roads intersecting a State Highway must not exceed a 3% uphill or a 6% downhill grade, at the intersection and must meet County standards for having the road at the same level as the intersection for at least 20 feet.
8. Notwithstanding requirements for "other minor roads and streets", as set forth in this table, the standards of this category of new roadways shall apply; (a) to private roadway easements not offered for public dedication, and (b) where the new private access roadway is to serve not more than three parcels intended for residential use, except that the new private roadway may serve more than three parcels if it is brought into full compliance with the applicable standards set forth in this table and elsewhere in this ordinance. Where new private roadways approved under this provision exceed 1000 feet in length, turnouts 100 feet in length shall be provided every 600 feet.

10. "Driveway", pursuant to Section 2.1.200, means "a private vehicular travel surface accessing a single residence."
11. Roads or streets within a partition shall have a subgrade width not less than 44' and an all-weather travel surface of 36'.
12. Roads or streets within a partition shall have subgrade width not less than 44' and an all-weather surface of 36'.

**FIGURE 1**



**FIGURE 1**

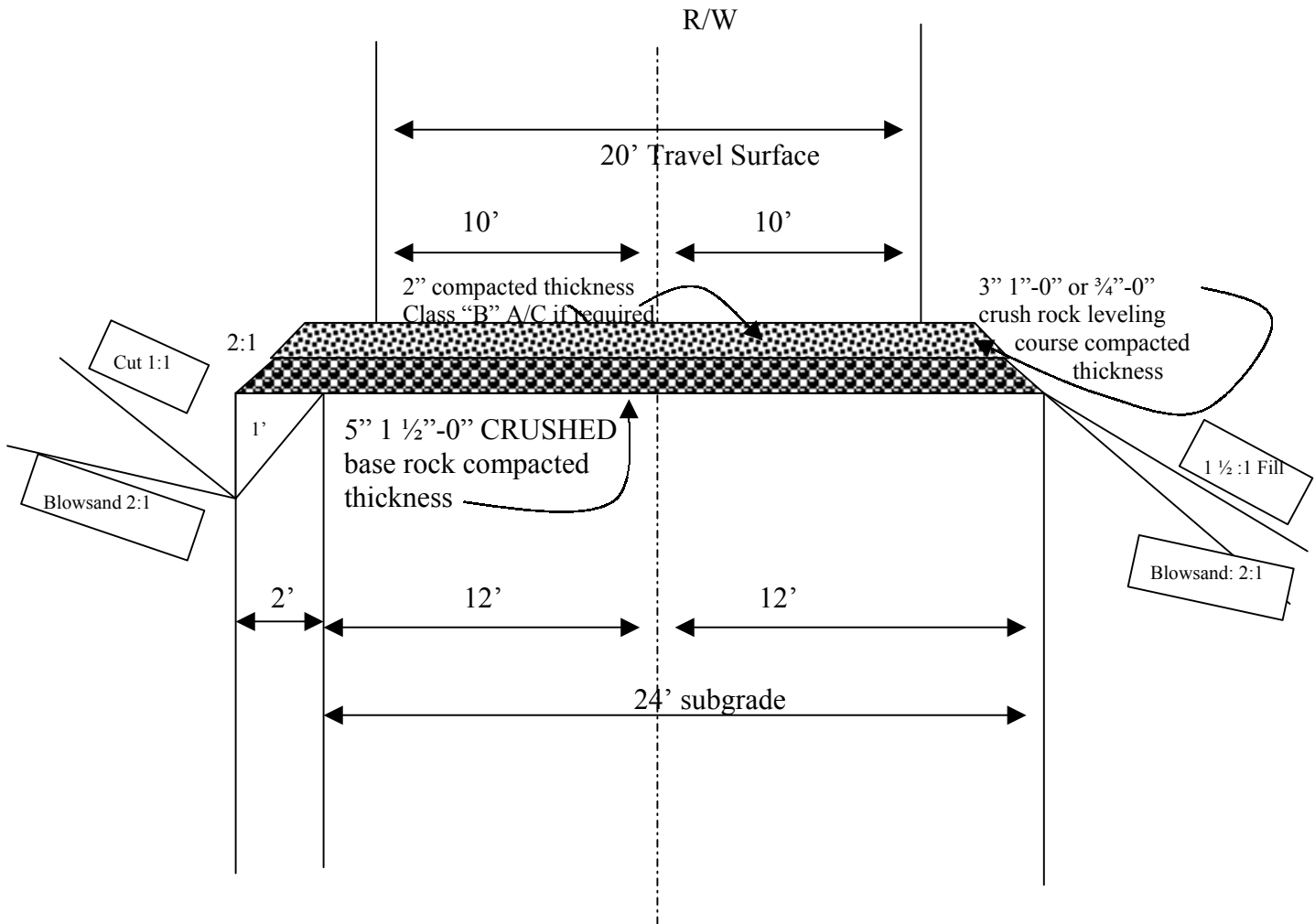
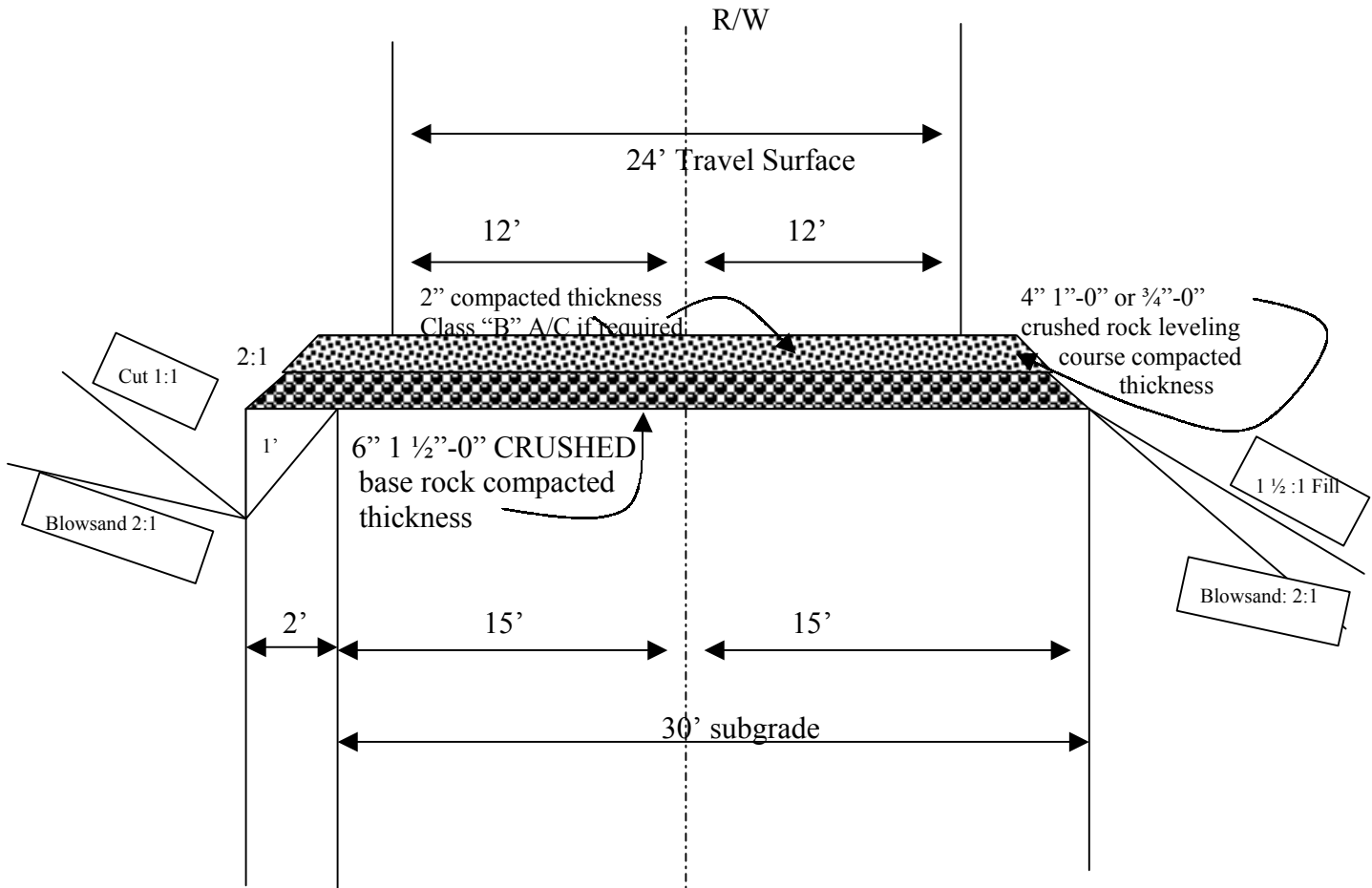


FIGURE 2





**ARTICLE 7.3            URBAN ROAD STANDARDS (CITY-UGB'S)**

**SECTION 7.3.100    Requirements for New Roads to be Created in  
Conjunction with a Partition, Subdivision or Planned Unit**

**Development.** The following standards shall apply to any proposed road that is to be created in conjunction with a land division within a City-UGB:

1.        The provisions of Table 7.3 are applicable within the City-UGB.

**TABLE 7.3  
MINIMUM ROAD AND STREET DEVELOPMENT STANDARDS  
WITHIN CITY URBAN GROWTH BOUNDARIES**

Public or Private Road Type/ Driveways	Minimum Right-of-Way Width <sup>1</sup>	Minimum Travel Surface Width	Minimum Sub-Grade Width	Intersections			Maximum Grade
				Minimum Acute Angle	Minimum Tangent Adjacent	Minimum Centerline Offset	
Arterial (Four-lane)	80'	62'	66'	60 degrees	50'	150'	7%
Arterial (2 one-way lanes)	60'	36'	40'	60 degrees	50'	150'	7%
Collector	60'	36'	40'	60 degrees	50'	150'	10%
Residential	50'	28'	32'	60 degrees	50'	150'	16%
Cul-de-Sac (Not to exceed 400' in length)	40' with 50' radius turn-around	28'	32'	60 degrees	50'	150'	16%
Commercial/ Industrial	60'	36'	40'	60 degrees	50'	150'	12%

<sup>1</sup> In addition to right-of-way, slope easements may be required.

**TABLE 7.3 (CONTINUED)**

Public or Private Road Type/ Driveways	Sidewalks Minimum Width <sup>1</sup>	Curb Width <sup>1</sup>	Construction		
			Base Rock	Finish Rock	Paving
Arterial (Four-lane)	5' both sides	6"	6"	4"	Yes <sup>2</sup>
Arterial (2 one-way lanes)	5' both sides	6"	6"	4"	Yes <sup>2</sup>
Collector	5' both sides	not required	6"	4"	Yes <sup>2</sup>
Residential	5' both sides	not required	6"	4"	Yes <sup>2</sup>
Cul-de-Sac (Not to exceed 400 ft. in length)	5' both sides	not required	6"	4"	Yes <sup>2</sup>
Commercial/ Industrial	not required	not required	6"	4"	

<sup>1</sup> Required only if paving is required.

<sup>2</sup> Paving is required only if the land division is served by public water and public sewer. (Public includes municipal, district, or community system.) Paving shall consist of 2" compacted depth the total width of the required travel surface.

2. Compaction.

All base and finish rock shall be compacted to 95% as per "Method A", AASHTO regulations, or APWA specifications. If requested by the Roadmaster, the developer shall submit compaction test results.

3. Horizontal Curves.

a. Centerline radii of curves, as constructed, shall not be less than the standards prescribed in the following table:

TYPE OF PUBLIC STREET	CENTERLINE MAXIMUM DEGREE CURVATURE(Arc Definition)	CENTERLINE MINIMUM RADIUS IN FEET
ARTERIALS	24 degrees	238.73
COLLECTOR STREETS, AND ALL BUSINESS STREETS OTHER THAN ARTERIALS	40 degrees	143.24
MINOR STREETS AND CUL-DE-SACS	56 degrees	102.31

b. Conversion formulas for arc definition of curvature are:

$$\text{Degree of curvature} = \frac{5729.58}{\text{radius}}$$

$$\text{Radius} = \frac{5729.58}{\text{degree of curvature}}$$

c. Each curve shall have a minimum length of 75 feet.

d. Whenever the centerline of a road or street changes direction, the tangents of such centerline shall be connected with curves meeting the specifications of this section.

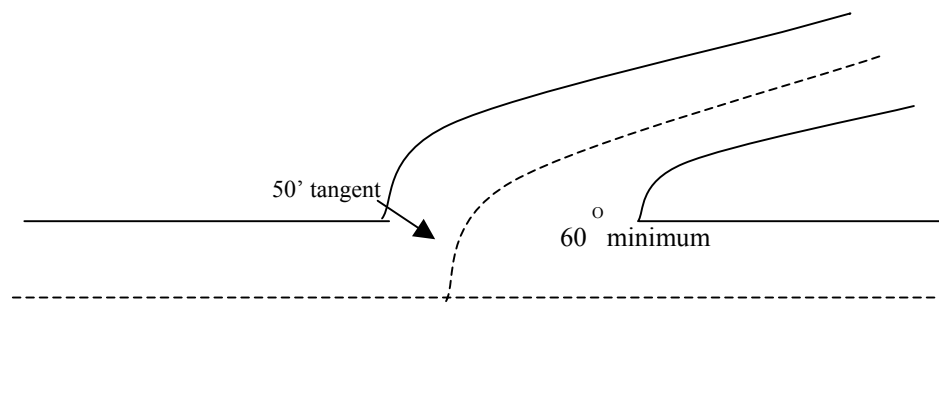
4. Vertical Curves.

- a. All tangent grades shall be connected by means of vertical curves.
  - b. Vertical curves shall be at least 100 feet long except as provided in this section.
  - c. Vertical curves at intersections shall be at least 25 feet long and may have unequal tangents; the shortest tangent shall be at least 10 feet long.
  - d. Except under special conditions, vertical curves shall begin at or outside the extended right-of-way lines of intersections.
5. Intersection Angles.

New roads and streets shall be designed to intersect with existing roads and streets at angles as near to right angles (90 degrees) as practicable. Lesser angles shall be permitted where topography limitations do not allow a right angle intersection but in no case may an intersection angle less than 60 degrees be approved without a variance.

The intersection of arterial or collector roads or streets shall have at least 50 feet of tangent adjacent to the intersection of centerlines unless topography requires a lesser distance.

Intersections which are not at right angles shall have a minimum corner radius of 20 feet along the right-of-way lines at the acute angle. Right-of-way at intersections with arterial roads or streets shall have a corner radius of not less than 20 feet.



6. Dead end Roads or Street.

Dead end roads or streets, other than cul-de-sacs, shall not be approved except when such dead end roads or streets are necessary for the effective development of the area. Any approved dead end road or street shall be provided with a turnaround conforming to the provisions of this ordinance.

7. Alignment.

Whenever practicable, all new roads and streets shall be in alignment with existing roads and streets by continuation of the centerlines thereof. Staggered road or street alignments resulting in "T" intersections shall leave a minimum distance of 150 feet between the centerlines of roads or streets oriented in approximately the same direction.

8. Future Extension of Street or Road.

Roads and streets shall be extended across property being divided when necessary to facilitate development or provide future access to adjoining property. When extensions are deemed necessary, roads and streets shall be extended to the boundary of the property being divided. The resulting dead end road or street may be approved without a turnaround, notwithstanding subsection "6", above.

