

**FILE # AM-22-005 (ORDINANCE NUMBER 23-06-005PL)**

**DATE:** January 3, 2024

**APPLICANT:** Coos County

**SUMMARY PROPOSAL:** This is a legislative plan map and text amendment to the Coos County Comprehensive Plan and Ordinance to adopt the updated 2024 Coos Bay Estuary Management Plan as Volume II of the Coos County Comprehensive Plan.

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**REVIEW CRITERIA:** Coos County Zoning and Land Development Ordinance (CCZLDO),

- Article 5
- Oregon Statewide Planning Goal Compliance

**STAFF REPORT – WITH PROPOSED FINDINGS**

To review the maps please click [MAPS](#).

**I. DETAILS AND BACKGROUND:**

**i. Proposal:**

The proposal is to amend Volume II, Part 1 (Coos Bay Estuary Management Plan Part 1 – Plan Provisions) of the acknowledged Coos County Comprehensive Plan as specified in this report. This proposal also amends Chapter 3 of the Coos County Zoning and Land Development Ordinance (CCZLDO) to reflect the proposed changes made to the Coos Bay Estuary Management Plan.

This proposal therefore proposes to adopt an Ordinance amending Coos County Ordinance 82-08-015L and amendments thereto, which adopts Volume II of the Coos County Comprehensive Plan. This proposed Ordinance also amends Coos County Ordinance 85-03-004L and amendments hereto, which is the Coos County Zoning and Land Development Ordinance that implements Volumes I, II, and III of the Coos County Comprehensive Plan.

**ii. History of the Coos Bay Estuary Management Plan (CBEMP, Plan)**

The Coos Bay Estuary Management Plan was originally developed in the early 1980s to serve as the basis of land, water use, and community development regulations for lands lying within the Coos Estuary and its shorelands. This Plan's authority is based upon the Oregon Statewide Planning Goals; applicable state statutes, including ORS 197, 215, 117 and 91; and Oregon's Coastal Management Program as implemented by the Oregon State Land Conservation and Development Commission (LCDC). The purpose of the Plan is to provide predictability in the issuance of local, state, and federal permits by designating appropriate areas for the location of various existing and future uses and activities.

The official Coos Bay Estuary Management Plan is set forth in three separate but related documents:

Part 1: Plan Provisions, which includes specific plan provisions -- map decisions and written policies that are designed to provide guidance necessary to assure wise use of the Coos Bay Estuary and adjacent shorelands;

Part 2: Inventories and Factual Base, which contains data and other factual information that supports management decisions presented in Part 1; and

Part 3: Linkage/Statewide Goal Exceptions, which contains findings for Statewide Goal Exceptions taken at the time of original plan adoption for proposed development.

The Coos Bay Estuary Management Plan was officially adopted by Coos County as Volume II, an element of the Coos County Comprehensive Plan, in 1984, and by the cities of Coos Bay (as Volume II of their Comprehensive Plan) and North Bend (by reference in Section XII -- Coastal of their Comprehensive Plan). Each jurisdiction has also adopted local Development/Zoning Codes to administer those management units within their boundaries.

The CBEMP has been modified slightly over the years by each agency that adopted it in 1984. Modifications were made during Periodic Review of the County's Comprehensive Plan in the 1990s and several minor plan amendments adopted by Coos Bay and North Bend have created different "versions" of the Plan. The majority of the Plan, however, remains as it was originally presented in 1984.

Economic, social, cultural and environmental factors have changed substantially over the years. Technology has also changed significantly. These changes led the Partnership for Coastal Watersheds (PCW), which includes staff from Coos County, City of Coos Bay, City of North Bend and Port of Coos Bay and representatives from local, state, and federal partners interested in estuary health, to begin an extensive process in 2015 to evaluate the current needs of the local governments and the community in relation to the CBEMP. The PCW effort was patterned from the original CBEMP workgroup setup in the late 1970's and early 1980's. It involved extensive local, regional, state, and federal agency input, as well as input from the community-at-large.

With the assistance of the PCW steering committee, feedback on current issues and needs related to the CBEMP was gathered from community members through an extensive public involvement program. Between 2016 and 2019, consultants from the University of Oregon and Institute for Policy Research and Engagement (IPRE) organized focus groups representing economic, socio-cultural, and natural resource protection interests, held a public open house, initiated a community survey, and oversaw detailed agency-led technical review of the existing elements of the CBEMP. During this time, IPRE and the PCW also oversaw the development of the Coos Estuary Map Atlas and the Communities, Lands & Waterways Data Source (Data Source). The Map Atlas included GIS-based maps designed to update the existing 1970's era-mylar maps within the CBEMP; the Data Source provided updated economic, social, cultural, and environmental background information.

The *Coos Estuary Land Use Analysis*, an integrated assessment of the CBEMP based upon the feedback received through the public involvement process, was presented to the Coos Bay, North Bend and County Planning Commissioners, City Councilors, and County Board of Commissioners in 2019.

The analysis recommended three alternatives for updating the CBEMP – a full plan update, a partial plan update, or no update. The full update recommendation included the hiring of a consultant to fully update the plan (including resource inventories) using the Coos Estuary Map Atlas, the Data Source, and some or all of the focus group recommendations. The partial update recommendation included minor amendments to update some of the inventory maps using the Coos Estuary Map Atlas, append the current factual inventories with the Data Source, apply easier-to-implement recommendations from the

focus groups, and realign the three jurisdictions' versions of the plan. Due to budgetary constraints, the governing bodies reached consensus to move forward with a partial plan update.

COVID stalled the project for two years. After a receipt of additional funding from the Department of Land Conservation and Development, County and City Staff revived the partial plan update project in 2022, hiring IPRE once more to assist staff with the plan adoption process.

The proposed 2023 Coos Bay Estuary Management Plan (including DRAFT versions of Part 1, Plan Provisions, Part 2, Inventories and Factual Base, and the Coos Estuary Map Atlas) were made available for public review on the County's website in late December 2022.

Findings and revised products were reintroduced to Councilors, Planning Commissioners, and Board of Commissioners in an informational work session at the Coos Bay City Hall on January 4, 2023. A public open house, which provided an opportunity to see hard copies of the digital maps and learn about the process going forward, was held on January 7, 2023 at the North Bend Community Center. A second presentation was made before the Partnership for Coastal Watersheds (January 10, 2023). The City of Coos Bay Planning Commission passed a motion to recommend that the City Council initiate legislative amendments related to the adoption of the 2023 Coos Bay Estuary Management Plan on January 10, 2023. The Coos Bay City Council voted unanimously to adopt the Planning Commission's recommendation on January 17, 2023.

At their January 23, 2023 regular meeting, the Coos County Board of Commissioners per 5.1.110 of the CCZLDO moved to initiate the legislative process to the Comp Plan and Zoning Ordinance, with the condition that this will not change any of the zoning districts/management unit designations.

On January 12, local, state, and federal agencies and stakeholders (including those who attended the January 7 open house) were asked to provide comments on the products by February 20, 2023. The public was provided an opportunity to review the 37 maps on display at the South Coast Community College from February 15-20, 2023.

Based upon requests for more time for review provided during the initial comment phase, the comment period was extended until May 26, 2023. A second public open house was hosted by the City of Coos Bay at the Coos Bay City Hall on May 10, 2023.

The Department of Land Conservation and Development was notified of the proposal to amend the comprehensive plan on June 1, 2023. Written notice was posted and mailed to affected governmental agencies and any person who requested a notice in writing on June 9, 2023. Public notice for the Planning Commission hearing on this application was published in The World News Paper on June 23, 2023. The Planning Commission on July 6, 2023 was continued to October 6, 2023. During this time period additional time for comments was allowed and allow the map viewer to be displayed.

