



STAFF REPORT JOINT WORK SESSION COOS BAY ESTUARY MANAGEMENT PLAN

APPLICANT(S): Coos County/City of Coos Bay/City of North Bend

SUMMARY PROPOSAL: This is a legislative plan map and text amendment to the Coos County Comprehensive Plan and Ordinance to adopt the updated 2023 Coos Estuary Management Plan as Volume II of the Coos County Comprehensive Plan.

STAFF CONTACT(S): Jill Rolfe, Community Development Director
planning@co.coos.or.us

I. STAFF REPORT – Details and Background

A. General Overview of Project

Modifications to the Coos Bay Estuary Management Plan (CBEMP) include small changes to correct scrivener’s errors, etc. within CBEMP Part 1 (Plan Provisions) and Part 2 (Inventories and Factual Base), adoption of digitized mylar maps and updated background maps from the Coos Estuary Map Atlas (as Attachment A to Part 1 and as Section 9 of Part 2), and the integration of the Coos Estuary Data Source (as Section 8 in Part 2, and through the deletion of Sections 2, 4, and 5). Changes were also made to Part 1 to integrate the three jurisdictional versions of the CBEMP into one master document.

An overview of the changes include:

- Update the maps currently used in decision making (which are currently hand-drawn and from 1970’s era information) by including new spatial data in a digital format in the background maps (Coos Estuary and Shoreland Map Atlas) and digitizing original mylar maps.
- Use of clear headers to explain the purpose and contents of each document section.
- Use of Figures and Tables to Explain Process and Policies.
- Update of references in CBEMP to state and federal laws, regulations, agencies, and processes.
- Development of a comprehensive and consistent list of definitions.
- Inclusion of all Management Units in the CBEMP.
- Capture of Coos Bay-specific policies in CBEMP.
- Clarification of joint plan maintenance, plan update, and citizen involvement process.
- Integration of Coos Estuary Data Source into CBEMP Part 2.

Recommendations also include changes to the ordinances/codes that implement the CBEMP in Coos County, the City of Coos Bay and the City of North Bend. These changes are focused upon replacing the existing version of the CBEMP (1985) with the amended version (2023) and simplifying local codes where possible to facilitate coordinated management and joint oversight of the CBEMP moving forward.

No zone boundaries or management units have been modified as part of Phase 1. No changes have been recommended to approved uses or activities within management units, although the Coos County version of the CBEMP has been amended to reflect changes made lawfully by Coos Bay and North Bend. The Matrices, inventory maps referenced in the Linkage Tables, and Goal Exceptions have not been modified, although they have been digitized to facilitate ease of use. There are no new exceptions proposed at this time.

Individual changes to Ordinances/Codes and Plans are detailed in each staff report found in the links below:

Links:

Coos County - [Application Materials](#)

City of Coos Bay – [Application Materials](#)

City of North Bend – [Application Materials](#)

Coos Bay Estuary Management Plan – [Map Viewer](#)

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

i. Overview

The Coos Bay Estuary Management Plan was originally developed in the 1970s and adopted in the early 1980s to serve as the basis of land, water use, and community development regulations for lands lying within the Coos Estuary and its shorelands. This Plan's authority is based upon the Oregon Statewide Planning Goals; applicable state statutes, including ORS 197, 215, 117 and 91; and Oregon's Coastal Management Program as implemented by the Oregon State Land Conservation and Development Commission (LCDC). The purpose of the Plan is to provide predictability in the issuance of local, state, and federal permits by designating appropriate areas for the location of various existing and future uses and activities.

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

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

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

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

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

The CBEMP has been modified slightly over the years by each agency that adopted it in 1984. 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.

ii. Partnership of Coastal Watersheds (PCW)

Several factors have contributed to the lack of updates to this CBEMP in the past, including budget limitations, staffing compacity, the contentious nature of the issue, political opposition, a lack of technical expertise, public resistance to changes in land use planning, limited capacity to gather data and conduct the

necessary analysis for land use planning updates, and regulatory obstacles. However, after a multi-jurisdictional application went through a very lengthy review process it was apparent that there was a need for change as the plan was viewed as outdated. At this time the community seems to recognize the essential nature of updating land use plans to adapt to changing circumstances, ensuring that communities remain vibrant, sustainable, and resilient. Plan updates are vital to aligning land use with community values, economic aspirations, environmental concerns, and the evolving needs of a growing population.