9. Road and Street Names.

Except for extensions of existing roads or streets, no new road or street name shall be used which will duplicate or be confused with the name of existing roads or streets in the County. Road or street names, or numbers, shall conform to established patterns in the surrounding area (whether the area is incorporated or not) and must comply with road naming requirements set forth in the Coos County Code.

10. Slope Easements.

In addition to the minimum right-of-way standards set forth in this ordinance, slope easements may be required for cuts or fills that must necessarily extend beyond right-of-way lines.

11. Grading.
  - a. Cut slopes shall be not steeper than one (1) foot vertical rise to one (1) foot horizontal run, except that if the material is blow sand, the cut slope shall be not steeper than one (1) foot vertical rise to two (2) feet horizontal run.
  - b. Fill slopes shall be not steeper than one (1) foot vertical rise to one and one-half (1.5) feet horizontal run, except that if the material is blow sand, the fill slope shall be not steeper than one (1) foot vertical rise to two (2) feet horizontal run.

### **SECTION 7.3.200 Street Hierarchy**

**Arterial:** These roads are intended to provide for high speed travel between or within communities or to and from collectors. Arterials may be four (4) or more lanes in width or two (2) one-way lanes.

**Collector:** Collector roads connect residential streets to the highway systems major and high speed arterial roads or provide access to non-residential uses and arterial streets. Collector roads are designed for higher speeds and traffic volumes than are residential streets. Because uncongested traffic flow is necessary for their effective functioning, residential uses are discouraged access to collector roads. Collector roads accommodate traffic from two (2) or more residential streets.

**Residential Streets:** Residential streets primarily function to provide access to residential uses. All residential streets are intended to accommodate relatively low traffic volumes at slow speeds in order to minimize the basic incompatibility of vehicles and the pedestrians and children who characterize residential neighborhoods.

**Cul-de-sac:** Cul-de-sacs are limited to residential use, and as local streets have only one outlet, without possibility of extension, and a maximum length of 400 feet measured from the center of the turnaround to the right-of-way line of the street or road being intersected.

**Commercial/Industrial:** Commercial/industrial streets primarily function to provide access to commercial or industrial zones.

**ARTICLE 8.1. SURVEYING STANDARDS.**

**SECTION 8.1.100. Surveying Profiles.**

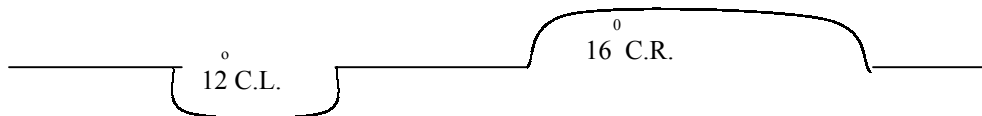
1. A profile of each proposed street or road shall be submitted on reproducible orange line grid paper 22" wide, with 10 lines per inch equal to, or better than, K and E Catalog #485106. Drawings shall be to the following scale:
  - A. Horizontal scale: 1" = 100'
  - B. Vertical scale: 1" = 10'  
and include the following features:
  - C. Existing ground profile along the centerline shown in black India ink with dashed line. Such profile will include the lowest elevation of creeks or canyons as they cross the centerline as well as the high point of ridges as they cross the centerline. The proposed name of the street or road shall be clearly indicated. Profile may be taken from accurate contour lines of the preliminary plan when profile accompanies the preliminary plan.
  - D. Proposed centerline grades shown by a solid dark line.
  - E. Vertical PI (Point of Intersection) shall be shown by a small circle with station number and elevation. (See example below)





2. Profile Graphic Standards

- A. Grades shall be lettered on the slant of the grade and expressed to nearest 0.10% of grade.
- B. Stations shall be numbered along the bottom of each profile at each 100 foot station.
- C. Stations of intersecting streets shall be shown on the profile.
- D. Elevations shall be numbered every 10 feet at each end of the profile.
- E. Vertical curves shall be shown by a solid line and labeled with the length of the curve.
- F. Horizontal tangents and curves shall be shown on the bottom 3 inches of the sheet by the line diagram (See example following)



- G. Profiles shall extend at least 100 feet beyond the boundaries of the subdivision.
- H. Title of the profile shall be placed in the upper left corner of the profile sheet in black letters approximately 1/2 inch high including:
  - Plat name
  - Identification as a profile sheet
  - Scale, horizontal and vertical
  - USGS datum
  - Stamp of surveyor or engineer preparing the profile.
- I. Approximate locations and elevations of culverts, drain pipes, or utility pipes or lines buried in the right-of-way shall be shown.

**SECTION 8.1.200. Survey Cross Sections.**

1. Cross-sections for each proposed street or road shall be submitted on 10 grid per inch, orange line, reproducible grid paper to the following scale:

A. Horizontal scale: 1" = 10'

B. Vertical scale: 1" = 10'

Cross-sections shall be shown at:

C. Each and every 100 foot-station.

D. Intermediate stations where there is a distinct or radical change from cut to fill.

E. Intermediate points of critical concern, such as at extremely deep fills, high cuts or at existing or proposed driveways or buildings.

F. The widest part of a vehicle turnaround.

G. Existing ground elevations, shown in black India ink with dashed line. When cross-sections are for preliminary plat the existing ground may be scaled from accurate 5 foot contours on the preliminary plan.

H. Proposed subgrade and finished grade of roadway, ditches, cuts and fills, conforming to the standard cross-sections as per figures AA-2, AA-3, AA-4 and AA-5 of Section 7.1.150.

I. Location of approximate depth of culverts, drainage pipes or utility pipes or lines that may be buried.

2. Cross-Section Graphic Standards.

A. Existing centerline elevation shown in numbers 1/10" high, 1" to 2" below cross-section drawn in black India ink directly beneath centerline of cross-section.

B. Station designation shown in number 2/10" high below centerline elevation numbers draw in black India ink.

C. Original ground shall be shown at least 20 feet outside required right-of-way when 5 to 10 foot contours are shown on the preliminary map or tentative map and 50 feet where uncontrolled

USGS contours are shown on the preliminary map or tentative map.

- D. Title of cross-sections shall be placed in upper left corner of the cross-section sheet in black letters approximately ½' high including:

Plat name

Identification as cross-section sheet

Scale, horizontal and vertical

USGS datum

Stamp of surveyor or engineer preparing the cross-section.

- E. Overlapping of cross-sections will be avoided when possible.

**SECTION 8.1.300. Survey Dimensions.** The following methods and dimensions shall be the minimum requirements on final plats and shall be shown on the face of the map itself.

1. Plat Boundaries:

- A. Bearings of line to the nearest second;  
B. Distance to the nearest one-hundredth of a foot.

2. Centerline of Streets:

- A. Bearings to the nearest second;  
B. Distance to the nearest one-hundredth of a foot.

3. Lot Lines:

- A. Bearings to the nearest second;  
B. Distance to the nearest one-hundredth of a foot.

4. Curve Portions of a Lot Line:

- A. Central angle to the nearest second;  
B. Length of arc to the nearest one-hundredth of a foot;



- iii. Block boundary;
  - iv. Individual Lot and all other monuments.
- B. Total acreage within the plat boundary;
- C. Specifications for calculations sheets:
- i. All calculations will be properly indexed;
  - ii. Calculation sheets will be either 8 ½” x 11”; [or]
  - iii. 8 ½” x 14”.
  - iv. no unnecessary printed, lettered, or written information shall appear on calculation sheets except that which has to do with the calculation of the survey of the subdivision.
- D. Traverse sheets shall contain, in the following order:
- i. Point # or lot corner, etc;
  - ii. Angle (when appropriate);
  - iii. Bearing;
  - iv. Horizontal distance;
  - v. Cosine function
  - vi. Sine function;
  - vii. Latitude;
  - viii. Departure;
  - ix. North coordinate;
  - x. East coordinate.
- E. Minus coordinates will not be accepted.
- F. One set of coordinates will be used throughout the plat.

- G. Computer sheets or tapes may be accepted by the County Surveyor if properly indexed, labeled, and explained.

**SECTION 8.1.500. Standards of Survey Accuracy.** The survey for the plat of the subdivision or partition shall be of such accuracy that the linear error of closure shall not exceed one foot in 10,000 feet and shall conform to all other minimum requirements of State law.

**SECTION 8.1.600. Benchmarks.**

1. At least one temporary benchmark shall be established within each 20 acres of the proposed plat, major or minor partitioning.
2. Elevation datum shall be based on mean sea level datum, USC & GS 1947 adjust.
3. Benchmarks shall be of such durable construction that the elevation is not likely to change unless the mark is destroyed. (A large spike driven horizontally into a large tree will be considered suitable.)
4. Elevation of the benchmark will be shown at the benchmark itself.
5. The location and elevations of temporary benchmarks will be shown on the preliminary plans and tentative maps.
6. The permanent benchmark from which elevation is obtained shall be described in the survey calculations to be submitted with the preliminary plan or tentative map:
  - A. Name or letter designation;
  - B. Published elevation;
  - C. Name of agency establishing mark;
  - D. Location.
7. Benchmark(s) based on USGS mean sea level data from Government benchmark(s) shall be established for major partitions and subdivisions:
  - A. Within an urban growth boundary;
  - B. Within one-half mile of a city limits;
  - C. Within one-half mile of an urban growth boundary;

- D. In a designated floodplain; or
- E. In subdivisions where extensive public quasi-public sewer systems are planned.

**SECTION 8.1.700. Responsibility For Determining Compliance With This Chapter.** The Coos County Surveyor shall be responsible for determining compliance with the provisions of this Chapter and, as appropriate, provide a written statement to the Planning Director indicating that the provisions of this Chapter have been satisfied with respect to an application under review.

**CHAPTER IX**  
**RESIDENTIAL PARKS, CAMPGROUNDS, ETC.**



**CHAPTER IX. RESIDENTIAL PARKS, CAMPGROUNDS, ETC.**

**ARTICLE 9.1. MOBILE HOME PARK STANDARDS.**

**SECTION 9.1.100. Criteria for Locating Mobile Home Parks.** 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.

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.

An application for a manufactured dwelling park shall be reviewed as a Hearings Body conditional use and shall include the submittal of a preliminary site plan to be drawn as specified by OAR Division 600. The submitted site plan shall include setbacks as required by the Oregon Manufactured Dwelling Standard In-Park Fire Separation Matrix (Table 903). (OR 01-02-004PL 6/13/01)

**SECTION 9.1.200. RESERVED**

**SECTION 9.1.300. RESERVED**

**SECTION 9.1.400. RESERVED**

**SECTION 9.1.500. Modify and/or Expand Existing Manufactured Dwelling Park.** A conditional use application shall be required for an existing park to modify or expand and shall comply with Coos County's Zoning and Land Development Ordinance Article 9.1. (OR 01-02-004PL 6/13/01)

**SECTION 9.1.550 Road Names and Addresses.** When approval has been granted for the siting of a manufactured dwelling park, the developer shall be responsible for submitting an address application along with the applicable fee to the Planning Department.

In addition, if determined necessary by the Planning Director, the developer shall submit a road name application along with the applicable fee. (OR 01-02-004PL 6/13/01)

**ARTICLE 9.2. RECREATIONAL VEHICULAR PARK AND CAMPGROUND**

**SECTION 9.2.050 Recreational Vehicular Park and Campground Review.**

Notwithstanding any other Ordinance provision, Recreational Vehicular Parks and Campgrounds shall be subject to requirements set-forth in Oregon Administrative Rule (OAR) 918-650-0000 through 918-650-0085. These standards shall apply in-lieu of the parent zoning district.

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 site plan drawn as specified by OAR Division 650. (OR 01-02-004PL 6/13/01)

**SECTION 9.2.100. RESERVED**

**SECTION 9.2.150. RESERVED**

**SECTION 9.2.200. RESERVED**

**SECTION 9.2.250. RESERVED**

**SECTION 9.2.300. RESERVED**

**SECTION 9.2.350. RESERVED**

**SECTION 9.2.400. RESERVED**

**SECTION 9.2.450. RESERVED**

**SECTION 9.2.500. RESERVED**

**SECTION 9.2.550. RESERVED**

**SECTION 9.2.600. RESERVED**

**SECTION 9.2.650. RESERVED**

**SECTION 9.2.700. RESERVED**

**SECTION 9.2.750. RESERVED**

**SECTION 9.2.800. Modify and/or Expand Existing RV Park and/or**

**Campground.** A conditional use application shall be required for an existing RV park and/or campground to modify or expand and shall comply with Coos County's Zoning and Land Development Ordinance Article 9.2 (OR 01-02-004PL 6/13/01)

## **CHAPTER 10**


### **CHAPTER X. OFFSTREET PARKING.**

#### **ARTICLE 10.1. PARKING STANDARDS**

**SECTION 10.1.100. General Provisions.** Offstreet parking and loading facilities as defined shall be subject to the general regulations and requirements of this Ordinance as well as the following provisions:

1. Increase. An increase in parking spaces may be required to correspond to any enlargement or addition to any building or use.
2. Change in Use. When a building or open land use changes in use, the parking requirements shall be changed to reflect the requirements of the new building or use if a greater number of spaces are required.
3. Use. Parking facilities shall be used for automotive and bicycle parking only. No sales, dead storage, repair work, dismantling, or servicing of any kind shall be permitted.
4. Fractional Requirements. Fractional requirements shall require one additional space.
5. Staff Determination. Parking space requirements for a use not specifically mentioned shall be the same as for a use which has similar traffic-generating characteristics as determined by the Planning Director.

#### **SECTION 10.1.200. Common Facilities for Mixed Uses.**

1. Mixed Uses. In the case of mixed uses, the total requirements for off-street parking shall be the total of the individual uses except as provided in "2" below.
2. Joint Use. The Planning Director may, upon application, authorize the joint use of parking facilities required by said uses and any other parking facility, provided that:
  - A. the applicant shows that there is no substantial conflict in the principal operating hours of the building or use for which the joint use of parking facilities is proposed, or for uses with similar hours of operation that the uses are complementary and supportive leading to lower rates of vehicle usage, and/or increasing the parking turnover rate;
  - B. the parking facility for which joint use is proposed is not further than 600 feet from the building or use required to have provided parking; and 

- C. the parties concerned in the joint use of off street parking facilities show evidence of an agreement for such joint use by a legal instrument.

**SECTION 10.1.300. Parking Area Design.**

1. Ingress and Egress. In any zoning district, driveways or access ways providing ingress and egress for private parking areas or garages, public parking areas or garages and parking spaces shall be permitted, together with any appropriate traffic control devices in any required yard or setback area.
2. Minimum Standards for Parking. All public or private parking areas and parking spaces shall be designed and laid out to conform to the minimum standards as specified in the Parking Table and Diagram. All parking lot designs shall be reviewed and approved by the County Roadmaster.
3. Service Drive. Groups of three or more parking spaces, except those in conjunction with single-family or two-family dwelling structures on a single lot, shall be served by a service drive so that no backward movement, or other maneuvering of a vehicle within a public right-of-way, other than an alley, will be required. Service drives shall be designed and constructed to facilitate the flow of traffic, provide maximum safety for ingress and egress and maximum safety of pedestrians.
4. Lighting. Any lights provided to illuminate any public or private parking area shall be so arranged as to reflect the light away from any abutting or adjacent residential district or use.
5. Landscaping. For every 10 required parking spaces, 16 square feet of landscaping will be required. Each 16 square foot area should include, one tree and three one-gallon shrubs or living ground cover.