The Coos County Planning Commission heard the matter on October 6, 2023 and unanimously passed a three-part motion. Part One involved modifying Section 2.1 and 2.5 of Volume II, Part 2 to remove the reference to the International Port of Coos Bay and the Tribes, as neither of them is an appropriate regulatory agency to implement the Coos Bay Estuary Management Plan. Part Two was to recommend the Board of Commissioners to adopt a resolution supporting the full

update of the Coos Bay Estuary Management Plan. Part Three involved setting realistic goals in the form of a timeline for the updates, with the understanding that this timeline would be contingent on funding and capacity that could be included in the resolution or a separate resolution.

The County Planning Commission's recommendations were different from those of the City of North Bend and Coos Bay Planning Commissions. This is a multi-jurisdictional plan, and the fundamental section that needed clarity is future planning processes and committees. Therefore, due to the concern a work session was setup with the County Board of Commissioners and the City of Coos Bay and North Bend City Councilors on November 9, 2023 at 6:00 pm in the Coos Bay City Council Chambers.

At the meeting staff presented a historical perspective on the management of the CBEMP. One significant change to the County Plan, which was completed in 1994, involved the removal of the Coos Bay Estuary Advisory Commission. On November 8, 1982, the Coos Bay Estuary Advisory Commission was established under the title of the "Coos Bay Estuary and Shorelands Joint Management Agreement." The local governing bodies, identified as the cities of North Bend, Coos Bay, and Eastside, the Port of Coos Bay, and the County of Coos, were parties to this Joint Management Agreement. The agreement's primary objective was to maintain an internally coordinated Coos Bay Estuary Management Plan and to coordinate City and County Comprehensive Plans, Port Plans, and Special Functional Plans in accordance with ORS 190 and 197.

The Agreement stipulated the responsibilities of each jurisdiction and mandated that the local governments establish a joint Coos Bay Estuary Advisory Commission. This Advisory Commission consists of elected officials from the Cities of North Bend, Coos Bay, and Eastside, as well as representatives from the Port of Coos Bay and Coos County. A copy of the agreements and changes have been included with this report.

Both the consultant and staff have identified that, in order to develop a functioning plan, it is essential to establish basic policies and procedures to guide management and future updates. Keeping this in mind, there are questions that staff needs to ask the decision-makers in this case to ensure we are on the correct pathway.

At the meeting, comments were submitted both orally and in writing regarding the committee makeup. Other testimony was also submitted, emphasizing the need for a clear process, suggesting the limitation of the update's scope, and proposing a deferral of the update to a later time to allow everyone the opportunity for a more in-depth review of the proposal. The direction received at the work session was to re-define the process to allow for more participation and a better-defined process. Another work session was set for December 7, 2023 at 6:00 pm in the same location.

The staff (City of Coos Bay, City of North Bend, and Coos County) collaborated to develop a structured process based on the direction from the work session in November. The report containing the proposed revisions was distributed to all parties and posted on the website on November 22, 2023, providing a 15-day advance notice of the work session.

To summarize the report, there was clarification needed regarding the joint plan maintenance, plan update, and citizen involvement process. There were comments made in regards to process that challenged staff to rewrite Section 2 and make an extra effort to include the tribes. The memo with draft language was out to eight different people associated with the tribes. There has been no written comments or orally testimony received since November 22, 2023 from the Tribes. Staff did have concerns and requested additional guidance as the process still seems cumbersome and hard to navigate which is a contradiction to the goal. The size of staff and capability of handling all of the committees as Section 2 creates a very lengthy process and make take more staff resources than are available. The process may be difficult to complete.

The questions posed in the report were:

1. If the Board of Commissioners are the final decision-makers in the process, then:
  - a. Should all requests for plan amendments start with an application to the County? If so, then some alteration should be considered to make the Planning Commission's and Council's work session recommendations go to the Board for a final decision.
  - b. Should the committees be defined in the plan or just outlined with details in the resolution?
  - c. Should the committees be categorized and not specific groups or representatives of a group?

The following suggestions for moving forward were made:

1. Removing the Board of Commissioners member and Unidentified 9th Member from the Joint Steering Committee so that this Committee may serve as the cohesive Recommending body for future Plan updates. Perhaps only identifying the Steering Committee member structure and leaving the others in a resolution rather than identifying them specifically.
2. Removing specific details about the composition of the CECAC and CETAC from the Plan and addressing that, instead, via a Resolution.
3. Consensus that the DRAFT Resolution is agreeable to all decision-makers and can be adopted by each at the end of this process.

During the December 7, 2023 work session, comments were received from the public, and a discussion ensued regarding how to proceed with the proposed changes. A revised task list was suggested and discussed under the current proposal section. Another work session and formal hearing was set for January 10, 2024. The work session will be held with the County Board of Commissioners, City of Coos Bay Council, and City of North Bend Council followed by hearings before each of the jurisdictions to adopt the proposed resolutions and Ordinances.

### **iii. Current Update Project**

- Goals for the current update based on the December 7, 2023 work session:
  - Use of clear headers to explain the purpose and contents of each document section; Figures, Maps and Tables to Explain Process and Policies if necessary to merge

document together and include hyperlinks in the digital copy of the text. Correct inconsistencies between CBEMP and Ordinances and fix scrivener's errors

- Update of references in CBEMP to state and federal laws, regulations, agencies, and processes.
- Address Definitions that have a conflict and rely on the CBEMP if there is a conflict.
- Inclusion of all Management Units in the CBEMP.
- Capture of Coos Bay-specific policies in CBEMP.
- Update Section 2 for future updates to provide a general overview of processes. Clarification of joint plan maintenance, plan update, and citizen involvement process **Section 2 and Policy #39**.
- Update Policy #3 Special Development Considerations Map. The "Special Considerations Map" was 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). The recommendation is to modify this incorporate in the digitized maps as a spatial information and relay on the Mylar map as the official map for decisions. With the exception of the official zone map which has been vetted by County, City, Consultants, state and public. However, the Mylar map will be retained to reference incase there is some type of discrepancy that was missed.
- The three jurisdictions will adopt a resolution that clearly outlines the project as a whole, including the current phase, future phases, and the commitment to seeking funding and greater citizen input. The future update will include using the Coos Estuary and Shoreland Atlas; Community, Lands & Waterways data source information to inform updates; and digitized map products.

A revision memo and an updated CBEMP were released on December 20, 2023 (21 days prior to work session), incorporating the updated task list and revisions. Following the memo's release, comments were made expressing concern that it was not detailed enough to show a line-by-line change of the document. Therefore, staff revised the memo to provide a detail list of the changes and show the line-by-line review was completed on December 28, 2023 (13 days prior to work session).

iv. **Update Content – [Link to Maps](#)**

**a. Coos County Comprehensive Plan modifications**

To adopt the 2024 CBEMP (Part 1 updates), this text amendment application proposes to amend the current version of the CBEMP found in Volume II, Part 1 of the Coos County Comprehensive Plan, and replace with the updated languages and maps as explained in this report. This amendment will also adopt revisions to Chapter 3 of the Coos County Zoning and Land Development Ordinance.

Revisions to the Plan section by section:

**A. PREFACE AND SECTION 1 UPDATES:**

- Update the date and historical references to reflect the current work.

**B. SECTION 2 UPDATES:**

- **Section 2.1 Plan Implementation**

**Provide a purpose statement. Revamp to include how the plan will be managed with the County as the lead agency. This means created a steering committee.**

- **2.2 Plan Amendments/Revisions and Periodic Review**

Minor modifications to remove language that would create a potential conflict in section 2.3.

- **2.3 Major and Minor Revisions/Amendments**

Change language to cover process. This covers the lead agency, how to submit amendments, notices, meeting schedules and general process.

- **2.4 Citizen Involvement**

This section covers Citizen Involvement. It explains the different committees and gives a summary. Details about who should be on the committee will be detailed in the resolution to keep it more general. This complies with Goal 1.

- **2.5 Relationship to Other Plans**

Gives an overview of how the plans relate to other plans.

- **2.6 Agency Involvement**

No changes to this section.