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

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

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

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

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

iii. Process for future Updates

Within this phase, it is important to establish a process for future updates. The proposed change from the consultant was an area of concern identified by all three jurisdictions. The County Planning Commission found that the language in Sections 2.1 and 2.4 should be edited and offered some changes. After reviewing the feedback resulting from this recommendation and consulting with planning staff members, a consensus was reached that it would be best to schedule a joint work session to discuss these issues and seek guidance. Staff has been working on proposing solutions.

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

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

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

The first issue raised was with 2.1 and the language proposed that suggested how the plan would be co-managed. The management of this plan is very important to have correct in moving forward. Staff has provided a possible revision to the updates process to make it clear regarding roles and responsibilities but there needs to be some input on some of the changes.

The original language in Section 2.1 conflated three distinct themes: the management of the plan, coordination agreements, and Special District Agreements. The proposed language separates these themes and provides a clear path to move forward.

The proposed changes to Section 2.4 have been suggested to define the roles and responsibilities of the committees, including those of the Tribes and the Port. Some of the language was based off of the original 1982 process set up for a joint committee.

Current Language from 2.1 states

Original Language

2. POLICIES FOR FUTURE PROCESSES

2.1 Plan Implementation

The Coos Bay Estuary Management Plan shall be implemented by Coos County and by the Cities of North Bend and Coos Bay. Coos County and each of the cities will adopt this Plan by ordinance. Each of the cities will adopt those portions of the Plan which set forth the management objectives for management units which lie within that city's boundary. Each of the cities will also allow the uses and activities which are set forth in this Plan for these units and will adopt other policies and/or portions of this Plan when applicable. Coos County and the cities will adopt other implementation measures as determined necessary by each jurisdiction to carry out the intent of and to maintain this Plan. A management agreement between Coos County, the Cities of North Bend and Coos Bay, and the Oregon International Port of Coos Bay will assure maintenance of a coordinated intergovernmental estuary Plan. Coos County will assume the lead role for maintaining the Coos Bay Estuary Management Plan; the cities, Port, and state and federal agencies will have the opportunity to respond to proposed Plan amendments/updates.

Proposed Changes by the Consultant

2. POLICIES FOR FUTURE PROCESSES

2.1 Plan Implementation

The Coos Bay Estuary Management Plan shall be implemented by Coos County and by the Cities of North Bend and Coos Bay. Coos County and each of the cities will adopt this Plan by ordinance. ~~Each of the cities will adopt these portions of the Plan which set forth the management objectives for management units which lie within that city's boundary. Each of the cities will also allow the uses and activities which are set forth in this Plan for these units .and will adopt other policies and/or portions of this Plan when applicable.~~ Coos County and the cities will adopt other implementation measures as determined necessary by each jurisdiction to carry out the intent of and to maintain this Plan. A management agreement between Coos County, the Cities of North Bend and Coos Bay, the Coquille Indian Tribal Council and the Confederated Tribes of the Coos, Lower Umpqua and Siuslaw Indians Tribal Council, and the Oregon International Port of Coos Bay will assure maintenance of a coordinated intergovernmental estuary Plan. Coos County will assume the lead role for maintaining the Coos Bay Estuary Management Plan; the cities, Tribes, and, Port, ~~and state and federal agencies will have the opportunity to respond to proposed Plan amendments/updates.~~ will co-manage the Plan with the County through a joint steering committee. All proposed plan amendments and/or updates shall be reviewed by the joint steering committee, who shall make recommendations to County and City Planning Commissions to initiate required legislative amendment adoption processes.

The concerns raised primarily centered around the proposed revised text from the consultant. The inclusion of the term 'co-manage' in this section suggested that the Port and the Tribes held the same jurisdictional authority over a land use plan as the County and the Cities. In response to these concerns, the Planning Commission recommended the removal of the Tribe and the Port from the text to provide clarification.

Additionally, there were requests for greater clarity on how the process would work and how the Citizen Advisory and Technical Advisory Committees would be integrated into the process. These are valid concerns and upon rereading the document staff also had some concerns.

Therefore, staff proposes a re-write of Policies 2.1 and 2.4 with no changes to the other policies. Staff would like guidance from decision makers in a work session prior to moving forward to a public hearing. Below are the proposed rewrite with highlighted areas that require guidance. Once this process is agreed upon a flow chart will be added to show how the amendment process will be processed.

Excerpt from the DRAFT 2023 Coos Bay Estuary Management Plan (revised)

2. POLICIES FOR FUTURE PROCESSES

The purpose of this section is to address the maintenance of a coordinated Coos Bay Estuary Management Plan.