## SECTION 10.1.400.

**Required Number of Parking Spaces for Type of Use.**

USE		STANDARD
1. Commercial		
a.	Retail store and general commercial except as provided in subsection b. of this section.	1 space per 200 square feet of floor area, plus 1 space per employee. 1 Bicycle space
b.	Retail store handling bulky merchandise(furniture, appliances, automobiles, machinery, etc.)	1 space per 600 square feet of floor area, plus 1 space per employee. 1 Bicycle space
c.	Bank, general office, (except medical and dental).	1 space per 600 square feet of floor area, plus 1 space per employee. 1 Bicycle space
d.	Medical or dental clinic or office.	1 ½ space per examination room plus 1 space per employee. 1 Bicycle space
e.	Eating or drinking establishment.	1 space per 200 square feet of floor area, plus 1 space for every 4 seats. 1 Bicycle space
2. Commercial Amusement		
a.	Bowling Alley	5 spaces per alley plus 1 space per 2 employees. 1 Bicycle space
b.	Dance hall, skating rink, lodge hall.	1 space per 100 square feet of floor area plus 1 space per 2 employees. 1 Bicycle space
c.	Stadium, arena, theater, race track	1 space per 4 seats or every 8 feet of bench length or equivalent capacity if no seating is provided. 1 Bicycle space

USE	STANDARD
<b>3. Industrial</b>	
a. Storage warehouse, Manufacturing establishment, or trucking freight terminal	1 space per employee. 1 Bicycle space
b. Wholesale establishment.	1 space per employee plus 1 space per 700 square feet of patron serving area. 1 Bicycle space
<b>4. Institutional</b>	
a. Welfare or correctional institution	1 space per 5 beds for patients or inmates, plus 1 space per employee. 1 Bicycle space
b. Convalescent hospital, nursing home, sanitarium, rest home, home for the aged.	1 space per 5 beds for patients or residents, plus 1 space per employee. 1 Bicycle space
<b>5. Place of Public Assembly</b>	
a. Church, mortuary, sports arena, theater.	1 space for 4 seats or every 8 feet of bench length in the main auditorium. 1 Bicycle space
b. Library, reading room.	1 space per 400 square feet of floor area plus 1 space per employee. 1 Bicycle space
c. Preschool nursery, kindergarten.	2 spaces per teacher; plus off-street loading and unloading facility. 1 Bicycle space per 20 students
d. Elementary or junior high school.	1 space per classroom plus 1 space per administrative employee or 1 space per 4 seats or every 8 feet of bench length in the auditorium or assembly room, whichever is greater. 1 Bicycle space per 10 students
e. High school	1 space per classroom plus 1 space per administrative employee plus 1 space for each 6 students or 1 space per 4 seats or 8 feet of bench length in the main Auditorium, whichever is greater. 1 Bicycle space per 20 students
f. Other auditorium, meeting room.	1 space per 4 seats or every 8 feet of bench length. 1 Bicycle space

USE	STANDARD
6. Residential	
a. single-family dwelling.	2 spaces per dwelling unit.
b. two-family or multi-family dwellings	1 ½ spaces per dwelling unit. 1 bicycle space per unit for buildings with 4 or more units.
c. motel, hotel, rooming or boarding house.	1 space per guest accommodation plus 1 space per employee.
d. mobile home or RV park.	1 ½ spaces per mobile home or RV site.

(OR 98-12-009PL)

**TABLE 10.1**  
**PARKING AREA DESIGN STANDARDS**

Parking areas shall be designed in accordance with the following chart so that good utilization of the available space can be achieved.

<b>MINIMUM PARKING LOT DESIGN STANDARDS</b>				
Parking Angle	Stall Width	Curb Length Per Car	Stall Depth	Driveway Width
<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>	<b>E</b>
0 <sup>o</sup>	9'-0"	23'-0"	9'-0"	12'-0"
20 <sup>o</sup>	9'-0"	21'-8" 26'-4"	15'-3'	11'-0"
30 <sup>o</sup>	9'-0"	18'-0"	17'-8"	11'-0"
40 <sup>o</sup>	9'-0"	14'-0"	19'-6"	12'-0"
45 <sup>o</sup>	9'-0"	12'-9"	20'-5"	13'-0"
50 <sup>o</sup>	9'-0"	11'-9"	21'-0"	14'-0"
60 <sup>o</sup>	9'-0"	10'-5"	21'-10"	16'-0"
70 <sup>o</sup>	9'-0"	9'-8"	21'-10"	18'-0"
80 <sup>o</sup>	9'-0"	9'-2"	21'-4"	20'-0"
90 <sup>o</sup>	9'-0"	9'-0"	20'-0"	22'-0"



**ARTICLE 10.2.      PARKING STANDARDS INSIDE URBAN GROWTH  
BOUNDARIES**

**\* RESERVED \***

**APPENDIX 1**

**CCCP  
VOLUME I**

**POLICIES**

**5.1 CITIZEN INVOLVEMENT - PROBLEM/OPPORTUNITY STATEMENT.**  
**(OR-01-01-001PL 8/1/01)**

The Coos County Board of Commissioners and Planning Commission are responsible for making a variety of land use and community development decisions for Coos County citizens. The appropriateness of these decisions and the way the public accepts them often depend on the extent to which the general public is involved in helping make the decisions. Thus, one of the major objectives of the Board of Commissioners and the Planning Commission is to maintain the on-going assurance that their decisions are guided by citizen input. The Citizen Advisory Committee shall aid the Planning staff in the direction of revising the Comprehensive Plan and Implementing Ordinance, as well as to voice concerns and/or support revisions and updates of the plan and implementing ordinance prior to public hearings and determinations at the Planning Commission and Board of Commissioners level.

Citizen Advisory Committee shall consist of seven (7) Coos County Citizens, who shall be selected by an open, well-publicized process. The selection of the seven (7) citizens will be determined by the Planning Director or designee and the Board.

**ISSUE**

In addition to aiding in revisions of the Comprehensive Plan an/or Implementing Ordinance, Coos County residents must be provided adequate opportunities to express themselves prior to the Planning Commission and Board of Commissioners make discretionary decisions to implementing the Plan and Implementing Ordinance. What can the County do to provide its citizens with adequate opportunities to express their ideas and concerns?

**GOAL**

To develop a Citizen Advisory Committee which sets in motion one phase of the Citizen Involvement Program that insures the opportunity for citizens to be involved in all phases of the planning process.

**Plan Implementation Strategies**

This section constitutes Coos County's Citizen Involvement Program as required by OAR 660-10-050 (Statewide Planning Goal #1). The purpose of this program is to insure the opportunity for citizens to be involved in all phases of the planning process.

Federal, State and regional agencies and special districts shall coordinate their planning efforts with Coos County.

This Citizen Involvement Program provides for continuity of citizen participation and information that enables citizens to identify and comprehend the issues by implementation of the following program components:

1. Citizen Involvement

The purpose of this component is to provide for widespread citizen involvement in Coos County.

Goal #1 states the following components shall be incorporated in the “Citizen Involvement Program” to:

- a. provide for widespread citizen involvement;
- b. assure effective two-way communication with citizens;
- c. provide the opportunity for citizens to be involved in all phases of the planning process;
- d. assure that technical information is available in an understandable form;
- 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) in order 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.

An official Citizen Advisory Committee shall be established and maintained. The Committee members shall consist of seven (7) persons appointed by the Planning Director or designee and Board, as lay committee members responsible for representing the public at large. The lay committee members shall be broadly representative of the County’s geographic areas and interests related to land use and land use decisions. Appointments to the Citizen Advisory Committee shall be made by an open, well-publicized process.

The Citizen Advisory Committee shall be responsible for:

- a. assisting the Planning Commission and Board of Commissioners to ensure adequate citizen involvement in Plan and Implementing Ordinance updates and revisions; and
- b. implementing a component of the Citizen Involvement Program; and
- c. evaluating this Citizen Involvement Program.

2. Communication

The purpose of this component is to assure effective two-way communication between Coos County's decision-makers and its citizens. This shall be accomplished by having regular meetings with the Citizen Advisory Committee on issues raised by a proposed revision to the County's plan and/or Implementing Ordinance, which is initiated by the Planning Department staff. Citizen Advisory Committee meetings shall be scheduled and publicized as deemed necessary by the Planning Director or the designee. Other communication tools, which may be used are newsletters, e-mail, mailings, mail-back questionnaires, and other available media.

3. Citizen Influence

The purpose of this component is to provide the opportunity for citizens to be involved in all phases of the planning process, including revising and updating of plans and implementing ordinances. This shall be accomplished in two (2) ways:

- a. Citizen Advisory Committee workshops (as appropriate) and public meetings, and
- b. Planning Commission public hearings on property owner applications, as well as Plan and Ordinance amendments.

4. Technical Information

The purpose of this component is to assure that technical information is available in an understandable form. Assistance shall be provided to interpret and use technical information. A copy of all technical information shall be available at a local public library or other location open to the public.

5. Feedback Mechanisms

The purpose of this component is to assure that citizens shall receive a response from policy makers. Recommendations resulting from the Citizens Involvement Program shall be retained and made available for public assessment. Citizens who have participated in this program shall receive a response from policy makers. The rationale used to reach land use policy decisions shall be available in the form of a written record.

6. Financial Support

The purpose of this component is to insure funding for the Citizen Involvement Program (Statewide Planning Goals #1, #6). Coos County's budgetary restraints have not and do not allow for any additional or unnecessary expenditures. The department's budget allocations are an integral component of its day-to-day operation. The Citizen Advisory Committee members shall serve without financial compensation or reimbursement of their expenses. The governing body shall be responsible for providing public notices for the public hearings and the Citizen Advisory Committee work sessions/meetings.

**5.2 LAND USE & COMMUNITY DEVELOPMENT PLANNING - PLAN IMPLEMENTATION STRATEGIES (Updated 8/1/01)**

1. Coos County's on-going land use and community development planning process shall utilize broad-based citizen involvement with the following:
  - a. identification of new planning problems and issues; and
  - b. collection and analysis of inventories and other pertinent factual information; and
  - c. evaluation of alternative courses of action and ultimate policy choices; and
  - d. selection of appropriate 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 that are the basis of this Comprehensive Plan, and which must be the basis for future plan revisions and modifications.

2. This Comprehensive Plan (including coordinated urban growth policies) shall be the legal basis for all land use and community development regulations in unincorporated Coos County.
3. Coos County shall:
  - a. conduct a formal review of this Comprehensive Plan and Implementing Ordinance during periodic review; and
  - b. amend its Plan and Implementing Ordinance when studies are completed which affect land use planning in Coos County; and
  - c. base the review upon re-examination of data, problems and issues; and
  - d. issue a public statement as to whether any revision is needed; and
  - e. incorporate public input into its decision.

This strategy is based on periodic review which is mandatory through Oregon's Land Conservation and Development Commission's rules and the need to update and revise the Plan and Implementing Ordinance prior to periodic review. The County recognizes the importance of revising and updating its Plan and Implementing Ordinance in order to continue guiding "land use" in rural Coos County.

4. Reserved

5. Reserved
6. Coos County shall consider the appropriateness of plan amendment proposals upon:
  - a. a motion by the Board of Commissioners to study the proposed change; or
  - b. a motion by the Planning Commission to study the proposed change; or
  - c. The submission of a formal request to study a proposed change, made either by:
    - i. the Citizen Advisory Committee or
    - ii. an application filed by a citizen or organization, accompanied by a prescribed filing fee.

This strategy recognizes the need for a clearly identified procedure stipulating how plan amendments may be initiated. Further, this strategy recognizes the benefits from utilizing citizen groups when considering the appropriateness of plan amendment proposals.

7. Coos County shall give adequate public notice of public hearings where proposed amendments to the Comprehensive Plan and Implementing Ordinance are to be considered. Such notice shall consist of the measures set forth below:
  - a. For proposed revisions to the Comprehensive Plan:
    - i. The Planning Department shall give notice of the Public Hearing on the proposed change by causing such notice to be published in one of the County's designated official newspaper(s) at least 30 calendar days prior to the date of scheduled hearings;
    - ii. The Planning Department shall give written notice of the public hearing on the proposed change by sending a letter to adjacent property owners, agencies and affected cities and the notice shall be mailed at least 30 days before the scheduled hearing.
  - b. Notwithstanding the provisions set forth in "A" above, notice to the Director of the Department of Land Conservation and Development at least 45 days before the first public hearing of any proposed amendment or new regulation.
8. The Coos County Board of Commissioners shall be the sole body that may approve or deny requested changes to the Comprehensive Plan and Implementing Ordinance. However, the Board of Commissioners shall consider a recommendation from the Planning Commission as to the appropriateness of each requested change; the Planning Commission shall conduct a public hearing prior to formulating its recommendation.

This strategy is not meant to preclude the execution of coordinated urban growth management agreements between Coos County and its cities.

This strategy is based on the recognition that the Coos County Comprehensive Plan and Implementing Ordinance can be legally amended only by the Board of Commissioners.

9. Coos County shall permit the continuation of legally established existing uses and structures that do not conform to the provisions of this Plan and its Implementing Ordinances.

This strategy is based on the recognition that Coos County is morally and legally bound to honor the traditional provisions of the "grandfather" concept.

10. RESERVED

11. The Board of Commissioners shall instruct the Planning Commission to undertake special studies and projects deemed beneficial and/or necessary to keep current certain key inventories that are the factual basis of this Comprehensive 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.

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 that the:

- a. Planning Director shall conduct necessary research as directed;
  - b. County shall continue a skeletal long-range planning staff, as necessary to provide technical support in efforts to maintain and update the Plan and Implementing Ordinance; and
  - c. state funds might be available to help defray the local costs of such revisions and updates.
12. Coos County shall coordinate with various agencies, entities and special districts with the intent of maintaining a coordinated Comprehensive Plan and Implementing Ordinance, recognizing that obvious mutual benefits accrue from such coordination.

When a plan and/or ordinance amendment is proposed, the county shall request and consider written comments from the affected agencies, entities and special districts.

13. RESERVED

14. Coos County shall structure its implementing ordinances to conform with the land use designations that descriptively map the general types of uses appropriate to specific areas of the County.



This strategy shall be implemented by limiting the types of zones that may implement each plan designation, as prescribed in the following table:

<u>Plan Designation</u>	<u>Implementing Zone(s)</u>	
Agriculture	Exclusive Agriculture	EFU
	Rural Residential*	RR-5
Forest	Forest	F
Recreation	Recreation	REC
Industrial	Industrial	IND
	Airport Operations	AO
South Slough Estuarine Sanctuary	South Slough	SS
Minor Estuary	Minor Estuaries-Shorelands	MES
Commercial	Commercial	C-1
Rural Center	Rural Center	RC
Rural Residential	Rural Residential	RR-5
	Rural Residential	RR-2
Urban Residential	Urban Residential	UR-1
	Urban Residential	UR-2
	Urban Residential-multi-family	UR-M
Controlled Development	Controlled Development-5	CD-5
	Controlled Development-10	CD-10
**Bandon Dunes Resort	Natural Resource	NR-1 to NR-8
	Golf Course	GR-1 to GR-3
	Residential	SR-4
	Resort Village Center	RVC

\*The RR zone implements the "Agriculture" designation solely to the extent permitted by Agricultural Lands Strategy #13.