**C. Section 3 Updates:**

- **Section 3.2 Definitions** as needed to meet current federal and state law and/or align with preferred definition. CBEMP definitions that are changing include: “coastal shoreland area,” “development,” “floodway,” “restoration,” “shoreline,” and “solid waste disposal.”

Definitions found in 3.2 - Revise specific definitions in Section 3.2 Definitions as needed to meet current federal and state law and/or align with preferred definition. CBEMP definitions that are changing include: “coastal shoreland area,” “development,” “floodway,” “restoration,” “shoreline,” and “solid waste disposal.”

Underlined portions of definitions, in this section, indicate the inconsistent portions of the definitions.

Definitions to be adopted:

- **Coastal Shoreland Area - CBEMP**

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.

- **Commercial Uses - CBEMP**

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 of services are also defined as commercial uses.

- **Development - Recommended for consistency with FEMA**

The act, process, or result of developing. Within Special Flood Hazard Areas, "development" is defined as any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

- **Development Aquatic Area (DA) – CBEMP**

An aquatic management unit (See Volume II, Part 1, Section 3.5).

- **Development Shoreland Area (D) – CBEMP**

A shoreland management unit (See Volume II, Part 1, Section 3.5).

- **Docks and Moorage – CBEMP**

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.

- **Floodway – Coos County Ordinance to be consistent with FEMA and DLCDC regulation**

The channel or a river or other watercourse and the adjacent land areas that may be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

- **Impact – CBEMP**

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

- **LCDC – CBEMP**

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.

- **Mitigation – CBEMP**

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).



- **Natural Aquatic Areas (NA) – CBEMP**

An aquatic management unit (see Volume II, Part 1, Section 3.5).

- **Natural Shoreland Areas (NS) – CBEMP**

A shoreland management unit (see Volume II, Part 1, Section 3.5).

- **Recreational Vehicle Park – CBEMP**

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.

- **Shoreline – Coos County Ordinance**

The boundary line between a body of water and the land, measured on tidal waters at mean higher high water, and on non-tidal waterways at the ordinary high-water mark.

- **Solid Waste – Coos County Ordinance (ORS 468)**

All useless or discarded putrescible and non-putrescible materials, including but not limited to garbage, rubbish, refuse, ashes, paper and cardboard, sewage sludge, septic tank and cesspool pumping or other sludge, useless or discarded commercial, industrial, demolition and construction materials, discarded or abandoned vehicles or parts thereof, discarded home and industrial appliances, manure, vegetable or animal solid and semi-solid materials, dead animals and infectious waste. The term does not include: Hazardous waste as defined in ORS 466.005; Materials used for fertilizer, soil conditioning, humus restoration, or for other productive purposes or which are salvageable for these purposes and are used on land in agricultural operations and the growing or harvesting of crops and the raising of fowls or animals, provided the materials are used at or below agronomic application rates; or (c) Woody biomass that is combusted as a fuel by a facility that has obtained a permit described in ORS 468A.040.

- **Structure – Consistent with Floodplain Definition**

Walled and roofed building including a gas or liquid storage tank that is principally above ground.

- **Subordinate – CBEMP**

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.)

- **Urban Development Area (UD) – CBEMP**

A shoreland management unit (see Volume II, Part 1, Section 3.5).

- **Urban Water-Dependent Areas (UW) – CBEMP**

A shoreland management unit (see Volume II, Part 1, Section 3.5).

- **Water Development Shorelands (WD) – CBEMP**

A shoreland management unit (see Volume II, Part 1, Section 3.5).

- **Section 3.3 – Polices - General updates were typos and updating agency names. Specific Updates suggested:**

- Policy #2 - Change to management unit description to mirror Goal 16.
- Policy #3 Special Development Considerations Map. The "Special Considerations Map" was 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). The recommendation is to modify this incorporate in the digitized maps as a spatial information and relay on the Mylar map as the official map for decisions. With the exception of the official zone map which has been vetted by County, City, Consultants, state and public. However, the Mylar map will be retained to reference in case there is some type of discrepancy that was missed.

Policy #3 underwent modifications in 2023, specifically to eliminate references to the Coos Bay Estuary Special Considerations Map. The Coos Bay Estuary Special Considerations Map was essentially a compilation of all plan maps, featuring generalized boundaries. This compilation served as a practical tool for users, enabling them to ascertain whether there were overlays and special considerations applicable to a particular property.

The rationale behind the modification lies in the shift from manual methods to digital processes for mapping and layering. With the advent of digitization, the Coos Bay Estuary Special Considerations Map tool has become obsolete, as navigating overlays and development considerations can now be efficiently achieved through digital means.

Until a map has been adopted in a digital form, it can only be used as a tool in the same way the Special Considerations Map was envisioned. Removal of the Special Development Consideration Map reference has no effect on the adopted plan maps. The replacement tool for this is part of the map atlas that can serve in a similar manner. They are digitized maps but NOT a substitute for the detailed spatial information presented on the Coos Bay Estuary Management Plan's inventory maps with the exception of the ones shown in table 1.

**The proposed language for adoptions:**

The 1985 "Special Considerations Map" was 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).

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Until a map has been adopted in a digital form, it can only be used as a tool in the same way the Special Considerations Map was envisioned in 1985. Removal of the Special Development Consideration Map reference has no effect on the adopted plan maps. The digitized maps are NOT a substitute for the detailed spatial information presented on the Coos Bay Estuary Management Plan's inventory maps with the exception of the ones shown in table 2 below. The inventory maps are as follows:

**Table 1 – Regulatory Detailed Plan Maps :**

Map #	Title
1.	Plan Map Showing Aquatic and Shoreland Management Units (Plan Map)
2.	Substrate Characteristics
3.	Water Contours, Selected Channel Depths and Maintained Channels
4.	Physical Alterations
5.	Historical Analysis of Bay Changes
6.	Estuarine Wetland Habitats: Marshes, Tidelands and Aquatic Beds
7.	Significant Habitat of "Major" Importance Qualifying as Natural Management Units Under Estuarine Resources Goal
8.	Other Significant Estuarine Habitat Qualifying as Conservation Management Units Under Estuarine Goal
9.	Estuarine Areas Qualifying as Development Management Units Under Estuarine Resources Goal
10.	Crustacean Habitats
11.	Clam Beds and Oyster Leases
12.	Clam Species in the Coos Bay Estuary
13.	Fish Habitats
14.	Habitat for Waterfowl, Shorebirds, and Wading Birds
15.	Shoreland Values Requiring Mandatory Protection
16.	Beaches and Dunes
17.	Beaches and Dunes: Development Potential
18.	Political Jurisdictions
19.	Transportation and Public Facilities

20.	Existing Land Use
21.	Existing Water Use
22.	Schematic Land and Water Ownership Patterns
23.	"Scenario #1" Development Needs
24.	Tentative Goal #16/Goal #17 Development Priority Areas
25.	Existing & Potential Commercial Fishing and Recreational Boat Moorage
26.	IATF Moorage Decisions
27.	Selected Dredged Material Disposal Sites
28.	Selected Mitigation and Restoration Sites
29.	Goal #16 "Linkage" Matrix - Retained see regulatory Inventory Maps
30.	Aquatic Uses and Activities "Linkage" Matrix Retained see regulatory Inventory Maps
31.	Goal #17 and #18 "Linkage" Matrix Retained see regulatory Inventory Maps
32.	Agricultural and Forest Lands
33.	Wet Meadows
34.	Coos Bay Estuary Management Plan (1" = 800') – Retained see regulatory Inventory Maps
35.	Coastal Shorelands Boundary Inventory
36.	Candidate Areas Suitable for Increased Economic Growth
37.	Selected Dredged Material Disposal Sites
38.	Selected Mitigation and Restoration Sites
39.	Minimum Lot Sizes/Unincorporated Areas

Regulatory Inventory Maps (Digitized Mylars)

In the event of any error or conflicts arising in the digital mapping layer, the County shall retain the original Mylar map for historical value and as a reference. The original Mylar map will serve as the authoritative source to resolve any discrepancies, ensuring accuracy and consistency in mapping data but the digital map will be the official regulatory map for decision making purposes. Archival preservation is crucial for maintaining historical records and facilitating efficient resolution of any potential issues that may arise in the digital mapping layer.

