

**COQUILLE RIVER ESTUARY
MANAGEMENT PLAN**

**A General Plan for the Management of Aquatic and
Shoreland Areas on the Coquille River Estuary**

**VOLUME III
PART 1**

PLAN PROVISIONS

**COQUILLE RIVER ESTUARY TASK FORCE
ORIGINAL ADOPTION: JANUARY 1983
PERIODIC REVIEW REVISION/ADOPTION: AUGUST 2000**

ACKNOWLEDGEMENTS

THIS PLAN IS DEDICATED TO ALL THOSE WHOSE EFFORTS MADE
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DISCLAIMER

NOTE:

Information for large portions of the Inventory section is taken from a variety of public documents. Where specific information is used, the sources have been directly quoted or cited and referenced in bibliographies. Where the information is of a more general nature, the sources may not have been referenced if they are public documents. This is consistent with the non-copy-right status of public documents.

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PART 1
PLAN PROVISIONS

1. INTRODUCTION

1.1 General Introduction

This document constitutes Volume III, Part 1 of the official Coquille River Estuary Management Plan. It contains specific plan provisions - written policy statements that are designed to provide guidance necessary to assure wise use of the Coquille River and the adjacent shorelands. The Plan attempts to reach a balance between conservation and development needs. The Coquille River Estuary Plan is adopted as an element of the comprehensive plans for Coos County and the Cities of Bandon, Coquille and Myrtle Point, and provides guidance to the Ports of Bandon and Coquille for river development activities.

The official Coquille River Estuary Management Plan is set forth in three separate but related documents:

Part 1: Plan Provisions

Part 2: Inventories and Factual Base - this document contains data and other factual information that supports management decisions presented in Part 1.

Part 3: "Linkage", cumulative effects of development and Statewide Goal Exceptions. This document contains language which "links" the Plan provisions to the Statewide Planning Goals, and where compliance with the Goals is not possible, takes exception to the appropriate Goal(s) for specific properties or proposals.

This document (Part 1, Plan Provisions) is organized into five sections:

Section 1 provides a general framework for the policy statements, and explains the function of the Plan map and Use/Activity Matrices.

Section 2 states general problems and opportunities on the Coquille River Estuary.

Section 3 makes general goal statements for estuarine resources, coastal shorelands, and beaches/dunes.

Section 4 contains specific policy language for the estuary, coastal shorelands, and beaches and dunes.

Section 5 contains definitions.

1.2 Policy Statement Framework

This section lists problems and opportunities, which have been identified from the general discussion provided in the Inventory Section. This section also sets forth local goals and Plan implementation "policies which respond to the problems and opportunities, as well as satisfying the requirements of the Statewide Planning Goals #16 (Estuarine Resources), #17 (Coastal Shorelands) and #18 (Beach and Dunes). Statewide Planning Goal #2 [Land Use Planning] states that:

“All land use plans shall include identification of issues and problems, inventories and other factual information for each applicable Statewide Planning Goal, evaluation of alternative courses of action and ultimate policy choices, taking into consideration social, economic, energy, and environmental needs”.

The Plan Provisions section provides these policy choices, based on factual information in the Inventory section. The following defines the terms used in the Plan Provisions:

“Inventories” provide data and other factual information that are the basis for identifying problems, opportunities, and issues.

“Problem and Opportunity Statements” provide very general statements about concerns made evident in the Plan Inventories.

“Goal Statements” are policies that provide very general guidance to the plan and actions that are based on it. They also provide the basic philosophical framework for the Policies.

“Policies” are “strategies” that provide specific guidance. They implement, or establish specific implementation measures for, respective goal statements. They also provide a means for dealing with the problems and opportunities.

The “Goals” and “Policies” were adopted and became the official policy statements of Coos County and the Cities of Bandon, Coquille, and Myrtle Point where applicable to land and water resources in the shoreland boundary within their corporate limits.

The Coquille River Estuary Task Force took great care to ensure that the policies were understandable and internally consistent. However, the complexity of the Coastal Goals and related Statutes, Administrative Rules and Land Conservation and Development Commission (LCDC) Policies were such that the language needed to be both complex and lengthy in some instances. Wherever possible the relevant statutes, rules and LCDC Policies are cited, so that the user may go to the source if necessary. Much of the language is based directly on explicit requirements in the Coastal Goals, which should be referred to when questions arise as to the origin of the policy. Each policy contains the following components:

- i. A clearly expressed policy statement that commits local government to a course of action [“local governments shall”...]
- ii. A clearly expressed implementation statement that explains how the policy is to be put into effect, if implementation is not otherwise obvious, or if the policy is not broad and general in nature.
- iii. A clearly expressed justification statement, which explains why the policy was written usually incorporating a phrase such as “based on the recognition that”.

NOTE: There may also be a goal-balancing statement that explains when the policy is to be considered in a subordinate position to another policy.

1.3 Function of the Plan Map and Use/Activity Matrices

The Plan map for the Coquille River Estuary Management Plan is an official policy document, which has the same statutory force as the policy contained in the Plan Provisions Section. The

aquatic and shoreland use designations indicate the broad purpose and types of uses planned for each “Management Unit” on the map. Indeed, within the unincorporated County, the use designations are identical with those used elsewhere throughout the rest of the County. The Use/Activity Matrices for the aquatic and shoreland areas are also, however, part of the Plan Provisions. They are, in turn, supplemented by an implementing Zoning Ordinance for the unincorporated part of the Coquille River Coastal Shorelands area. Inside city limits, they are supplemented by the respective city-zoning ordinance, where it may be necessary to distinguish more narrowly-defined use-types. The Coos County Land Development Ordinance provisions will apply to land inside the shoreland boundary, based on applicable policies in this Plan. For instance, in the case where land divisions are permitted, partitions and subdivisions following the same procedures as in the rest of the County.

1.4 Definition and Purpose of Estuarine Management Units

Natural Aquatic (NA): areas managed for resource protection preservation, and restoration. Severe restrictions are placed on the intensity and types of uses and activities allowed. Natural Aquatic areas include all major tracts of tidal marshes, mud-sand flats, seagrass and algae beds that, because of a combination of factors such as size, biological productivity, and habitat value, play a major role in the functioning of the estuarine ecosystem. Natural Aquatic areas also include ecologically important subtidal areas.

Conservation Aquatic (CA): areas managed for low to moderate intensities of uses and activities, and emphasize maintaining the integrity and continuity of aquatic resources and recreational benefits. Minor alterations may be allowed in conjunction with approved uses, as specified in each unit. Conservation Aquatic areas include open water portions of the estuary and valuable tidal marshes and mud-sand flats of lesser biological significance than those in the Natural Aquatic category.

Development Aquatic (DA): areas managed for navigation and other water-dependent uses, consistent with the need to minimize damage to the estuarine system. Some water-related and other uses may be allowed, as specified in each unit. Development Aquatic areas include areas suitable for deep or shallow-draft navigation (including shipping and access channels or turning basins), in-water dredged material disposal sites, mining or mineral extraction areas, and areas adjacent to developed or developable shorelines which may need to be altered to provide navigational access or create new land areas for water-dependent uses.

2. PROBLEMS AND OPPORTUNITIES - COQUILLE RIVER ESTUARY

- **Water Quality:**

Water quality problems are not generally serious, but are aggravated by a slow rate of flushing; they include occasional high coliform bacteria counts, summer high water temperatures and seasonal high turbidity/sediment.

Seasonal saltwater intrusion is a problem at the Coquille municipal water intake and the Roseburg Lumber mill. It is also a problem for agricultural irrigation.

- **Sedimentation and Shoaling:**

There are several areas in the river where the deposition of sediment has caused serious shoaling, sometimes preventing the passage of even small recreational boats and limiting future use by barges or other commercial traffic.

- **Flooding:**

Widespread flooding of the valley floor occurs every winter; major floods in recent years have caused substantial loss of stock and property damage.

Flooding in the lower riverine section is exacerbated by salinity, which causes damage to economically valuable forage crops.

- **Erosion:**

Serious seasonal streambank erosion is occurring on parts of the Coquille River, especially between Coquille and Myrtle Point, which destroys valuable agricultural land, contributes to shoaling and turbidity, and may undermine roads and other structures.

- **Jetties and Channel Entrance:**

There are persistent problems with the building of sediment in the channel entrance from littoral transport during late summer months, creating rough water and a different bar crossing, which interfere with navigation.

Storm surges tend to be directed toward the Bandon Boat Basin because of the breakwater orientation, causing rough water and damage to boats.

The South Jetty area is experiencing serious erosion, which threatens a road and property, due to the disintegration of a former jetty extension.

- **Effects of Dredging:**

Though the biological effects of annual maintenance dredging are relatively slight, new dredging can cause substantial direct and indirect biological and physical changes in the estuary; these can be minimized, however, with greater knowledge of the physical and biological systems affected and careful timing of operations.

- **Agricultural Drainage Problems:**

Ponding of floodwater and high water tables cause serious drainage problems for farmers; the maintenance of dikes, tidegates, and drainage ditches is very important and will be hampered by a recent cut-off of federal funds where “wet meadow” wetlands are involved.

- **Disused Pilings and Snags:**

The Coquille River contains a large number of disused pilings and snags, which can cause obstruction to boat passage, accumulate debris, and worsen erosion and sedimentation problems.

Fishing: The lack of federal dollars to increase the boat basin space and repair the poor bar conditions have inhibited the development of the fishing industry, while the abundant ocean resources provide great potential for this sector of the local economy.

A shortage of processing facilities for most types of fish products in Bandon has caused fish landed there to be sold and processed in Charleston.

Salmon ranching and Salmon and Trout Enhancement Program (S.T.E.P.) can provide opportunities for growth of the Bandon fishing industry.

- **General Economy:**

The Coquille Valley suffers from the inherent problems of an undiversified economy based on the wood products industry: seasonally, a dwindling resource base, automation and cyclical demand, with resulting severe unemployment problems.

There is a scarcity of suitable back-up land in the Bandon area for water-dependent uses.

- **Bandon Boat Basin:**

Since the initial adoption of the Coquille River Estuary Management Plan, the existing Bandon Boat Basin has been updated and completed for commercial and recreational boaters use.

- **Tourism/Recreation:**

Tourism and water-based recreation can provide a needed boost to the Coquille Valley economy, particularly Bandon; revitalization of the Bandon waterfront and increased use of the river are two of the best opportunities for growth of the tourist economy.

- **Sites for Water-Dependent Industrial/Commercial/Recreational Uses:**

The Coquille River Estuary suffers from a shortage of suitable and readily available sites for water-dependent uses, which would comply with the Statewide Planning Goals.

- **Recreational Fishing Access:**

Certain sections of the Coquille River lack access for recreational fishing both for boats and bank fishing.

Existing boat ramps are in need of frequent maintenance dredging and further improvement of facilities.

- **Historical/Archaeological and Cultural Sites:**

Development needs may in the future conflict with the protection of historical, cultural, and archaeological sites; in addition, there are many unrecorded and even undiscovered archaeological sites, which may be unearthed in the process of development.

- **Areas of Scientific Importance:**

Since the acknowledgment of the CREMP the Bandon saltmarsh has been acquired by the U.S. Fish and Wildlife Service. The saltmarsh is now called the “Bandon Marsh National Wildlife Refuge” and totals 712 acres.

- **Waterfowl Habitat:**

Elimination of habitat areas suitable for migratory wildfowl causes a reduction in the resources available to support the population, while continuation of customary agricultural practices is generally compatible with the protection of migratory wildfowl habitat, removal of tidal marsh and mudflat areas from the estuarine system together with similar actions in other estuaries may have a long-term effect of reducing wildfowl numbers.

- **Research Needs:**

Generally, the state of knowledge about the biological resources of the Coquille River Estuary, particularly the riverine section, can be characterized as sketchy at best. This means that the effects of dredging and other improvements to the river channel and various fish and wildlife management actions are not known for certain.

- **Riparian Vegetation:**

Indiscriminate removal of riparian vegetation may contribute to bank instability, erosion, and elevated water temperature, all of which can have secondary physical and biological effects.

- **Mitigation/Restoration Sites:**

Mitigation and restoration are as yet relatively untried concepts on Oregon’s estuaries. Problems exist on the Coquille as elsewhere in finding suitable and readily available sites, in matching development projects with suitable sites, and in actually implementing a mitigation/restoration plan. Private owners, in particular, may resist the identification of potential mitigation/restoration sites on their property, particularly on which was formerly diked farm land.

3. GENERAL GOAL STATEMENTS

3.1 Estuarine Resources Goal #16

Local governments shall recognize and protect the unique environmental, economic, and social values of the Coquille River Estuary and its associated wetlands.

They shall also protect, maintain, where appropriate develop, and where appropriate restore the long-term environmental, economic, and social values, diversity, and benefits of the Coquille River Estuary.