\*\* Approved through an exception process in 1997 by Coos County.

Overlay zones implement the specific criteria described on the "Special Considerations Map". These floating zones may be applied to property in any plan designation.

This strategy recognizes that limiting the types of zones that may implement each plan designation helps ensure that the implementing ordinances will conform with the provisions of the Comprehensive Plan.

### 5.3 AGRICULTURAL LANDS

#### Plan Implementation Strategies

1. Coos County shall conserve those resources designated as "agricultural lands" on the Comprehensive Plan map by regulating uses and activities in such areas through requirements stipulated in the following Exclusive Farm Use (EFU) zone: The delineation of this zone shall be generally consistent with the locational criteria developed on the Agricultural Lands Inventory and Assessment. Land divisions shall comply with criteria set forth in the Coos County Zoning and Land Development Ordinance. Implementation of this strategy shall be based on application of the statutory provisions governing uses in EFU zones.
2. Coos County shall maintain programs to control stray dogs, predatory animals and noxious weeds as funds are available. This strategy shall be implemented through existing County programs and cooperation with other agencies.

This strategy recognizes that such programs provide valuable services to the county's farming community.

3. Coos County shall cooperate with the National Resources Conservation Service (NRCS) and Coos Soil and Water Conservation District (Coos SWCD) and other agencies in their efforts to promote bank stabilization, preferring non-structural stabilization methods except where bank protection structures are necessary.

This strategy is based on the recognition that streambank protection and stabilization are necessary to prevent the erosion of agricultural soils.

4. Coos County shall cooperate with NRCS and Coos SWCD and drainage districts in their efforts to obtain permits and to maintain funding for drainage projects on floodplain land in agricultural use (include "wet meadows" classified by the U.S. Fish & Wildlife Service as wetlands). Such drainage projects may include improvement or maintenance of existing facilities or construction of new dikes and drainage channels.

This strategy recognizes that: (1) improved or well-maintained drainage facilities are essential to the most efficient use of Coos County's most productive agricultural lands, and (2) recently adopted Federal policies to protect wetlands for their wildlife habitat values are unduly restrictive in the case of seasonally flooded, diked wet meadows, because agricultural and wildlife habitat uses are thoroughly compatible in these wet meadow areas.

5. Coos County shall generally support the efforts of the NRCS, Coos SWCD, Coos Watershed Association, Coquille Watershed Association and other entities to develop water storage projects to supply additional irrigation water to improve the county's

agricultural economy except where strong public opposition is presented and accompanied by documentation.

This strategy recognizes the need for additional water storage projects and that the NRCS and Coos SWCD should play a lead role in the development of such projects.

6. RESERVED
7. RESERVED
8. RESERVED
9. RESERVED
10. Coos County shall allow the establishment of single family dwellings on non-conforming lots of record in EFU zones, subject to state law.
11. RESERVED
12. Coos County shall defined development to mean: To bring about growth or availability; to construct or alter a structure, to conduct a mining operation, to make a physical change in the use or appearance of land, to divide land into parcels, or to create or terminate rights of access excepting normal agricultural or forest management activities.

This strategy recognizes the important distinction between resource management and the conversion of land to more intensive uses.

13. Coos County shall permit a zone change to Rural Residential (RR-5) on lots within areas designated Exclusive Farm Use (EFU) that were physically developed for non-farm use prior to the establishment of the EFU zone. The applicant for such a zone change shall bear the burden of proof that such lot meets the preceding criterion.

This strategy recognizes:

- a. the provisions of ORS 215.215, which permit this strategy, and
- b. the benefits of enabling uses on property rezoned in this manner to be considered conforming uses rather than on-conforming uses.

## **5.4 FOREST LANDS**

### Plan Implementation Strategies

1. Coos County shall conserve those resources designated as "Forest Lands" on the Comprehensive Plan map by regulating uses and activities in such areas through requirements stipulated in the forest zone ("F").

The delineation of this zone shall be generally consistent with the locational criteria developed in the Forest Lands Inventory and Assessment. Land divisions shall comply with criteria set forth in the Coos County Zoning and Land Development Ordinance.

This strategy recognizes that Coos County's forestlands are an extremely valuable resource, and that the above-referenced zones are: (1) necessary and reasonable to respond to the varying situational characteristics addressed in the inventory, and (2) adequate to conserve the County's forest lands for forest uses.

2. Coos County shall ensure that new rural residential dwellings are compatible with adjacent forest and agricultural management practices and production.

This strategy shall be implemented by requiring applicants for building and septic permits to sign a statement (to be added to 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.

This strategy recognizes:

- a. that intensive forest and agricultural management practices could include herbicidal spraying, slash burning, or fertilization; and
  - b. that the potential for conflicts between resource uses and rural residential uses will be reduced by alerting prospective rural residential landowners to the fact that intensive resource management uses are expected in rural areas.
3. Coos County shall require all new residential development that is on lots, parcels or tracts within or abutting the "F" zone to agree to construct and maintain a fire-break of at least 30 feet in radius around the dwelling prior to completion of the dwelling. A fire-break is defined as an area free of readily inflammable material and may include lawns, ornamental shrubs, and scattered single specimen trees.

This strategy recognizes that these protection measures are the minimum necessary to prevent house fires from spreading to forested areas, and vice-versa.

4. Coos County shall foster sound forest management practices by supporting enforcement of the Oregon Forest Practices Act (ORS 527.610-527.730), recognizing that the Forest Practices Act (1) is designed to encourage sound forest management and to improve the forest resource, and (2) generally prohibits counties from regulating forest practices.
5. RESERVED
6. RESERVED
7. RESERVED

8. Coos County shall consider, and approve where appropriately justified, changes from forestry to agriculture zoning districts, and vice-versa, upon findings which establish:
  - a.. That the proposed rezone would be at least as effective at conserving the resource as the existing zone,
  - b. That the proposed rezone would not create a non-conforming use,
  - c. That the applicant for the proposed rezone has certified that he/she understands that the rezone, if granted, could have significant tax consequences.

Furthermore, Coos County shall, upon a finding to approve the rezone under consideration, amend the "Agricultural Land" or "Forest Land": Comprehensive Plan Map designation so as to correspond to the new zone, as approved.

Implementation of this policy shall include conducting a "rezone public hearing".

This strategy recognizes:

- a. That agriculture and forestry are closely related in Coos County because the land resource base is capable of and suitable for supporting both agricultural and forest use and activities;
  - b. That this simplified plan revision process for agriculture and forest plan designations is necessary to help support the existing commercial agricultural and forest enterprises because it enables individual management decisions to be made in a timely manner as a response to changing market conditions.
9. Coos County shall define development to mean:

To bring about growth or availability; to construct or alter a structure, to conduct a mining operation, to make a physical change in the use or appearance of land into parcels, or to create or terminate rights of access excepting normal agricultural or forest management activities.

This strategy recognizes the important distinction between resource management and the conversion of land to more intensive uses.

10. RESERVED
11. RESERVED
12. RESERVED
13. Coos County shall require all owners of forest land requesting a single family dwelling, to acknowledge and record in the deed records of Coos County, a Forest Management Covenant prior to any final County approval for a dwelling.

## 5.5 MINERAL & AGGREGATE RESOURCES

### Plan Implementation Strategies

1. 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.

Conflicting uses include dwellings and any other structures within 500 feet of the resource site. Where no conflicts are identified, agriculture, forest or similar open space zoning shall be used to implement this strategy.

When a conflicting use 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:

<u>Economic consequences:</u>	payroll, jobs, taxes, economic opportunity costs associated with developing or not developing each conflicting use, and other pertinent factors.
<u>Environmental consequences:</u>	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.
<u>Social consequences:</u>	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.
<u>Energy consequences:</u>	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.

2. 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.

Site restoration shall conform to the requirements of ORS 517.750 to 517.900, "Reclamation of Mining Lands".

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.

3. Coos County shall, based on findings in the Inventory Document, officially consider 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.

4. 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.

5. 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). 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 if adequate information becomes available. [OR-92-08-013PL 10/28/92]

## **5.6 FISH & WILDLIFE HABITATS**

### Plan Implementation Strategies

1. Coos County shall consider as "5c" Goal #5 resources (pursuant to OAR 660-16-000) the following:
  - "Sensitive Big-game Range"
  - Bird Habitat Sites (listed in the following table)
  - Salmonid Spawning and Rearing Areas

Uses and activities deemed compatible with the objective of providing adequate protection for these 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 streambanks. The Oregon Forest Practices Act is deemed adequate protection against adverse impacts from timber management practices.

This policy shall be implemented by:

- a. County reliance on the Oregon Forest Practices Act to ensure adequate protection of "significant fish and wildlife habitat" against possible adverse impacts from timber management practices; and
- b. The Zoning and Land Development Ordinance shall provide for an adequate riparian vegetation protection setback, recognizing that "virtually all acknowledged counties have adopted a 50 foot or greater standard" (DLCD report on Coos County, November 28, 1984); and
- c. Use of the "Special Considerations Map" to identify (by reference to the detail inventory map) salmonid spawning and rearing areas subject to special riparian vegetation protection; and
- d. Stipulating on County Zoning Clearance Letters that removal of riparian vegetation in salmonid spawning and rearing areas shall be permitted only pursuant to the provisions of this policy.
- e. Coos County shall adopt an appropriate structural setback along wetlands, streams, lakes and rivers as identified on the Coastal Shoreland and Fish and Wildlife Habitat inventory maps.

The Oregon Department of Fish and Wildlife and the Department of Forestry are working in conjunction with the requirements of this Plan and, are deemed adequate protection against adverse impacts from timber management practices.



**Coos County shall consider as Goal #5 "5c" resources the following bird habitat areas:**

	Location		Area
	Township	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 <sup>1</sup> / <sub>4</sub>	
	25S	14W 24 SE <sup>1</sup> / <sub>4</sub>	
	23S	13W 26	(Saunders Lake)
	24S	13W 23	(North Bay)
	25S	11W 15	(Weyerhaeuser)
	25S	12W 31 NW <sup>1</sup> / <sub>4</sub>	(Catching Slough)
	25S	14W 24	(North Spit)
	26S	14W 11	(So. Slough)
	25S	13W 24	
	26S	14W 14NE <sup>1</sup> / <sub>4</sub> , SE <sup>1</sup> / <sub>4</sub>	
	27S	14W 35 SE <sup>1</sup> / <sub>2</sub> ,NW <sup>1</sup> / <sub>4</sub>	(Sevenmile)
	26S	14W 14 NW <sup>1</sup> / <sub>4</sub>	
	30S	15W 15	(Muddy Lake)
23S	12W 28	(Templeton Arm)	
Band-Tailed Pigeon Mineral Springs	24S	13W 24&25	(Haynes)
	25S	13W 24	(Cooston)
	26S	13W 01	
	28S	14W 10	(Prosper)
	29S	11W 26	
	29S	11W 35	(Blueslide)
	29S	11W 36	(Rock Quarry)

Special consideration and care must be taken when developing property adjacent to "5c" bird sites so as to avoid, to the greatest practical extent, the unnecessary destruction of, or impact upon, said bird sites. The Oregon Forest Practices Act (FPA) is deemed adequate protection against adverse impacts from timber management practices.

This policy shall be implemented by:

- a. 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; and
- b. Use of the "Special Considerations Map" and detailed inventories in the Plan to identify "5c" bird sites subject to special protection; and
- c. 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
- d. 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.

Coos County shall require a location map for any development activity (except 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. ODFW's determination shall be reviewed by the Coos County Planning Director, who shall consider the ODFW findings and approve, approve with conditions, or deny an Administrative Conditional Use for the matter (ACU) 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 the Zoning and Land Development Ordinance.

2. Coos County shall manage its riparian vegetation and identified non-agricultural wetland areas so as to preserve their significant habitat value, as well as to protect their hydrologic and water quality benefits. Where such wetlands are identified as suitable for conversion to agricultural use, the economic, social, environmental and energy consequences shall be determined, and programs developed to retain wildlife values, as compatible with agricultural use. This strategy is subordinate to Strategy #4, below.

This strategy does not apply to forest management actions, which are regulated by the Forest Practices Act.

This strategy recognizes that protection of riparian vegetation and other wetland areas is essential to preserve the following qualities deriving from these areas:

natural flood control flow stabilization of streams and rivers	environmental diversity habitat for fish and wildlife, including fish and wildlife of economic concern
reduction of sedimentation	recreational opportunities
improved water quality	recharge of aquifers

3. Coos County shall support the efforts of the Oregon Department of Fish and Wildlife to maintain a productive fishery in County streams and lakes.

This strategy recognizes the economic and recreational importance that results from maintaining adequate fish stocks.

4. Coos County shall protect for agricultural purposes those land areas currently in agricultural use but defined as "wet meadow" wetland areas by the U.S. Fish and Wildlife Service, and also cranberry bogs, associated sumps and other artificial water bodies.

Implementation shall occur through the placement of the plan designation "Agriculture" on such areas.

This strategy recognizes:

- a. That agriculture is an important sector of the local economy;
  - b. That some of the more productive lands in Coos County's limited supply of suitable agricultural lands are such seasonally flooded areas;
  - c. That designation of these areas for agricultural use is necessary to ensure the continuation of the existing commercial agricultural enterprise; and
  - d. That the present system of agricultural use in these areas represents a long-standing successful resolution of assumed conflicts between agricultural use and habitat preservation use, because the land is used agriculturally during months when the land is dry and therefore not suitable as wetland habitat, and provides habitat area for migratory wildfowl during the months when the land is flooded and therefore not suitable for most agricultural uses.
5. RESERVED
  6. Coos County 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

According to information provided by the Oregon Department of Fish and Wildlife, the resources above are listed in Table 6, Volume I, part 2, Section 3.4 and on the inventory map entitled:

"Fish and Wildlife Habitats - Map I", which is a part of this Comprehensive Plan.

Regarding these sites, and pursuant to OAR 660-16-000(5)(b), "special implementing measures are not appropriate or required for Goal #5 compliance purposes until adequate information is available to enable further review adoption of such measures."

Information provided to Coos County from Oregon Department of Fish and Wildlife regarding bird habitat in Goal #5, "5b and 5c" sites are listed in Table 6. ODFW provided information regarding the Great Blue Heron, Osprey, Bald Eagle and Band-tailed Pigeon Mineral Springs. The Osprey and Great Blue Heron Rookeries are at a "healthy" level, while the Bald Eagle and Band-tailed Pigeon Mineral Spring sites are considered to be a "threatened" species and dangerously low.

Areas of bird sites provided by ODFW does not list the areas as site-specific because of the human-threat factor, in this case the general area is adequate information to satisfy Goal 5 requirements.

This policy recognizes the requirements of OAR 660-16. The current staffing level of Coos County's Planning Department makes it impossible to analyze sites for which ground verification is not possible; therefore, the County is relying on ODFW for the applicable information.

## **5.7 HISTORICAL, CULTURAL AND ARCHAEOLOGICAL RESOURCES, NATURAL AREAS AND WILDERNESS**

### Plan Implementation Strategies

1. 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.

2. 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;

This strategy shall be implemented by requiring Planning Director review of site and architectural plans to ensure that the proposed project is consistent with the original historical character of the site and structure.

