

Coos Bay Comprehensive Plan PROPOSED Text Amendments

Section A: The text of Coos Bay Comprehensive Plan, Volume 1, 1.5 AGENCY COORDINATION, Number 5, is amended to read as follows:

The city has actively participated in regional planning processes, for example: the extension of runway 4-22 at the North Bend Airport resulting in the Commercial Airport Siting Element ~~as part of this plan (Vol. III)(City of Coos Bay 1982:II)~~ and the Coos Bay Estuary Management Plan, Volume 2 of the Coos County Comprehensive Plan, which is under separate cover as part of this plan incorporated herein by reference, to guide uses and activities within the Coos Estuary.

Section B: The text of Coos Bay Comprehensive Plan, Volume 1, 7.10 ESTUARINE RESOURCES, Strategies, Number ER.1 is amended to read as follows:

Coos Bay shall actively participate in the inter-jurisdictional, Coos Bay estuary planning process. ~~Further, the city shall (1) subsequently adopt the estuarine plan that results from this inter-jurisdictional process, and (2) amend, as necessary, the estuarine and shoreland portions of the previously adopted Coos Bay Comprehensive Plan and implementing measures in order to be consistent with the overall Coos Bay Estuary Plan. This strategy recognizes that, based on March 21, 1979 memorandum from the Director of the Department of Land Conservation and Development, the city can elect to request “plan acknowledgment” (i.e., final LCDC approval) prior to completion of a coordinated estuary plan provided the city agrees to the measures stipulated above. The city also recognizes the benefits from participating in the regional estuary planning effort; that is, inter-jurisdictional planning problems can best be resolved through a regional, coordinated effort. The city shall utilize the Coos Bay Estuary Management Plan, incorporated herein by reference, to guide uses and activities within the Coos Bay estuary.~~

Section C: A new Strategies, AC.6, shall be added to the text of Coos Bay Comprehensive Plan, Volume 1, 8.2 AGENCY COORDINATION, to read as follows:

Coos Bay shall utilize the Coos Bay Estuary Management Plan to guide uses and activities within the Coos Bay estuary and participate in the Coos Bay Estuary Management Plan joint advisory committee to ensure coordinated maintenance of this plan over time.

Section D: A new Strategies, LU.11, shall be added to the text of Coos Bay Comprehensive Plan, Volume 1, 8.3 LAND USE AND COMMUNITY DEVELOPMENT PLANNING to read as follows:

Coos Bay shall utilize the Coos Bay Estuary Management Plan to guide uses and activities within the Coos Bay estuary and participate in the Coos Bay Estuary Management Plan joint-advisory committee to ensure coordinated maintenance of this plan over time.

Coos Bay Development Code PROPOSED Amendments

Section A: The text of Chapter 17.352 CBDC is repealed and replaced in its entirety to read as follows:

~~Chapter 17.352~~

~~ESTUARINE AND COASTAL SHORELAND USES AND ACTIVITIES~~

Sections:

~~17.352.010 General.~~

~~17.352.020 Initiation.~~

~~17.352.030 Application.~~

~~17.352.040 Tentative decision.~~

~~17.352.050 Conditions.~~

~~17.352.060 Tentative order and notice.~~

~~17.352.070 Final order.~~

~~17.352.080 Appeal.~~

~~17.352.010 General.~~

~~Uses and activities permitted by the Coos Bay estuary management plan are subject to general and special conditions and policies to comply with statewide planning goals and the Coos Bay estuary plan as adopted by the city of Coos Bay. Compliance with these conditions and policies must be verified; therefore, all uses and activities under jurisdiction of the Coos Bay estuary management plan must be reviewed. [Ord. 503 § 1 (Exh. B), 2018; Ord. 473 § 3 (Exh. A), 2016. Formerly 17.370.010].~~

~~17.352.020 Initiation.~~

~~A request to permit these uses and activities may be initiated by a property owner or authorized agent through a Type I review process and application to the community development department. [Ord. 503 § 1 (Exh. B), 2018; Ord. 473 § 3 (Exh. A), 2016. Formerly 17.370.020].~~

~~17.352.030 Application.~~

~~An application may include any or all of the following items at the discretion of the director. The applicant shall provide three copies of the required information.~~

~~(1) A general location map of the property and a detailed parcel map of the property, each on approximately eight inch by 11 inch paper.~~

~~(2) Address and legal description of the property.~~

~~(3) Detailed description of the proposed use or activity.~~

~~(4) Statement explaining how the proposed use and/or activity complies with the applicable management plan and title provisions. [Ord. 503 § 1 (Exh. B), 2018; Ord. 473 § 3 (Exh. A), 2016. Formerly 17.370.030].~~

~~17.352.040~~ Tentative decision.

~~Within 15 working days of a complete application, the director shall render a tentative decision to approve, approve with conditions, or deny the request after adopting findings of fact which address applicable general or special conditions or policies of the Coos Bay estuary management plan, special resources delineated on the special considerations map of the estuary management plan, and applicable provisions of this title.~~

~~The director may defer the initial review to the planning commission which shall be conducted at a public hearing. If the proposed use is also identified as a conditional use by this title, the decision shall be made by the planning commission in accordance with Chapter 17.347 CBDC, Conditional Uses. [Ord. 503 § 1 (Exh. B), 2018; Ord. 473 § 3 (Exh. A), 2016. Formerly 17.370.040].~~

~~17.352.050~~ Conditions.

~~The city may impose conditions if it finds that a use or activity may have an adverse impact on the site itself or nearby property. Conditions of approval, including those identified in Chapter 17.347 CBDC, Conditional Uses, shall be stated in terms that are specific and measurable so that the applicant is fully aware of the intent and justification of the condition and how and when to implement them. [Ord. 503 § 1 (Exh. B), 2018; Ord. 473 § 3 (Exh. A), 2016. Formerly 17.370.050].~~

~~17.352.060~~ Tentative order and notice.