The following maps have been digitized from the original Mylar maps and will be adopted as plan maps for use in regulatory decisions:

**Table 2 – Regulatory Digitized Detailed Plan Maps**

Map #	Title	Date of Adoption
34	Coos Bay Estuary Management Plan	January 10, 2024

**Table 3 - Nonregulatory** Digitized Inventory Maps used as a tool but not a substitute for the original Plan Map (Map Scale 1" = 40,000')

Map #	Title
15	Shoreland Values Requiring Mandatory Protection (without Archaeological or Historical sites due to protected information)
16	Beaches and Dunes
17	Beaches and Dunes: Development Potential

29	Goal #16 “Linkage” Matrix
30	Aquatic Uses and Activities “Linkage” Matrix
31	Goal #17 and #18 “Linkage” Matrix
33	Wet Meadows
37	Selected Dredged Material Disposal Sites
38	Selected Mitigation and Restoration Sites

**Table 4 – Map Atlas** - Generalized Digital Maps (Map Scale 1” = 40,000’) Part of the Map Atlas that should be considered for Future Updates and General Information.

Maps #	Title
3.1	Generalized Zoning
3.2	Management Units
3.3	Property Use Classification
4.1	Improvement Status
4.2	Improvement Value Ratio
4.3	Public Ownership
4.4	Active and Inactive Diking Districts
4.5	Fire Departments and Districts
4.6	School Districts
4.7	Coos Bay-North Bend Water Board
4.8	RESERVED
5.1a	Species of Concern
5.1b	Species of Concern ( <i>continued</i> )
5.2	Oysters, Clams, and Crabs
5.3	Flood Zones
5.4	Landslide Susceptibility
5.5	Slope
5.6	National Wetlands Inventory
5.7	RESERVED
5.8	Sea Level Rise
5.9	Tsunami Inundation
5.10	Estuary Features
5.11	CMECS Aquatic
5.12	CMECS Biotic
5.13	CMECS Physical (Geoform)
5.14	CMECS Geologic Substrate
6.1	Dredged Material Disposal Sites (2018)
6.2	Restoration Sites Inventory
6.3	Tidal Wetland LMZ Prioritization
6.4	Urban Renewal Districts
6.5	Economic Zones

- Policy #4a – Added language to mirror Goal 16

- Policy #5 updated a statutory reference and added requirement to comply with Floodplain regulations
  - Policy #6 added compliance with Floodplain regulation
  - Policy #16a requires addition of Coos Bay information
  - Policy #20b modified to add Dredge Material Disposal Table from Part 2 to make it easy to see the sites and corresponding letters/numbers. Policy #20b - Response to DMD Question - Staff did research the Policy #20b from comments from Mr. Graybill about referencing a different site and Commissioner Main concerns about flow lane disposal. Staff concurs that the recommendation from the consultant should be rejected on both parts. The language has been returned to the original language and added in the figures to make it clear that the in-bay site can only be used if the ocean site is not possible. There were some changes suggested in the management units as well to change Dredge Material Disposal to Flow Lane Disposal but that is inconsistent with the plan and has also been rejected. The plan is set up with a Dredge Material Element (plan) that is also part of the cumulative effects listed in Part 3 and making that change without changing the other portions of the plan would be inconsistent.
  - **Policy #27b (NEW) adds a link to the natural hazards that was missing before. This policy could be deferred but if not added the only natural hazard that would be regulated would be floodplain. This is a new policy**
  - Policy #36 and 37 was updated to include Coos Bay and North Bend in future updates.
  - Policy #39 has been updated to include new citizen involvement and references back to section 2. (This may be redundant)
  - Policy #41 updated to include new steering committee instead of planning commission.
  - Policy 45 incorporated from City of Coos Bay Claim Harvest from City of Coos Bay. Not new but needed to be included.
  - Policy #48 updated to remove State Building Codes and reference Local Building Codes
  - Policy #71 incorporated from City of Coos Bay for East Catching Slough Bridge.
- **Section 3.4 Management Units - Proposed changes for consistency with Goal 16 as follows:**

- Management Unit: Natural - No Special Assessment Required (A)(5). Added the word “resources,” which was missing.
- Management Unit: Natural - No Special Assessment Required (A)(9): The phrase “and bridge crossing support structures” was added.
- Management Unit: Natural - No Special Assessment Required (A)(10). Added the category, “Rip-rap for protection of uses existing as of October 7, 1977, unique natural resources, historical and archeological values; and public facilities” to align with current Goal 16 language and match the Coos Bay Plan.
- Management Unit: Conservation – No Special Assessment Required (A)(1). Deleted “permitted outright” for clarification (as all uses allowed with or without special assessment in the Natural Management Unit are allowed in Conservation units).
- Management Unit: Conservation Special Assessment Required (B)(4). Added language to align with current Goal 16 language and match the Coos Bay Plan.

**Update Section 3.5 to reference Policy #3**

Section 3.5 originally referenced the Special Development Considerations map and this has been amended to reflect Policy #3 amendments. See Policy #3

**D. SECTION 4 UPDATES:**

- **Update Section 4 to include header and hyperlinks**

The addition of headers and hyperlinks is consistent with the proposed general changes.

**E. SECTION 5 UPDATES:**

- **Updated Section 5 – Inclusion of all management units, address conflicts and asked for guidance on suggested changes.**

The CBEMP has been updated to include all management units for Coos County, City of Coos Bay, and City of North Bend. Having all management units consolidated in the CBEMP will ensure consistency in implementation.

Some management units, which were enforced through the implementing ordinances of multiple jurisdictions, have diverged slightly in format or word choice over the years. The following recommendations have been made with a minimal number of changes necessary to merge the document into one functional plan.

- a) Reinsert all management units into **Part 1, Section 5** of the CBEMP. Table 2 below lists the management units by jurisdiction to be reinserted into the CBEMP.
- b) Edit management units where necessary to resolve conflicts between jurisdictional versions.

**Table 2: Management Units Inserted into the CBEMP by Jurisdiction**

Coos Bay Units	North Bend Units
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<u>Shoreland</u>	<u>Aquatic</u>	<u>Shoreland</u>	<u>Aquatic</u>
23A-UW	23-DA	44-UW <sup>1</sup>	44-DA <sup>1</sup>
23B-UD <sup>3</sup>	24-NA	44-UNW	46-DA
24-CS	26A-CA	46-UD	47-DA
26-UD <sup>3</sup>	26B-CA	47-UW	48-CA
27-UW	27-DA	48-CS	48A-CA
28-UW/28-D	43-DA	50-UD	50-NA
42-UD	44-DA <sup>1</sup>	51-UD	51-CA
43-UW	45-NA	53-CS <sup>1</sup>	
44-UW <sup>1</sup>	52-NA <sup>1</sup>		
44a-UW	52A-DA		
44b-UD	53-CA		
45-CS	54-DA		
51A <sup>4</sup>			
52-CS			
53-CS <sup>1</sup>			
54-UW			
<b>Units with additional information added from Coos Bay</b>			
21-RS <sup>2</sup>	15-NA <sup>2</sup>		
55-UD <sup>2</sup>	16-CA <sup>2</sup>		
	17-NA <sup>2</sup>		
	18B-CA <sup>2</sup>		
	20-CA <sup>2</sup>		
	21-CA <sup>2</sup>		
	21A-NA <sup>2</sup>		
	25-NA <sup>2</sup>		
	28B-DA <sup>2</sup>		
	38-CA <sup>2</sup>		
	45A-CA <sup>2</sup>		
<sup>1</sup> Unit applies to Coos Bay and North Bend			
<sup>2</sup> Unit applies to Coos Bay and Coos County			
<sup>3</sup> Unit includes interim and long term uses			
<sup>4</sup> This unit will be effective once fill activities of Unit 52A-DA are done.			