This strategy recognizes that enlargement, expansion or modification of historical structures is not inconsistent with Coos County's historic preservation goal, provided the County finds that the proposed changes are consistent based on site and architectural

standards. Further, this strategy recognizes (1) that the site and architectural modification may be necessary to preserve, protect or enhance the original historical character of the structure, and (2) that the historical value of many of the county's identified historical structures is often marginal and incidental to the structure's current use as private property.

3. Coos County shall continue to refrain from wide-spread dissemination 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.

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). The Coos County Planning Department shall develop and maintain a list of qualified archaeologists and historians. 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).

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).

4. 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 this 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 Yakima Point Darlingtonia Bog.

5. 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.

## 5.8 WATER RESOURCES

### Plan Implementation Strategies

1. 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) 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 can not 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.

This strategy is based on the recognition that: (1) prediction of the maximum appropriate level of development requires detailed technical studies of each rural watershed; (2) that such information is not currently available; and (3) that reallocation of non-resource plan designations such as Rural Residential to other rural areas as an appropriate and efficient method of meeting development needs where the state agencies charged with monitoring water quality have submitted compelling evidence that irreversible water resource degradation will occur in specific rural areas.

2. Coos County shall strongly encourage municipalities to negotiate purchase of unincorporated portions of their watersheds, and shall designate such unincorporated areas as resource lands with minimum lot sizes equal to or in excess of 40 acres per dwelling unit.

This strategy shall not apply to identified committed areas, because the small amount of potential additional dwelling units will not significantly affect water quality.

3. 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:
  - a. West Fork of the Millicoma River, site 223.
  - b. South Fork of Coquille River at Eden Ridge, Site 430.
  - c. North Fork Coquille River, Site 146A.
  - d. Rock Creek at Rasher Creek, Site 201.
  - e. Catching Creek, Site 101.

- f. Fourmile Creek, Site 158.
- g. Joe Ney Slough
- h. North Fork Floras Creek at Oakietown, Site 435.

(Source: Oregon State Water Resources Department)

"Implementation shall occur through appropriate designation on the Special Considerations 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 Goal #5 provisions.

- 4. Coos County shall encourage its incorporated cities to develop water supplies adequate to meet the needs of their service areas, based on plans projecting future water needs and their concomitant facility development requirements, and subject to other provisions in this plan that limit extension of public water to specific unincorporated areas.

This strategy recognizes that the provision of sufficient supplies of public water is a city responsibility that is of County-wide concern.

## 5.9 UNIQUE SCENIC RESOURCES

### Plan Implementation Strategies

Coos County shall manage its "areas with potential for exceptional coastal experience" (non-estuarine shoreland areas) and its identified outstanding scenic views and sites so as to preserve their original character. However, this strategy is not meant to affect timber management practices, as regulated by the Forest Practices Act. State and Federal agencies responsible for managing lands within these identified areas are strongly encouraged to protect and preserve the integrity of Coos County's scenic resources, favoring multiple-use concepts. In addition, any development actions other than agricultural or forest practices shall be considered to conflict with the scenic characteristics of these areas, and shall only be permitted after considering the economic, social, environmental and energy consequences, of the proposal. Conflicts shall be resolved through site review considerations necessary to achieve the goal. This strategy is based on the recognition that Coos County's unique scenic areas are valuable resources and accordingly merit special management attention.

This strategy shall be implemented by encouraging State and Federal agencies responsible for managing land within these identified areas to protect and preserve the integrity of Coos County's scenic resources, favoring multiple-use concepts.

## 5.10 DUNES, OCEAN AND COASTAL LAKE SHORELANDS

### Plan Implementation Strategies

1. Coos County shall base policy decisions for dune and ocean, coastal lake, and minor estuary shorelands on the boundaries for these areas as identified on the Special Considerations Map.

In addition, the County shall utilize the Special Considerations Map and the boundaries it delineates for the following specific areas:

- a. "Coastal Shorelands Boundary";
- b. "Coastal Lake Shorelands Boundary";
- c. "Suitable", "Limited Suitability" and "Not Suitable" areas of development potential.

This strategy recognizes that the Special Considerations Map specifically delineates the boundaries for areas identified in the Dunes and Ocean, Coastal Lakes Inventory and Assessment.

2. Coos County shall permit development within areas designated as "Beach and Dune Areas with Limited Development Suitability" on the Special Considerations Map 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.

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.

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.



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 stable 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 Statewide Planning Goal #18 for the above-referenced dune forms; and that this strategy recognizes that potential mitigation sites must be protected from pre-emptory uses.
3. Coos County shall prohibit residential development and commercial and industrial buildings within areas designated as "Beach and Dune Areas Unsuitable for Development" on the Special considerations Map.

Further, Coos County shall permit other developments in these areas only:

- a. When specific findings have been made that consider at least:
  - i. the type of use proposed and the adverse effects it might have on the site and adjacent areas
  - ii. the need for temporary and permanent stabilization programs and the planned maintenance of new and existing vegetation,
  - iii. the need for methods for protecting the surrounding area from any adverse effects of the development, and
  - iv. hazards to life, public and private property, and the natural environment, which may be caused by the proposed use, and
- b. When it is demonstrated that the proposed development:
  - i. is adequately protected from any geologic hazards, wind erosion, undercutting, ocean flooding and storm waves; or is of minimal value; and
  - ii. 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 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).

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.

This policy shall be implemented through: (1) review of the Special Considerations Map when development is proposed in these areas, and (2) 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.

This policy recognizes that:

- a. The Special Considerations Map category of "Beach and dune Areas Unsuitable for Development" includes the following dune forms:
    - i. active foredunes
    - ii. other foredunes which are conditionally stable and that are subject to ocean undercutting or wave overtopping, and
    - iii. 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.
4. Coos County shall cooperate with state and federal agencies in regulating the following actions in the beach and dune areas described in subparagraph (iii) of Policy #1: (1) destruction of desirable vegetation (including inadvertent destruction by moisture loss or root damage), (2) the exposure of stable and conditionally stable areas to erosion, (3) construction of shore structures which modify current or wave patterns leading to beach erosion, and (4) any other development actions with potential adverse impacts.

This strategy shall be implemented through the processes described in Policies #2 and #3 above and through review and comment by the county on state and federal permits in beach and dune areas.

This strategy recognizes that regulation of these actions is necessary to minimize potential erosion.

5. 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. Coos County shall consider: (a) "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; (b) "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; (c) "coastal headlands" to include Yoakum Point, Gregory Point, Shore Acres, Cape Arago south to Three-Mile Creek, Five Mile Point, and Coquille Point; (d) "exceptional aesthetic resources" to include the coastal headlands identified above, and other areas identified in the Coastal Shorelands Inventory; and (e) "historical, cultural and archaeological sites" to include those identified in the Historical, Cultural and Archaeological Sites Inventory and Assessment.

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.

6. Coos County shall, when considering possible future amendments to this comprehensive plan, protect shorelands in future urbanizable areas (especially suited for water dependent uses) for water-dependent recreational, commercial and industrial uses.

Implementation shall be based on the plan review process and the "Land Use Planning" plan implementation strategies applicable to that review process.

This strategy recognizes that future revisions to urban growth areas may include new areas that are especially suited for water-dependent uses.

7. 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;

- 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.

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 Statewide Planning Goal #17 places strict limitations on land divisions within coastal shorelands.

- 8. 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: (1) 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; (2) that the new land divisions fulfill a need that cannot otherwise be accommodated in other uplands or in urban and urbanizable areas; or, (3) that the new land divisions are in a documented area, "committed" area; or, (4) 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 that Coos County's rural shorelands are a valuable resource and accordingly merit special consideration under Statewide Planning Goal #17.

- 9. 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):
  - 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 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 Goal #17 requirements.

- 10. 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.

- 11. 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.

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.

## 5.11 NATURAL HAZARDS

### Plan Implementation Strategies

1. 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 streambank 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.

This strategy recognizes that it is Coos County's responsibility: (1) to inform its citizens of potential risks associated with development in known hazard areas; and (2) to provide appropriate safeguards to minimize such potential risks.

2. Coos County shall continue to participate in the National Flood Insurance Program (Public Law 90-448), recognizing that participation in this program substantially insures the health and safety of county residents and allows property owners to benefit from subsidized insurance rates. Further, this strategy also recognizes that failure to participate in this program would prohibit affected property owners from receiving construction and permanent mortgage loans by federally insured lending institutions.
  - 2a. The areas of special flood hazard, identified by the Federal Insurance Administration in a scientific and engineering report entitled "The Flood Insurance Study for Coos County" dated 1983, with accompanying Flood Insurance Rate Maps and Flood Boundary - Floodway Maps is hereby adopted by reference and declared to be a part of the Coos County Comprehensive Plan Inventory.
3. Coos County shall comply with the requirements of the Federal Insurance Administration Regulation 1910.3(b).

This strategy recognizes that the above identified safeguards are appropriate to minimize adverse life and property risks.

4. Coos County shall support the policy of State Building Codes Division requiring new mobile home sitings to be secured to the ground, recognizing that "tie-downs" are appropriate safeguard against Coos County's wind hazards.
5. Coos County shall promote protection of valued property from risks associated with critical streambank 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 streambank protection measures)

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\* These hazards are addressed under policies for "Dunes and Ocean and Lake Shorelands."

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 streambank erosion, and also, that state and federal agencies regulate structural solutions.

6. Coos County shall permit the construction of new dwellings in known areas potentially subject to mass movement (earth flow/slump topography/rock fall/debris flow) only:
  - a. if dwellings are otherwise allowed by this comprehensive plan; and
  - b. after the property owner or developer files with the Planning Department a report certified by a qualified geologist or civil engineer stipulating:
    - i. his/her professional qualifications to perform foundation engineering and soils analysis; and
    - ii. that a dwelling 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.

This strategy recognizes the county is responsible for identifying potential hazard areas, informing its citizens of risks associated with development in known hazard areas, and establishing a process involving expert opinion so as to provide appropriate safeguards against loss of life or property.

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

7. 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.

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 hazards and that the State Building Codes Division is statutorily responsible for implementing this policy through its building permit process.

8. 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.

## **5.12 AIR, LAND & WATER QUALITY**

### Plan Implementation Strategies

1. Coos County shall encourage state and federal environmental quality agencies to review their programs and standards periodically to ensure that regulations are geared to affordable levels of environmental protection.

This strategy recognizes that important state and federal environmental regulations eventually impact directly on local areas, with local jurisdictions having minimal statutory authority to ensure that necessary environmental protection measures do not stifle development.

2. Coos County shall continue to encourage a franchise system for private solid waste collection, as set forth in the Coos County Solid Waste Management Plan, 1978-1994.

This strategy recognizes the need for providing an alternative method of solid waste collection and transport, since many county residents will be forced to travel farther to reach a disposal site in view of the required eventual closing of all but one of the county's solid waste disposal sites.

3. Coos County shall support the efforts of the NRCS and Coos Soils and Water Conservation District, which offers technical and educational assistance to promote development that is based on sound conservation practices.

This strategy is based on the recognition that the NRCS and Coos Soil and Water Conservation District has expertise in local conservation and development issues.

4. Coos County shall work with the Department of Environmental Quality, through the plan review and update process, to identify new solid waste disposal sites, recognizing that additional sites may be necessary to reduce the high individual energy consumption and littering that could result from having only one solid waste disposal site to serve the entire County.
5. Coos County shall comply with state air, water quality and noise source standards that are established as law.



## **5.13 MINOR ESTUARIES**

### Plan Implementation Strategies

Coos County shall designate its minor estuaries as natural management units.

This strategy is based on the recognition: (1) that these minor estuaries are the only fresh water drainage in the County where the head-of-tide is farther inland than the beach (the Coos Bay and Coquille River estuarines constitute separate major portions of this plan); and (2) that these minor estuaries need to remain unaffected by other than natural processes so that they may continue to provide wildlife habitat and recreational opportunities.

## **5.14 OCEAN RESOURCES**

### Plan Implementation Strategies

1. Coos County shall encourage and support efforts that would provide adequate facilities and services to promote the development of under utilized fish species.

This strategy recognizes: (1) that the development of under utilized fish species represents a degree of diversification of the local economy; and (2) that local port authorities have a lead role in planning and organizing such development.

2. Coos County shall encourage studies of the offshore and onshore impacts of nonrenewable resource recover on the offshore continental shelf and shall support such development where its economic, social and environmental benefits are greater than its economic, social and environmental costs.

This strategy is based on the recognition: (1) that careful assessment of development, such as, offshore oil and gas recovery is necessary to conserve other values of the nearshore ocean, such as, commercial and recreational fishing; (2) that Coos County is likely to experience some of the beneficial impacts and most of the adverse impacts of such development; and (3) that such development would likely require an Environmental Impact Statement (EIS) to comply with provisions of the National Environmental Protection Act (NEPA).

## **5.15 POPULATION PROJECTIONS**

### Plan Implementation Strategies

Coos County shall adopt the following set of population growth projections for the planning period (1996-2020), recognizing that these projections shall form the basis of rational plans for development throughout Coos County.

## 1996 - 2020 PROJECTED POPULATION \*

COUNTY /Cities	1996	2000	2005	2010	2015	2020
<b>COOS/</b>	62399	63612	64950	66338	67870	69513
Bandon	2791	2826	3041	3265	3503	3754
Coos Bay	15696	16001	16337	16687	17072	17485
Coquille	4273	4356	4448	4543	4647	4760
Lakeside	1648	1822	2016	2218	2435	2657
Myrtle Point	2761	2815	2874	2935	3003	3076
North Bend	9997	10191	10406	10628	10873	11137
Powers	703	717	732	747	764	783
Unincor.	24530	24884	25096	25315	25573	25861

\* OEA 1996 report provided the County projected population growth numbers.

### 5.16 INDUSTRIAL & COMMERCIAL LANDS

#### Plan Implementation Strategies

1. 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.
2. Coos County "an active participating member of the Coos-Curry Douglas-Economic Improvement Association (CCD-EIA), shall sanction and support the economic development efforts of that regional organization, recognizing that regional programs are best resolved by a cooperative regional economic development program" (Coos Bay Comprehensive Plan).
3. 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-EIA.
4. 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.

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.

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.
5. Coos County shall: (1) permit limited expansion of commercial uses in Rural Centers; (2) designate existing dispersed rural commercial businesses as uses permitted outright; (3) allow neighborhood convenience stores as a conditional use in areas designated Rural Residential; and (4) permit rezoning of an appropriately sized parcel of land to "Rural Center" if it is within the recognized boundaries of an unincorporated community, and findings made that there is no suitable vacant site within the unincorporated community boundary for the proposed use. Furthermore, upon an action to approve the rezone, the county shall amend the comprehensive plan map designation to correspond to the new zone. This strategy shall be realized through implementing zoning measures. The limited area extent of some of the existing dispersed rural commercial uses shall enjoy the benefits of a plan designation as commercial. Implementation of (3) above shall include a public hearing for the purpose of considering proposed changes to the comprehensive plan map and zoning ordinance.

This strategy recognizes that: (1) commercial expansion within Rural Centers may be necessary to provide neighborhood shopping to the residents of rural centers and surrounding areas, as well as providing limited traveler services for tourists; (2) a commercial designation rather than a "Non-conforming use" designation (grandfathering) is necessary to ensure that the integrity of these existing dispersed rural commercial uses is given maximum protection; and (3) rural centers may not contain suitable vacant land for proposed uses, and that expansion of rural center is appropriate in such cases.