~~The review authority shall issue a written tentative order and notice containing preliminary findings of fact and conclusions of law. Upon completion of the tentative order and notice, the city shall provide notice as follows:~~

~~(1) Mailed notice of the tentative decision shall include:~~

~~(a) Date of the tentative decision and the date the decision will become final.~~

~~(b) A reasonably written description of the subject property which may include, but is not limited to, any one of the following: a map, postal address, legal description, or tax map designation.~~

~~(c) The nature of the pending issue or proposed use.~~

~~(d) A list of the applicable criteria upon which the tentative decision was based.~~

~~(2) Within 10 days of the date of the order, the city shall provide written notice of the tentative decision to the applicant, the planning commission, property owners within 250 feet of the external boundaries of the property, and to the following list of interested agencies:~~

~~(a) State Agencies.~~

~~(i) Division of State Lands.~~

~~(ii) Department of Fish and Wildlife.~~

~~(iii) Department of Environmental Quality.~~

~~(iv) Water Resources Department (uses including appropriation of water only).~~

~~(v) Department of Geology and Mineral Industries (mining and mineral extraction only).~~

~~(vi) Department of Energy (generating and other energy facilities only).~~

~~(vii) Department of Economic Development (dock, industrial and port facilities, and marinas only).~~

~~(b) Federal Agencies:~~

~~(i) U.S. Army Corps of Engineers.~~

~~(ii) National Marine Fisheries Service.~~

~~(iii) U.S. Fish and Wildlife Service. [Ord. 503 § 1 (Exh. B), 2018; Ord. 473 § 3 (Exh. A), 2016. Formerly 17.370.060].~~

~~**17.352.070 Final order.**~~

~~The tentative decision shall become final 15 days from the date the order is mailed. [Ord. 503 § 1 (Exh. B), 2018; Ord. 473 § 3 (Exh. A), 2016. Formerly 17.370.070].~~

~~**17.352.080 Appeal.**~~

~~Prior to the date that the decision becomes final, a person or agency may appeal the tentative decision by filing an appeal with the department. The planning commission shall hear the appeal at a public hearing in accordance with the applicable procedures of Chapter 17.130 CBDC, Procedures. [Ord. 503 § 1 (Exh. B), 2018; Ord. 473 § 3 (Exh. A), 2016. Formerly 17.370.080].~~

Chapter 17.352

ESTUARINE AND COASTAL SHORELAND USES AND ACTIVITIES

Sections:

[17.352.010 General.](#)

17.352.020 Management units.

[17.352.030 Management units and conflicts with other laws.](#)

[17.352.040 Application contents and review process.](#)

[17.352.050 Criteria.](#)

17.352.010 General.

Uses and activities permitted by the Coos Bay Estuary Management Plan are subject to general and special conditions and policies to comply with statewide planning goals and with the Coos Bay Estuary Management Plan as adopted by the city of Coos Bay.

Compliance with these conditions and policies must be verified; therefore, all uses and activities within designated Coos Bay Estuary Management Plan management units

must be reviewed for compliance with the adopted plan.

17.352.020 Management units.

Areas within the city which are within the Coos Bay estuary coastal shorelands boundary shall be classified in management units based on the designation of such areas as aquatic and shoreland within the Coos Bay Estuary Management Plan. A management unit is 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. The following is a list of management units:

(1) Aquatic Management Units include:

- (a) Natural Aquatic (NA)
- (b) Conservation Aquatic (CA)
- (c) Development Aquatic (DA)

(2) Shoreland Management Units include:

- (a) Natural Shorelands (NS)
- (b) Conservation Shorelands (CS)
- (c) Rural Shorelands (RS)
- (d) Urban Development (UD)
- (e) Urban Water-Dependent (UW)
- (f) Development Shorelands (D)
- (g) Water-Dependent Development Shorelands (WD)

17.352.030 Management units and conflicts with other laws.

Management units shall overlap with the use zones designated in this title, and where consistent the uses and restrictions of both zones shall apply to such areas. In all areas where the zoning designations, regulations, and restrictions contained in this title and the Coos Bay Estuary Management Plan are inconsistent or conflicting, the regulations and restrictions of the Coos Bay Estuary Management Plan shall control.

17.352.040 Application contents and review process.

(1) Review of a technically complete application for estuarine and coastal shoreland uses and activities permit is subject to a Type I procedure. See CBDC 17.130.080.

(2) Applications shall include:

- (a) All contents as specified in CBDC 17.130.040.
- (b) A statement explaining how the proposed use and/or activity complies with applicable management unit objectives, general and special conditions, and bay-wide policies of the Coos Bay Estuary Management Plan.

17.352.050 Criteria.

(1) Criteria for Approval. The applicable management unit objectives, general and special conditions, and bay-wide policies of the Coos Bay Estuary Management Plan.

- (a) Uses and activities designated in the plan as “A” may be allowed subject to compliance with management objectives and general conditions.
- (b) Uses and activities designated in the plan as “*” may be allowed subject to compliance with management objectives, general conditions, and any special conditions provided in the plan for such use.
- (c) Uses or activities which are not described in the Coos Bay Estuary Management Plan but are found to be similar with other allowed uses may be permitted by the director subject to such conditions and limitations as would ensure compatibility with the resources.

Section B: CBDC 17.360.020 is amended to read as follows (new text, ~~deleted text~~):

17.360.020 Initiation of amendment.

Amendments to the comprehensive plan text or map, zoning map, or this title may be initiated by the following:

~~(1) A Type III application, CBDC [17.130.100](#), Type III procedure, by one or more owners of the property proposed to be changed or reclassified consistent with the adopted comprehensive plan; or~~

~~(2) A Type IV legislative process, CBDC [17.130.110](#), Type IV procedure, by motion of the planning commission and adoption by the city council.~~

(1) One or more owners of a property that is the subject of a proposed amendment through a Type III land use procedure. See, CBDC [17.130.100](#).

(2) The director, the planning commission, or the city council through a Type IV land use procedure. See, CBDC [17.130.110](#).