2.1 Plan Implementation (proposed for clarification)

The Coos Bay Estuary Management Plan shall be implemented by Coos County and the Cities of North Bend and Coos Bay. Coos County and each of the cities will adopt this Plan by ordinance. Each of the local jurisdictions will endorse the uses and activities outlined in this plan for their respective areas. Coos County and the cities will also adopt other implementation measures as necessary to fulfill the plan's objectives. A management agreement between Coos County and the Cities of North Bend and Coos Bay will ensure the maintenance of a coordinated intergovernmental estuary plan. All proposed plan amendments and/or updates will be reviewed by the Coos Estuary Joint Steering Committee, Coos Estuary Citizen Advisory Committee,

and Coos Estuary Technical Advisory Committee prior to being presented in a joint work session before the County and City Planning Commissions. Following a joint work session with the Planning Commissions a joint work session before the City Councils and Board of Commissioners will be held to initiate required legislative amendment adoption processes. See section 2.4 Committee Roles and Responsibilities.

[No Changes proposed to 2.2 Plan Amendments/Revisions and Periodic Review or 2.3 Major and Minor Revisions/Amendments]

2.4 Committees Roles and Responsibilities (Current proposed language with clarification)

Citizens play a crucial role in all aspects of maintaining and updating the Coos Bay Estuary Management Plan and its associated measures. The Coos County Board of Commissioners and Planning Commission as well as the City Councils and Planning Commissions of Coos Bay and North Bend, are entrusted with making decisions related to land use and community development for the benefit of their respective constituents. The success and public acceptance of these decisions often depends on the degree of public involvement in the decision-making process. Therefore, one of the primary objectives of the Board of Commissioners, City Councils, and the Planning Commissions is to ensure that their decisions are informed by citizen input as well as technical expertise. This section identifies the committees, including their roles and responsibilities, tasked with informing the decision-makers as to the appropriateness of future proposed plan amendments.

The establishment of three separate committees serves multiple vital purposes within this multi-jurisdictional planning framework. Firstly, it ensures that the planning process is efficient and effective in making decisions that benefit all three jurisdictions. Secondly, these committees provide essential avenues for technical expertise, allowing for in-depth analysis and informed decision-making. Finally, the inclusion of public input through these committees ensures that the plan is not only comprehensive but also reflective of the diverse needs and perspectives of the community.

Nothing in this section is intended to void or amend any Special District Agreements. If there is a conflict between this Plan and a Special District Agreement the agreement supersedes the language or directive of this Plan.

It's important to note that the committees will not handle applications submitted by property owners or their representatives for conditional uses or rezone of private property as public participation during plan implementation is often limited by strict timelines, procedures, and rules related to legal standing, notices, and appeals.

2.4.1 COOS ESTUARY STEERING COMMITTEE (NINE MEMBER COMMITTEE)

The Coos Estuary Joint Steering Committee (CEJSC) serves a vital role as a dedicated planning committee responsible for the ongoing and structured maintenance of the Coos Bay Estuary Management Plan (CBEMP). The purpose of this multi-jurisdictional steering committee is to promote collaboration, coordination, and efficient decision-making across various governmental entities effectively addressing the shared needs and challenges.

The Coos Estuary Joint Steering Committee shall consist of the following membership:

- a. One elected official from each jurisdiction, as appointed by that jurisdiction (one councilor from the Cities of Coos Bay and North Bend and one commissioner from the Board of Commissioners).
- b. An International Port of Coos Bay representative, as appointed by the Port Commission.
- c. One tribal representative from each Tribe, appointed by Tribal Councils.
- d. The Chair of the Coos Estuary Citizen Advisory Committee.

- e. The Chair of the Coos Estuary Technical Advisory Committee.
- f. (This could be another governmental entity of your choosing to make it a nine (9) member committee) or a Partnership for Coastal Watersheds Representative, South Slough, Coos Watershed, or it could be left for the Steering Committee to appoint an ex-officio member from local, state, or federal agencies at its discretion.

The Coos Estuary Joint Steering Committee shall appoint a Chair and Vice-Chair, each serving a two-year term. For the initial appointments, staggered terms of one and two years will be established to ensure that not all members' terms expire simultaneously.

The Coos Estuary Joint Steering Committee shall also make recommendation for candidates to be appointed by the Board of Commissioners for the Coos Estuary Citizen Advisory Committee and the Coos Estuary Technical Advisory Committee.