The Coquille River Estuary Management Plan provides and shall continue to provide for appropriate uses (including preservation) with as much diversity as is consistent with the overall Oregon Estuary Classification (OAR 660-17-000), as well as with the biological economic, recreational, and aesthetic benefits of the Estuary.

The Plan shall protect the estuarine ecosystem, including its natural biological productivity, habitat, diversity, unique features, and water quality.

3.2 Coastal Shorelands Goal #17

Local governments shall strive to conserve, protect, where appropriate restore the resources and benefits of all coastal shorelands of the Coquille River Estuary, recognizing their value for protection and maintenance of water quality, fish and wildlife habitat, water-dependent uses, economic resources, and recreation and aesthetics.

They shall also manage the coastal shoreland areas in a way that is compatible with the characteristics of the adjacent coastal waters.

They shall also strive to reduce the hazard to human life and property, and the adverse effects upon water quality and fish and wildlife habitat, resulting from the use and enjoyment of the Coastal Shorelands of the Coquille River Estuary.

The Coquille River Estuary Management Plan and related implementing actions and permit reviews shall include consideration of the critical relationships between coastal shorelands and resources of coastal waters, and of the geologic and hydrologic hazards associated with coastal shorelands. Local governments shall within the limit of their authority maintain the diverse environmental, economic, and social values of coastal shorelands and water quality in coastal waters. Within those limits, the local governments shall include minimizing man-induced sedimentation in estuaries, near shore ocean waters, and coastal lakes.

3.3 Beaches and Dunes Goal #18

Local governments shall strive to conserve, protect, where appropriate develop, and where appropriate restore the resources and benefits of coastal beach and dune areas within the coastal shorelands of the Coquille River Estuary.

They shall also strive to reduce the hazard to human life and property from natural or man-induced actions associated with these areas.

The Coquille River Estuary Management Plan and implementing actions shall provide for diverse

and appropriate use of beach and dune areas consistent with their ecological, recreational, aesthetic, water resource, and economic values, and consistent with the natural limitations of beaches, dunes and dune vegetation for development.

4. PLAN POLICIES

4.1 Estuary Policies

- **Policy #1 Estuary Classification**

Local governments shall officially recognize the Coquille River Estuary as a “Shallow Draft Development Estuary”, consistent with the overall Oregon Estuary Classification).¹ Further, the estuary management plan’s allowed uses and activities are and must remain, consistent with the “shallow-draft development” designation and the estuarine management unit requirements of Goal #16.

This strategy recognizes that Statewide Planning Goals and Oregon Administrative Rules limit the maximum allowable development of Oregon estuaries.

- **Policy #2 General Schedule of Permitted Uses and General Use Priorities**

Local governments shall restrict estuarine development or alteration so as to be equal to, or less intensive than uses and activities that are allowed, or may be allowed, pursuant to Statewide Planning Goal #16 and the Oregon Administrative Rule classifying Oregon estuaries.²

I. Local government’s determination regarding estuarine management unit designation as well as respective uses and activities permitted reflect priorities for estuarine uses and activities necessary to:

- a. Ensure compatibility with the requirements of Statewide Planning Goal #16 and the Administrative Rule classifying Oregon estuaries.³
- b. Maintain the integrity of the estuarine ecosystem. This policy shall be implemented by limiting uses and activities within natural, conservation, and development estuarine management units so that such uses and activities are not more intensive than those following:

MANAGEMENT UNIT: NATURAL

A) Uses and activities listed below may be allowed in management units⁴ without special assessment of the resource capabilities of the area, but subject to special conditions and other policies set forth elsewhere in this Plan. Note: existing man-made features may be retained, maintained, and protected if existing on October 7, 1977.

- 1. Undeveloped low-intensity, water-dependent recreation
- 2. Research and educational observations
- 3. Navigational aids (such as beacons and buoys)

¹ OAR 660-17-010(3), as amended.

² OAR 600-17-000 as amended June 1981.

³ Ibid.

⁴ Statewide Planning Goal #16.

4. Protection of habitat, nutrient, fish, wildlife, and aesthetic
5. Passive restoration measures
6. Bridge crossings
7. Historical, archaeological, and cultural resources
8. Research and educational observation structures
9. Dredging necessary for on-site maintenance of existing functional tidegates and associated drainage channels

B) Uses and activities listed below may be allowed in Natural Management Units when it is established that such are “consistent with the resource capabilities of the area and purposes of management units” (pursuant to “linkage” findings in this Plan) but also subject to special conditions and other policies set forth elsewhere in this Plan.

1. Aquaculture which does not involve dredge or fill or other estuarine alteration other than incidental dredging for harvest of benthic species or removable in-water structures such as stakes or racks (commercial, not archaeological stakes or racks) - is subject to Policy #4a.
2. Communication facilities
3. Active restoration of fish and wildlife habitat or water quality and estuarine enhancement
4. Riprap⁵
5. Placement of low-water bridges⁶
6. Boat ramps for public use where no dredging or fill for navigational access is needed
7. Installation of tidegates in existing functional dikes
8. Temporary alterations
9. Pipelines, cables, and utility crossings, including incidental dredging necessary for their installation
10. Bridge crossing support structures and dredging necessary for their installation

⁵ See Policy #9.

⁶ See Policy #6.

MANAGEMENT UNIT: CONSERVATION

- A) Uses and activities listed below may be allowed in Conservation Management Units⁷ without special assessment of the resource capabilities of the area, but subject to special conditions and other policies set forth elsewhere in this Plan.
1. All uses permitted outright in Natural Management Units, except for “temporary alterations”
- B) Uses and activities listed below may be allowed in Conservation Management Units when it is established that such are “consistent with the resource capabilities of the area and purposes of management units” (pursuant to “linkage” findings in this Plan) but also subject to special conditions and other policies set forth elsewhere in this Plan.
1. High-intensity, water-dependent recreation including boat ramps, marinas, and new dredging for boat ramps and marinas
 2. Minor navigational improvements
 3. Mining and mineral extraction, including dredging necessary for mineral extraction
 4. Water-dependent uses requiring occupation of the water surface by means other than fill
 5. Waste water/storm water discharge meeting state and federal water quality standards
 6. Temporary alterations
 7. Aquaculture requiring dredge or fill or other alteration of the estuary
 8. Active restoration for purposes other than those listed in A-1 above

MANAGEMENT UNIT: DEVELOPMENT

- A) Uses and activities listed below may be allowed in Development Management Units without special assessment of the resource capabilities of the area, but subject to special conditions and other policies set forth elsewhere in this Plan.
1. Navigation and water-dependent commercial enterprises and activities
 2. Water-dependent commercial and industrial uses consistent with a shallow-draft estuary, as defined herein
 3. Water transport channels where dredging may be necessary
 4. Dredge or fill as allowed elsewhere in Goal #16⁸

⁷ Statewide Planning Goal #16.

⁸ See Policies #5 and #7.

5. Navigational structures other than those permitted in Natural and Conservation Management Units
6. Marinas
7. Water storage areas where needed for products used in, or resulting from industries, commerce, and recreation
8. Flow-lane disposal of dredge material monitored to assure that estuarine sedimentation is consistent with the resource capabilities and purposes of affected Natural and Conservation Management Units
9. Energy production where quantities of water are necessary to produce energy directly
10. Water-borne transportation, which requires water access for transportation, receipt/shipment of goods, or is necessary to support water-borne transportation (i.e., moorage fueling, servicing of watercraft, ships, boats, and terminal and transfer facilities).

B) Uses and activities listed below may be allowed in Development Management Units when it is established that such are “consistent with the purposes of management unit and adjacent shorelands designated suitable for water-dependent uses or designated for waterfront redevelopment (pursuant to “Linkage” and “Goal Exception” findings to the Plan) but also subject to special conditions and other policies set forth elsewhere in this Plan.

1. Water-related and non-dependent, non-related uses not requiring dredge or fill
2. Mining and mineral extraction
3. All uses/activities allowed in natural and conservation management units
4. Undeveloped low-intensity, water-dependent recreation

This policy is based on the recognition that the “Use and Activity Matrices” set forth as policy elsewhere in the Plan conform with and shall be maintained in compliance with the “priority of uses” and other “use” requirements of Goal #16. Unless otherwise noted in respective “Use and Activity Matrices”, the “resource capability assessments” called for in Goal #16 have been conducted, and uses subject to these findings are thus allowed by this Plan, subject only to Policies and Special Conditions set forth herein.

This policy recognizes that the Plan’s estuarine management unit designations and permitted uses and activities are based upon and establish general priorities for the use of estuarine resources.

II. These general use priorities (from highest to lowest) are:

- a. Uses which maintain the integrity of the estuarine ecosystem;
- b. Water-dependent uses requiring estuarine location, as consistent with the overall Oregon Estuarine Classification;
- c. Water-related uses which do not degrade or reduce the natural estuarine resources and values; and

d. Non-dependent, non-related uses, which do not alter, reduce, or degrade estuarine resources and values.

• **Policy #3 Use of “Coquille River Estuary Special Considerations Map” as the Basis for Special Policies Implementation**

Local governments shall use the “Coquille River Estuary Special Considerations Map” as the basis for implementing the special protection.

I. The “Coquille River Estuary Special Considerations Map” shall delineate the general boundaries (plan inventory maps contain more precise boundary locations) of the following specific areas covered by the Coquille River Estuary Management Plan:

- a. Coquille River Estuary Coastal Shorelands Boundary
- b. Sensitive Beach and Dune Areas
 - i. areas unsuitable for development
 - ii. areas with limited development suitability
- c. Floodplain Hazard Areas
- d. Agricultural Lands Designated for Exclusive Farm Use and “Wet-Meadow” Wetlands
- e. Coastal Historical and Archaeological Sites
- f. Urban Growth Boundaries (UGB’s)
- g. Dredged Material Disposal and Mitigation/Restoration Sites
- h. Significant Wildlife Habitat and Major Marshes
- i. Forest Lands

The Special Considerations Map is **NOT** a substitute for the detailed spatial information presented on the CREMP’s inventory maps. The Special Considerations Map is merely an index guide designed as a zoning counter implementation tool that indicates when special policy considerations apply in a general area, thereby requiring inspection of the detailed plan inventory maps. The Special Considerations Map must and shall at all times accurately reflect the detail presented on the inventory maps (but at a more general scale).

II. Specific plan provisions set forth elsewhere as policy and relating to the above-listed considerations shall be used in conjunction with the Coquille River Estuary Special Considerations Map; such plan provisions include allowed uses and activities in each management unit, and the following specific “functional” policies set forth below:

- #13 Overall Use Priorities within Coastal Shorelands
- #14 General Policy on Uses within Rural Coastal Shorelands
- #15 Land Divisions within Rural Shorelands
- #16 Protection of Sites Suited to Water-Dependent Uses; and Special Allowance for New

Non-Water-Dependent Uses is “Urban Water-Dependent (UW)” Units, which are “Suitable for Water-Dependent Uses”; and Potential Sites Suited to Water-Dependent Uses; and Protection of Sites Suited to Water-Dependent Uses in Future Urbanizable Areas

- #16a Rural, Urban, and Unincorporated Communities Use Standards
- #16b Potential Sites Suitable for Water-Dependent Uses
- #16c Protection of Sites Suited to Water-Dependent Uses in Future Urbanizable Areas
- #17 Protection of “Major Marshes” and “Significant Wildlife Habitats” in Coastal Shorelands
- #18 Protection of Historical, Cultural and Archaeological Sites
- #19 Management of “Wet-Meadow” Wetlands within Coastal Shorelands
- #20 Dredged Material Disposal Sites
- #21 Mitigation and Restoration Sites
- #22 Mitigation Sites: Protection against Preemptory Uses
- #22a Acquisition and Protection of Mitigation/Restoration and Dredged Material Disposal Sites
- #23 Riparian Vegetation/Streambank Protection
- #24 Waste Water/Storm Water Discharge
- #27 Floodplain Protection within Coastal Shorelands
- #28 Recognition of LCDC Goal #3 (Agricultural Lands) Requirements for Rural Lands within the Coastal Shorelands Boundary
- #29 Restricting Actions in Beach and Dune Areas that are “Unsuitable for Development”
- #30 Restricting Actions in Beach and Dune Areas with “Limited Development Suitability”; and Special Consideration for Sensitive Beach and Dune Resources
- #31 (Reserved)
- #34 Recognition of LCDC Goal #4 (Forest Lands) Requirements for Rural Lands within the Coastal Shorelands Boundary

All other plan provisions - including allowed uses and activities - are subordinate to the special “functional” policies listed above.