Section C: Subsection (2) of CBDC 17.360.040 is amended to read as follows (new text, deleted text):

17.360.040 Application Contents.

(2) A technically complete application shall contain:

- (a) A map of the proposed amendment, if applicable;
- (b) The complete proposed text amendment, if applicable;
- (c) A narrative describing the potential effects the proposal will have on public services, including streets, schools, parks and utilities, to the extent applicable;
- (d) An analysis of the potential cumulative effects of the proposal;
- (e) For applications to amend the Coos Bay Estuary Management Plan, the written recommendation of the Coos Bay Estuary Management Plan joint steering committee;
- (f) Materials required under CBDC [17.130.050](#)(2); and
- (g) Other materials the director deems necessary.

Recommended Findings of Fact

I. REQUEST

This proposal:

- 1) Amends the Coos Bay Comprehensive Plan by repealing Volume III, Estuary Management Plan, and amending Volume I, Plan Policy Document, to adopt by reference the updated 2023 Coos Bay Estuary Management Plan, adopted as Coos County Comprehensive Plan Volume II, Parts 1 and 2, as presented in [Exhibit 1](#).
- 2) Amends Coos Bay Development Code Title 17 to: A) repeal and replace in its entirety Chapter 17.352, Estuarine and Coastal Shoreland Uses and Activities; B) amend 17.360.020 Initiation of amendment to provide the Director the opportunity to initiate Type IV applications; and C) add a new provision under CBDC 17.360.040(2) Application Contents to account for joint-management and coordination when changes are proposed to the Coos Bay Estuary Management Plan through a joint steering committee, as presented in [Exhibit 2](#).

See Land Use Application # [\[REDACTED\]](#) attached hereto as [Attachment \[REDACTED\]](#) and incorporated herein by reference.

II. BACKGROUND

This proposal is intended to replace the current adopted 1984 Coos Bay Estuary Management Plan with the updated 2023 Coos Bay Estuary Management Plan (CBEMP), which is to be adopted as Coos County Comprehensive Plan Volume II, Parts 1 and 2, and by reference by the cities of Coos Bay and North Bend.

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

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

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

Maps;

- Part 2: Inventories and Factual Base, which contains data and other factual information that supports management decisions presented in Part 1; and,
- Part 3: Linkage/Statewide Goal Exceptions, which contains findings for Statewide Goal Exceptions taken as the time of original plan adoption for proposed development.

The Coos Bay Estuary Management Plan was officially adopted by Coos County as Volume II, an element of the Coos County Comprehensive Plan, in 1984, and by the cities of Coos Bay (through Resolution No. 84-4 as Coos Bay Comprehensive Plan Volume III – Estuary Management Plan) and North Bend (by reference in the North Bend Comprehensive Plan Section XII – Coastal). Each jurisdiction has also adopted local Development/Zoning Codes to administer those management units within their boundaries.

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

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

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

public involvement.)

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

The analysis recommended three alternatives for updating the CBEMP – a full plan update, a partial plan update, or no update. The full update recommendation included the hiring of a consultant to fully update the plan (including resource inventories) using the Coos Estuary Map Atlas, the Data Source, and some or all of the focus group recommendations. The partial update recommendation included minor amendments to incorporate the inventory maps of the Coos Estuary Map Atlas, append the current factual inventories with the Data Source, apply easier-to-implement plan modifications as recommended from the focus groups, and realign the three jurisdictions' versions of the plan. Due to budgetary constraints, the governing bodies reached consensus to move forward with a partial plan update.

COVID-19 stalled the project for two years. After a receipt of additional funding from the Department of Land Conservation and Development, County and City Staff revived the partial plan update project in 2022, hiring IPRE once more to assist staff with the plan adoption process.

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

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

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

On January 12, local, state, and federal agencies and stakeholders (including those

who attended the January 7 open house) were asked to provide comments on the products by February 20, 2023. The public was provided an opportunity to review the 37 maps on display at the South Coast Community College from February 15-20, 2023.

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

Comments were received from the following agencies: Ashley Audycki (Rogue Climate), Gabrielle Bratt (Coquille Indian Tribe), Phillip Johnson (Oregon Shores Conservation Coalition), Courtney Krossman (CTCLUSI), Rick Eichstaedt (CTCLUSI), Michelle McMullin (NOAA Fisheries), Jenni Schmidt (South Slough Estuary National Estuarine Research Reserve), and Deanna Wright (DLCD Natural Hazards). The following individuals submitted comments: CJ Blaney, Donna Bonetti, Ken Bonetti, Suzanne Church, Connie Earhart, Jamie Fereday, Laurie Friedman Mike Graybill, Bill Grill, Jan Hodder, Charlotte Hult, Janice Lloyd, Nolan Lloyd, Johanna Lyle, Win McLaughlin, Steve Miller, Christine Moffitt, Beverly Segner, and Steve Skinner. Comments focused on the following areas of concern/topics: Citizen Advisory Committee makeup, mapping, Phase 2, Part 1 policies, Part 2 editing, Review, and Tribal Sovereignty. Specific recommendations were integrated into the draft document and/or maps included as attachments to this Plan Amendment application. See Revisions Memo, Attachment D, for a comprehensive crosswalk of all comments and responses.

III. NOTICE

The Department of Land Conservation and Development was notified of the proposal to amend the comprehensive plan on [REDACTED]. Written notice was sent to affected governmental agencies and any person who requested a notice in writing on [REDACTED].