- c) Include Management Unit 9A-CS, which was not mapped on original mylars or digital zoning maps, in the digitized Map. This was updated.
- d) Denote which jurisdiction holds review authority for each management unit at the beginning of the unit description. This will ensure interested parties consult the proper jurisdiction when inquiring about that management unit.
- e) Other suggestions and details are under general and specific changes below.



Here is the list of changes that were necessary to combined the management units from the City of Coos Bay and North Bend. There were some recommended preference changes highlighted that need to be addressed.

- General Changes that apply to all units that have these specific uses and activities listed.
  - Tables were added at the beginning of each Planning Area to identify the Jurisdictions and include maps, when possible, for visual. Some of the planning areas are large and hard to see on a map you can't zoom in on. Typos and agency names were updated if needed.
  - Anywhere it says "Industrial & port facilities" the "&" was replaced with "and"
  - "Mining/mineral extraction" was replaced with "Mining/mineral extraction, including dredging necessary for mineral extraction" for consistency with Goal 16.
  - Research and educational observations was moved from an activity to a use applicable general and special conditions were adjusted to reference number change. This is listed in this manner because some of Coos Bay's management units have it listed in this manner. This is a preference and could be rejected.
  - Navigation and water-dependent commercial enterprises and activities was modified from water dependent enterprise and activities to mirror goal 16 language. This was also moved from an activity to a use. This was a suggested preference but is not necessary. applicable general and special conditions were adjusted to reference number change.
  - Dredge Material Disposal has been changed back to the original language and Flow Lane was removed. Flow Lane Disposal if allowed is covered in the Special Conditions and another use or activity is not required. Making the suggested change by the consultant is not consistent with the overall plan.
  - Any management unit that include Navigation was changed to Navigational and then Aids was modified to the following, "Aids (e.g., beacons, buoys)"
  - Any management unit subject to Special Condition 9b under activities - 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 was modified to "This activity is only permitted subject to the general findings required by Policy #9, "Solutions to Erosion and Flooding Problems," preferring non-structural to structural solutions, and to the specific findings for rip-rap. 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." This is consistent with Goal 16
  - Management Segment was replaced with Management Unit for consistency
  - Any map reference to "Special Development Considerations" updated to reference plan map (see Policy 3 Changes).
  - Added in all management units from the Cities
  - Any references to the City of Eastside will be updated to City of Coos Bay.
- Specific Changes
  - Any management unit in the County that allowed Land divisions listed out the type of land divisions. This was not in the original plan and is not necessary to add but preference.
  - The following were modified to incorporated Coos Bay and Coos County

- 15-NA, 16-CA, 17-NA , 25-NA, 20-CA– Bridge crossings and supports were not listed in the county in any of the NA management units but were in the City. A special condition was added that that specific use is only allowed within the City of Coos Bay to resolve the conflict for the NA management units.
- 45A-CA – Aquaculture modified for consistency between city and county and consistency with Goal 16.
- 20-CA – Modified to include Coos Bay uses, activities and conditions

**F. SECTIONS 6 AND 7 UPDATES**

**Sections 6 and 7 only have Typos, Headers and hyperlinks**

**Summary:** There are no other changes to Volume II, Part 1 other than the ones listed. There are no changes proposed to Volume II, Part 2 or 3.

There are changes to the implementing ordinances and codes for the County and the City.

**b. Coos County Zoning and Land Development Ordinance modifications**

Amendments to Chapter 3 of the CCZLDO, which contains the County-specific elements of the Coos Bay Estuary Management Plan, are proposed. These amendments include:

- Section 3.1.300 -- Clarification that "Zoning Districts" are the same as "Management Units" in the CBEMP
- Section 3.1.450 -- Deletion of references to Appendix 2 and 3
- Table 3.2 Footnotes –Replacement of outdated map titles with new titles to reflect changes
- Section 3.2.150 -- New instructions on "How to Use This Article"
- Section 3.2.175 – Change of reference to Sections 3.2.200 to Volume II, Part 1 of the CBEMP (Portion of the Coos County Comprehensive Plan)
- Section 3.2.200 -- Deletion of descriptions of zoning districts/management units (pages III-16-393) and CBEMP Policies (pages III-393-444) replace with hyperlink to the plan.

The intent of these amendments is to simplify the administration of the CBEMP. At present, CBEMP management unit descriptions and policies are found in two locations, in Coos Implementing Ordinance (CCZLDO) Chapter 3, and in Volume 2 of the Coos Comprehensive Plan.. This text amendment recommends removing specific management unit descriptions and policies from the CCZLDO and replacing them instead with directions on where to find and how to use the CBEMP in Volume 2 of the Coos Comprehensive Plan. This will reduce future effort related to plan amendments, simplify implementing ordinance administration, and enhance usability for applicants. It will also ensure that all three joint-management agencies (Coos County, Coos Bay and North Bend) are referring to one version of the CBEMP when making management decisions within the estuary – the version which is found in the Coos County Comprehensive Plan.

**II. COMMENTS RECEIVED:**

Comments were received from the following agencies: Ashley Audycki (Rogue Climate), Gabrielle Bratt (Coquille Indian Tribe), Phillip Johnson (Oregon Shores Conservation Coalition), Courtney Krossman (CTCLUSI), Rick Eichstaedt (CTCLUSI), Michelle McMullin (NOAA Fisheries), Jenni

Schmidt (South Slough Estuary National Estuarine Research Reserve), and Deanna Wright (DLCD Natural Hazards). The following individuals submitted comments: CJ Blaney, Donna Bonetti, Ken Bonetti, Suzanne Church, Connie Earhart, Jamie Fereday, Laurie Friedman Mike Graybill, Bill Grill, Jan Hodder, Charlotte Hult, Janice Lloyd, Nolan Lloyd, Johanna Lyle, Win McLaughlin, Steve Miller, Christine Moffitt, Beverly Segner, and Steve Skinner. Comments focused on the following areas of concern/topics: Citizen Advisory Committee makeup, mapping, Phase 2, Part 1 policies, Part 2 editing, Review, and Tribal Sovereignty. Specific recommendations were integrated into the draft document and/or maps included as attachments to this Plan Amendment application. See Revisions Memo, Attachment D, for a comprehensive crosswalk of all comments and responses.

### III. FINDINGS, CONCLUSIONS AND RECOMMENDATIONS:

#### ***APPLICABLE IDENTIFIED REVIEW CRITERIA FOR REZONE:***

- a. Coos County Zoning and Land Development Ordinance (CCZLDO), Article 5
- b. Oregon Statewide Planning Goal Compliance

- **Coos County Zoning and Land Development Ordinance, Article 5**

#### *SECTION 5.1.100 LEGISLATIVE 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]*

**Findings of Fact: The County Board of Commissioners is the authority for text and map amendments for the ordinance and comprehensive plan. This is a legislative act, and the Board of Commissioners has treated the amendments consistently with Article 5 of the Coos County Zoning and Land Development Ordinance.**

#### *SECTION 5.1.110 WHO MAY SEEK CHANGE: Coos County shall consider the appropriateness of legislative plan text and map amendment proposals upon:*

1. *A motion by the Board of Commissioners; or*
2. *A motion of the Planning Commission; or*
3. *The submission of formal request made by either:*
  - a. *The Citizen Advisory Committee; or*
  - b. *An application filed by a citizen or organization, accompanied by a prescribed filing fee. If a Measure 56 notice is required the applicant shall be responsible for the payment of all cost associated with that service.*

**Findings of Fact: At their January 23, 2023 regular meeting, the Coos County Board of Commissioners per 5.1.110 of the CCZLDO moved to initiate the legislative process to the Comp Plan and Zoning Ordinance, with the condition that this will not change any of the zoning districts/management unit designations. As no changes to zoning districts/management unit designations are proposed at this time, staff finds application in compliance with Section 5.1.100.**

*SECTION 5.1.125 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.*

**Findings of Fact:** Scrivener error corrections are proposed throughout Part 1 and Part 2 of the CBEMP. These corrections include corrections of grammatical errors, including spelling errors, typing errors (spacing, formatting, etc.), subject/verb agreement, etc. Also proposed are changes to agency names, Oregon Revised Statute and Administrative Rule references, and permit names, where appropriate to reflect changes that have occurred to these proper titles over the 40 years since the original adoption of the CBEMP. As these corrections do not alter the sense, meaning, effect, or substance of the Ordinance, staff finds that the Director may correct these elements without prior notice or hearing. Staff finds that these types of corrections are in compliance with the CCZLDO. The other proposed amendments have been published and posted as required to be adopted. Therefore, the County has complied with applicable criteria.