- III. This policy recognizes that the Coquille River Estuary Special Considerations Map:
 - a. is an official policy component of this estuary management plan; and
 - b. provides a mechanism for site-specific application of special management policies.
- **Policy #4 Resource Capability Consistency and Impact Assessment**
 - I. Local government concludes that all proposed actions (approved in this Plan), which would alter or potentially alter the integrity of the estuarine ecosystem, have been based upon a full consideration of the impacts of the proposed alteration, and a demonstration of the public’s need and gain, which warrant such modification or loss except for the following uses and activities:
 - a. Natural Management Units
 - ~ Aquaculture
 - ~ Log Storage
 - ~ Bridge Crossings
 - b. Conservation Management Units
 - ~ High-intensity water-dependent recreation

- ~ Aquaculture
 - ~ New or expanded log storage
 - ~ Dike maintenance dredging
 - ~ Minor navigational improvement requiring dredging or fill
 - ~ Bulkheading
 - ~ Water Intake or withdrawal and effluent discharge
 - ~ Riprap
 - ~ Log storage dredging
- c. Development Management Units
- ~ Aquaculture
 - ~ New or expanded log storage
 - ~ Mining and mineral extraction
 - ~ Water-related and non-dependent, non-related uses not requiring fill
 - ~ Bulkheading
 - ~ Dredging
 - ~ Fill
 - ~ In-Water Structures
 - ~ Flow-lane disposal of dredged material and other activities which could affect the estuary's physical processes or biological resources
 - ~ Application of pesticides
- d. Any other uses and activities, which require the resource capability consistency test as a condition within a particular management unit.

For uses and activities requiring the resource capabilities test, a special condition is noted in the applicable management unit uses/activities matrix. A determination of consistency with resource capability and the purposes of the management unit shall be based on the following:

- i. A description of resources identified in the plan inventory; and
- ii. An evaluation of impacts on those resources by the proposed use (see impact assessment procedure, below); and
- iii. A determination of whether the proposed use or activity is consistent with the resource capabilities of the area, or that the resources of the area are able to assimilate the use and activity and their effects and continue to function in a manner to protect significant wildlife habitats, natural biological productivity, and values for scientific research and education.

Where the impact assessment requirements⁹ has not been satisfied in this Plan for certain uses or activities (i.e., those identified above), then such uses or activities shall not be permitted until findings demonstrate the public's need and gain which would warrant any modification or loss to the estuarine ecosystem, based upon a clear presentation of the impacts of the proposed alteration, as implemented in Policy #4a.

- II. An impact assessment need not be lengthy or complex, but it should give reviewers an overview of the impacts to be expected. It may include information on:
 - i. the type and extent of alterations expected; and

⁹ Goal #16 Implementation Requirement #1.

- ii. the type of resource(s) affected; and
- iii. the expected extent of impacts of the proposed alteration on water quality and other physical characteristics of the estuary, living resources, recreation and aesthetic use, navigation and other existing and potential uses of the estuary; and
- iv. the methods which could be employed to avoid or minimize adverse impacts.

This policy is based on the recognition that the need for and cumulative effects of estuarine development were fully addressed during the preparation of this Plan and may be mitigated by the imposition, as necessary, of conditions through the administrative conditional use process.

- **Policy #4a Deferral of (i) Resource Capability Consistency Findings and (ii) Resource Impact Assessments**

Local government shall defer, until the time of permit application, findings regarding consistency of the uses/activities listed in Policy #4 with the resource capabilities of the particular management unit.

Additionally, the impact assessment requirement for those uses/activities as specified in Policy #4 shall be performed concurrently with resource capability findings above at the time of the permit application.

- I. This policy shall be implemented through a conditional use process that includes local cooperation with the appropriate state agencies:
 - a. where aquaculture is proposed as a use, local government shall notify the Oregon Department of Fish and Wildlife (ODFW) and Department of Agriculture in writing of the request with a map of the proposed site; and
 - b. where log storage dredging is proposed as an activity local government shall notify the Oregon Department of Environmental Quality (DEQ) in writing of the request with a map of the proposed site.
- II. Within twenty (20) days of receipt of the notification, the state agency shall submit in writing to the local government a statement as to whether the proposed use/activity will:
 - a. be consistent with the resource capabilities of the management unit, or
 - b. if determined not to be consistent, whether the proposal can be made consistent through imposition of conditions on the permit.
- III. The appropriate state agency shall also perform the impact assessment required in Policy #4. If no statement is received from the state agency by the expiration of the twenty (20) day period, local government shall:
 - a. presume consistency of the proposal with the resource capabilities of the management unit; and
 - b. make findings appropriate to that presumption, and

- c. perform the assessment of impacts required by Policy #4.

IV. For all other uses/activities specified above, local government shall:

- a. determine through appropriate findings whether the proposed use/activity is consistent with the resource capabilities of the management unit; and
- b. perform the assessment of impacts required by Policy #4.

V. This strategy recognizes:

- a. that resource capability consistency findings and impact assessments as required by Statewide Planning Goal #16 can only be made for the uses specified above at the time of permit application; and
- b. that the specified state agencies have expertise appropriate to assist local government in making required findings and assessments.

This policy is based upon the recognition that the need for and cumulative effects of estuarine developments were fully addressed during development of this Plan and that no additional findings are required to meet Implementation Requirement #1 of Goal #16.

• **Policy #5 Estuarine Fill and Removal**

I. Local government shall support dredge and/or fill only if such activities are allowed in the respective management unit, and:

- a. the activity is required for navigation or other water-dependent use that require an estuarine location or in the case of fills for non-water-dependent uses, is needed for a public use and would satisfy a public need that outweighs harm to navigation, fishing, and recreation, as per ORS 541.625(4), and an Exception has been taken in this Plan to allow such fill; and
- b. a need (i.e., a substantial public benefit) is demonstrated and the use or alteration does not unreasonably interfere with public trust rights; and
- c. no feasible alternative upland locations exist;
- d. adverse impacts are minimized; and
- e. effects may be mitigated by creation, restoration, or enhancement of another area to ensure that the integrity of the estuarine ecosystem is maintained; and
- f. the activity is consistent with other requirements of state and federal law, specifically the conditions in ORS 541.615 and Section 404 of the Federal Water Pollution Control Act¹⁰.

II. Other uses and activities which could alter the estuary shall only be allowed if the requirements in (b), (c), and (d) are met.

¹⁰ P.L. 92-500.

Identification and minimization of adverse impacts as required in “d” above shall follow the procedure set forth in Policy #4.

As required by Goal #16, only dredging necessary for on-site maintenance of existing functional tidesgates, associated drainage channels, and bridge crossing support structures is permitted in Natural and Conservation Management Units. Dredging necessary for the installation of new bridge crossing support structures is permitted in Conservation Management Units and may be allowed in Natural Management Units where consistent with the resource capabilities of the area and the purposes of the management unit.

In the Conservation Management Unit, new dredging for boat ramps and marinas, aquaculture requiring dredge or fill or other alteration of the estuary, and dredging necessary for mineral extraction may be allowed where consistent with the resource capabilities of the area and the purposes of the management unit.

This policy shall be implemented by the preparation of findings by local government documenting that such proposed actions are consistent with the Comprehensive Plan, and with criteria “a”, “b”, “c”, “d”, “e”, and “f” above. However, where goal exceptions are included within this plan, the findings in the exception shall be sufficient to satisfy criteria “a” through “d” above. Identification and minimization of adverse impacts as required in “e” above shall follow the procedure set forth in Policy #4a. The findings shall be developed in response to a “request for comment” by the Division of State Lands, which shall seek local government’s determination regarding the appropriateness of a permit to allow the proposed action.

“Significant”, as used in “other significant reduction or degradation of natural estuarine values”, shall be determined by: (i) The U.S. Army Corps of Engineers through its Section 10 and 404 permit processes; or (ii) The Department of Environmental Quality for approvals of new aquatic log storage areas only; or (iii) The Department of Fish and Wildlife for new aquaculture proposals only.

This policy recognizes that Goal #16 limits dredge, fill and other estuarine degradation in order to protect the integrity of the estuary.

- **Policy #5a Temporary Alterations**

- I. Local government shall support as consistent with this Plan: temporary alteration to the estuary, in Natural and Conservation Management Units provided it is consistent with the resource capabilities of the management units. Management Unit in Development Management Units temporary alterations, which are defined in the definition section of the Plan, are allowed provided they are consistent with purpose of the Development Management Unit.
- II. Further, the actions specified above shall only be allowed provided that:
 - a. the temporary alteration is consistent with the resource capabilities of the area (see Policy #4); and
 - b. findings satisfying the impact minimization criterion of Policy #5 are made for actions involving dredge, fill, or other significant temporary reduction or degradation of estuarine values; and
 - c. the affected area is restored to its previous condition by removal of the fill or other structures, or by filling of dredged areas (passive restoration may be used for dredged areas, if this is shown to be effective); and

- d. the maximum duration of the temporary alteration is three years, subject to annual permit renewal, and restoration measures are undertaken at the completion of the project within the life of the permit.

Mitigation shall not be required by this Plan for such temporary alterations.

This policy shall be implemented through the administrative conditional use process and through local review and comment on state and federal permit applications.

This policy is based on the recognition that temporary estuarine fill and habitat alterations are frequently legitimate actions when in conjunction with jetty repair and other important economic activities. It is not uncommon for projects to need staging areas and access that require temporary alteration to habitat that is otherwise protected by this Plan.

- **Policy #5b Dredging to Repair Existing Functional Dikes & Tidegates**

Dredging to repair and maintain existing functional tidegates shall be permitted. Dredging (limited to subtidal areas only) shall also be permitted in units for repair of dikes where breaching has occurred or is in imminent danger of occurring.

Dredging for routine repair and maintenance of existing functional dikes shall be permitted, and limited to subtidal areas, and only in cases where the alternative of using upland fill material is not reasonably available. The upland fill alternative shall be used if a source of suitable material is available on the landowner's property and access to the dike is feasible for heavy equipment, taking into account soil conditions and road access.

In disposal of material from channel maintenance dredging on Coquille River and log storage area maintenance dredging, the first consideration shall be given to side-casting materials onto adjacent agricultural lands for dike repair/maintenance.

This policy shall be implemented through the state/federal waterway permit review and comment process, and through a local administrative review process that includes an evaluation of the availability and suitability of alternative sources of material. Local government shall recommend imposition of a condition on state and federal waterway permits to require that any dredging authorized to repair and maintain tidegates or dikes shall be limited to the minimum necessary to restore the functional operation of the tidegate or dike.

I. This policy is based on the recognition:

- a. There is no alternative to dredging for tidegate maintenance or for emergency repair of dikes breached by erosion;
- b. Dredging for routine dike repair maintenance may be necessary if suitable material such as upland fill is not reasonably available, or if access to the dike is not possible for heavy equipment due to wet ground conditions;
- c. Maintenance and repair of dikes and tidegates is necessary to maintain productive farm land in Coos County and has been a historical farm management practice in the area for over half a century; and
- d. Any required dredging must be restricted to subtidal areas to minimize adverse impacts to aquatic habitat that might otherwise result.

- **Policy #5c New and Expanded Log Storage**

Where otherwise listed as an allowable use/activity within the respective management unit, new or expanded log storage shall be reviewed and approved by the Department of Environmental Quality in accordance with DEQ's Log Handling Implementation Program, which shall include a determination of whether the use/activity is consistent with the resource capabilities of the area and purposes of the estuarine management unit, and consistent with Policy #5 regarding other significant reductions or degradations of estuarine natural values.

This strategy recognizes the technical expertise of Department of Environmental Quality regarding resource capabilities.

- **Policy #5d Research and Educational Observations**

I. Local government shall support research and educational observations, if:

- a. such activities are allowed in the respective management unit, and
- b. the activity is required for research and educational purposes.

This policy shall be implemented through the Administrative Conditional Use review criteria, which is through local review.

II. Further, where listed as allowable, a "temporary" Research and Educational Observation Structure shall be treated as "temporary" in nature and shall comply with Policy #5a(II).

This strategy recognizes that Goal #16 provides for research and educational observation structures, strictly for the purposes of scientific research or education.

- **Policy #6 Fill in Conservation and Natural Management Units**

I. Local government may allow fill activities in Conservation Management Units only if listed as an "allowable" use within a respective unit, and then only as part of the following use or activity:

- a. Maintenance and protection of man-made structures existing as of October 7, 1977;
- b. Activity restoration if a public need is demonstrated;
- c. Low water bridges if:
 - 1. an estuarine location is required; and
 - 2. within the estuary, there are no alternative locations such as in a Development Management Unit; and
 - 3. adverse impacts are minimized as much as feasible.
- d. Bridge crossing support structures if:
 - 1. the findings of "c" above are made; and

2. consistent with the resource capabilities of the area and purposes of the management unit.
- e. Aquaculture, high-intensity water-dependent recreation, and minor navigational improvements if:
 1. the findings of “d” above are made; and
 2. no alternative upland locations exist for the portion of the use requiring fill;
- f. Flood and erosion control structures if:
 1. required to protect a water-dependent use as otherwise allowed in “d” above; and
 2. land use management practices and non-structural solutions are inadequate to protect the use.