IV. COMMENTS

Staff / Agency Comments

As of the date of this staff report, the following staff/agency comments have been received:

Confederated Tribes of Coos, Lower Umpqua & Siuslaw Indians (Courtney Krossman, Tribal Historic Preservation Officer, February 17, 2023): Request to step back and allow more time for expanded tribal and indigenous engagement, determine with state regulatory and implementing agencies how best to include Tribes, and identify opportunities to use best available data and science for CBEMP inventories. *(Note: three additional months were provided for public comment, and a presentation was made to the CTCLUSI Tribal Council on April 20, 2023.)*

Coquille Indian Tribe (Gabrielle Bratt, Cultural Resources Technician, February 17,

2023): Specific comments related to definitions and naming conventions, request for expanded tribal involvement in Phase 2. *(Note: three additional months were provided for public comment, and a presentation was made to the CTCLUSI Tribal Council on April 20, 2023. Requests for a meeting with the Coquille Tribal Council could not be accommodated. Additional grammar checks were made to Part 2 of the CBEMP, including replacing the term “pre-contact” with “pre-historic”. The gender specific phrase “to man” was removed from the definition for Natural Resources in Part 1.)*

NOAA Fisheries/US Department of Commerce, West Coast Region (Michelle LaRue McMullin, Fishery Biologist, Oregon Coast Branch, West Coast Region, February 17, 2023): Phase 2 (comprehensive revision) worthwhile endeavor given how much of the plan was developed prior to Endangered Species Act listing of anadromous fish species in Coos Bay estuary and also prior to designation of critical habitat of those species. On Phase 1, 1) requested amendments to Coastal Estuary Atlas Map 5.1b Species of Concern (to depict areas of designated critical habitat for ESA-listed species); 2) recommended revisiting the use of existing tidegates to designate or define head of tide (and therefore the furthest extent of the estuarine area) in Volume II Part 2, 2.3; 3) Volume II Part 2, 6.2.2 Drainage Diversion or 6.2.7 Toxic Materials, recommended adding additional protective language for upland disposal of materials that do not pass sediment evaluation tests (i.e. contain contaminants); 4) Volume II Part 1 #4a, recommended considering additional time (over 20 days) for State agencies to respond to requests for comments. *(Note: Modifications were made to Map 5.1 to reflect areas of designated critical habitat for ESA-listed species. Other requested amendments deferred to Phase 2.)*

Oregon Department of Land Conservation and Development (Deanna Wright, National Flood Insurance Program Coordinator, February 10, 2023): Recommended slight modification to “development” definition and Policy #5 to include “dredging and filling” as “development;” recommended insert section for floodplain guidelines in Section 6, Dredge Material Disposal; and recommended linking Beaches and Dunes Section #4 to Coos Bay’s specific standards for Coastal High Hazard Flood Zones. *(Note: Recommendations accommodated within current draft. Additions were also made to sections #5 (Estuarine Fill and Removal), #6 Fill in Conservation and Natural Estuarine Management Units, and #29 Restricting Actions in Beach and Dune Areas that are “Unsuitable for Development,” to highlight requirements for local floodplain development permits.)*

Comments were also received from Ashley Audycki (Rogue Climate), Phillip Johnson (Oregon Shores Conservation Coalition), Jenni Schmidt (South Slough Estuary National Estuarine Research Reserve), Rich Eichstaedt (CTCLUSI), CJ Blaney, Donna Bonetti, Ken Bonetti, Suzanne Church, Connie Earhart, Jamie Fereday, Laurie Friedman, Mike Graybill, Bill Grill, Jan Hodder, Charlotte Hult, Janice Lloyd, Nolan Lloyd, Johanna Lyle, Win McLaughlin, Steve Miller, Christine Moffitt, Beverly Segner, and Steve Skinner. Comments focused on the following areas of concern/topics: Citizen Advisory Committee makeup, mapping, Phase 2, Part 1 policies, Part 2 editing, Review, and Tribal Sovereignty. Specific recommendations were integrated into the draft document

and/or maps included as attachments to this Plan Amendment application. See Revisions Memo, Attachment D, for a comprehensive crosswalk of all comments and responses.

V. APPROVAL CRITERIA

Chapter 17.130 CBDC, Procedures.

Chapter 17.360 CBDC, Plan Amendments and Zone Changes.

CBDC 17.360.020 Initiation of amendment.

Amendments of the comprehensive plan text or map, zoning map, or this title may be initiated by the following: (2) A Type IV legislative process, CBDC [17.130.110](#), Type IV procedure, by motion of the planning commission and adoption by the city council.

FINDING: The City of Coos Bay Planning Commission passed a motion to recommend that the City Council initiate legislative amendments related to the adoption of the 2023 Coos Bay Estuary Management Plan on January 10, 2023. The Coos Bay City Council voted unanimously to adopt the Planning Commission's recommendation on January 17, 2023. Consequently, staff finds this application for a Comprehensive Plan and Development Code text amendment in compliance with this criterion.

CBDC 17.130.035 Pre-application review.

(1) Requirement. Unless otherwise expressly provided in this title, all applications subject to Type III or Type IV review are subject to pre-application review unless the director waives the requirement in writing.

(6) Time Limit. The written summary of a pre-application conference is valid for up to one year from the date of the meeting summary provided by the city. If more than one year has elapsed between the date of the last pre-application conference and the date an application is submitted, a new pre-application conference shall be required for future development subject to CBDC 17.130.020.

FINDING: Planning staff was involved in the work team developing the products and participated throughout the development of the products as part of the Partnership for Coastal Watersheds (2016-2022). Coos Bay city staff, Planning Commission, and City Council were presented with a summary of the project findings and products at joint work sessions on January 4 and January 7, 2023. These presentations enabled the city to perform a pre-application review. Hence, this application complies with CBDC 17.130.035(1) and (6).

CBDC 17.130.040 Application contents for all application types.

(1) All land use applications subject to a Type I, II, III, or IV review shall contain at a minimum the contents listed in Table 17.130.040(1) – Minimum Requirements for All Applications.

(2) A project site plan identifying existing conditions to remain, and the proposed development and/or land use. The site plan shall include all relevant information from Table 17.130.040(2) – Site Plan Requirements determined by the director to demonstrate the proposed development and/or land use complies, or can be conditioned to comply, with each applicable CBCP, this title, and other city and state policies, regulations, and approval criteria applicable to the application.

(3) Any additional information including but not limited to Table 17.130.040(3) – Additional Contents required by the director to demonstrate the proposed development and/or land use complies, or can be conditioned to comply, with each applicable CBCP, this title, and other city and state policies, regulations, and approval criteria applicable to the application.

