

## 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

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PHENOMENON	SPECIAL REGULATORY CONSIDERATIONS	APPENDIX I	
		Page	Strategy No.
6. Significant Wildlife Habitat I (ORD 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

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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

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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

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

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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	1a. Prioritize uses.	3-18	13
	b. Requires special findings for some uses and activities in rural areas.	3-18	14
	c.. Requires special findings for land divisions in rural shorelands.	3-19	15
	d. Maintain, restore or enhance riparian vegetation as consistent with water-dependent uses. Requires site plan and on site inspection.	3-31	23
2. Sensitive Beach and Dune Areas	2a. Prohibits residential, commercial or industrial development within areas “Unsuitable for Development”. Permits other developments only upon establishment of findings.	3-33	29
	b. Permits development within “Limited Development Suitability” areas only upon establishment of findings.	3-35	30
	c. Cooperation with agencies to regulate: destruction of vegetation, erosion, shore structures and other developments. Requires Administrative Conditional Use.	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

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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

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	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

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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