Further, local government may allow riprap activities in Natural Management Units to a very limited extent where necessary for erosion control to protect:

- a. uses existing as of 10-7-77;
- b. unique natural resource and historical and archaeological values, or;
- c. public facilities

This policy shall be implemented through estuarine “Use and Activity” matrices set forth in this Plan, and through local review and comment on state and federal permit applications for such projects.

This policy recognizes the general objectives of Statewide Planning Goals #16 and #17

- **Policy #7 Maintenance Dredging of Authorized Channel**

Local government support maintenance dredging of the authorized navigation channel.

This policy recognizes that there are persistent problems with buildup of sediment in the Coquille channel entrance from littoral transport during late summer months, creating rough water and difficult bar crossing, which interferes with navigation.

- **Policy #8 Estuarine Mitigation Requirements¹¹**

Local government recognizes that mitigation shall be required when estuarine dredge or fill activities are permitted in inter-tidal or tidal marsh areas. The effects shall be mitigated by creation, restoration or enhancement of another area to ensure that the integrity of the estuarine ecosystem is maintained as required by ORS 196.830 (renumbered in 1989). However, mitigation shall not be required for projects, which the Division of State Lands determined met the criteria of ORS 196.830(3).

This policy shall be implemented through procedures established by the Division of State Lands, and as consistent with ORS 196.830 and other mitigation/restoration policies set forth in this Plan.

This policy recognizes the authority of the Director of the Division of State Lands in administering the statutes regarding mitigation.

¹¹ See Policies #21, #22, and #222a.

- **Policy #9 Solutions to Erosion and Flooding Problems**

Local government shall prefer non-structural solutions to problems of erosion and flooding in the Coquille River Estuary to structural solutions. Where shown to be necessary, water and erosion control structures such as jetties, bulkheads, seawalls and similar protective structures and fill, whether located in the waterways or on shorelands above ordinary high water mark, shall be designed to minimize adverse impacts on water currents, erosion and accretion patterns.

- I. Further, where listed as an allowable activity within respective management units, riprap may be allowed in Development Management Units upon findings that:
 - a. land use management practices and non-structural solutions are inadequate; and
 - b. adverse impacts on water currents, erosion, and accretion patterns are minimized; and
 - c. it is consistent with the Development Management Unit requirements of the Estuarine Resources Goal.

- II. Further, where listed as an allowable activity within respective management units, riprap may be allowed in Conservation Aquatic Management Units upon findings that:
 - a. land use management practices and non-structural solutions are inadequate; and
 - b. adverse impacts on water currents, erosion, and accretion patterns are minimized; and
 - c. riprap is consistent with the resource capabilities of the area and the purposes of maintaining Conservation Management Units.

- III. Further, where listed as an allowable activity within respective management units, riprap may be allowed in Natural Aquatic Management Units upon findings that:
 - a. there is a need to protect from erosion: uses existing as of October 7, 1977, unique natural resources and historic, archaeological, and cultural values, or public facilities; and
 - b. land use management practices and non-structural solutions are inadequate; and
 - c. it is consistent with the Natural Management Unit as set forth in this Plan and required by Goal #16; and
 - d. adverse impacts on water currents, erosion, and accretion patterns and estuarine organisms and their habitat are minimized.

Implementation of this policy shall occur through local review of and comment on state and federal permit applications for such projects.

This policy is based on the recognition that non-structural solutions are often more cost-effective as corrective measures, but that carefully designed structural solutions are occasionally necessary. The policy also recognizes Statewide Planning Goals #16 and #17 requirements and the Oregon Administrative Rule classifying Oregon estuaries.¹²

¹² OAR 660-17-000 as amended June 1981.

- **Policy #10 Proliferation of Single-Purpose Docks and Piers**

Local government shall act to restrict the proliferation of individual single-purpose docks and piers, when such are allowed within respective management units.

I. This strategy shall be implemented by:

- a. preparation of findings by local government in response to a “request for comment” DSL (which shall seek local government’s determination regarding the appropriateness of a permit to allow the proposed dock or pier) which document that:
 - 1. the size and shape of the proposed dock or pier shall be limited to that required for the intended use; and
 - 2. alternatives to docks and piers (such as mooring buoys, dryland storage, and launching ramps) have been investigated and considered; and
- b. encouraging community facilities common to several uses and interest by:
 - 1. satisfying community needs for docks and moorage facilities in this Plan; and
 - 2. encouraging easements to facilitate multi-ownership.

This policy recognizes the requirements of Goal #16 and the environmental benefits of multi-purpose and multi-ownership docks and moorage facilities.

- **Policy #11 Authority of Other Agencies**

Local government shall recognize the authority of the following agencies and their programs for managing land and water resources:

- The Oregon Forest Practices and Act and Administrative Rules, for forest lands as defined in ORS 527.620 (1991)-527.730 and Forest Lands Goal;
- The non-point source discharge water quality program administered by the Department of Environmental Quality under Section 208 of the Federal Water Quality Act as amended in 1972;¹³
- The Fill and Removal Permit Program administered by the Division of State Lands (DSL) under ORS 196.800-880 (renumbered 1989); and
- The programs of the State Soil and Water Conservation Commission and local districts and the Soil Conservation Service for the Agricultural Land Goal.

This strategy recognizes there are several agencies with authority over coastal waters, and that their management programs should be used rather than developing new or duplicatory management techniques or controls, especially as related to existing programs functioning to maintain water quality and minimize man-induced sedimentation.

¹³ PL 92-500.

- **Policy #12 Removal of Old Pilings and Snags**

Local governments shall support removing obstructions and accumulations of debris from the Coquille River Estuary, where “minor navigational improvements” listed as an allowable use or activity within all management units, except where identified as needed for habitat.

This strategy recognizes that the Coquille River Estuary contains a large number of disused pilings, snags, other obstructions and accumulations, which may interfere with boat passage and can adversely affect habitat and increase erosion hazard.

This strategy shall be implemented through the permit coordination with ODFW and the Army Corps of Engineers prior to County sign-off on permits.

- **Policy #12a (Reserved)**
- **Policy #12b (Reserved)**
- **Policy #12c Future Studies**

Local government shall encourage the Oregon Department of Fish and Wildlife to study biological resources of the Coquille Estuary, particularly the riverine section, to ascertain the effects of dredging and other river channel improvements and to determine the effects of various fish and wildlife management actions.

This strategy recognizes that the state of general knowledge about biological resources of the Coquille Estuary, particularly the riverine section is sketchy.

- **Policy #12d (Reserved)**
- **Policy #13 Overall Use Priorities Within Coastal Shorelands**

- I. Local governments shall maintain the following priorities for the overall use of coastal shorelands (from highest to lowest):
 - a. promote uses which maintain the integrity of estuaries and coastal waters;
 - b. provide for water-dependent uses;
 - c. provide for water-related uses;
 - d. provide for non-dependent, non-related uses which retain flexibility of future use and do not prematurely or inalterably commit shorelands to more intensive uses;
 - e. provide for development, including non-dependent, non-related uses in urban areas compatible with existing or committed uses;
 - f. permit non-dependent, non-related uses which cause a permanent or long-term change in the features of coastal shorelands only upon a demonstration of public need.

In addition, priority uses for flood hazard and floodplain areas shall include agriculture, forestry, recreation and open space and uses, which are water-dependent.

This strategy recognizes that the Coquille River Estuary Management Plan’s shoreland designations and permitted uses and activities are based upon and establish general priorities for the use of coastal shoreland resources.

- **Policy #14 General Policy on Uses within Rural Coastal Shorelands**

- I. Coos County shall manage its rural areas with the “Coquille River Coastal Shorelands Boundary” by allowing only the following uses in rural shoreland areas, as prescribed in the management units of this Plan, except for areas where mandatory protection is prescribed by LCDC Goal #17 and #18:
 - a. farm uses as provided in ORS 215;
 - b. propagation and harvesting of forest products consistent with the Oregon Forest Practices Act;
 - c. private and public water-dependent recreation developments;
 - d. aquaculture;
 - e. water-dependent commercial and industrial uses, water-related uses and other uses only upon a finding by the county that such uses satisfy a need which can not be accommodated on uplands or in urban and urbanizable areas or in rural areas built upon or irrevocably committed to non-resource use;
 - f. single family residences on lots, parcels, or units of land existing on January 1, 1977 when it is established that:
 1. the dwelling is in conjunction with a permitted farm or forest use, or
 2. the dwelling is in a documented “committed” area, or
 3. the dwelling has been justified through a goal exception, or
 4. such uses do not conflict with the resource preservation and protection policies established elsewhere in this Plan;
 - g. any other uses, provided that the Board of Commissioners determines that such uses satisfy a need, which cannot be accommodated at other upland locations or in urban or urbanizable areas. In addition, the above uses shall only be permitted upon a finding that such uses do not otherwise conflict with the resource preservation and protection policies established elsewhere in this Plan.

This strategy recognizes (1) that Coos County’s rural shorelands are a valuable resource and accordingly merit special consideration, and (2) that LCDC Goal #17 places strict limitations on land divisions within coastal shorelands. This strategy further recognizes that rural uses “a” through “g” above are allowed because of need and consistency findings documented in the “factual base” that supports this plan.

- **Policy #15 Land Divisions within Rural Shorelands**
 - a. that such land divisions would not otherwise conflict with the resource preservation and protection policies established elsewhere in this Plan, agricultural policies and ordinance requirements of the Coos County Comprehensive Plan; and either
 - b. that the new land divisions fulfill a need that cannot otherwise be accommodated in uplands in urban and urbanizable areas; or
 - c. that the new land divisions are in a documented “committed” area; or
 - d. that the new land divisions have been justified through a goal exception.

This strategy shall be implemented through provisions in ordinance measures that require the above findings to be made prior to the approval of the preliminary plat of a subdivision or partition.

This strategy recognizes (1) that Coos County’s rural shorelands are a valuable resource and accordingly merit special consideration; and (2) that LCDC Goal #17 places strict limitations on land divisions within coastal shorelands.

- **Policy #16 Protection of Sites Suitable to Water-Dependent Uses; and Special Allowance for New Non-Water-Dependent Uses in “Urban Water-Dependent (UW) Units which are Suitable for Water-Dependent Uses” (WD)**

Local government shall protect shorelands in the following areas that are suitable for water-dependent uses, for water-dependent commercial, recreational, and industrial uses.

- a. Urban or urbanizable areas;
- b. Rural areas built upon or irrevocably committed to non-resource use; and
- c. Any unincorporated community subject to OAR Chapter 660, Division 022 (Unincorporated Communities).

This strategy is implemented through the Estuary Plan, which provides for water-dependent uses within areas that are designated as Urban Water-dependent (UW) management units.

- I. Minimum acreage. The minimum amount of shorelands to be protected shall be equivalent to the following combination of factors:
 - a. Acreage of estuarine shorelands that are currently being used for water-dependent uses; and
 - b. Acreage of estuarine shorelands that at any time were used for water-dependent uses and still possess structures or facilities that provide or provided water-dependent uses with access to the adjacent coastal water body. Examples of such structures or facilities include wharves, piers, docks, mooring piling, boat ramps, water intake or discharge structures, and navigational aids.
- II. Suitability. The shoreland area within the estuary designated to provide the minimum amount of protected shorelands shall be suitable for water-dependent uses. At a minimum, such water-dependent shoreland areas shall possess, or be capable of possessing, structures or facilities that

provide water-dependent uses with physical access to the adjacent coastal water body. The designation of such areas shall comply with applicable Statewide Planning Goals.

- III. Permissible Non-Water-Dependent Uses. Unless otherwise allowed through an Exception, new non-water-dependent uses which may be permitted in “Urban Water-Dependent (UW)” management units are a temporary use which involves minimal capital investment and no permanent structures, or a use in conjunction with and incidental and subordinate to a water-dependent use. Such new non-water-dependent uses may be allowed only if the following findings are made, prior to permitting such uses.
1. Temporary use involving minimal capital investment and no permanent structures:
 - a. the proposed use or activity is temporary in nature (such as storage, etc); and,
 - b. the proposed use would not pre-empt the ultimate use of the property for water-dependent uses; and,
 - c. the site is committed to long-term water-dependent use or development by the landowner.
- IV. Use in conjunction with and incidental and subordinate to a water-dependent use:
- a. Such non-water-dependent uses shall be constructed at the same time as or after the water-dependent use of the site is established, and must be carried out together with the water-dependent use.
 - b. The ratio of the square footage of ground-level indoor floor space plus outdoor acreage distributed between the non-water-dependent uses and the water-dependent uses at the site shall not exceed one to three (non-water-dependent to water-dependent).
 - c. Such non-water-dependent uses shall not interfere with the conduct of the water-dependent use.