(4) Additional application contents associated with a specific application required for the proposed development and/or land use. See Table 17.130.040(4) for specific permit/review applications and applicable code sections with additional application contents and process requirements.

FINDING: A complete application was submitted on [REDACTED]. Therefore, this application complies with CBDC 17.130.040.

CBDC 17.130.050 Review for technically complete status.

(1) Applicability and Schedule. Before accepting an application subject to a Type I, II, or III review, the director shall determine within 30 calendar days after the application is submitted whether the application is technically complete.

FINDING: This application is for a Type IV review. Therefore, CBDC 17.130.050 is not implicated.

CBDC 17.130.060 Distribution of notices.

The city shall provide all required notices subject to Type II, III, or IV review to:

(1) The applicant and the applicant's representative; (a) The property owner of record; shall be the person(s) listed in the records of the Coos County assessor; and (b) Failure of a property owner to receive notice shall not affect the decision if the notice was sent. A sworn certificate of mailing or transmittal confirmation executed by the person who did the mailing or notification shall be conclusive evidence that notice was provided to parties listed or referenced in the certificate;

(2) Agencies with jurisdiction, including transportation and transit agencies; and

(3) Other persons with standing who request such notice in writing.

FINDING: Notice of this land use application review was provided to the applicant/owner, the applicant's representative, affected agencies including the Department of Land Conservation and Development, the local Tribes and ODOT, as well as to [REDACTED] who specifically requested notice of such. Therefore, this application is consistent with CBDC 17.130.060.

CBDC 17.130.070 Approval criteria.

The authorizing authority shall approve a land use application if the applicant has sustained the burden of proving that:

(1) The application complies with the applicable regulations of the Coos Bay comprehensive plan and development code; or that the application can comply with all applicable regulations by complying with adopted conditions of approval; or that necessary variances have been approved; or that adopted conditions of approval have been met prior to final plat approval.

FINDING: Refer to findings under CBDC 17.360.060(1)(a).

(2) The development makes adequate provision for public services consistent with the level of service provided in adopted city policies, plans and regulations.

FINDING: Refer to findings under CBDC 17.360.060(1)(c).

(3) The development will not have a significant adverse effect on adjacent properties or public facilities.

FINDING: As no changes to management unit boundaries, uses, or activities are proposed as part of this proposal there are no significant adverse impacts on individual properties or public facilities. Proposed modifications to CBDC Title 17 align application processes with the remainder of the Coos Bay Development Code and account for the joint management of the Coos Bay Estuary Management Plan. These changes will not have significant adverse impacts on individual properties or public facilities. Therefore, this application is consistent with CBDC 17.130.070(3).

CBDC 17.130.110 Type IV procedure.

(1) Application contents as noted in CBDC 17.130.040. Refer to CBDC 17.130.070 for approval criteria.

FINDING: Refer to findings under CBDC 17.130.070, above in this final order.

(2) Notice of Application. Twenty days prior to the director's decision, the city shall mail

a written notice of the application to property owners within 300 feet of the application site.

(a) Contents of a Notice of Application Subject to Type IV Review. The notice of Type IV application shall contain at least the following information: **(i)** The file number; **(ii)** The name(s) and address(es) of the applicant and owner; **(iii)** The legal description of the site; **(iv)** The street address or other easily understood geographical reference to the subject property; **(v)** A description of the proposal and a listing of the approval criteria by applicable code section number; **(vi)** A statement that the application can be reviewed at City Hall during working hours, and that copies can be obtained for a fee equal to the city's cost for providing the copies; **(vii)** The name and contact information of the city representative to contact regarding the application; **(viii)** An invitation to comment, in writing, on the proposal and the place, date and time that comments are due; **(ix)** A statement outlining the appeals process. **(x)** The date, time and place of the hearing; **(xi)** A statement that the planning commission will conduct the hearing in accordance with the rules of procedure adopted by the planning commission; **(xii)** A statement that the staff report will be available at least seven days prior to the hearing and how the report may be viewed; **(xiii)** A statement that interested parties may testify orally or in writing at the public hearing; **(xiv)** A statement of the date, time, and place for the city council public hearing in accordance with the rules of procedure adopted by the city council; and **(xv)** A statement that the staff report will be available at least seven days prior to the hearing and how the report may be viewed.

FINDING: This application is for a legislative Type IV land use review that applies city-wide and not to a single property. Therefore, CBDC 17.130.100(2)(a) is not applicable.

(b) Comments. The city shall provide the applicant a copy of comments timely received in response to the notice.

FINDING: The City of Coos Bay is the applicant for this text amendment and the record keeper of all comments received. CBDC 17.130.100(2)(b) is satisfied.

(c) Distribution of Notices. Refer to CBDC 17.130.060.

FINDING: Refer to findings under CBDC 17.130.060, above in this final order.

(3) Public Hearing. An application subject to a Type IV process will be considered at one or more public hearings before the planning commission and one or more public hearings before the city council. The planning commission and city council may combine their meetings into one public meeting.

FINDING: The Planning Commission conducted a public hearing on this matter of [REDACTED]. The City Council conducted a public hearing on this matter on [REDACTED]. Therefore, CBDC 17.130.100(3) is satisfied.

(a) Notice of the Initial Planning Commission Hearing. At least 20 calendar days before the date of the first planning commission hearing regarding an application subject to a Type IV process, the director shall mail public notice of the hearing to parties who have requested such notice and to other individuals, firms or agencies as deemed appropriate. If the Type IV procedure is related to a specific property, public notice shall be mailed as specified in subsection (2) of this section to property owners within 300 feet of the application site. At least 10 days before the date of the hearing, the city shall cause notice of the hearing to be posted at City Hall, on the city website, and in the local newspaper.

FINDING: Notice of the Planning Commission public hearing was mailed to interested persons and posted at City Hall and on the City Website on [REDACTED], and published in the local newspaper on [REDACTED], prior to a decision, in accordance with CBDC 17.130.100(3)(a).