- **Oregon Statewide Planning Goal Compliance**

Oregon Statewide Planning Goals are a set of 19 goals established by the state government to guide land use planning and decision-making throughout the state. These goals provide a framework for local governments, land use planning agencies, and other stakeholders to shape the physical, social, and economic development of their communities. To provide some context to the process and summary of the Oregon Planning Program staff has summarized the processes below.

The Oregon Statewide Planning Goals cover a broad range of topics and aim to address various aspects of land use planning, conservation, and development.

- *Oregon's Statewide Planning Goals & Guidelines Goals*
  - *1 Citizen Involvement*
  - *2 Land Use Planning*
  - *3 Agricultural Lands*
  - *4 Forest Lands*
  - *5 Natural Resources, Scenic and Historic Areas, and Open Spaces*
  - *6 Air, Water and Land Resource Quality*
  - *7 Areas Subject to Natural Hazards*
  - *8 Recreational Needs*
  - *9 Economic Development*
  - *10 Housing*
  - *11 Public Facilities and Services*
  - *12 Transportation*
  - *13 Energy Conservation*
  - *14 Urbanization*
  - *15 (not applicable to Coos County)*
  - *16 Estuarine Resources*
  - *17 Coastal Shorelands*

- *18 Beaches and Dunes*
- *19 Ocean Resources (not applicable to Coos County)*

Each goal includes specific policies and guidelines to guide land use planning and development decisions.

Local jurisdictions in Oregon are required to incorporate these goals into their comprehensive plans and land use regulations, ensuring consistency with the statewide planning framework. However, there is flexibility for local communities to adapt and interpret the goals based on their unique characteristics, needs, and priorities while still meeting the overarching objectives of sustainable development and resource conservation. The flexibility is accomplished through an exception process.

The Oregon Statewide Planning Goal Acknowledgment Process refers to the procedure by which local comprehensive plans and land use regulations are reviewed and acknowledged by the state. It is part of the land use planning system in Oregon, which aims to ensure that local planning efforts align with the statewide goals and guidelines established by the state.

Under the acknowledgment process, local governments in Oregon are required to prepare comprehensive plans and land use regulations that are consistent with the statewide planning goals. These goals cover various aspects of land use and development, such as protection of natural resources, preservation of agricultural and forest lands, provision of housing, and transportation planning, among others.

Once a local government has completed its comprehensive plan and land use regulations, it submits them to the state's Department of Land Conservation and Development (DLCD) for review. DLCD evaluates the submitted materials to determine if they meet the requirements of the statewide planning goals. This review includes assessing the compatibility of the local plan with the goals and evaluating the plan's compliance with state laws and administrative rules.

If DLCD finds that the local plan is in compliance with the statewide planning goals, it issues an acknowledgment. The acknowledgment signifies that the local government's plan and regulations are consistent with the goals and have met the state's requirements. The acknowledged plan and regulations then serve as the basis for land use decisions within that jurisdiction.

The purpose of the acknowledgment process is to promote consistency, coordination, and coherence in land use planning throughout the state of Oregon. It ensures that local planning efforts are aligned with statewide goals and guidelines, promoting sustainable and orderly development while protecting valuable resources and addressing community needs. Coos County was originally acknowledged in 1985, and any subsequent changes to the acknowledged plan are referred to as Post Acknowledgement Plan Amendments. Coos County underwent periodic review when required in the 1990s and was once again acknowledged for goal compliance. Each post-acknowledgment plan amendment requires a goal compliance and consistency determination, and once consistency is established, acknowledgment is achieved. This following provides findings to the goal consistency.

**Findings:** This request is consistent with the Oregon Statewide Planning Goals, as mandated by statutes that specifically address estuarine, tidal, marsh, wetland, and beach and dune areas. These coastal concerns are comprehensively addressed in Goals #16, #17, #18, and #19. Notably, the Statewide Planning Program, approved as part of the State of Oregon Coastal Management Program, enforces policies that specifically address Goals 16, 17, and 18.

While other statewide planning goals have been addressed within larger comprehensive plans, they are not required to be readdressed in the specific context of the Coos Bay Estuary Management Plan. This strategic approach ensures that the Coos Bay Estuary Management Plan remains in compliance with and supportive of the broader Statewide Planning Goals, especially those crucial to coastal and estuarine management. The Coos Bay Estuary Management Plan comprehensively covers the Coos Estuary and coastal upland shorelands, aligning with the objectives outlined in Goals 16 and 17. Notably, the upland area coverage has been expanded strategically to include additional areas deemed necessary for carrying out the protections and functions outlined in the aquatic portions of the plan. This expansion ensures a holistic and integrated approach to the management and preservation of the Coos Bay Estuary, encompassing both aquatic and upland environments.

The evaluation and revision of the Coos Bay Estuary Management Plan (CBEMP) is a multifaceted process crucial for effective community development. The CBEMP comprehensive plan serves as a comprehensive blueprint for guiding various aspects of development, including land use, infrastructure, economic development, conservation, and community goals within the Coos Bay Estuary, encompassing both water and shorelands. The plan amendment process is a response to the changing needs of the community, laws, and is designed to ensure that the CBEMP remains relevant and adaptive to evolving circumstances. Coos County, the City of Coos Bay, and the City of North Bend are charged with ensuring that the CBEMP responds effectively to these circumstances.

- **GOAL 1 CITIZEN INVOLVEMENT** – Goal 1 calls for "the opportunity for citizens to be involved in all phases of the planning process." It requires each city and county to have a citizen involvement program containing six components specified in the goal. It also requires local governments to have a committee for citizen involvement (CCI) to monitor and encourage public participation in planning.

**Findings:** The Plan provides a robust citizen involvement process for widespread citizen participation. The citizen involvement section in the Plan is addressed in Section 2 and provides a general structure for involving a cross-section of affected citizens in all phases of the planning process. As a component, the program for citizen involvement includes an officially recognized committee for citizen involvement (CCI) broadly as well as a technical advisory committee and steering committee. It is not necessary nor beneficial to explicitly define within the CBEMP the composition of each of these advisory committees; doing so would leave little room in the future to be flexible to add in other industries or interests not currently contemplated.