This policy shall be implemented through provisions in ordinance measures that require an administrative conditional use application be filed and approved, and the above findings be made, prior to the establishing of the proposed uses or activities.

- **Policy #16a Rural, Urban, and Unincorporated Communities Use Standards**

- I. Commercial and Industrial uses in Unincorporated Communities and on Rural Lands shall be consistent with OAR 660-022-0030. Commercial and industrial uses shall comply with building square footage requirements set forth in OAR 660-022-0030(10) and (11). New commercial structures authorized outside of a UCB or UGB shall not exceed 3,500 square feet of floor area. New industrial structures authorized outside of a UCB or UGB shall not exceed 35,000 square feet of floor area, unless:
- a. The industrial use involves the primary processing of raw material(s) produced in the area or from ocean resources; or
 - b. The industrial use is located on an abandoned or diminished mill site as defined by statute; or
 - c. The industrial use is located in an area where an exception to Goal 14 has been taken; or

- d. As authorized by Goals 3 and/or 4

This policy shall be implemented through ordinance measures. Implementation shall occur as identified under specific zoning district standards. (04-04-005PL 9/1/04)

- II. It must be demonstrated through findings that the proposed use will not:
 - a. adversely affect agricultural and forest operations, and
 - b. interfere with the efficient functioning of urban growth boundaries.
- III. The following are development standards for proposed commercial or industrial structures to be located on parcels, which are abutting exclusive farm use or forest zoned properties:
 - a. all structures, except fences, shall be setback a minimum of thirty-five (35) feet from any road right-of-way centerline, or five (5) feet from any right-of-way centerline, whichever is greater; and
 - b. all structures being sited on parcels abutting Exclusive Farm Use (EFU) or Forest (F) zoned parcels, property owners(s)/applicant(s) shall acknowledge and file in the deed records of Coos County, a Farm and Forest Practices Management Covenant. The covenant shall be recorded in the deed records of the county prior to the County issuing a zoning compliance letter.

- **Policy #16b Potential Sites Suitable for Water-Dependent Uses**

Local government shall re-evaluate available sites for water-dependent uses, which would comply with the Statewide Planning Goals at the time of the first update of the Coquille Estuary Plan. This strategy recognizes that the Coquille River Estuary suffers from a shortage of suitable and readily available sites for water-dependent uses.

- **Policy #16c Protection of Sites Suited to Water-Dependent Uses in Future Urbanizable Areas**

Local government shall (when considering possible future amendments to this Estuary Management Plan) protect shorelands in future urbanizable areas suited for water-dependent uses for water-dependent recreational, commercial, and industrial uses.

Implementation shall be based on the local plan review and update process and the “Land Use Planning” and plan implementation strategies applicable to that review process.

This strategy recognizes that future revisions to urban growth areas may include new water-dependent areas.

- **Policy #17 Protection of “Major Marshes” and Significant “Wildlife Habitats” in Coastal Shorelands**

Local government shall protect from development, major marshes and significant wildlife habitat, coastal headlands, and exceptional aesthetic resources located within the Coquille River Coastal Shorelands Boundary unless exceptions allow otherwise.

- I. Local government shall protect:

- a. “Major marshes” to include areas identified in the Goal #17 “Linkage Matrix”, and the Shoreland Values Inventory map; and
- b. “Significant wildlife habitats” to include those areas identified on the map “Freshwater Wetlands” plus natural areas of significant importance identified on the map “Historical/ Archaeological/ Scientific sites”; and
- c. “Coastal headlands”; and
- d. “Exceptional aesthetic resources” where the quality is primarily derived from or related to the association with coastal water areas.

II. This strategy shall be implemented through:

- a. plan designations and use and activity matrices set forth elsewhere in this Plan that limit uses in these special areas to those that are consistent with protection of natural values, and
- b. through use of the Special Considerations Map that identifies such special areas and restricts uses and activities therein to uses that are consistent with the protection of natural values. Such uses may include propagation and selective harvesting of forest products consistent with the Oregon Forest Practices Act, grazing, harvesting wild crops, and low-intensity water-dependent recreation.

This strategy recognizes that special protective consideration must be given to key resources in coastal shorelands over and above the protection afforded such resources elsewhere in this Plan.

• **Policy #18 Protection of “Historical, Cultural and Archaeological Sites”**

Local government shall provide special protection to historic and archaeological sites and shall continue to refrain from widespread dissemination of site-specific information about identified archaeological sites.

- I. This strategy shall be implemented by requiring review of all development proposals involving an archaeological or historical site to determine whether the project as proposed would protect the historical and archaeological values of the site.
- II. The development proposal, when submitted shall include a site development plan showing, at a minimum, all areas proposed for excavation, clearing and construction. Within three (3) working days of receipt of the development proposal, the local government shall notify the Coquille Tribe in writing, together with a copy of the site development plan. The Coquille Tribe shall have the right to submit a written statement to the local government within thirty (30) days of receipt of such notification, stating whether the project as proposed would protect the historical and archaeological values of the site, or, if not, whether the project could be modified by appropriate measure to protect those values. “Appropriate measures” may include, but shall not be limited to, the following:
 - a. retaining the historic structure in-situ or moving it intact to another site; or
 - b. paving over the site without disturbance of any human remains or cultural objects upon the written consent of the Tribe; or
 - c. clustering development so as to avoid disturbing the site; or

- d. setting the site aside for non-impacting activities, such as storage; or
- e. if permitted pursuant to the substantive and procedural requirements of ORS 97.750 and 358.920, contracting with a qualified archaeologist to excavate the site and remove any cultural objects and human remains and re-interring the human remains at the developer's expense.
- f. Using civil means to ensure adequate protection of the resources, such as acquisition of easements, public dedications, or transfer of title.

If a previously unknown or unrecorded archaeological site is encountered in the development process, the above measures shall still apply. Land development activities, which violate the intent of this strategy, shall be subject to penalties prescribed in ORS Chapter 97.990.

- III. Upon receipt of the statement by the Tribe, or upon expiration of the Tribe's thirty (30) day response period, the local government shall conduct an administrative review of the development proposal and shall:
 - a. approve the development proposal if no adverse impacts have been identified, as long as consistent with other portions of this Plan, or
 - b. approve the development proposal subject to appropriate measures agreed upon by the landowner and the Tribe, as well as any additional measures deemed necessary by the local government to protect the historical and archaeological values of the site. If the property owner and the Tribe cannot agree on the appropriate measures, then the governing body shall hold a quasi-judicial hearing to resolve the dispute. The hearing shall be a public hearing at which the governing body shall determine by preponderance of evidence whether the development project may be allowed to proceed, subject to any modifications deemed necessary by the governing body to protect the historical and archaeological values of the site;
 - c. through the "overlay concept" of this policy and the Special Considerations Map, unless an Exception has been taken, no uses other than propagation and selective harvesting of forest products consistent with the Oregon Forest Practices Act, grazing, harvesting wild crops, and low-intensity water-dependent recreation shall be allowed unless such uses are consistent with the protection of the historic and archaeological values, or unless appropriate measures have been taken to protect the historic and archaeological values of the site.

This strategy recognizes that protection of historical and archaeological sites is not only a community's social responsibility, is also legally required by ORS 97.745. It also recognizes that historical and archaeological sites are non-renewable cultural resources.

- **Policy #19 Management of "Wet-Meadow" Wetlands within Coastal Shorelands**

- I. Coos County shall protect for agricultural purposes those areas defined as 'wet meadow' wetlands by the U.S. Fish and Wildlife Service but currently in agricultural use or with agricultural soils and not otherwise designated as "significant wildlife habitats" or "major marshes", unless an Exception allows otherwise. Permitted uses and activities in these areas shall include farm use and any drainage activities, which are necessary to improve agricultural production. Filling of these areas, however, shall not be permitted, so as to retain these areas as

wildlife habitats during periods of seasonal flooding and high water tables, with the following exceptions:

- a. for transportation corridors where an Exception has been taken to Goal #3 (Agricultural Lands); or
- b. for agricultural buildings, where no alternative site exists on the applicant's property; or
- c. minor improvements for which there is no practical alternative; or
- d. where no fill permit is required under Section 404 of the Water Pollution Control Act; or
- e. for priority dredged material disposal sites designated by this Plan for protection from pre-emptory uses.

Any activity or use requires notification of Division of State Lands, with their comments received prior to the issuance of any permits.

- II. This policy shall be implemented by designating these lands as "Agricultural Lands" on the Special Considerations Map and by making findings in response to a request for comment by the Division of State Lands, which shows whether the proposed action is consistent with the Comprehensive Plan. This strategy recognizes:
 - a. that protection of these areas for agricultural use is necessary to ensure the continuation of the local agricultural economy;
 - b. that improved drainage is necessary to maintain or enhance productivity by establishing preferred forage types;
 - c. that the present system of agricultural use in the Coquille Valley is compatible with wildlife habitat values because the land is used for agriculture during the season when the land is dry and therefore not suitable as wetland habitat, and provides habitat areas for wildfowl during the flooding season when the land is unsuitable for most agricultural uses; and
 - d. that these habitat values will be maintained provided filling is not permitted.

- **Policy #20 Dredged Material Disposal Sites**

Local government shall support the stockpiling and disposal of dredged materials on sites specifically designated in Plan Inventory (See Section 5.4.21, Site A, North Spit designated dredged material disposal site). This site is also shown on the "Special Considerations Map". Ocean disposal is currently the primary disposal method chosen by those who need disposal sites. The dredge material disposal designated sites have decreased because the ocean has become the primary disposal method, the in-land DMD sites have diminished and those, which have remained on the DMD list, are sites which may be utilized in the future and not be cost-prohibitive. Consistent with the "use/activity" matrix, this designated disposal site shall be managed so as to prevent new uses and activities, which would prevent its ultimate use for dredged material disposal. A designated site may only be released for some other use upon a finding that a suitable substitute site is available to provide for that need. Sites may only be released through a Plan Amendment. Upland dredged material disposal shall be permitted elsewhere (consistent with the "use/activity" matrices) as needed for new dredging (where permitted), maintenance dredging of existing functional facilities, minor navigational improvements, or drainage improvements, provided riparian vegetation and fresh-water wetlands are not affected. For any in-water (including inter-

tidal or subtidal estuarine areas) disposal permit requests, this strategy shall be implemented by the preparation of findings by local government consistent with Policy #5 (Estuarine Fill and Removal).

- I. This policy shall be implemented by:
 - a. Designating “Selected Dredged Material Disposal Sites” on the Special Considerations Map; and
 - b. Implementing an administrative review process (to preclude pre-emptory uses) that allows uses otherwise permitted by this Plan but proposed within an area designated as a “Selected DMD” site only upon satisfying all of the following criteria:
 1. The proposed use will not entail substantial structural or capital improvements, such as roads, permanent buildings, or non-temporary water and sewer connections; and
 2. The proposed use must not require any major alteration of the site that would affect drainage or reduce the usable volume of the site - such as extensive site grading/excavation or elevation from fill; and
 3. The proposed use must not require site changes that would prevent the expeditious conversion of the site to estuarine habitat.
 - c. Local government’s review of and comment on applicable state and federal waterway permit applications for dike/tidegate and drainage ditch actions.
- II. This strategy recognizes that sites designated in the Comprehensive Plan reflect the following key environmental considerations required by LCDC Goal #16:
 - a. Disposal of dredged material in upland or ocean waters was given general preference in the overall site selection process;
 - b. Disposal of dredged material in estuary waters is permitted in this plan only when such disposal is consistent with state and federal law.
 - c. Selected DMD sites must be protected from pre-emptory uses.

- **Policy #20a Dredged Material Disposal Guidelines**

Future dredged material disposal should be carried out in accordance with the guidelines outlined in Volume II, Part I, Section 6.2 of the Plan, which relates to: drainage diversion, sediment quality and turbidity, timing of disposal, land surface use, re-vegetation, toxic materials, land use outfalls and influent discharge points, water quality, and removal of material from approved upland sites. Future land use shall be governed by the uses/activities permitted and the Management Objective in that management unit. Additional guidelines contained in the “Special Considerations” section of the individual site field sheets (see Inventory and Factual Base, Volume II, Part 2, Section 7, Appendix ‘A’) provide site-specific information on the procedures that should be followed.

These guidelines are intended to indicate the type of conditions that federal and state agencies are likely to impose on dredged material disposal permits, which shall be the primary means of implementation. Local government shall implement this policy by review and comment on permit applications.

This policy recognizes that disposal permit conditions are imposed at the discretion of the permitting agency, and should not be set down as mandatory requirements in the Plan, but simply as guidelines.

- **Policy #20b Intertidal Dredged Material Disposal**

Local government shall prohibit dredged material disposal in intertidal or tidal marsh areas except where such disposal is part of an approved fill project.

This strategy shall be implemented through operation of the waterway permit process as a response to a “request for comment” from the Division of State Lands and U.S. Army Corps of Engineers.