The Coos Estuary Joint Steering Committee shall meet at a minimum of once every two years to review the status of the Coos Bay Estuary Management Plan, consider any recommendations from the other committees described in this section of this Plan, or as needed to consider local governmental units requests to amend the Plan. In addition to the minimum required meetings, the Coos Estuary Joint Steering Committee will convene as necessary to assess the progress of the Coos Estuary Citizen Advisory Committee and Coos Estuary Technical Advisory Committee.

A quorum shall consist of a simple majority of seated members, and decisions shall be made by a simple majority vote of attendees. Members shall serve two-year terms, with the possibility of renewal upon request to the Board of Commissioners.

The Coos Estuary Joint Steering Committee shall provide decision-makers with a bi-annual report on their findings and recommendations. This report shall be developed with the following:

1. Identification of New Planning Problems and Issues: Recognizing and defining emerging planning challenges and issues.
2. Collection and Analysis of Inventories and Other Pertinent Factual Information: Gathering and examining relevant data, inventories, and factual information to inform the planning process.
3. Evaluation of Alternative Courses of Action and Ultimate Policy Choices: Assessing and comparing various options and courses of action, leading to the selection of optimal policies.
4. Selection of Appropriate Policy Directives, Based Upon Consideration of the County's Social, Economic, Energy, and Environmental Needs: Choosing the most suitable policy directives, taking into account the County's social, economic, energy, and environmental requirements.

The draft report will be presented to the Coos Estuary Technical Advisory Committee (CETAC) and the Coos Estuary Citizen Advisory Committee (CECAC) by County and/or City staff in separate meetings. Meetings with these committees will be scheduled to allow committee members a thirty (30) day review period prior to meeting and discussion. These committees will provide their comments in a format that allows for reporting to the Coos Estuary Joint Steering Committee. Once CETAC and CECAC comments have been received by staff, those will be presented to the Coos Estuary Joint Steering Committee who will reconvene to finalize the draft report, incorporating CETAC and CECAC comments. The final report will be presented to decision-makers at a coordinated joint work session no later than sixty (60) days after the final draft of the status report has been completed and signed by the Chair, or in the absence of the Chair, the Vice Chair, of the Coos Estuary Joint Steering Committee.

County and City Planning Staff will coordinate all meetings, work sessions, agendas, and minutes as directed by the Coos Estuary Joint Steering Committee. County and City Planning Staff shall attend the meetings and may be requested to present staff reports. Notice of meetings shall be given at least (number of days 15) in advance, and the notice shall include the date, time, location, and agenda. Meetings may be held in person, via teleconference, or other appropriate means.

2.4.2 COOS ESTUARY TECHNICAL ADVISORY COMMITTEE – Specific to the Estuary Plan Update Process

The purpose of the Coos Estuary Technical Advisory Committee (CETAC) is to provide technical guidance and expertise for managing the estuary’s economic development; socio-cultural interests; and natural resource protection and restoration.

A Coos Estuary Technical Advisory Committee including, but not limited to, the following stakeholders:

- Representation from the South Slough National Estuarine Research Reserve
- Representation from the Coos Watershed Association
- Representation from academic institutions such as Oregon Institute of Marine Biology and others
- Representation from conservation organizations such as the Partnership for Coastal Watersheds and others
- Tribal technical representation with expertise in traditional ecological knowledge or natural resource management
- State and federal agency scientists from relevant agencies such as DSL, ODFW, NOAA, DEQ, and EPA, etc.
- Land use planning professional(s)

The group shall be convened to review and make recommendation, comments and analysis of long-term environmental, economic, social and energy consequences of any proposed change. These comments will be provided to staff who will rely them to the Coos Estuary Joint Steering Committee and to CECAC for comments.

The CETAC shall appoint offices in the form of a Chair and Vice Chair. Notice of meetings shall be given at least (number of days 15) in advance, and the notice shall include the date, time, location, and agenda. Meetings may be held in person, via teleconference, or other appropriate means. The County or City Staff shall record the meetings and take minutes, provide agenda and other related material as necessary.

A quorum for committee meetings shall be (simple majority (51%)) of the total members. Decisions shall be made by a majority vote of the members present and voting. If a majority vote cannot be obtained the motion will not pass.

2.4.3 COOS ESTUARY CITIZEN ADVISORY GROUP – Specific to the Estuary Plan Update Process

The Coos Estuary Citizen Advisory Group (CECAC) is recognized as a partnership that has been established to assist in updating the CBEMP and its implementing ordinances, as well as to provide input from a citizens view point on concerns and support for plan amendments and implementing ordinances.