All of the committees along with public meeting laws and notice requirements found in the

**CCZLDO Article 5 address the requirements of Goal 1 to provide a pathway for citizens to be involved in all phases of the planning process within the CBEMP.**

**Several open houses, work sessions and adequate public notice of the proposed changes has been provided through the public notice process as specified in Article 5.0 of the Coos County Zoning and Land Development Ordinance. The Department of Land Conservation and Development was notified of the intended modifications and did not express any concerns in writing about the changes. The county's process involves various forms of notification in the impacted areas, publication in the local newspaper of general circulation (The World Newspaper), and notification of impacted governmental agencies, recognized neighborhood groups, and any person who requested notice in writing. Public hearings were held at the Planning Commission and Board of County Commission levels. Notifications of these public hearings follow the requirements of 5.0.900 of the CCZLDO. Several joint work sessions were held with the County and City officials to take comment.**

- **GOAL 2 LAND USE PLANNING - Goal 2 outlines the basic procedures of Oregon's statewide planning program. It says that land use decisions are to be made in accordance with a comprehensive plan, and that suitable "implementation ordinances" to put the plan's policies into effect must be adopted. It requires that plans be based on "factual information"; that local plans and ordinance be coordinated with those of other jurisdictions and agencies; and that plans be reviewed periodically and amended as needed. Goal 2 also contains standards for taking exceptions to statewide goals. An exception may be taken when a statewide goal cannot or should not be applied to a particular area or situation.**

**Findings: This request is consistent with Goal 2, as the County has established a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions. The CBEMP is made of three parts:**

- **Part 1: Plan Provisions, which includes specific plan provisions -- map decisions and written policies that are designed to provide guidance necessary to assure wise use of the Coos Bay Estuary and adjacent shorelands;**
- **Part 2: Inventories and Factual Base, which contains data and other factual information that supports management decisions presented in Part 1; and**
- **Part 3: Linkage/Statewide Goal Exceptions, which contains findings for Statewide Goal Exceptions taken at the time of original plan adoption for proposed development**

**The proposed change followed the process established in Chapter 5 of the Coos County Zoning and Land Development Ordinance and has been found compatible with the County's Comprehensive Plan. The structure of the document has remained unchanged with updates to Part 1 to consolidate the multi-jurisdictional process and include all management units. Therefore, the CBEMP is consistent with Goal 2.**

- **GOAL 3 AGRICULTURAL LANDS - Goal 3 defines "agricultural lands." It then requires counties to inventory such lands and to "preserve and maintain" them**

through farm zoning. Details on the uses allowed in farm zones are found in ORS Chapter 215 and in Oregon Administrative Rules, Chapter 660, Division 33.

**Findings:** The CBEMP upland areas do contain some agricultural lands within the the Coastal Shoreland Areas. There have been no changes to the policies that will affect Agricultural Lands and the plan remains consistent.

- **GOAL 4 FOREST LANDS** - This goal defines forest lands and requires counties to inventory them and adopt policies and ordinances that will "conserve forest lands for forest uses."

**Findings:** The CBEMP upland areas do contain some forestlands within the Coastal Shoreland Areas. There have been no changes to the policies that will affect Forest Lands and the plan remains consistent.

- **GOAL 5 OPEN SPACES, SCENIC AND HISTORIC AREAS AND NATURAL RESOURCES** - Goal 5 comprehensively addresses a wide range of natural and cultural resources, including wildlife habitats and wetlands. It establishes a systematic process for the inventory and evaluation of each resource. In cases where a resource or site is deemed significant, local governments are presented with three policy choices: preserving the resource, allowing proposed uses that conflict with it, or finding a balanced approach that considers both the resource and conflicting uses.

**Findings:** Although Goal 5 is not a coastal goal that is required to be addressed in the limited scope of the Coos Bay Estuary Management Plan, these resources are very important in Coos County and there are no proposed changes to the inventoried sites covered under Goal 5. The plan already incorporates extensive policies and mapped inventories that encompass cultural, historical, botanical, geological, and natural aspects, including wildlife habitats. Policy #3 provides an extensive list of these mapped resources. Importantly, the Plan maintains the integrity of these inventories and policies, ensuring their continued alignment with Goal 5 for the preservation and responsible management of vital resources. As there are no proposed changes or amendment to Goal 5 the plan remains complaint.

- **GOAL 6 AIR, WATER AND LAND RESOURCES QUALITY** - This goal requires local comprehensive plans and implementing measures to be consistent with state and federal regulations on matters such as groundwater pollution

**Findings:** While Goal 6 is not a coastal specific goal it plays a crucial role in safeguarding air, water, and land resources. The Coos County Comprehensive Plan extensively covers Goal 6 in Volume 1, Parts 1 and 2. No amendments are requested for this portion of the plan or the Coos Bay Estuary Management Plan, ensuring ongoing consistency in addressing Goal 6 objectives. This approach emphasizes the broader environmental considerations integral to comprehensive planning. Therefore, the plan remains compliant with Goal 6.

- **GOAL 7 AREAS SUBJECT TO NATURAL DISASTERS AND HAZARDS** Goal 7



deals with development in places subject to natural hazards such as floods or landslides. It requires that jurisdictions apply "appropriate safeguards" (floodplain zoning, for example) when planning for development there.

**Findings:** This request is consistent with Goal 7 – Areas Subject to Natural Hazards. This amendment incorporates a policy to implement the mapping already adopted Coos County this policy is step toward adopted all natural hazards in the review. Prior to the policy the only natural hazard that was incorporated with Flood Hazards. The maps were adopted in 2015 and updated in 2019 and do not need to be updated. Therefore, the update is consistent with Goal 7.

- **GOAL 8 RECREATION NEEDS** - This goal calls for each community to evaluate its areas and facilities for recreation and develop plans to deal with the projected demand for them. It also sets forth detailed standards for expedited siting of destination resorts.

**Findings:** Goal 8 is not applicable to this update. However, coastal recreational is addressed through uses and activities within a management unit as allowed in Goals 16, 17 and 18. Recreational needs are addressed in Volume I, Part 1 of the Coos County Comprehensive Plan and the estuary plan update does not change any portion of the Goal 8 compliance.

- **GOAL 9 ECONOMY OF THE STATE** - Goal 9 calls for diversification and improvement of the economy. It asks communities to inventory commercial and industrial lands, project future needs for such lands, and plan and zone enough land to meet those needs.

**Findings:** This request is consistent with Goal 9 – Economic Development. This plan has policies that contribute to a stable and healthy economy through an estuary through estuary depended and related uses. The plans has inventories of areas suitable for increased economic growth and those are shown in uses and activities consistent with Goals 16 and 17. Therefore, the plan is consistent and there are no changes that at this time that will change the consistence with Goal 9.

- **GOAL 10 HOUSING** - This goal specifies that each city must plan for and accommodate needed housing types, such as multifamily and manufactured housing. It requires each city to inventory its buildable residential lands, project future needs for such lands, and plan and zone enough buildable land to meet those needs. It also prohibits local plans from discriminating against needed housing types.

**Findings:** While housing is not mandatory for inclusion in the Coos Bay Estuary Management Plan (CBEMP), certain areas within Urban Growth Areas do allow for various housing types. The upcoming update to the plan will maintain the existing housing types without necessitating a housing analysis, ensuring the plan's ongoing consistency with its established framework. This approach emphasizes the targeted focus of the CBEMP while acknowledging housing considerations in specific zones.

- **GOAL 11 PUBLIC FACILITIES AND SERVICES** - Goal 11 calls for efficient planning of public services such as sewers, water, law enforcement, and fire protection. The goal's central concept is that public services should be planned in accordance with a community's needs and capacities rather than be forced to respond to development as it occurs.

**Findings:** This request aligns with Goal 11 – Public Facilities and Services. The proposed amendment does not necessitate changes to the adopted Public Facilities Plan, ensuring compliance with Goal 11 objectives.

- **GOAL 12 TRANSPORTATION** - The goal aims to provide "a safe, convenient and economic transportation system." It asks for communities to address the needs of the "transportation disadvantaged."

**Findings:** While portions the transportation systems exist in the upland portions of the CBEMP, it's important to note that no changes are proposed to the Transportation System Plan, a distinct element of the Coos County Comprehensive Plan as well as the individual cities. This ensures that the update to the CBEMP does not impact the existing transportation framework outlined in the separate plan.

- **GOAL 13 ENERGY** - Goal 13 declares that "land and uses developed on the land shall be managed and controlled so as to maximize the conservation of all forms of energy, based upon sound economic principles."

**Findings:** There are no proposed changes to the CBEMP that will have any effects of energy. Goal 13 is addressed in Volume I, Part 1 of the Coos County Comprehensive Plan. However, there are portions of Goals 16 and 17 that cover utilities and power generation that are shown as a use and/activity. These have not been modified and remain complaint.