(b) Staff Report. At least seven calendar days before the date of the first planning commission or joint planning commission/council hearing, the city shall issue a written staff report regarding the application. The staff report shall set out the relevant facts and applicable standards for the application and a summary of how the application complies with those standards. The city shall mail a copy of the staff report to the review authority and to other parties who request it and post an electronic copy of the staff report on the city website. Copies of the staff report also shall be available at the public hearing.

FINDING: The staff report was made available on [REDACTED], more than seven (7) days in advance of the scheduled public hearing. Therefore, this application complies with CBDC 17.130.100(3)(b).

(c) Public Hearing Procedure. Public hearings shall be conducted in accordance with the rules of procedure adopted by the review authority, except to the extent waived by the review authority. A public hearing shall be recorded on audio or audiovisual tape.

(i) At the conclusion of a planning commission or joint planning commission/council hearing on an application subject to a Type IV process, the planning commission or, in the case of a joint planning commission/council meeting, the council shall announce one of the following actions, which may not be appealed: (A) That the hearing is continued. If the hearing is continued to a place, date and time certain, then additional notice of the continued hearing is not required to be mailed or published. If the hearing is not continued to a place, date and time certain, then notice of the continued hearing shall be given as though it was the initial hearing; or (B) That the planning commission recommends against or in favor of approval of the application(s) with or without certain changes, or that the planning commission makes no recommendation regarding the application(s), together with a brief summary of the basis for the recommendation.

(C) That, in the case of a joint planning commission/council hearing, the council may take action as noted in subsection (3)(c)(iii) of this section.

FINDING: This land use application was considered at a public hearing conducted in

accordance with the procedures set forth in CBDC 17.130.100(3)(c) on [REDACTED], before the Planning Commission, and on [REDACTED], before the City Council. Therefore, this application complies with CBDC 17.130.100(3)(c).

CBDC 17.130.140 Expiration and extension of decisions.

(1) Except as otherwise expressly provided by the Coos Bay development code or the decision in question, decisions made pursuant to this chapter expire four years after the effective date of the decision unless, within that time, the applicant or a successor in interest files an application for an extension of the decision or the permit is inaugurated as defined in Chapter 17.150 CBDC.

FINDING: This land use decision is final as of the effective date of Ordinance No. [REDACTED]. CBDC 17.130.140 is not applicable when the City Council adopts a land use decision by ordinance.

CBDC 17.360.060 Approval Criteria.

(1) With a Type IV review, the city council shall approve the proposal upon finding that:

(a) The proposed amendment is consistent with the applicable policies of the comprehensive plan or that a significant change in circumstances requires an amendment to the plan or map.

Finding: The following Comprehensive Plan goals/policies are applicable to this application:

Natural Resources and Hazards Goal

The City of Coos Bay shall exercise sound land use practices to conserve and protect the quality of all its natural resources and safeguard the life and property of its citizens from natural hazards and disasters.

The updated Map Atlas and Data Source incorporate best available data on natural hazards impacting the Coos Estuary and shoreland, in support of this Natural Resources and Hazards Goal.

Natural Resources and Hazards NRH.8

Coos Bay shall encourage the preservation and protection of riparian vegetation as an important fish and wildlife habitat and as a viable means of flood control by enactment of appropriate property development ordinances providing protection by establishing buffer strips along waterways, along designated HUD floodways, with the exception of navigable waterways. This strategy recognizes that such land use practices are necessary (1) to preserve the area's natural resources, and (2) to eliminate unnecessary drainage and erosion problems often accompanying development.

The Coos Bay Estuary Management Plan encourages the preservation and protection of the area's natural resources. As such, it directly implements this Comprehensive Plan goal. The adoption of the updated 2023 Coos Bay Estuary Management Plan will incorporate current environmental knowledge and mapping into the Map Appendix and into Part 2 of the plan, providing better foundation for decision making and thus encouraging the preservation and protection of the area's natural resources. This amendment is in compliance with this Natural Resources and Hazards goal.

Natural Resources and Hazards NRH.11

Coos Bay shall regulate land use in dune areas in order to minimize erosion and protect coastal resources recognizing the detrimental effects that irresponsible development has on water quality, soil stabilization, and the protection of other property. This strategy shall be implemented by the Land Development Ordinance, enforcement of the building code, and ongoing inspections of property and development.

The Coos Bay Estuary Management Plan includes policies and procedures for the regulation of land use within dune areas in order to minimize erosion and protect coastal resources. These policies and procedures are not being altered with the minimal update proposed. This amendment remains in compliance with this Natural Resources and Hazards goal.

Economic Development Goal #6:

Maximize use of Coos Bay's unique geographic and recreational assets and cultural heritage.

The 2023 update to the Coos Bay Estuary Management Plan includes updated socio-economic information on the Coos Bay area (within the Data Source, incorporated as Section 8 of Part 2). This information will be used to guide effective decision-making related to development of Coos Bay's unique geographic and recreational assets and cultural heritage. No changes are proposed to the previously adopted policies or procedures that would negatively impact these resources. Hence this amendment is in compliance with Economic Development Goal #6.

Estuarine Resources Goal:

The City of Coos Bay shall strive to protect the unique economic, environmental, and social values of the estuary, its associated wetlands, and its adjacent shorelands for the long term benefit of its residents.

Adoption of the 2023 Coos Bay Estuary Management Plan by reference will facilitate the City's ability to protect the unique economic, environmental, and social values of the estuary and its adjacent shorelands, by providing digitized versions of regulatory maps to enhance accessibility, removing

inconsistencies in plan implementation between coordinating jurisdictions, and improving coordination between jurisdictions through creation of a new multi-jurisdictional steering committee. Hence this amendment is in the long-term benefit of the Coos Estuary and its residents and is in compliance with this goal.