This committee’s primary function is to ensure citizen input addressed when proposing future amendments to the Coos Bay Estuary Management Plan.

A Coos Estuary Citizens Advisory Committee including, but not limited to, the following stakeholders:

- Community members at-large, one appointed by each of the jurisdictions
- Tribal community members at-large, one appointed by each of the local Tribes
- Maritime industry
- Commercial or sport fishing industry
- Aquaculture or seafood processing industry
- Public health or social services industry
- Recreation or tourism industry
- Local businesses, generally
- Priority populations such as minorities, lower-income, and youth, etc.

The CECAC's shall appoint offices in the form of a Chair, Vice-Chair and Secretary (to provide written minutes). Notice of meetings shall be given at least (number of days 15) in advance, and the notice shall include the date, time, location, and agenda. Meetings may be held in person, via teleconference, or other appropriate means.

A quorum for committee meetings shall be [simple majority (51%)] of the total members. Decisions shall be made by a majority vote of the members present and voting. If a majority vote cannot be obtained the motion will not pass. If regular attendance cannot be achieved the Coos Estuary Joint Steering Committee may make recommendations to the Decision Body.

The responsibilities of the Committee shall include:

1. Providing advice and recommendations to the Coos Estuary Joint Steering Committee.
2. Provide comments on CETAC findings.
3. Reviewing and assessing matters related to the Coos Bay Estuary Management Plan.
4. Collaborating with staff and other relevant parties to further the mission or purpose of this committee.
5. Reporting regularly to the staff that have been assigned to the Coos Estuary Joint Steering Committee. This may be through minutes or reports.

While rereading Section 2 in its entirety Chelsea Schnabel raised the issue with Section 2.5 as it was not modified to reflect Coos Bay and North Bend adopted the Plan by reference. She is correct this will need to be corrected prior to the hearing. The proposed Figure 1 will also need to be modified to show the adoption by reference.

2.5 Relationship to Other Plans

The Coos Bay Estuary Management Plan shall serve as the basis of land use and community development regulations for lands lying within the Coos Bay Estuary and its Shorelands as defined in Section 4. Applicable portions of the Plan are to be adopted by the Cities of North Bend and Coos Bay by reference and incorporated into their respective comprehensive plans. Coos County and Cities of North Bend and Coos Bay will implement the Coos Bay Estuary Management Plan within the boundaries of their respective jurisdictions through adoption of ordinances and processing of permits. These entities and the Oregon International Port of Coos Bay will coordinate planning for the estuary and shoreland areas through the adoption of an intergovernmental agreement which addresses responsibilities of various jurisdictions, Plan amendment procedures, review and update procedures, and Plan implementation. Port plans and special functional plans, when developed, will be supplemental to and shall not conflict with this coordinated Coos Bay Estuary Management Plan, which designates uses and activities for the estuary and shoreland areas. Figure 1 below displays these relationships.

Figure 1: Coos Bay Estuary Management Plan's Relationship to Other Plans and Jurisdictions

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FILED FEB 8 1991

MARY ANN WILSON
COUNTY CLERK
BY M. Knight DEPUTY

SPECIAL DISTRICT COOPERATIVE AGREEMENT

This agreement, made and entered into on the day last set forth below by and between the ~~Oregon International Port of Coos Bay~~ hereinafter referred to as the "District" and Coos County, hereinafter referred to as the "County":

WITNESSETH:

WHEREAS, ORS 215.100 provides for cooperation in planning between the various levels of government of this state; and

WHEREAS, ORS 190.010 authorizes governmental units to contract and enter into joint operational agreements with one another; and

WHEREAS, ORS 197.185 provides for special districts to exercise their planning duties, powers and responsibilities and to take actions that are authorized by law with respect to programs affecting land use, including the annexation of territory, in accordance with state-wide planning goals; and to coordinate such actions with local units of government.

NOW, THEREFORE, the District and the County, each in consideration of the other, agree as follows:

- (1) The District shall have the opportunity to participate in the County planning program in the following ways:
 - a. County Administrative Reviews:
 - i) The County Planning Department shall forward to the District each administrative minor partition, variance and conditional use decision affecting any area within the District, within five (5) working days of making said decision; the District may within fifteen (15) days of the date notice is mailed request a reconsideration hearing, which shall be held by the Hearings Body.