This strategy recognizes that upland disposal and ocean disposal are alternatives to intertidal disposal.

- **Policy #20c DMD Planning Period**

Local government recognizes that the Comprehensive Plan does not provide adequate information of dredged material disposal (DMD) sites. Updating information and strategies will occur during the County’s periodic review.

This strategy shall be implemented through review of DMD needs during periodic review and through statistical monitoring of DMD fills by the Army Corps of Engineers.

- **Policy #21 Mitigation and Restoration Sites**

Local government shall support mitigation and restoration actions on the sites specifically designated in this Plan [see Section 9.10, Potential Mitigation or Restoration Sites]. However, mitigation and restoration actions shall not necessarily be limited to the identified sites, but may occur in other areas with suitable potential as permitted in the “Use/Activities” matrix, and subject to Policy #8, Mitigation Requirements. Local governments shall also cooperate with the Oregon Department of Fish and Wildlife and the Division of State Lands to form a “mitigation bank” pursuant to ORS 196.600-655 and 196.830 (renumbered 1989).

This strategy is based upon the recognition of the need for identification of areas to be used to fulfill the mitigation requirements of Goal #17 and this Plan.

- **Policy #22 Mitigation Sites: Protection Against Pre-emptory Uses**

Consistent with permitted uses and activities:

- ~ “High Priority” designated mitigation sites shall be protected from any new uses or activities which could pre-empt their ultimate use for this purpose.
- ~ “Medium Priority” designated mitigation sites shall also be protected from uses which would pre-empt their ultimate use for this purpose.

However, repair of existing dikes or tidegates and improvement of existing drainage ditches is permitted, with the understanding that the permitting authority (Division of State Lands) overrides the provisions of Policy #38. Wetland restoration actions designed to answer specific research questions about wetland mitigation and/or restoration processes and techniques, may be permitted upon approval by Division of States Lands, and as prescribed by the uses and activities table in this Plan.

- ~ “Low Priority” designated mitigation sites are not permanently protected by the Plan. They are intended to be a supplementary inventory of potential sites that could be used at the initiative of the landowner. Pre-emptory uses shall be allowed on these sites, otherwise consistent with uses and activities permitted by the Plan. Any change in priority rating shall require a Plan Amendment.

Except as provided above for research of wetland restoration and mitigation processes and techniques, repair of existing dikes, tidegates and improvement of existing drainable ditches, “high” and “medium” priority mitigation sites shall be protected from uses and activities which would pre-empt their ultimate use for mitigation.

- I. This policy shall be implemented by:
- a. Designating “high” and “medium” priority mitigation sites in the plan inventory.
 - b. Implementing an administrative review process that allows uses otherwise permitted by this Plan but proposed within an area designated as a “high” or “medium” priority mitigation site only upon satisfying all of the following criteria:
 1. The proposed use must not entail substantial structural or capital improvements (such as roads, permanent buildings or non-temporary water and sewer connections);
 2. The proposed use must not require any major alteration of the site that would affect drainage or reduce the usable volume of the site (such as extensive site grading/excavation or elevation from fill); and
 3. The proposed use must not require site changes that would prevent the expeditious conversion of the site to estuarine habitat; or
 4. For proposed wetland restoration research projects in “medium” priority mitigation sites the following must be submitted:
 - i. A written approval of the project from Division of State Lands, and
 - ii. A description of the proposed research, resource enhancement, and benefits expected
 - c. Local government’s review of and comment on state and federal waterway permit applications for dike/tidegate and drainage ditch actions.

This policy recognizes that potential mitigation sites must be protected from pre-emptory uses. However, “low priority” sites are not necessarily appropriate for mitigation use and are, furthermore, in plentiful supply. It further recognizes that future availability of “medium priority” sites will not be pre-empted by repair of existing functional dikes, tidegates and drainage ditches, or otherwise allowed by this policy. This insures the continuation of agricultural production until such time as sites may be required for mitigation. This policy also recognizes that research activities designed to gain further understanding of wetland, restoration, and mitigation processes and techniques are needed. The consideration of “medium priority” mitigation sites for this purpose will facilitate future identification and successful use of mitigation sites.¹⁴

¹⁴ OR 95-11-010PL 1/24/96.

- **Policy #22a Acquisition or Protection of Mitigation/Restoration and Dredged Material Disposal Sites**

Local governments shall actively promote the acquisition or protection of mitigation/restoration or dredged material disposal sites through purchase of fee title easements or development rights, property exchange or other similar methods, in addition to mitigation banking, as necessary to meet development needs on the Estuary. They shall also investigate such methods of site protection as “open space taxation” or other means of tax reduction.

This policy recognizes that purchase of an interest in a site is often necessary to afford a higher degree of protection than zoning can provide.

- **Policy 22b Limiting Dredge and Fill as Estuarine Restoration**

- I. Local government shall support estuarine dredge or fill actions as estuarine restoration (pursuant to LCDC Goal 16) only when such restoration will meet the requirements of administrative rules adopted by the Division of State Lands and only upon findings which demonstrate the following:
 - a. Factual assessment of the nature and extent of the estuarine resource believed to have existed at the proposed restoration site at some time in the past; and
 - b. Factual assessment of how the estuarine resource at the site was lost; and
 - d. Comparison of the resource enhancement expected to result from the proposed restoration project, together with a determination that the proposed project will, in fact, probably restore all or some of the resource values lost at the site; and
 - e. The fill/removal findings of ORS 196.

This policy shall be implemented by an administrative conditional use review process and response to requests for comments by the Division of State Lands and Corps of Engineers regarding site or **federal** waterway permits.

This policy recognizes that not all estuarine dredge or fill actions may be considered estuarine restoration pursuant to LCDC Goal 16.

- **Policy #23 Riparian Vegetation and Streambank Protection**

- I. Local government shall strive to maintain riparian vegetation within the shorelands of the estuary, and when appropriate, restore or enhance it, as consistent with water-dependent uses. Local government shall also encourage use of tax incentives to encourage maintenance of riparian vegetation, pursuant to ORS 308.792 - 308.803.

Appropriate provisions for riparian vegetation are set forth in the CCZLDO Section 4.5.180.¹⁵

- II. Local government shall encourage streambank stabilization for the purpose of controlling streambank erosion along the estuary, subject to other policies concerning structural and non-structural stabilization measures.

This strategy shall be implemented by Oregon Department of Transportation (ODOT) and local

¹⁵ OR 92-05-009PL.

government when erosion threatens roads. Otherwise, individual landowners in cooperation with the Ports of Bandon and Coquille, Coos Soil and Water Conservation District, Watershed Council, Division of State Lands, and Oregon Department of Fish & Wildlife shall be responsible for bank protection.

This strategy recognizes that the banks of the Coquille Estuary are susceptible to erosion and has threatened valuable farmland, roads and other structures.

- **Policy #24 Special Forest Practice Regulations in Coastal Shorelands**

Local governments shall urge the Oregon Department of Forestry to recognize the unique and special values provided by coastal shorelands when developing standards and policies to regulate uses of forest lands within coastal shorelands.

This strategy recognizes LCDC Goal #17 “Implementation Requirement #1” and the need for protection and maintenance of special shoreland values and forest uses especially for natural shorelands and riparian vegetation.

- **Policy #25 Waste Water/Storm Water Discharge**

Local government recognizes that Waste Water/Storm Water Discharge must meet state and federal water quality standards prior to issuance of any permits by the County.

- I. Local government shall support Waste Water/Storm Water Discharge, if such activity is allowed in the respective management unit and:
 - a. The activity is required for waste water/storm water discharge; and,
 - b. the activity is consistent with the resource capabilities of the area (see Policy #4); and,
 - c. findings must be made satisfying the impact minimization criterion of Policy #5.

This policy shall be implemented through the conditional use process and through local review and comment on state and federal permit applications.

This strategy recognizes that Goal #16 provides for Waste Water/Storm Water Discharge; and, recognizes the technical expertise of Department of Environmental Quality regarding resource capabilities.

- **Policy #26 Agricultural Drainage Facilities**

Local governments shall cooperate with Coos Soil and Water Conservation District, local drainage districts, and individual landowners in their efforts to obtain permits and funding for drainage projects. These projects shall include both improvement and maintenance of existing functional dikes, tidegates, and drainage ditches and construction of new drainage facilities. Areas to be drained may include ‘wet meadow’ areas (see Policy #19) currently in agricultural use or with agricultural soils and not otherwise designated as “significant wildlife habitat” or “major marshes”, subject to Policy #17. Local governments shall also encourage the formation and expansion of local drainage districts.

The purpose of this strategy is to reduce damage to economically valuable forage crops by controlling flooding of saltwater and by alleviating ponding of flood water and high water tables that cause serious drainage problems for farmers.

This strategy recognizes that flooding is a particular problem of the Coquille River Estuary and that

forage crop quality can be improved and grazing seasons lengthened by effective drainage facilities. It further recognizes that drainage districts are effective for local control and financing of agricultural drainage.

- **Policy #27 Floodplain Protection within Coastal Shorelands**

The respective Flood Regulations of local governments set forth requirements for uses and activities in identified flood areas; these shall be recognized as implementing ordinances of this Plan.

This strategy recognizes the risk of substantial loss of stock and property damage resulting from the widespread flooding of the Coquille River Valley floor which occurs during most winters.

- **Policy #27a Mass Movement**

Coos County shall require all development in known areas potentially subject to mass movement that lie within the Coastal Shorelands Boundary to comply with Policy #6, Natural Hazards, of the Coos County Comprehensive Plan, Volume 1.

- **Policy #28 Recognition of Statewide Planning Goal #3 (Agricultural Lands) Requirements for Rural Lands within the Coastal Shorelands Boundary**

Unless otherwise allowed through an Exception, Coos County shall manage all rural lands designated within the Coquille River Estuary Coastal Shorelands Boundary as being suitable for “Exclusive Farm Use” (EFU) designation consistent with the “Agricultural Uses Requirements” of ORS 215.

This policy shall be implemented by using the Special Considerations Map to identify EFU-suitable areas, and to abide by the prescriptive use and activity requirements of ORS 215 except where otherwise allowed by exceptions for needed housing and industrial sites.

All EFU zoned land within the Coastal Shoreland Boundary shall be designated as “Other Aggregate Sites” inventoried by this Plan pursuant to ORS 215.298(2). These sites shall be inventoried as “1B” resources in accordance with OAR 660-16-000(5)(b). Coos County will re-evaluate these inventoried sites pursuant to the requirements of said rule at or before the time of periodic review of the Comprehensive Plan.¹⁶

- **Policy #28a (Reserved)**

- **Policy #29 Restricting Actions in Beach and Dune Areas that are “Unsuitable for Development”**

Unless otherwise allowed through an Exception, Coos County shall prohibit residential development, and commercial and industrial buildings within areas designated as “Beach and Dune Areas Unsuitable for Development” on the Coquille River Estuary Special Considerations Map.

I. Further, Coos County shall permit other developments in these areas only:

a. When specific findings have been made, which consider:

1. type of use proposed and the adverse effects it might have on the site and adjacent areas; and

¹⁶ OR-92-08-113PL 10/28/92.

2. need for temporary and permanent stabilization programs and planned maintenance of new and existing vegetation; and
 3. methods for protecting the surrounding area from any adverse effects of the development; and
 4. hazards to life, public and private property, and the natural environment which may be caused by the proposed use; and
 5. whether drawdown of groundwater would lead to loss of stabilizing vegetation, loss of water quality, or intrusion of salt water into water supplies; and
- b. When it is demonstrated that the proposed development:
1. is adequately protected from any geologic hazards, wind erosion, undercutting, ocean flooding and storm waves or is of minimal value; and
 2. is designed to minimize adverse environmental effects; and
- c. When specific findings have been made, where breaching of foredunes is contemplated, that:
1. the breaching and restoration after breaching is consistent with sound principles of conservation; and either
 2. the breaching is necessary to replenish sand supply in interdune areas or
 3. the breaching is done on a temporary basis in an emergency (e.g., fire control, cleaning up oil spills, draining farm lands, and alleviating flood hazards).

II. This policy shall be implemented through:

- a. review of the Coquille River Estuary Special Considerations Map when development is proposed in these areas; and
- b. an administrative conditional use process where findings are developed based upon a site investigation report submitted by the developer which addresses the considerations set forth above.