6. RESERVED
7. RESERVED
8. Coos County shall designate as commercial or Industrial all parcels legally established and currently in use as commercial or industrial, recognizing that a commercial or industrial designation rather than a non-conforming use designation ("grandfathering") is necessary and appropriate to give maximum protection to the integrity of existing uses.

## 5.17 HOUSING

### Plan Implementation Strategies

1. 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 capability of Coos County households.

This strategy shall be implemented through: (1) appropriate Comprehensive Plan map and zoning designations, as appropriately determined to meet housing and estimates established in this plan's inventory and assessment; and (2) cooperation by Coos County with the Coos-Curry Housing Authority (CHA) in this efforts to develop housing assistance programs for people with low and moderate incomes.

This strategy recognizes: (1) the lead role of CCHA in housing assistance planning; (2) each city's responsibility for assessing housing needs within its urban growth boundary (UGB); and (3) the County's responsibility for assessing housing needs within all other unincorporated areas and for coordinating the UGB housing assessments of each city.

2. 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.

3. Coos County shall structure its implementing zoning ordinance such that it permits: (1) mobile homes; (2) mobile homes and clustering of dwellings under a Planned Unit Development concept in most residential zones; (3) multiple family dwellings in selected locations within urban growth boundaries (UGB's); and (4) multiple family dwellings outside UGB's when part of a Recreation 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.
4. Coos County shall structure its implementing ordinance so that it allows increasing density for (from lowest to highest) acreage homesites, rural centers, and UGA's.

## **5.18 PUBLIC FACILITIES & SERVICES**

### Plan Implementation Strategies.

1. Coos County shall encourage the cities of North Bend and Coos Bay to develop capital improvement programs that identify timing and funding sources for improvements and construction necessary to support regional developments.

This strategy is based on the recognition that projects such as segregation of storm sewer systems from sanitary sewer systems represent an urgent regional need that cannot be entirely funded by local sources, and that state and federal funding assistance is necessary to undertake these projects.

2. 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 policy (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 Goal Exception.

This strategy is based on the recognition: (1) 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 (2) that rural housing is appropriate and needed means for meeting housing needs of Coos County's citizens.

- 2a. 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 #2, #3, #4, #4a and #5. Further, Coos County shall consider the following facilities/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 Statewide Planning Goal #11 requires the County to limit rural facilities and services.

3. Coos County shall permit the extension of existing public water systems to areas outside urban growth boundaries (UGB's) and unincorporated community boundaries (UCB's) or the establishment of new water systems outside of UGB's or UCB's where such service is:
  - i. development of designated industrial sites;
  - ii. development of "recreational" planned unit developments (PUD's);
  - iii. curing documented health hazards;
  - iv. providing water service to an existing rural-residential area or other area committed to non-resource use;
  - v. publicly-owned parks;
  - vi. 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.

This strategy shall be implemented by requiring:

- i. that those requesting service extensions pay for the costs of such extension;
  - ii. That the services and facilities are extended solely for the purposes expressed above, and not for the purpose (expressed or implied) of justifying further expansion into other rural areas; and
  - iii. that the service provider is capable of extending services;
  - iv. prohibiting hook-up to sewer and water lines that pass through resource lands as allowed by "i through v" above, except, that hook-ups shall be allowed for uses covered under "i through v" above.
  - v. that the service allowed by "vi" above is authorized in accordance with ORS 197.719. (04-04-005PL 9/1/04)
4. Coos County shall prohibit the extension of sewer and water main, trunk and lateral lines into the areas planned and zoned "F" southeast of fourth Creek Reservoir, surrounding and to the south of Tarheel Reservoir, and at Coos Head, all currently within the Charleston Sanitary District. The extension of individual building lines to existing and future dwellings necessary and accessory for forest uses may be permitted in these areas. Also, individual building lines may be permitted to non-farm or non-forest parcels located within these areas.

This strategy is based on the recognition: (i) that the rural portions of the Charleston Sanitary District have been taxed in the expectation of receiving such services and therefore merit service extension; and (ii) the language in this policy serves notice to property owners that such rural sewer and water extensions will not be valid cause to increase the permitted rural densities to nonpermitted urban densities.

- a. Coos County shall prohibit the extension of water main, trunk or lateral lines into areas planned and zoned for resource use from the main line serving the super-sited Shutter Creek State Correctional Facility in Hauser. The extension of individual building lines to existing and future lawfully established dwellings shall be permitted from the Shutter Creek main line. Also, individual service lines shall be permitted in conjunction with forest and farm uses, such as dairy operations.
5. Coos County shall permit self-contained community water and sewer systems where a self-contained community system is defined as ten (10) or more users for: (1) "recreational" PUD's; and (2) needed industrial sites, recognizing that the unique rural locational characteristics of these types of development and their corresponding distance from established systems dictate that such developments be permitted to construct (at their cost) such infrastructure.
6. Coos County shall permit self-contained community water systems in documented "committed" areas.

This strategy is based on the recognition that self-contained community owned water systems are a reasonable alternative when necessary to support planned rural in-fill development.

7. Coos County shall utilize a permit system for extension or hook-up sewer or water lines (or both) outside urban growth boundaries, where any city or district contemplating extension of public services will first be required to obtain a simple clearance or permit from the County that states whether the proposed extension conforms to the provisions of the Comprehensive Plan.

This strategy is based on the recognition: (1) that a lack of centralized coordination of services could lead to uncoordinated service extension and thereby jeopardize the integrity of this plan, which designed, in part, to coordinate service provision; and (2) that a permit system would act to prevent the enormous waste of public funds that would result from the consequent retired removal of any such illegally installed physical systems.

8. Coos County shall approve requests by special service districts to modify their boundaries when it is established that such boundary changes are consistent with the provisions of this Comprehensive Plan.
9. Notwithstanding 5.18(3) or any other provision of the Comprehensive Plan, Coos County shall permit extension of sewer service from the City of Lakeside to the old rural residential development known as Ridgeview Village. The specific property to be served is the old radar station base housing adjacent to the Shutter Creek Correctional Institute Facility (OR 93-08-013PL 9/29/93).

## **5.19 TRANSPORTATION**

### Plan Implementation Strategies

1. Coos County shall strive to provide and encourage a transportation system that promotes safety and convenience for citizens and travelers and that strengthens the local and regional economy by facilitating the flow of goods and services.
2. Coos County shall recognize the urgent need for a regional mass transit system by cooperating with organizations interested in planning and implementing a public and/or private mass transit system.

This strategy is based on the recognition that: (1) mass transit offers an alternate form of transportation; (2) it conserves energy, especially given escalating fuel costs; (3) it is particularly appealing to the transportation disadvantaged; and (4) a mass transit network would have to be regional in scale to be functionally and economically efficient.

3. Coos County shall continue to entertain requests by local property owners who seek establishment of special improvement districts as a mechanism to upgrade deficient roads and streets to county standards, recognizing that the county has a public responsibility to help local property owners improve their roads and streets.

4. Coos County shall continue to help defray local road and street improvement costs by issuing Bancroft bonds for improvements to roads and streets when it can be established by those requesting assistance that the issuance of such bonds do not place the general public in a situation where it is speculating in the housing market, as in the case of a new subdivision.

This strategy recognizes that the county is in a position to help local property owners improve their roads and streets.

5. Coos County shall incorporate cost-effective road and street design standards into its zoning and land development ordinances, consistent with public safety considerations, recognizing that these economic considerations can result in efficient land use, while lowering site development costs.
6. Coos County shall continue to support regional efforts to improve the County's air transportation facilities, recognizing the: (1) regional importance of the North Bend International Airport to Coos County's economy and transportation needs; and (2) local importance of all other existing airports within the County, which provide an important alternative mode of transportation.
7. Coos County shall continue to support regional efforts to improve and upgrade the major highway system in the county (US Highway 101 and Oregon Highway 42), recognizing that the existing deficiencies in this system strongly contribute to the county's unstable and undiversified economy.
8. Coos County shall cooperate with the City of Bandon and the State of Oregon Aeronautics Division in ensuring that the Bandon State Airport meets Federal Aviation Administration Planning Grant conditions regarding airport safety and compatibility.

This strategy shall be implemented by adopting an "Airport Operations" zone for the property encompassing the Bandon State Airport boundaries and the "Primary and Secondary Safety Zones", as mapped on page 53 of the Bandon Airport Master Plan (April 1980); the AO zone shall restrict activities to those that are airport-related and shall be designed to limit the height of structures in the zone to promote safe aircraft operations;

This strategy is based on the recognition:

- a. That the proposed construction improvements to the Bandon State Airport will significantly increase the airport's importance as a valuable economic resource that helps strengthen the county's regional transportation system;
- b. That public safety considerations, both for aircraft operations and also for land uses in the vicinity of airports, require effective planning to ensure compatibility of the uses; and
- c. That these implementation measures fulfill Coos County's share of the responsibility towards alleviating possible future conflicts between aircraft operations and other land uses in the vicinity of the Bandon State Airport.



9. Coos County shall cooperate with the Oregon State Aeronautics Division and the Federal Aviation Administration in ensuring that the Powers State Airport meets Federal Aviation Administration planning grant conditions regarding airport safety and compatibility.

This strategy shall be implemented by adopting an "Airport Operations" zone for the property encompassing the Powers State Airport boundaries and the "Primary and Secondary Safety Zones" as delineated by the State Aeronautics Division. The Aircraft Operations (OA) zone shall restrict activities to those that are airport related and shall be designed to limit the height of structures in the zone to that height promoting safe aircraft operations.

This strategy is based on the recognition:

- a. that the Powers State Airport is a valuable economic resource that helps strengthen the County's regional transportation system;
  - b. that public safety considerations, both for aircraft operations and also for land uses in the vicinity of airports, require effective planning to ensure compatibility of the uses; and
  - c. that these implementation measures fulfill Coos County's share of the responsibility toward alleviating possible future conflicts between aircraft operations and other land uses in the vicinity of the Powers State Airport.
10. Coos County shall cooperate with the Oregon State Aeronautics Division, the Federal Aviation Administration, and the Port of Coquille River Commission in pursuing feasibility studies of selecting and constructing a new airport serving the Coquille/Myrtle Point region.

Implementation shall occur through cooperative efforts by Coos County with affected groups and agencies toward the preparation of State Goal Exceptions necessary to achieve approval of the airport.

This strategy is based on the recognition;

- a. that the existing Norway airstrip is inadequate to provide adequate air transportation for the Coquille/Myrtle Point area;
  - b. that a new airport would serve as a valuable economic resource and help strengthen the County's regional transportation system.
11. Coos County shall cooperate with the Oregon State Aeronautics Division and the Federal Aviation Administration by developing an Airport Surfaces Overlay Zoning District to prevent the creation or establishment of hazards to air navigation. The Overlay Zoning district shall apply to the Bandon, Lakeside and Powers State Airports and shall encompass the primary surface, approach surface, transitional surfaces, horizontal surface and conical

surface as identified in Volume VI, Airport Compatibility Guidelines as formulated by the Oregon Department of Transportation - Aeronautics Division, dated 1981.

## 5.20 RECREATION

### Plan Implementation Strategies

1. 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 & Assessment).

This strategy shall be implemented by: (1) striving to implement, where economically feasible, the capital priorities established by the County Parks Advisory Board, as approved by the Board of Commissioners; (2) encouraging applications for "recreational" PUD's; (3) requiring open space standards in new PUD's/subdivisions; (4) cooperating with state/federal agencies involved in developing recreation facilities; and (5) structuring implementing ordinance measures to permit a variety of small-scale recreational developments.

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 SCORP 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.
2. Coos County shall especially continue to pursue efforts to identify and develop potential sites for inland all-weather, all-purpose parks.

Implementation shall be based on consideration of funding priorities for recreational development as proposed by the Coos County Parks Advisory Board.

This strategy recognizes that fulfillment of high priority identified recreational needs must be based on careful evaluation of the availability of public funds.

3. Coos County shall permit outright park activities in local and state parks that have no substantial land use impact, where "no substantial land use impact" applies to park activities including rehabilitation, replacements, minor betterment repair and other similar construction activities.

This strategy is based on the recognition that excessive regulation of normal management-maintenance activities in public parks can place an unnecessary burden on park management and can hinder fulfillment of recreational needs.

4. 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 & 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.

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

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.

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, non-motorized vehicle or pedestrian trails, hazard control structures, and vegetative alteration such as golf courses and landscaped grounds;
- 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;
- c. residential densities for "owner's-primary-dwelling-unit" housing shall not exceed the densities prescribed by the underlying zones(s).
- d. "Recreational" dwelling units within a Recreation PUD may be individually owned, and occupied year-round such as through timesharing 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:

- i. 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;
- ii. 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:
  - (1) to conserve additional open space above the minimum required by the implementing ordinance;
  - (2) to provide recreational amenities of significant public beach access;
  - (3) 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.

This strategy is based on the recognition:

- a. that Recreational Planned Unit Developments will help meet an identified need for local recreational opportunities;
  - b. that Recreational PUDs can provide significant diversification of the local economy by increasing the attraction of tourists to the County;
  - 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.
6. Coos County shall continue to cooperate with the Parks and Recreation Division of the Oregon Department of Transportation to assure coordination with ODOT in addressing the Goal #5 requirements of OAR 660-16-000, should site-specific routes for coastal recreation trails be proposed in the County.

## **5.21 ENERGY**

### Plan Implementation Strategies

- 1. 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.

2. Coos County shall favor, where environmentally compatible, proposals for small-scale hydroelectric power generation, recognizing: (1) that obvious benefits could result from such projects; but (2) that such projects must be designed to mitigate any incompatible adverse environmental impacts which might result.
3. Coos County shall continue to study the possibility of capturing the energy production potential of its Beaver Hill Solid Waste Disposal site, where steam (as a by-product of waste burned at the site) could be converted to a more readily usable form of energy, such as electricity.

Implementation of this strategy shall be based on the provisions of the Coos County Solid Waste Management Plan, 1978-1994, and shall include consideration of the appropriateness of installation.

This strategy is based on the recognition that realization of such a project would likely occur if it can establish that the concept is practicable.

4. Coos County shall continue to encourage proposals for recycling salvageable materials from its solid waste disposal site(s).

This strategy is based on the recognition that reuse of discarded materials could constitute an economic and environmental benefit to Coos County.

5. Coos County shall encourage state and federal agencies to use the most efficient practices possible in recovering waste from timber harvest, where such practices are economically feasible and environmentally desirable in the opinion of the professional managers involved.

This strategy is based on the recognition that state and federal agencies have a legitimate role in conservation of resources, and that these agencies should review timber harvest practices to avoid wasting valuable resources.

6. 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 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.

7. Coos County shall, based on findings in the Inventory Document, consider all dam and reservoir site(s), except the Eden Ridge, identified on Water Resources Inventory Map as "1B" energy resources, pursuant to OAR 660-16-000(5)(a). As "1B" resources, Coos County shall accordingly reconsider this decision during the scheduled update for this Plan, and shall refrain from implementing special protective measures until such time as sufficient information on these sites merits such protection.

Coos County shall similarly treat the "1C" site at Eden Ridge; no additional protective measures are appropriate at this time. If a specific proposal to develop the Eden Ridge site is put forth, then an exception to one or more of the Statewide Planning Goals must be taken before formal County authorization of the proposal.