- **GOAL 14 URBANIZATION** This goal requires cities to estimate future growth and needs for land and then plan and zone enough land to meet those needs. It calls for each city to establish an "urban growth boundary" (UGB) to "identify and separate urbanizable land from rural land." It specifies seven factors that must be considered in drawing up a UGB. It also lists four criteria to be applied when undeveloped land within a UGB is to be converted to urban uses.

**Findings:** This request is consistent with Goal 14 – Urbanization. This will better support decision making related to urbanized areas within the Coos Bay Estuary Plan area and is consistent with Goal 14 located within the Coos Bay Estuary Management Plan. No policies that deal with urbanization were modified and still remain complaint.

- **GOAL 15 WILLAMETTE GREENWAY** Goal 15 sets forth procedures for administering the 300 miles of greenway that protects the Willamette River.

**Findings:** This Goal is not relevant to Coos County.

- **GOAL 16 ESTUARINE RESOURCES** This goal requires local governments to classify Oregon's 22 major estuaries in four categories: natural, conservation, shallow-draft development, and deep-draft development. It then describes types of land uses and activities that are permissible in those "management units."

**Findings:** This request is consistent with Goal 16 – Estuarine Resources. Statewide Planning Goal 16 provides the principal guidance for the planning and management of Oregon's estuaries. The Coos Bay Estuary has all elements of the Goal 16. The overall objective of Goal 16 is to "to recognize and protect the unique environmental, economic and social values of each estuary and associated wetlands; and to protect, maintain, where appropriate develop, and where appropriate restore the long term environmental, economic and social values, diversity and benefits of Oregon's estuaries". To accomplish this, the goal establishes detailed requirements for the preparation of plans and for the review of individual development projects and calls for coordinated management by local, state, and federal agencies that regulate or have an interest in activities in Oregon's estuaries. The Coos Bay Estuary Management Plan was originally adopted by the joint local agencies to address Goal 16 requirements as they relate to the Coos Bay Estuary. The plan designates appropriate uses for different areas within each estuary based on biological and physical characteristics and features and provides for review of proposed estuarine alterations to assure that they are consistent with overall management objectives and that adverse impacts are minimized. The updated CBEMP does not change lawfully approved uses or activities within management units, nor change previously approved management unit boundaries. As the update will help Coos County better manage estuarine resources and enhance coordinated management of these resources, this amendment is consistent with Goal 16. The purpose of this update is to create consistency between the three jurisdiction, update the official zone map, digitize the Coos Bay Estuary Management Plan and include elements to make is user friendly to allow for larger updates to be completed. The inventory information will be updated in the future as funding becomes available.

Therefore, the modifications are minor and the plan remains in compliance with Goal 16.

- **GOAL 17 COASTAL SHORELANDS** The goal defines a planning area bounded by the ocean beaches on the west and the coast highway (State Route 101 ) on the east. It specifies how certain types of land and resources there are to be managed: major marshes, for example, are to be protected. Sites best suited for unique coastal land uses (port facilities, for example) are reserved for "water-dependent" or "water related" uses.

**Findings:** This request is consistent with Goal 17 – Coastal Shorelands. Goal 17 focuses on the protection and management of resources unique to shoreland areas. Its requirements are implemented primarily through local comprehensive plans and zoning. The update of the Coos Bay Estuary Management Plan is directly related to and in concert with Goal 17, as it is intended to provide up-to-date implementation tools for the local jurisdictions to protect and manage resources within protected shoreland and estuary areas. No exceptions are required to this planning goal for implementation. This amendment is minor and is consistent with Goal 17. There were no changes to

uses or activities that are no consistent with Goal 17.

- **GOAL 18 BEACHES AND DUNES** Goal 18 sets planning standards for development on various types of dunes. It prohibits residential development on beaches and active foredunes, but allows some other types of development if they meet key criteria. The goal also deals with dune grading, groundwater drawdown in dunal aquifers, and the breaching of foredunes.

**Findings:** This request is consistent with Goal 18 – Beaches & Dunes focuses on conserving and protecting Oregon's beach and dune resources, and on recognizing and reducing exposure to hazards in this dynamic, sometimes quickly changing environment. Goal 18 is central to the work of coastal communities in addressing the impacts of coastal hazards and climate change in areas along the ocean shore. Local governments are required to inventory beaches and dunes and describe the stability, movement, groundwater resources, hazards and values of the beach, dune, and interdune areas. Local governments must then apply appropriate beach and dune policies for use in these areas. Goal 18 prohibits development of the most sensitive and hazardous landforms in the beach and dune environment, limits the placement of beachfront protective structures, and specifies detailed requirements for foredune grading. The adoption of the updated 2023 Coos Bay Estuary Management Plan will enhance the implementation and functionality of this document, which is the primary tool used to ensure compliance with Goal 18 within the Coos Bay Estuary. No modifications are proposed to management units, nor to policies related to beach and dune environments. New mapping will, however, better assist local governments with evaluating proposals for work within these sensitive areas. This amendment is hence consistent with Goal 18.

- **GOAL 19. OCEAN RESOURCES** Goal 19 aims "to conserve the long-term values, benefits, and natural resources of the nearshore ocean and the continental shelf." It deals with matters such as dumping of dredge spoils and discharging of waste products into the open sea. Goal 19's main requirements are for state agencies rather than cities and counties.

**Findings:** This request is consistent with Goal 19 – Ocean Resources. Statewide Planning Goal 19 addresses matters related to open ocean resources and aims "to conserve the long-term values, benefits, and natural resources of the nearshore ocean and the continental shelf." It outlines state interest in conserving resources within the Ocean Stewardship Area, which includes Oregon's territorial sea out to 3 nautical miles as well as the continental margin seaward to the toe of the continental slope, and adjacent ocean areas. The Coos Bay Estuary Management Plan implements Goal 19 through policies relating to dredging, management of development, and management of non-renewable resources along the coastal shore. No policies related to Goal 19 are being amended with this update. This amendment is consistent with Goal 19

#### IV. ORDINANCE 23-06-005PL

The draft ordinance was posted on the website for comments 35 days prior to the Original Planning Commission Hearing. There was an error in the draft ordinance originally posted, page 1 of Attachment A shown below in the highlighted area.

This amendment is consistent with Goal 1. The proposed plan and products were the result of many years of public comment and review, as shown in the exhibit of public involvement opportunities provided with the Revision Memo (see Exhibit B, Attachment C). Public involvement was encouraged through numerous avenues, including surveys, subject-matter focus groups, open houses, map displays, website, etc., between 2016-2023. The public was provided the opportunity to comment on the final draft products (CBEMP Part 1 and 2 and maps) between January 2023 and May 26, 2023. (See Exhibit B, Attachment D.) Adequate public notice of the proposed changes has been provided through the Type IV public notice process as specified in Section 14.41.500 of the Development Code. The Department of Land Conservation and Development was notified of the intended modifications and did not express any concerns in writing about the changes. The County process involves various forms of notification of the public in the impacted areas, notification in local media, and notification of impacted governmental agencies, recognized neighborhood groups, and any person who requested a notice in writing. Public hearings will be held at the Planning Commission and Board of County Commission levels. Notifications of these public hearings follow the requirements of 5.0.900 of the CCZLDO.

This has been corrected in the final draft to reflect the correct code Section. The sentence was replaced with the following:

Adequate public notice of the proposed changes has been provided consistent with Article 5.0 of the Coos County Zoning and Land Development Ordinance.

Other changes may be made once the hearing is held and additional finding made to address any issued raised.

## **V. Conclusion and Summary**

**Based on the proposal and findings submitted, staff is requesting that the Planning Commission make a recommendation to the Board of Commissioners for approval.**

**If there are any questions regarding this matter please contact Jill Rolfe, Coos County Community Development Director by email at [planning@co.coos.or.us](mailto:planning@co.coos.or.us) or by phone at 541-396-7770.**