III. This policy recognizes that:

- a. The Special Considerations Map category of “Beach and Dune Areas Unsuitable for Development” includes the following dune forms:
 1. beaches,
 2. active foredunes,
 3. other foredunes which are conditionally stable and that are subject to ocean undercutting or wave overtopping, and

- 4. interdune areas (deflation plains) that are subject to ocean flooding.
 - b. The measures prescribed in this policy are specifically required by Statewide Planning Goal #18 for the above-referenced dune forms; and that
 - c. it is important to ensure that development in sensitive beach and dune areas is compatible with or can be made compatible with the fragile and hazardous conditions common to such areas.
- **Policy #30 Restricting Actions in Beach and Dune Areas with “Limited Development Suitability”; and Special Consideration for Sensitive Beach and Dune Resources**
 - I. Coos County shall permit development within areas designated as “Beach and Dune Areas with Limited Development Suitability” on the Coquille River Estuary Special Considerations Map only upon the establishment of findings that shall include at least:
 - a. type of use proposed and the adverse effects it might have on the site and adjacent areas; and
 - b. temporary and permanent stabilization programs and the planned maintenance of new and existing vegetation; and
 - d. need for methods for protecting the surrounding area from any adverse effects of the development; and
 - e. hazards to life, public and private property, and the natural environment which may be caused by the proposed use; and
 - f. whether drawdown of groundwater would lead to loss of stabilizing vegetation, loss of water quality, or intrusion of saltwater into water supplies.

Implementation shall occur through a site plan review process, which shall include submission of a site investigation report by the developer that addresses the five considerations above.

- II. This policy recognizes that:
 - a. The Special Considerations Map category of “Beach and Dune Areas with Limited Development Suitability” includes all dune forms except older stabilized dunes, active foredunes, conditionally stabilized foredunes that are subject to ocean undercutting or wave overtopping, and interdune areas (deflation plains) subject to ocean flooding;
 - b. measure prescribed in this policy are specifically required by LCDC Goal #18 for the above-referenced dune forms, and that;
 - c. it is important to ensure that development in sensitive beach and dune areas is compatible with, or can be made compatible with, the fragile and hazardous conditions common to beach and dune areas.
- III. Permits for beachfront protective structures shall be issued only where development existed on January 1, 1977 (see Section 3. Definitions for “development”). Criteria for review of all shore and beachfront protective structures shall provide that:

- a. visual impacts are minimized;
- b. necessary access to the beach is maintained;
- c. negative impacts on adjacent property are minimized; and
- d. long-term or recurring costs to the public are avoided.

IV. Local government shall cooperate with state and federal agencies in regulating the following actions in beach and dune areas by sending notification of Administrative Conditional Use decision:

- a. destruction of desirable vegetation (including inadvertent destruction by moisture loss or root damage);
- b. the exposure of stable and conditionally stable areas to erosion;
- c. construction of shore structures which modify current or wave patterns leading to beach erosion; and
- d. any other development actions with potential adverse impacts.

V. This strategy shall be implemented through:

- a. the Administrative Conditional Use application process as described previously, and
- b. review and comment by local government on state and federal permits in beach and dune areas.

This strategy recognizes that regulation of these actions is necessary to minimize potential erosion.

- **Policy #31 (Reserved)**
- **Policy #32 Boat Ramps**

Local government shall encourage the provision of new boat ramps and facilities in areas designated to allow that use.

This strategy recognizes the need for facilities to accommodate recreational boating access.

- **Policy #33 Water-Based Recreation**

Local governments support increased use of the Coquille River for water-based recreation.

This strategy recognizes that water-based recreation is an opportunity for economic growth through tourism.

- **Policy #33a Bandon Waterfront Project and Waterfront Communities**

I. Local governments shall support the Bandon downtown revitalization project on the Bandon waterfront.

This policy recognizes that maintenance and enhancement of historic, unique, and scenic waterfront communities are important cultural and economic assets.

- II. Local governments shall support the maintenance and enhancement of historic, unique and scenic waterfront communities such as downtown Bandon.

This policy recognizes the value of historic, unique and scenic waterfront communities when such are identified by local governments.

- **Policy #33b (Reserved)**
- **Policy #34 Recognition of Statewide Planning Goal #4 (Forest Lands) Requirements for Forest Lands within the Coastal Shorelands Boundary**

Unless otherwise allowed through an Exception, Coos County shall manage all rural lands designated on the Coquille River Estuary Special Considerations Map as “Forest Lands” within the Coastal Shorelands Boundary consistent with the “Forest Uses” requirements of LCDC Goal #4.

Where the County’s Comprehensive Plan identified major marshes, significant wildlife habitat, and riparian vegetation on coastal shorelands subject to forest operations governed by the Forest Practices Act, the Forest Practice program and rules of the Department of Forestry shall be carried out in such a manner as to protect and maintain the special shoreland values of the major marshes, significant wildlife habitat areas, and forest uses especially for natural shorelands and riparian vegetation.

This policy shall be implemented by using the Special Considerations Map to identify “Forest Lands” and to abide by the prescriptive use and activity requirements of Statewide Planning Goal #4 in lieu of other management alternatives otherwise allowed for properties within the “Forest Lands-overlay” set forth on the Special Considerations Map and except where otherwise allowed by Exception for needed housing and industrial sites.

This policy recognizes that the requirements of Statewide Planning Goal #4 are equal and not subordinate to other management requirements of this Plan for “Forest Lands” located within the Coastal Shorelands Boundary.

- **Policy #35 Plan Implementation**
- I. Coos County’s on-going land use and community development planning process shall utilize the Planning Commission as its citizen involvement public consideration of the following:
 - a. Identification of new planning problems and issues.
 - c. Collection and analysis of inventories and other pertinent factual information.
 - d. Evaluation of alternative courses of action and ultimate policy choices.
 - e. Recommendation of policy directives based upon consideration of the County’s social, economic, energy, and environmental needs.

This strategy is based upon the recognition that Coos County’s public planning process is essential to producing rational land use and community development policies are the basis of this Plan and which must be the basis for future plan revisions and modifications.

- II. This Plan (including the coordinated Coquille River Estuary and Shorelands Joint Management Agreement policies) shall be the legal basis for all land use and community development regulations lying within the unincorporated portions of the Coquille River Estuary and its shorelands, as defined in this Plan.

This strategy is based on the recognition that the zoning map, zoning and land development ordinances are simply implementation tools to carry out the expressed policies and intent of the Plan.

- **Policy #36 Plan Update**

I. Coos County shall:

- a. conduct a formal review of this Plan and its implementing measure to determine if any revision is needed;
- b. base its review upon re-examination of data, problems, and issues;
- c. issue public statement as to whether any revision is needed;
- d. coordinate with other jurisdictions which are included within the Coquille River Estuary and its shorelands; and
- f. incorporate public input into its decision.

Coos County may rely on the formal “periodic review” of this Plan to satisfy the requirements of this policy.

This strategy is based on the recognition that a periodic review is necessary to keep this Plan current with local situations and events, which may change from time to time and reduce the Plan’s ability to effectively and appropriately guide growth of the Coquille River Estuary and its shorelands.

Coos County shall approve minor revisions/amendments to its Comprehensive Plan when justified. Minor revisions/amendments are smaller in scope than major revisions/amendments, and generally include, but are not limited to, changes in uses and activities allowed and changes in standards and conditions.

This strategy recognizes that frequent approval of major plan revisions could ruin the integrity of this Plan, but that infrequent major changes must be made when need is established.

- **Policy #37 County Plan Revisions and Amendments (Does not apply to provisions affecting City Management Units): Public Hearing Procedure**

Coos County shall exercise due process in considering amendments to this Plan. Public hearing procedures are set forth in the Coos County Zoning and Land Development Ordinance (CCZLDO) OR 92-05-009PL.

- **Policy #38 Grandfathering of Existing Nonconforming Uses and Structures**

Coos County shall permit the continuation of legally established existing uses and structures (located outside incorporated city limits) that do not conform to the provisions of this Plan and its implementing ordinances.

- I. This policy shall be implemented:
 - a. following the provision about non-conforming uses legally required by ORS 215.130 and ORS 215.215 and which regulate and allow the continued existence of non-conforming uses and the alteration and expansion of such uses; and
 - b. more specific implementing ordinance measures.

This policy is based on the recognition that Coos County is morally and legally bound to honor the traditional provisions of the “grandfather” concept.

- **Policy #39 Citizen Involvement**

The Citizen Involvement Program presented in Volume 1, Part 1, Section 5.1 of the Coos County Comprehensive Plan shall be regarded as the Citizen Involvement Program for the Coquille River Estuary Management Plan.

- **Policy #40 Conflict Resolution**

Local governments shall apply an “overall conflict resolution policy” to Estuary Plan implementation situations where one policy or set of policies is believed to conflict with another policy or set of policies.

This “overall conflict resolution policy” shall consist of the following:

To resolve perceived conflicts between policy provisions, if and when such perception may occur, long-term environmental, economic, social, and energy consequences expected to result from applying one strategy in place of another, shall be considered; the strategy that results in maximum public benefit, as supported by findings of fact, shall then be applied.

This policy is based on the recognition that every possible attempt has been made in the development of these policies to balance the conflicting objectives of the respective policies, but also that perceived conflicts may nevertheless surface as this Estuary Plan is implemented.

- **Policy #41 Maintenance of Inventories and Factual Base**

The Board of Commissioners shall instruct the Planning Commission to undertake special studies and projects deemed beneficial to the community and/or necessary to keep current certain key inventories that are the factual basis of this Estuary Plan.

This strategy shall be implemented through on-going Planning Commission efforts to keep a statistical data base on Coos County’s changing socio-economic characteristics—including, but not limited to, population and housing data, employment statistics, traffic counts, agricultural production, etc.

- I. This strategy recognizes the necessity of keeping key planning information current and, further, that County efforts to do so would be largely limited to collecting and analyzing data compiled initially by other agencies. Further, the strategy recognizes that special projects, like neighborhood traffic studies, may be necessary to help resolve unanticipated, small-scale community problems. Further, the strategy recognizes:
 - a. the Planning Director may assist the Planning Commission in conducting necessary research as ordered; and

- c. the County may wish to continue a skeletal long-range planning staff, as necessary to provide technical support in efforts to maintain and update the Plan; and
- d. state funds will likely be available to help defray the local costs of such activities.

- **Policy #42 Special Allowance for Accessory Housing**

I. Local government may allow dwellings as an accessory use to any of the following legally established uses:

- a. Agriculture, as otherwise consistent with Strategy #28
- b. Airports
- c. Aquaculture
- d. Commercial
- e. Docks and Moorage/Marinas
- f. Industrial
- g. Log Storage and Sorting Yard
- h. Mining and Mineral Extraction
- i. Recreational Uses
- j. Solid Waste Disposal
- k. Timber Farming/Harvesting, as otherwise consistent with Policy #34
- l. Utilities

II. Accessory dwellings shall only be allowed when findings document that:

- a. The dwelling is for a watchman or caretaker that needs to reside on-premises; and
- b. That the primary purpose of the dwelling is not to provide rental housing.

This policy shall be implemented through ordinance measures.

This policy recognizes the need for flexibility in allowing watchmen and caretaker dwellings in conjunction with certain commercial, industrial and other uses.

- **Policy #43 Interpretation of Coastal Shorelands Boundary**

When a development is in the immediate vicinity of the Coastal Shorelands Boundary (CSB) and when such proposed development relies on a precise interpretation of the CSB, local government shall establish the precise location of the CSB using the seven criteria specified in the Coastal Shorelands Goal #17. Establishment of the exact location may require an on-site inspection. If the location of the CSB, as shown on the Plan maps or Coastal Shorelands Inventory map, is subsequently found to be inaccurate or misleading, the Planning Director shall make the appropriate determination and minor adjustments to the

maps.

I. This policy recognizes:

- a. precise location of the Coastal Shorelands Boundary may be critical for certain types of actions, e.g., land divisions; and
- b. certain features such as riparian vegetation cannot be mapped with complete accuracy at the scale of 1" = 800'.

- **Policy #44 Planned Unit Development or Density Transfer Development on Parcels which are Partially Within the Coastal Shorelands Boundary**

This policy shall apply only to coastal shorelands within the unincorporated area. Where a parcel lies partially within the Coastal Shorelands Boundary (CSB), Coos County shall consider the portion within the CSB to be part of the total acreage for the purposes of Planned Unit Developments, Recreational Planned Unit Developments, and Density Transfer Developments.

This policy recognizes that while land divisions within rural shorelands do not preclude the transfer of certain development rights to the portions of a parcel upland from the CSB.

- **Policy #45 (Reserved)**
- **Policy #46 (Reserved)**
- **Policy #47 Goal #5 Sites**

The Goal #5 bird habitat sites (#5b & #5c) are addressed in detail in Volume I, Part 2 of the Coos County Comprehensive Plan. This narrative is hereby adopted as part of the Coquille River Estuary Management Plan (CREMP).

Further, the Policies of Volume I, Part I of the Plan, pertaining to "5b" and "5c" Goal #5 bird sites are hereby adopted as part of the CREMP.

This strategy shall be implemented by contacting Oregon Department of Fish and Wildlife for review and comment on proposed development within a #5b or #5c bird site.