This strategy is based on two recognitions. First, the Eden Ridge site has identified potential for hydropower development, but also has identified conflicts that will merit the scope of analysis that cannot be conducted until such time as a specific proposal is presented to the county. Second, nine other candidate dam sites identified by the Water Resources Department are deemed "suitable" reservoir sites but not for hydropower development; the development of impoundment areas at these nine sites will also be subject to a goal exception.

8. Coos County shall, based on findings in the Inventory Document, consider the Whiskey Run energy site to be a "1B" Goal #5 resource. Accordingly, the County will review the status of the site, together with the status of technology improvements related to commercial wind energy production during the update review scheduled for this Plan. Special protective measures for the Whiskey Run site shall be considered premature until technology improvements or other evidence suggests that commercial wind energy generation has potential beyond its experimental stage. In addition, the County will cooperate with the Department of Energy during the update review of the Plan to determine if other possible wind energy sites are of sufficient importance to merit special protection measures.

## **5.22 URBANIZATION**

### Plan Implementation Strategies

1. Coos County shall cooperate with its respective cities to periodically review the appropriateness of each city's Urban Growth Boundary (UGB). Establishment of new UGB including change of an existing adopted UGB, shall be based on consideration of the following factors:

- a. Demonstrated need to accommodate long-range urban population growth requirements consistent with LCDC goals;
- b. Need for housing, employment opportunities, and livability;
- c. Orderly and economic provision for public facilities and services;
- d. Maximum efficiency of land uses within and on the fringe of the existing urban area;
- e. Environmental, energy, economic and social consequences;
- f. Retention of agricultural land as defined, with Class II being the highest priority for retention and Class IV the lowest priority;
- g. Compatibility of the proposed urban uses with nearby agricultural activities; and
- h. What alternative adjacent areas could instead be selected for UGB inclusion.

This strategy shall be implemented through: (1) periodic plan review and update (see Land Use Planning Strategies); or (2) initiation of review when proposed by the applicable city council or by the Board of Commissioners.

This strategy is based on the recognition: (1) that changing circumstances may necessitate boundary revisions; and (2) that the County has a key responsibility to ensure that boundary revisions are the result of a coordinated cooperative process between the County and the respective cities.

2. Coos County shall consider land within the boundaries separating urbanizable land from rural land to be available over time for urban uses. Discretionary rezoning dealing with the conversion of urbanizable land to urban uses shall be supported by findings that the action is consistent with the: (1) orderly, economic provision of public facilities and services; (2) availability of sufficient land for the various uses to ensure choices in the market place; (3) encouragement of development within urban areas before conversion of urbanizable areas; and (4) other applicable goals and implementation strategies within this plan.

This strategy recognizes the specificity of Statewide Planning Goal #14 requirements.

## **5.23 SOUTH SLOUGH SANCTUARY**

### Plan Implementation Strategies

1. Coos County shall continue to promote the South Slough Sanctuary as an important natural resource.

The Coos County Comprehensive Plan and the South Slough Sanctuary Management Plan are coordinated pursuant to ORS 197. Uses and activities within the Sanctuary shall be

governed by the South Slough Zoning District (an implementation measure of the Comprehensive Plan) and the Sanctuary Management Plan.



**APPENDIX 2**

**VOLUME III (COQUILLE RIVER ESTUARY)**

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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, receipt/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 is "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.

**APPENDIX 3**

**VOLUME II - CBEMP**

**POLICIES**

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

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

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

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

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

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

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

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

Where the impact assessment requirement (of Goal #16 Implementation Requirements #1) has not

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

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

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

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

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

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

- I. This strategy shall be implemented through an Administrative Conditional Use process that includes local cooperation with the appropriate state agencies:
  - a. Where aquaculture is proposed as a use, local government shall notify the Oregon Department of Fish & Wildlife (ODFW) and Department of Agriculture in writing of the request, with a map of the proposed site;
  - b. Where log storage dredging is proposed as an activity local government shall notify the Oregon Department of Environmental Quality (DEQ) in writing of the request, together with a map of the proposed site.
- II. Within twenty (20) days of receipt of the notification, the state agency shall submit in writing to the local government a statement as to whether the proposed use/activity will:
  - a. Be consistent with the resource capabilities of the management unit or,
  - b. If determined not to be consistent, whether the proposal can be made consistent through imposition of conditions on the permit.

- III. The appropriate state agency shall also perform the impact assessment required in Policy #4. If no statement is received from the state agency by the expiration of the twenty (20) day period, local government shall:
  - a. Presume consistency of the proposal with the resource capabilities of the management unit; and
  - b. Make findings appropriate to that presumption; and
  - c. Perform the assessment of impacts required by Policy #4.
- IV. For all other uses/activities specified above, local government shall:
  - a. Determine through appropriate findings whether the proposed use/activity is consistent with the resource capabilities of the management unit, and
  - b. Perform the assessment of impacts required by Policy #4.
- V. This strategy recognizes:
  - a. That resource capability consistency findings and impact assessments as required by LCDC Goal #16 can only be made for the uses specified above at the time of permit application, and
  - b. That the specified state agencies have expertise appropriate to assist local government in making the required finding and assessments.

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

#### #5 Estuarine Fill and Removal

- I. Local government shall support dredge and/or fill only if such activities are allowed in the respective management unit, and:
  - a. The activity is required for navigation or other water-dependent use that require an estuarine location or in the case of fills for non-water-dependent uses, is needed for a public use and would satisfy a public need that outweighs harm to navigation, fishing and recreation, as per ORS 541.625(4) and an exception has been taken in this Plan to allow such fill;
  - b. A need (ie., a substantial public benefit) is demonstrated and the use or alteration does not unreasonably interfere with public trust rights;
  - c. No feasible alternative upland locations exist; and

- d. Adverse impacts are minimized.
  - e. Effects may be mitigated by creation, restoration or enhancement of another area to ensure that the integrity of the estuarine ecosystem is maintained;
  - f. The activity is consistent with the objectives of the Estuarine Resources Goal and with other requirements of state and federal law, specifically the conditions in ORS 541.615 and Section 404 of the Federal Water Pollution Control Act (P.L.92-500).
- II. Other uses and activities which could alter the estuary shall only be allowed if the requirements in (b), (c), and (d) are met.

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

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

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

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

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

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

#5a Temporary Alterations

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

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

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

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

#5b Dredging to Repair Existing Functional Dikes & Tidegates

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

Dredging for routine repair and maintenance of existing functional dikes shall only be permitted in Units 21-CA (Catching Slough), 30-CA (Central Isthmus Slough), and 38-CA (Coalbank Slough) limited to subtidal areas, and only in cases where the alternative of using upland fill material is not reasonably

available. The upland fill alternative shall be used if a source of suitable material is available on the landowner's property and access to the dike is feasible for heavy equipment, taking into account soil conditions and road access.

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

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

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

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

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

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

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

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

- I. Local government shall support research and educational observation structures, if:



- a. such activities are allowed in the respective management unit, and
- b. the activity is required for research and educational purposes.

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

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

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

#6 Fill in Conservation and Natural Estuarine Management Units

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

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

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

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

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

#### #7 Maintenance Dredging of Authorized Channel

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

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

#### #8 Estuarine Mitigation Requirements

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

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

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

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

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

- I. Further, where listed as an "allowable" activity within the respective management units, riprap may be allowed in Development Management Units upon findings that:

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

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

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

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

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

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

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

#### #11 Authority of Other Agencies

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

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

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

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

## #12 Removal of Old Pilings and Snags

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

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

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

## #13 Overall Use Priorities within Coastal Shorelands

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

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

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

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

- I. Coos County shall manage its rural areas within the "Coos Bay Coastal Shorelands Boundary" by allowing only the following uses in rural shoreland areas, as prescribed in the management units of this Plan, except for areas where mandatory protection is prescribed by LCDC Goal #17 and CBEMP Policies #17 and #18:

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

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

#### #15 Land Divisions within Rural Shorelands

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

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

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

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

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

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

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

- I. Minimum acreage. The minimum amount of shorelands to be protected shall be equivalent to the following combination of factors:
  - a. Acreage of estuarine shorelands that are currently being used for water-dependent uses; and
  - b. Acreage of estuarine shorelands that at any time were used for water-dependent uses and still possess structures or facilities that provide or provided water-dependent uses with access to the adjacent coastal water body. Examples of such structures or facilities include wharves, piers, docks, mooring piling, boat ramps, water intake or discharge structures and navigational aids.
- II. Suitability. The shoreland area within the estuary designated to provide the minimum amount of protected shorelands shall be suitable for water-dependent uses. At a minimum such water-dependent shoreland areas shall possess, or be capable of possessing, structures or facilities that provide water-dependent uses with physical access to the adjacent coastal water body. The designation of such areas shall comply with applicable Statewide Planning Goals.
- III. Permissible Non-Water-Dependent Uses. Unless otherwise allowed through an Exception, new non-water-dependent uses which may be permitted in "Urban Water-dependent (UW)" management units are a temporary use which involves minimal capital investment and no permanent structures, or a use in conjunction with and incidental and subordinate to a water-dependent use. Such new non-water-dependent uses may be allowed only if the

following findings are made, prior to permitting such uses:

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

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

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

Local government shall protect the minimum for water-dependent use at least the minimum acreage determined necessary under the standards of Statewide Planning Goal #17 for the protection of sites suitable for water-dependent uses and special allowance for new non-water-dependent uses in urban water-dependent units.

- As of January 1, 2000, there were 1,440.5 acres of Coos Bay Estuary shoreland planned and zoned for water-dependent use in the unincorporated portions of Coos County.
- 496.52 acres has been determined to be the minimum amount of acreage required to be protected for water-dependent use within the estuary shoreland units of the unincorporated portions of the Coos Bay Estuary

Any request to rezone shoreland designated for water-dependent use within the unincorporated portions of the Coos Bay Estuary will require demonstration by the applicant that at least the minimum acreage



amount of 496.52 acres will remain designated for water-dependent use.

This policy shall be implemented through provisions in ordinance measures that require the above findings be made at the time an application for rezoning is approved.

#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).

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

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

This policy recognizes that purchase of an interest in a site is often necessary to afford a higher degree of protection than zoning can provide.

#### #22b Limiting Dredge and Fill as Estuarine Restoration

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

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

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

#23 Riparian Vegetation and Streambank Protection

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

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

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

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

This strategy recognizes that the banks of the estuary, particularly the Coos and Millicoma Rivers are susceptible to erosion and have threatened valuable farm land, roads and other structures.

#24 Special Forest Protective Regulations in Coastal Shorelands

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

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

#25 Waste/Storm Water Discharge

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

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

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

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

#### #26 Agricultural Drainage Facilities

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

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

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

#### #27 Floodplain Protection within Coastal Shorelands

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

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

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

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

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

Special Considerations Map, and except where otherwise allowed by exceptions for needed housing and industrial sites.

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

#28a RESERVED

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

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

- I. Further, Coos County shall permit other developments in these areas only:
  - a. When specific findings have been made which consider:
    1. Type of use proposed and the adverse effects it might have on the site and adjacent areas; and
    2. Temporary and permanent stabilization programs and planned maintenance of new and existing vegetation; and
    3. Methods for protecting the surrounding area from any adverse effects of the development; and
    4. Hazards to life, public and private property, and the natural environment which may be caused by the proposed use; and
    5. Whether drawdown of groundwater would lead to loss of stabilizing vegetation, loss of water quality, or intrusion of saltwater into water supplies; and
  - b. When it is demonstrated that the proposed development:
    1. Is adequately protected from any geologic hazards, wind erosion, undercutting, ocean flooding and storm waves; or is of minimal value; and
    2. Is designed to minimize adverse environmental effects; and
  - c. When specific findings have been made where breaching of foredunes is contemplated, that:
    1. The breaching and restoration after breaching is consistent with sound

principles of conservation, and either;

2. The breaching is necessary to replenish sand supply in interdune areas, or;
3. The beaching is done on a temporary basis in an emergency (e.g., fire control, cleaning up oil spills, draining farm lands, and alleviating flood hazards).

II. This policy shall be implemented through:

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

III. This policy recognizes that:

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

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

- I. Coos County shall permit development within areas designated as "Beach and Dune Areas with Limited Development Suitability" on the Coos Bay Estuary Special Considerations Map only upon the establishment of findings that shall include at least:
  - a. The type of use proposed and the adverse effects it might have on the site and adjacent areas;

- b. Temporary and permanent stabilization programs and the planned maintenance of new and existing vegetation;
- c. Methods for protecting the surrounding area from any adverse effects of the development; and
- d. Hazards to life, public and private property, and the natural environment which may be caused by the proposed use; and
- e. Whether drawdown of groundwater would lead to loss of stabilizing vegetation, loss of water quality, or intrusion of saltwater into water supplies.

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

II. This policy recognizes that:

- a. The Special Considerations Map category of "Beach and Dune Areas with Limited Development Suitability" includes all dune forms except older stabilized dunes, active foredunes, conditionally stabilized foredunes that are subject to ocean undercutting or wave overtopping, and interdune areas (deflation plains) subject to ocean flooding;
- b. The measures prescribed in this policy are specifically required by LCDC Goal #18 for the above-referenced dune forms, and that
- c. It is important to ensure that development in sensitive beach and dune areas is compatible with, or can be made compatible with, the fragile and hazardous conditions common to beach and dune areas.

III. Permits for beachfront protective structures shall be issued only where development existed on January 1, 1977 (see Section 3. Definitions for "development"). Criteria for review of all shore and beachfront protective structures shall provide that:

- a. Visual impacts are minimized;
- b. Necessary access to the beach is maintained;
- c. Negative impacts on adjacent property are minimized; and
- d. Long-term or recurring costs to the public are avoided.

IV. Local government shall cooperate with state and federal agencies in regulating the following actions in beach and dune areas by sending notification of Administrative Conditional Use decision:

- a. Destruction of desirable vegetation (including inadvertent destruction by moisture loss or root damage),

- b. The exposure of stable and conditionally stable areas to erosion,
- c. Construction of shore structures which modify current or wave patterns leading to beach erosion, and
- d. Any other development actions with potential adverse impacts.

#### #30a Future Update of Site Plan Review Procedure

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

#### #31 RESERVED

#### #32 Boat Ramps

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

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

#### #33 Water-Based Recreation

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

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

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

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

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

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

#### #34a Forest Practices Act

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

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

#### #34b Future Update of Policy #34

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

#### #35 Plan Implementation

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

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

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

This strategy is based on the recognition that the zoning map, zoning and land development ordinances



are simply implementation tools which carry out the expressed policies and intent of the Plan.

### #36 Plan Update

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

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

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

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

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

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

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

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

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

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

### #38 Grandfathering of Existing Nonconforming Uses and Structures

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

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

#### #39 Citizen Involvement

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

#### #40 RESERVED

#### #41 Maintenance of Inventories and Factual Base

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

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

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

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

#### #42 Special Allowance for Accessory Housing

- I. Local government may allow dwellings as an "Accessory Use" to any of the following legally established uses:
  - a. Agriculture, as otherwise consistent with Policy #28

- b. Airports
- c. Aquaculture
- d. Commercial
- e. Dryland moorage/Marinas
- f. Industrial and Port Facilities
- g. Log Storage and Sorting yard
- h. Mining and Mineral Extraction
- i. High-Intensity Recreation
- j. Solid Waste Disposal
- k. Timber Farming/Harvesting, as otherwise consistent with Policy #34
- l. High-Intensity Utilities

II. Accessory dwellings shall only be allowed when findings document that:

- a. The dwelling is for a watchman or caretaker that needs to reside on-premise; and
- b. That the primary purpose of the dwelling is not to provide rental housing.