Estuarine Resources Goal ER.1

Coos Bay shall actively participate in the inter-jurisdictional, Coos Bay estuary planning process. Further, the city shall (1) subsequently adopt the estuarine plan that results from this inter-jurisdictional process, and (2) amend, as necessary, the estuarine and shoreland portions of the previously adopted Coos Bay Comprehensive Plan and implementing measures in order to be consistent with the overall Coos Bay Estuary Plan. This strategy recognizes that, based on March 21, 1979 memorandum from the Director of the Department of Land Conservation and Development, the city can elect to request “plan acknowledgment” (i.e., final LCDC approval) prior to completion of a coordinated estuary plan provided the city agrees to the measures stipulated above. The city also recognizes the benefits from participating in the regional estuary planning effort; that is, inter-jurisdictional planning problems can best be resolved through a regional, coordinated effort.

This amendment implements this goal through clarification and enhancement of the multi-jurisdictional coordination process to be used for the Coos Bay Estuary Management Plan management, and through the adoption of digitized maps. The 2023 Coos Bay Management Plan includes new language instigating a multi-jurisdictional steering committee, which will include two representatives from Coos Bay appointed by the Coos Bay City Council -- a representative from the Coos Bay Planning Commission as well as a lay citizen. This representation will be matched on the committee with appointments from Coos County and North Bend, and representatives from the local tribes and Port. This committee will enhance the citizen involvement in the management of the Coos Bay Estuary Management Plan, and will provide for a more robust regional, coordinated planning process. The creation of a Citizen Advisory Committee is also recommended as part of a comprehensive update process (Policy #39). Hence this amendment is in compliance with this goal.

Public Participation Goal:

The City of Coos Bay shall maintain its citizen involvement program to ensure that the general public has an opportunity to be involved in all phases of the planning and community development process, and that the City’s citizen involvement efforts remain consistent with Oregon planning law.

The 2023 Coos Bay Management Plan includes new language instigating a

multi-jurisdictional steering committee, which will include two representatives from Coos Bay appointed by the Coos Bay City Council -- a representative from the Coos Bay Planning Commission as well as a lay citizen. This representation will be matched on the committee with appointments from Coos County and North Bend, and representatives from the local tribes and Port. This committee will enhance the citizen involvement in the management of the Coos Bay Estuary Management Plan. The creation of a Citizen Advisory Committee is also recommended as part of a comprehensive update process (Policy #39). This committee will provide the general public greater opportunities to be involved in the planning process. Hence this amendment is in compliance with this goal.

Based upon the above, this amendment is in compliance with the policies of the Coos Bay Comprehensive Plan. After 40 years of implementation of the Coos Bay Estuary Management Plan, it is appropriate to update the document and incorporate digitized mapping. Environmental knowledge and socio-economic conditions have changed substantially enough since the Plan's adoption in 1982 to require the amendment of the Plan. It is also appropriate to remove the Coos Bay Estuary Plan from the Coos Bay Comprehensive Plan to reference instead the integrated Coos Bay Estuary Management Plan as recorded in the Coos County Comprehensive Plan Volume II. The Coos Bay Comprehensive Plan is intended to be a regionally coordinated plan and its adoption in three different locations at the local level allows the document versions to diverge.

(b) The proposed amendment is in the public interest.

FINDING: Adoption of the 2023 Coos Bay Estuary Management Plan by reference will facilitate the City's ability to protect the unique environmental, economic, and social values of the estuary and its adjacent shorelands, by providing updated socio-economic and environmental data within Part 2, Section 8 through adoption of the Data Source, digitized maps, removing inconsistencies in plan implementation between coordinating jurisdictions, and improving coordination between jurisdictions through creation of a new multi-jurisdictional steering committee. Hence, this amendment will provide a long-term benefit to the Coos Estuary and its residents and is the public interest of the residents of Coos Bay.

The proposed text amendments to the Coos Bay Development Code Title 17 clarify application processing for uses and activities in the Coos Bay Estuary as well as for amendments proposed to the Coos Bay Estuary Management Plan. This will make the administration of this Plan more straightforward for applicants and is in the public interest of the residents of Coos Bay.

Therefore, this application is consistent with CBDC 17.360.060(1)(b).

(c) Approval of the amendment will not result in a decrease in the level of service for capital facilities and services identified in the Coos Bay capital improvement plan(s).

FINDING: The 2023 Coos Bay Estuary Management Plan update does not include any changes to management unit boundaries or previously defined (through lawful ordinance amendment) uses or activities, nor does it include any new policies that would impact level of service for capital facilities. As such it will not result in a decrease in the level of service for capital facilities and services identified in the Coos Bay capital improvement plan(s).

The proposed text amendments to Coos Bay Development Code Title 17 do not change those uses or activities permitted nor in any other way decrease the level of service for capital facilities or services.

Therefore, this application is consistent with CBDC 17.360.060(1)(c).

(d) The proposed amendment is consistent with the city of Coos Bay's planned transportation system as described within the transportation system plan;

FINDING: Neither the text amendments proposed to the Comprehensive Plan nor to the Development Code amend the adopted Transportation System Plan or inhibit the planned function, capacity, and performance standards of any transportation facility because this application does not result in any changes to current permitted uses and activities. Therefore, CBDC 17.360.060(1)(d) is not implicated.

(e) The proposed amendment is consistent with the adopted transportation system plan and would facilitate the planned function, capacity, and performance standards of the impacted facility or facilities; and

FINDING: The text amendments proposed to the Comprehensive Plan and to the Development Code do not have a significant effect on a transportation facility because this application does not result in any changes to current permitted uses and activities. Therefore, CBDC 17.360.060(1)(e) is not implicated.

(f) The proposed amendment shall be consistent with the OAR 660-012-0060 requirements. Where it is found that a proposed amendment would have a significant effect on a transportation facility in consultation with the applicable roadway authority, the city shall work with the roadway authority and applicant to modify the amendment request or mitigate the impacts in accordance with the TPR and applicable law.

FINDING: The 2023 Update to the Coos Bay Estuary Management Plan focuses upon improvements to usability, mapping, and administration. It will have no adverse effect on specific properties or public facilities including, but not

limited to, transportation facilities, because it will not result in changes to current permitted uses and activities. Therefore, CBDC 17.360.060(1)(f) is not implicated.