4.2 (Reserved)

4.3 (Reserved)

5. DEFINITIONS

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

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

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

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

AGRICULTURAL LANDS: Those lands designated in the Coos County Comprehensive Plan (Volume 1 “Balance of County”) for inclusion in Exclusive Farm Use (EFU) Zones. These lands include Soil Capability class I, II, III, and IV lands as defined by the United States Soil Conservation Service in their Soil Capability Classification system and other lands suitable for farm use.

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

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

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

AQUATIC: Of or pertaining to water.

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

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

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

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

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

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

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

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

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

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

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

COASTAL HEADLANDS: see “Headlands” definition.

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

COASTAL SHORELAND: Those areas immediately adjacent to the ocean, all estuaries and associated wetlands, and all coastal lakes.

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

COASTAL STREAM: Any stream within the coastal zone.

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

COASTAL ZONE: The area lying between the Washington Border on the north to the California border on the south, bounded on the west by the extent of the state’s jurisdiction, and in the east by the crest of the coastal mountain range, with the exception of: (a) The Umpqua River basin, where the coastal zone shall extend to Scottsburg; (b) The Rogue River basin, where the coastal zone shall extend to Agness; (c) The Columbia river basin, where the coastal zone shall extend to the downstream end of Puget Island.¹⁷

COMMERCIAL USES: Privately-owned or operated facility or place of business open to the public for sale of goods or services. Examples include: restaurants, taverns, hotels, motels, offices, personal services, retail stores, recreational vehicle parks, and campgrounds. Public facilities offering similar goods of services are also defined as commercial uses.

¹⁷ Formerly ORS 191.110.

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

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

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

CONSERVATION: The act of conserving the environment.

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

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

CONSERVATION SHORELAND AREA (CS): A shoreline management unit.¹⁸

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

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

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

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

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

¹⁸ See Volume II, Part 1, Section 3.5.

parcel, or tract.

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

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

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

DEVELOPMENT: The act, process or result of developing.

DEVELOPMENT AQUATIC AREA (DA): An aquatic management unit.¹⁹

DEVELOPMENT MANAGEMENT UNIT: In estuaries classified in the overall Oregon Estuary Classification for more intense development or alteration, areas shall be designated to provide for navigation and other identified needs for public, commercial, and industrial water-dependent uses, consistent with the level of development or alteration allowed by the overall Oregon Estuary Classification. Such areas shall include deep-water areas adjacent or in proximity to the shoreline, navigation channels, subtidal areas for in-water disposal of dredged material, and areas of minimal biological significance needed for uses requiring alterations of the estuary not included in “Natural and Conservation” management units.

DEVELOPMENT SHORELAND AREA (D): A shoreland management unit.²⁰

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

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

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

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

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

¹⁹ Ibid.

²⁰ Ibid.

tideboxes, pumphouses, and associated structures.

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

DREDGING: The removal of sediment or other material from a stream, river, estuary, or other aquatic area: (1) **Maintenance Dredging** refers to dredging necessary to maintain functional depths in maintained channels, or adjacent to existing docks and related facilities; (2) **New Dredging** refers to deepening either an existing authorized navigation channel or deepening a natural channel, or to create a marina or other dock facilities, or to obtain fill for the North Bend Airport runway extension project; (3) **Dredging to Maintain Dikes and Tidegates** refers to dredging necessary to provide material for existing dikes and tidegates; and (4) **Minor Dredging** refers to small amounts of removal as necessary, for instance, for a boat ramp. Minor dredging may exceed 50 cubic yards, and therefore require a permit.

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

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

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

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

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

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

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

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

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

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

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

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

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

ENCOURAGE: Stimulate; give help to; foster.

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

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

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

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

ESTUARY: A body of water semi-enclosed by land, connected with the open ocean, and within which saltwater is usually diluted by freshwater derived from the land. Estuaries normally extend upstream to the head-of-tide water. The estuary includes: (1) estuarine water; (2) tidelands; (3) tidal marshes; and (4) submerged lands.

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

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

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

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

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

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

FLOOD, REGIONAL (100-YEAR): A standard statistical calculation used by engineers to determine

the probability of severe flooding. It represents the largest flood which has a one-percent chance of occurring in any one year in an area as a result of periods of higher-than normal rainfall or streamflows, extremely high tides, high winds, rapid snowmelt, natural stream blockages, tsunamis, or combination thereof.

FLOOD TIDE: A rising tide.

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

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

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

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

FOREST LAND: Those lands designated in the Coos County Comprehensive Plan (Volume I-“Balance of County”) for inclusion in a Forest Lands zone. These areas include: (1) lands composed of existing and potential forest lands, which are suitable for commercial forest uses; (2) other forested lands needed for watershed protection, wildlife and fisheries habitat, and recreation; (3) lands where extreme conditions of climate, soil, and topography require the maintenance of vegetative cover irrespective of use; and (4) other forested lands, which provide urban buffers, wind breaks, wildlife and fisheries habitat, livestock habitat, scenic corridors, and recreational use.

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

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

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

HEADWATERS: A tributary stream located in the upper watershed.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

INTERIM: An intervening time.

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

INTERTIDAL: Between the levels of Mean Lower Low Tide (MLLT) and Mean Higher High Tide (MHHT).

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

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

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

LCDC: Land Conservation and Development Commission of the State of Oregon. Seven lay citizens non-salaried, appointed by the Governor, confirmed by the Oregon Senate; at least one

commissioner from each Congressional District; no more than two from Multnomah County.

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

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

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

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

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

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

~ **Aquatic Management Units include:**

Natural Aquatic Areas (NA)
Conservation Aquatic (CA)
Development Aquatic (DA)

~ **Shoreland Management Units include:**

Natural Shoreland Areas (NS)
Conservation Shoreland Areas (CS)
Rural Shoreland Areas (RS)
Urban Development Areas (UD)
Urban Water-Dependent Areas (UW)
Development Shorelands (D)
Water-Dependent Development Shorelands (WD)

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

MANUFACTURED DWELLING²¹:

- a) **Residential trailer** – structure constructed for movement on the public highways that has sleeping, cooking, and plumbing facilities; that is intended for human occupancy; that is being used for residential purposes; and that was constructed before January 1, 1962; or
- b) **Mobile home** – structure constructed for movement on the public highways that has sleeping, cooking, and plumbing facilities; that is intended for human occupancy; that is being used for residential purposes; and that was constructed between January 1, 1962 and June 15, 1976; or
- c) **Manufactured home** – structure constructed for movement on the public highways that has sleeping, cooking, and plumbing facilities; that is intended for human occupancy; that is being used for residential purposes; and that was constructed in accordance with federal manufactured housing construction and safety standards and regulations in effect at the time of construction.

MANUFACTURED DWELLING PARK²²: Any place where four (4) or more manufactured dwellings are located within 500 feet of one another on a lot, tract, or parcel of land under the same ownership, the primary purposes of which is to rent or lease space or keep space for rent or lease to any person for a charge or fee paid or to be paid for the rental or lease or use of facilities or to offer space free in connection with securing trade or patronage of such person. Does not include lot or lots located in a subdivision being rented or leased for occupancy by no more than one (1) manufactured dwelling per lot if the subdivision was approved by Coos County²³.

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

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

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

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

MITIGATION: The creation, restoration, or enhancement 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.²⁴

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

²¹ ORS 446.003.

²² ORS 446.003.

²³ ORS 92.010 to 92.190 and 446.003.

²⁴ ORS 196.830.

MOBILE HOME: See definition “Manufactured dwelling”.

MOORAGE: See “Docks and Moorage”.

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

NATURAL AQUATIC AREAS (NA): An aquatic management unit.²⁵

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

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

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

NATURAL SHORELANDS AREAS (NS): A shoreland management unit.²⁶

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

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

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

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

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

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

²⁵ Volume II, Part 1, Section 3.5.

²⁶ Ibid.

PERENNIAL STREAM: A continuously flowing stream.

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

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

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

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

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

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

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

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

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

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

QUALITY: The degree of excellence or relative goodness.

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

- (1) **Coastal Recreation:** occurs in offshore ocean waters, estuaries, and streams, along beaches and bluffs, and in adjacent shorelands. It includes a variety of activities from swimming, scuba diving, boating, fishing, hunting, use of dune buggies, shell collecting, painting, wildlife observation, and sightseeing to coastal resorts and water-oriented restaurants;
- (2) **Low-Intensity Recreation:** does not require developed facilities and can be accommodated without change to the area or resource. For example, boating hunting, hiking, wildlife photography, and beach or shore activities can be low-intensity recreation; and
- (3) **High-Intensity Recreation:** uses specially built facilities or occurs in such density or form that it requires or results in a modification of the area or resource. Campgrounds, golf courses, public beaches, and marinas are examples of high-intensity recreation.

RECREATIONAL VEHICLE:²⁷ A vehicular type unit primarily designed as temporary living quarters, which has its own motor power or is mounted on or drawn by another vehicle, and that is intended for human occupancy for vacation and recreational purposes but not for long term residential purposes, and may be equipped with plumbing such as sink or toilet. The basic entities are:

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

RECREATIONAL VEHICLE PARK:²⁸ 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.

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

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

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

RESIDENTIAL USES: Development of land and structures for human occupancy as living quarters.

²⁷ OAR 918-650-0005.

²⁸ Ibid.

Residential uses include single-family dwellings, mobile homes, duplexes, and multiple residential apartments. Density of residential development relates to city and county implementing measures and location factors such as urban growth boundary and natural hazard considerations.

RESORT COMMUNITY: An unincorporated community that was established primarily for and continues to be used primarily for recreation or resort purposes and (a) includes residential and commercial uses; and (b) provides for both temporary and permanent residential occupancy, including overnight lodging and accommodations.

RESOURCE CAPABILITY DETERMINATION:

- (1) **Natural:** When either the impacts of the use on estuarine species, habitats, biological productivity, and water quality are not significant or that the resources of the area are able to assimilate the use and activity and their effects and continue to function in a manner to protect significant wildlife habitats, natural biological productivity, and values for scientific research and education; and
- (2) **Conservation:** When either the impacts of the use on estuarine species, habitats, biological productivity, and water quality are not significant or that the resources of the area are able to assimilate the use and activity and their effects and continue to function in a manner which conserves long-term renewable resources, natural biologic productivity, recreational and aesthetic values and aquaculture.

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

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

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

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

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

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

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

RURAL LAND: Those which are outside the urban growth boundary and are:

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

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

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

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

SHORELANDS: Areas located between the Coastal Shoreland Boundary and the line of non-aquatic vegetation fringing the Coquille River Estuary.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

TIDELANDS: Land overflowed during flood tide.

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

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

UNINCORPORATED COMMUNITY: A settlement with all of the following characteristics:

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

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

URBAN DEVELOPMENT AREAS (UD): A shoreland management unit.²⁹

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

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

URBAN LAND: Urban areas are those places which must have an incorporated city. Such areas may include lands adjacent to and outside the incorporated city and may also: (1) have concentrations of persons who generally reside and work in the area; and (2) have supporting public facilities and services.

URBAN UNINCORPORATED COMMUNITY: An unincorporated community, which has the following characteristics:

1. Include at least 150 permanent residential dwellings units;
2. Contains a mixture of land uses, including three or more public, commercial, or industrial land uses;
3. Includes areas served by a community sewer system; and
4. Includes areas served by a community water system.

URBAN WATER-DEPENDENT AREAS (UW): A shoreland management unit.³⁰

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

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

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

UTILITIES: Public service structures, which fall into two categories:

1. Low-intensity facilities consist of communication facilities (including power and telephone lines), sewer, water and gas lines.
2. High-intensity facilities, which consist of storm water and treated waste water outfalls (including industrial waste water). **Note:** in shoreland units, this category also includes sewage treatment plants, electrical substations, and similar public service structures. However, these structures are defined as “fill for non-water-dependent/related uses” in aquatic areas.

²⁹ Volume II, Part 1, Section 3.5.

³⁰ Ibid.

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

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

A. The following definitions also apply:

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

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

1. aquaculture;
2. certain scientific and educational activities which, by their nature, require access to coastal waters: estuarine research activities and equipment mooring and support;
3. commercial: e.g., commercial fishing marinas and support; fish processing and sales; boat sales, rentals, and supplies;
4. industrial: e.g., manufacturing to include boat building and repair; water-borne transportation, terminals, and support; energy production which needs quantities of water to produce energy directly; water intake structures for facilities needing quantities of water for cooling, processing, or other integral functions.
5. recreation: means water access for fishing, swimming, boating, etc. Recreational uses are water-dependent only if use of the water is an integral part of the activity.

WATER-DEPENDENT DEVELOPMENT SHORELANDS (WD): A shoreland management unit.³¹

³¹ Ibid.

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

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

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

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

**Volume III, Part 2: Inventories and Factual Bases
and
Volume III, Part 3: Linkage and Goal Exceptions**

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