This policy shall be implemented through ordinance measures.

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

#### #43 Interpretation of Coastal Shorelands Boundary

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

I. This policy recognizes:

- a. The precise location of the Coastal Shorelands Boundary may be critical for certain

types of actions (e.g., land divisions), and

- b. Certain features such as riparian vegetation can not be mapped with complete accuracy at the scale of 1"=800'.

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

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

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

#45 RESERVED

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

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

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

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

1/25/84 agency coordination meeting sponsored by the Department of Land Conservation and Development. Further review is expected to suggest lateral expansion of the boundaries of management segment "DDNC-DA" into adjacent subtidal areas.

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

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

A report regarding (b) above, shall be provided to the Coos County Planning Department upon completion of the project, or during the project, if the project applicant or County have reason to believe unacceptable impacts may be occurring as a result of the project. The Planning Department shall review the report to assure compliance with this policy. If impacts are deemed unacceptable, the project may be ordered ceased, or redesigned, or a decision made to not reauthorize the project at future dredging cycles.

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

#47 Environmental Quality

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

#48 Weak Foundation Soils

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

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

#49 Rural Residential Public Services

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

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

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

#### #50 Rural Public Services

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

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

#### #51 Public Services Extension

- I. Coos County shall permit the extension of existing public sewer and water systems to areas outside urban growth boundaries (UGBs) and unincorporated community boundaries (UCB's) or the establishment of new water systems outside UGB's and UCB's where such service is solely for:
  - a. development of designated industrial sites;
  - b. development of "recreational" planned unit developments (PUDs);
  - c. curing documented health hazards;
  - d. providing domestic water to an approved exception for a rural residential area;
  - e. development of "abandoned or diminished mill sites" as defined in ORS 197.719(1) and designated industrial land that is contiguous to the mill site.

- II. This strategy shall be implemented by requiring:
  - a. that those requesting service extensions pay for the costs of such extension; and
  - b. that the services and facilities be extended solely for the purposes expressed above, and not for the purpose (expressed or implied) of justifying further expansion into other rural areas; and
  - c. that the service provider is capable of extending services; and
  - d. prohibiting hook-ups to sewer and water lines that pass through resource lands as allowed by "I, a through d" above; except, that hook-ups shall be allowed for uses covered under "II, a through d" above.
  - e. That the service allowed by "e" above is authorized in accordance with ORS 197.719.

#52 RESERVED

#53 Shoreland Dwellings on Forest Lands

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

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

#54 Forest Dwelling Conflict Minimization

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

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

#55 Recreation Planning

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

- I. This strategy shall be implemented by:
  - a. striving to implement where economically feasible, the capital priorities established

by the County Parks Advisory Board, as approved by the Board of Commissioners;  
and

- b. encouraging applications for "recreational" PUD's;
- c. requiring open space standards in new PUDs/subdivisions;
- d. cooperating with state/federal agencies involved in developing recreation facilities;  
and
- e. structuring implementing ordinance measures to permit a variety of small-scale recreational developments.

II. This strategy is based on the recognition:

- a. that future generations have the right to at least an equal level of the recreational opportunities currently available to County residents, but also, that financial constraints limit opportunities, and
- b. that compliance with the Statewide Comprehensive Outdoor Recreation Plan Action Program will become one of the primary requirements for project eligibility under the new open project selection system for the distribution of land and water conservation fund grants.

#### #56 Recreational Boating Facility Planning

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

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

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

#### #57 Recreational Planned Unit Developments

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

- I. Implementing ordinance measures shall prescribe at a minimum, the following criteria to identify qualifying sites:
  - a. the area proposed as a Recreational PUD shall contain a minimum of 80 contiguous acres in private ownership;
  - b. the area proposed as a Recreational PUD contains or is adjacent to, a significant natural resource that has value for recreational purposes (such as an estuary,



waterfall, lake, or dune formation).

II. Implementing ordinance measures shall also prescribe at a minimum, the following criteria to review qualifying sites:

- a. a portion of the total land area within the Recreational PUD shall be conserved as open space to provide sufficient area for active and passive outdoor recreational activities. Such open space shall not be developed except for active and passive recreational activities, nonmotorized vehicle or pedestrian trails, hazard control structures, and vegetative alteration such as golf courses and landscaped grounds; and
- b. clustering of intensive or built-up uses shall be encouraged to provide maximum retention of open space and to provide sufficient access to the recreational resource; and
- c. residential densities for "owner's-primary-dwelling-unit" housing shall not exceed the densities prescribed by the underlying zones(s); and
- d. "Recreational" dwelling units within a Recreational PUD may be individually owned, and occupied year-round, such as, through time-sharing or other concepts; but shall be designed and generally used as "vacation homes" and "second homes" rather than as the owner's primary dwelling;
- e. implementing ordinance measures shall be designed to create flexibility in approving residential density for recreational dwellings. The following general standards shall be employed as the basis for decisions on the residential density of recreational dwellings, that is appropriate for each specific Recreational PUD:
  1. the minimum number of recreational dwelling units proposed shall not be less than the number of owner-occupied dwelling units permitted within the area of the Recreational PUD; to ensure that the development is designed to encourage tourist visitation; and
  2. substantial increases in the ratio of recreational dwelling units to owner-occupied dwelling units shall be strongly encouraged, and are to be used as an incentive for the developer:
    - i. to conserve additional open space above the minimum required by the implementing ordinance and
    - ii. to provide recreational amenities of significant public beach access; and
    - iii. to provide cultural amenities, a value to the local economy that

promote the concept of a "destination-resort" such as a convention center and commercial uses.

III. This strategy is based on the recognition:

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

#58 Goal #5 Coordination for Coastal Recreation Trails

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

#59 Commercial and Industrial Land Supply

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

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

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

#61 Economic Program Development Committee

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

#62 Adequacy of Urban Commercial Land Supply

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

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

#### #63 Adequate and Available Housing

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

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

#### #64 Variety in Housing Locations

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

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

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

#65 Manufactured Dwelling/Mobile Homes

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

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

#66 Housing Density

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

#67 Rights Leasing for Energy Exploration

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

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

#68 Small-Scale Hydroelectric Power Generation

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

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

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

#69 RESERVED

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

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

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

#71 RESERVED

#72 RESERVED

#73 RESERVED

**APPENDIX 4**  
**AGRICULTURE LAND USE**

## APPENDIX 4 AGRICULTURE LAND USE

### 215.203 Adoption of zoning ordinances establishing farm use zones; definitions for ordinances.

1. Zoning ordinances may be adopted to zone designated areas of land within the county as exclusive farm use zones. Land within such zones shall be used exclusively for farm use except as otherwise provided in ORS 215.213. Farm use zones shall be established only when such zoning is consistent with the Comprehensive Plan.
2.
  - a. As used in this section, “farm use” means the current employment of land for the primary purpose of obtaining a profit in money by raising, harvesting and selling crops or by the feeding, breeding, management and sale of, or the produce of, livestock, poultry, fur-bearing animals or honeybees or for dairying and the sale of dairy products or any other agricultural or horticultural use or animal husbandry of any combination thereof. “Farm use” includes the preparation and storage of the products raised on such land for human use and animal use and disposal by marketing or otherwise. It does not include the use of land subject to the provisions of ORS Chapter 321, except land used exclusively for growing cultured Christmas trees as defined in subsection (3) of this Section.
  - b. “Current employment” of land for farm use includes (A) land subject to the soil-bank provisions of the Federal Agricultural Act of 1956, as amended (P. L. 84-540, 70 State. 188); (B) land lying fallow for one year as a normal and regular requirement of good agricultural husbandry; (C) land planted in orchards or other perennials prior to maturity; (D) any land constituting a woodlot of less than 20 acres contiguous to and owned by the owner of land specially valued at true cash value for farm use even if the land constituting the woodlot is not utilized in conjunction with farm use; (E) wasteland, in an exclusive farm use zone, dry or covered with water, lying in or adjacent to and in common ownership with a farm use land and which is not currently being used for any economic farm use; (F) land under dwelling customarily provided in conjunction with the farm use in an exclusive farm use zone; and (G) land under buildings supporting accepted farm practices.
  - c. As used in this subsection, “accepted farming practice” means a mode of operation that is common to farms of a similar nature, necessary for the operation of such farms to obtain a profit in money, and customarily utilized in conjunction with farm use.
3. “Cultured Christmas trees” means trees:
  - a. Grown on lands used exclusively for that purpose, capable of preparation by intensive cultivation methods such as plowing or turning over the soil;

- b. Of a species for which the Department of Revenue requires a “Report of Christmas Trees Harvested” for the purposes of ad valorem taxation;
- c. Managed to produce trees meeting U.S. No. 2 or better standards for Christmas trees as specified by the Agriculture Marketing Services of the United States Department of Agriculture; and
- d. Evidencing periodic maintenance practices of shearing for Douglas fir and pine species, weed and brush control and one or more of the following practices: Basal pruning, fertilizing, insect and disease control, stump culture, soil cultivation, irrigation.



**APPENDIX 5**  
**FOREST LAND USE**

## APPENDIX 5 FOREST LAND USE

The following uses and activities are consistent with Statewide Goal 4.

### Permitted Uses:

1. Propagation, management and harvesting of forest products, consistent with the Oregon Forest Practices Act.
2. Farm use pursuant to ORS 215.203 (not including a dwelling).
3. Farm use pursuant to ORS 215.203, but not for profit (not including a dwelling).
4. Rock and aggregate mining and processing when accessory to a forest use.
5. Watchman dwelling (temporary or permanent) accessory to a forest use.
6. Fish and wildlife management.
7. Low intensity recreation.
8. Electrical Service lines to individual uses.
9. Storage warehouse accessory to forest use.

### Administrative Conditional Uses (See footnotes in brackets for standards and conditions)

1. Single family dwelling in conjunction with a forest use [1, 2, 4].
2. Single family dwelling not in conjunction with a farm or forest use [3, 4a, b].
3. Family hardship dwelling [5].
4. Temporary residence [6].
5. Operations conducted for the exploration of geothermal resources as defined in subsection (7) of ORS 522.005, aggregate and other mineral resources or other subsurface resources [7].
6. Operations conducted for the mining of geothermal resources as defined by ORS 522.005, aggregate and other mineral resources or other subsurface resources [3].
7. Utility facility including:
  - a. a hydro-electric facility with a reservoir of 1,000 acre-feet or less for the purpose of generating power for public sale [3];

- b. a facility not for the purpose of generating power for public sale [3];
  - c. water plant/pump station [3];
  - d. communication facility (including power lines and support structures [3];
  - e. air and water navigation aids [3].
- 8. Aquaculture [3].
  - 9. High-intensity recreation [3].
  - 10. Modification of historic structures [8].
  - 11. Mitigation/active restoration [9].
  - 12. Structural shoreland stabilization [9].

#### Review Standards and Special Development Conditions.

- 1. Applicant must certify that the use is necessary and accessory to a forest use. “Accessory use” is defined as: “a use or structure which is incidental and subordinate to the primary use.”
- 2. An applicant for a forest residence must provide, at a minimum, the following information. Additional information may also be required.
  - a. a description of the parcel, including soil types, forest site classes, forest species, ages and densities, topography, streams, wetland areas, roads, structures, and other significant geographic features.
  - b. A determination of which forest use(s) the forest residence is needed for.
  - c. A discussion of why the forest residence is needed to conduct the forest use(s) identified in b. above.
  - d. A discussion of methods and practices the landowner is or will be using to conserve forest resources, including but not limited to:
    - ◆ soil conservation and erosion control
    - ◆ fire protection;
    - ◆ brush management;
    - ◆ fish and wildlife habitat management;

- ◆ harvest and revegetation plans;
  - ◆ stream quality protection; and
  - ◆ fencing requirements and costs.
3. The use may be permitted only upon a finding that the proposed use:
- a. is compatible with forest uses and with the intent and purposes set forth in the Oregon Forest Practices Act, and the Comprehensive Plan policies in this Ordinance;
  - b. does not interfere with accepted forest management practices on adjacent lands devoted to forest use; and
  - c. does not materially alter the stability of the overall land use pattern of the area;
  - d. is situated upon generally unsuitable land for the production of forest products considering the terrain, adverse soil or land conditions, drainage, flooding, vegetation, location and size of the tract;
  - e. is limited in size to that area suitable and appropriate only for the needs of the proposed use; and
  - f. is conditioned, where necessary, by measures to minimize potential impacts on adjacent and nearby forest lands.
4. Dwellings must be sited so as to minimize conflicts with forest uses on adjacent and nearby lands. The following standards shall be used as means to achieve this overall requirement:
- a. Provision must be made for fire safety measures in accordance with the guide published by the Northwest Inter-Agency Fire Prevention Group, entitled “Fire Safety Considerations for Development in Forest Areas;”
  - b. A forest management impact statement may be required that shows the relationship between the proposed residential use and surrounding resource uses, including setbacks for dwellings and location of roads; and
  - c. Dwellings should be sited on land that is least suitable for the production of forest products, considering the terrain, adverse soil or land conditions, drainage, flooding, vegetation, location and size of the tract.
5. Applicant must submit an application including the following information and subject to the following condition:

- a. certification from a qualified physician stating:
    - i. what the hardship is, and
    - ii. that the person requiring the hardship dwelling must live close to someone due to the hardship;
  - b. must be a mobile home or recreational vehicle used temporarily during a family hardship condition relating to the aged, infirmed or persons incapable of maintaining a complete separate residence apart from their families, and must be removed upon termination of the hardship.
6. 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.
7. The following conditions shall be included in any conditional use permit for exploration for subsurface mineral resources which involves the use of core drilling. 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 following:
- a. 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.
  - b. A plot plan showing these locations will be furnished to the Watermaster;
  - c. The applicant shall seal all test holes from the bottom to within 2 feet of land surface with cement, native clay, bentonite, or bentonite mixture (e.g., "Sure-gel", "Aqua Gell") of 9 pounds to 9 ½ pounds of bentonite per gallon of water;
  - d. If artesian flows are encountered, the test hole will be:
    - i. 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

- ii. developed for use of the artesian flow by a water well driller who is properly licensed and bonded by the State of Oregon.
- e. 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;
- f. 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;
- g. In addition to complying with the procedures outlined above, the applicant shall post a surety bond in the amount of Five thousand (\$5,000) dollars for each hole drilled or a bond for fifty thousand (\$50,000) 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; and
- h. 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;
- i. The applicant shall be required to construct a catch basin around each drilling site to retain any possible run-off.
- j. 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 “a” above is implemented, the County’s appointed representative may, if he is unable to be present during abandonment, otherwise authorize abandonment. The authorization may be given by telephone; and
  - iii. The County’s appointed representative may require that the exploration hole be abandoned with cement grout.

8. The proposed use may be established subject to the findings set forth below:
  - a. The proposed use may be compatible with surrounding uses or may be made compatible to surrounding uses through the imposition of conditions;
  - b. The propose use will not force a significant change in or significantly increase the cost of accepted farming-forestry practices on nearby lands devoted to farm-forest use;
  - c. The modification is necessary to preserve, protect, or enhance the original historical character of the structure; and
  - d. The applicant has submitted site and architectural plans for review.
9. Mitigation, active restoration, and structural shoreland stabilization: See individual CBEMP management segment matrices and special conditions.