VI. COMPLIANCE WITH STATEWIDE PLANNING GOALS

FINDING: This request is consistent with Oregon Statewide Planning Goals. The following Statewide Planning Goals are not applicable to the proposed code amendment: Goal 3 – Agricultural Lands; Goal 4 – Forest Lands; Goal 8 – Recreational Needs; Goal 10 – Housing; Goal 11 – Public Facilities and Services; Goal 12 – Transportation; Goal 13 – Energy Conservation; Goal 15 – Willamette River Greenway.

This proposal is consistent with Goal 1. The proposed plan and products were the result of many years of public comment and review, as shown in the exhibit of public involvement opportunities provided with the Revision Memo (see Exhibit >>>>, Attachment C). Public involvement was encouraged through numerous avenues, including surveys, subject-matter focus groups, open houses, map displays, website, etc., between 2016-2023. The public was provided the opportunity to comment on the final draft products (CBEMP Part 1 and 2 and maps) between January 2023 and May 26, 2023. (See Exhibit [REDACTED], Attachment D.) Adequate public notice of the proposed changes has been provided through the Type IV public notice process as specified in Section 17.130.110 of the Development Code. The Department of Land Conservation and Development was notified of the intended modifications and did not express any concerns in writing about the changes, apart from comments directly related to National Flood Insurance Program implementation, which were integrated into the draft document. Affected state and federal agencies were provided opportunities to comment upon the proposed products, and their comments were incorporated into the final draft documents. Additional time for public review of the draft products was provided upon request to further refine the final products. The City adoption process involves various forms of notification of the public in the impacted areas, notification in local media, and notification of impacted governmental agencies, recognized neighborhood groups, and any person who requested a notice in writing. Public hearings will be held at the Planning Commission and City Council levels. Notifications of these public hearings follow the requirements of 17.130.060.

This proposal is consistent with Goal 2. The City has established a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions. The proposed change followed the process established in Title 17 of the City of Coos Bay Municipal Code and has been found compatible with the City's Comprehensive Plan.

This proposal is consistent with Goals 5 and 6. This partial plan update will help the City of Coos Bay ensure the appropriate conservation, protection, and development of Coos Bay estuary and shoreland resources by improving the usability and consistency of the plan upon which decisions are made. The update's focus on enhanced procedures for resolving management unit conflicts between the county and cities and the need for diverse citizen involvement in future revisions and multijurisdictional coordination of the current plan will ensure that the CBEMP is implemented consistently throughout the estuary and further protect these shared natural resources.

This proposal is consistent with Goal 7. This amendment incorporates the Coos Estuary Map Atlas (as attached in Part 2, Section 9), digitized versions of the 1985 regulatory maps (as Part 1, Appendix A), and the Data Source (Part 2, Section 8). The Data Source and Map Atlas include information showing the impacts of natural hazards within the Coos Bay Estuary, including flooding and sea level rise. These maps will be vital for good decision-making related to estuary or shoreland resources in the future.

This proposal is consistent with Goal 9. The update includes the adoption of 2018 Data Source, which updates 40-year-old information on the economic, social, cultural, and environmental factors impacting the Coos Estuary with the latest information available (2018). Updating of the factual inventories and data related to socio-economic factors will better support decision making related to economic development within the Coos Estuary in future revisions of the plan.

This proposal is consistent with Goal 14. No changes are proposed to boundaries or management units at this time.

This proposal is consistent with Goal 16. Statewide Planning Goal 16 provides the principal guidance for the planning and management of Oregon's estuaries. The overall objective of Goal 16 is to "to recognize and protect the unique environmental, economic and social values of each estuary and associated wetlands; and to protect, maintain, where appropriate develop, and where appropriate restore the long term environmental, economic and social values, diversity and benefits of Oregon's estuaries". To accomplish this, the goal establishes detailed requirements for the preparation of plans and for the review of individual development projects and calls for coordinated management by local, state, and federal agencies that regulate or have an interest in activities in Oregon's estuaries. The Coos Bay Estuary Management Plan was originally adopted by the joint local agencies to address Goal 16 requirements as they relate to the Coos Estuary. The plan designates appropriate uses for different areas within each estuary based on biological

and physical characteristics and features and provides for review of proposed estuarine alterations to assure that they are consistent with overall management objectives and that adverse impacts are minimized. The updated plan removes inconsistencies between the three implementing jurisdictions, includes tools for improving navigation/legibility of the plan, and includes digitized mapping for use in decision making. It also improves implementation tools for jurisdictional coordination and expands citizen involvement in this coordinated management, which directly addresses Goal 16 concerns. The update does not change any use or activity within management units, nor change previously approved management unit boundaries.

This proposal is consistent with Goal 17. Goal 17 focuses on the protection and management of resources unique to shoreland areas. Its requirements are implemented primarily through local comprehensive plans and zoning. The update of the Coos Bay Estuary Management Plan is directly related to and in concert with Goal 17, as it is intended to provide up-to-date implementation tools for the local jurisdictions to protect and manage resources within protected shoreland and estuary areas. No exceptions are anticipated or required to this planning goal for implementation.

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

This proposal is consistent with Goal 19. Statewide Planning Goal 19 addresses matters related to open ocean resources and aims "to conserve the long-term values, benefits, and natural resources of the nearshore

ocean and the continental shelf." It outlines state interest in conserving resources within the Ocean Stewardship Area, which includes Oregon's territorial sea out to 3 nautical miles as well as the continental margin seaward to the toe of the continental slope, and adjacent ocean areas. The Coos Bay Estuary Management Plan implements Goal 19 through policies relating to dredging, management of development, and management of non-renewable resources along the coastal shore. No policies related to Goal 19 are being amended with this update. Digitized maps are being incorporated that provide a better understanding of protected resources.

CONCLUSION: Based on the applicant's submittal and information available at City Hall, and as outlined herein, the proposal does comply with all criteria for approval of an application for a Comprehensive Plan and Development Code Text Amendment. Therefore, Land Use Permit Application # [REDACTED]-PLNG is APPROVED.