- ii) The County Planning Department shall refer to the District each request for a major partition, planned community development or subdivision within the District, within ten (10) working days of the date the request is filed with the County Planning Department. The District will be requested to participate as a Technical Review Committee (TRC)* member.

The TRC shall review said application not less than thirty (30) days after the date of application submittal. Notice of administrative decisions for major partitions, planned communities and subdivisions within the District shall be mailed to the District, which shall have 15 days from the date notice was mailed to request a reconsideration hearing that must be held by the Hearings Body.

- b. The County Planning Department shall refer to the District for comment, each application for a Hearings Body conditional use, rezone or variance together with a County Planning Department staff report.

The County Planning Department shall forward the application and staff report to the District at the same time the report is mailed to the applicant.

- c. The County hereby extends an open invitation to the District to submit proposals for adjustments, additions and updated information for consideration as amendments to the applicable parts of the Coos County Comprehensive Plan and its implementing measures.
- d. All written comments from the District which request a response shall receive a written response from the County.

*This is a County committee that reviews land development proposals.

- (2) The District shall continue to work with the County to integrate District plans which affect land use into the County Comprehensive Land Use Plan.
- (3) Any District Plans completed to meet planning obligations shall be submitted to the County in order to assure their compliance with the coordinated County Comprehensive Plan.
- (4) The District shall notify and invite comment from the County on District plans which may affect land use in the County.
- (5) The District intends to comply with those provisions of the coordinated County Comprehensive Plan which pertain to District operations. In the event that the District chooses to develop its own District Plan, the District Plan will be in compliance with the coordinated County Comprehensive Plan.
- (6) Planning information (for example, maps, populations projections, etc.) necessary for the implementation of this agreement shall be freely exchanged between the County District.

COOS BAY-NORTH BEND WATER BOARD ONLY:

Coos County recognizes and supports the Water Board's obligation to direct and supervise public water facility standards and delivery systems within its declared source-service area.

- a. The Water Board shall specify water facility standards within the County area of the Water Board's source service area outside Urban Growth Boundaries subject to the approval of the Coos County Road Department and in keeping with the intent of the Comprehensive Plan.
 - b. The Water Board shall specify water facility standards within the Urban Growth Boundaries of the Water Board's source-service area subject to the intent of comprehensive plans of the County and the involved city, including city-county comprehensive plan agreements. Such standards shall also be subject to the approval of the Coos County Road Department.
7. All prior Special District Cooperative Agreements are hereby terminated.

In witness whereof, the parties have set their hand as of the day and year hereinafter written.

SPECIAL DISTRICT CHAIRMAN

BOARD OF COMMISSIONERS

Oregon International Port
of Coos Bay

John Stephens
(Chairman)

12/19/90
(Date)

Joseph L. Piehl
(Chairman)
January 23, 1991
(Date)

DEC 19 1994

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BOARD OF COMMISSIONERS

COUNTY OF COOS

STATE OF OREGON

IN THE MATTER OF AMENDING)
THE COOS COUNTY COMPREHENSIVE) ORDINANCE 94-09-017PL
PLAN [Coos Bay Estuary)
Advisory Commission Amendment])

The Board of Commissioners for the County of Coos ordains
as follows:

SECTION 1. TITLE

This Ordinance shall be known as "Coos County Ordinance
No. 94-09-017PL".

SECTION 2. AUTHORITY

This Ordinance is enacted pursuant to the provisions of
ORS 203.035 and ORS Chapter 215.

SECTION 3. PURPOSE

The purpose of this Ordinance is to amend Volume II of the
acknowledged Coos County Comprehensive Plan; this
Ordinance therefore amends Coos County Ordinance
82-08-015L, and amendments thereto, which adopts Volume II
of the Coos County Comprehensive Plan.

The purpose of this amendment (AM 94-11) is to delete all
reference to the Coos Bay Estuary Advisory Commission
(CBEAC) in the Coos County Comprehensive Plan. The CBEAC
was established when the Coos Bay Estuary Management Plan
was being written.

SECTION 4. FINDINGS

The Board of Commissioners finds that the CBEAC is not
required for effective implementation of the Plan and that
there are other coordinating measures available.

8-6-97 (PA)

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To <u>Kevin C. Turner</u>	From <u>Pattis</u>
Co. <u>Planning</u>	Co. <u>Coos Co. Planning</u>
Dept.	Phone # <u>396-3621</u>
Fax # <u>267-5615</u>	Fax # <u>396-2690</u>

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SECTION 5. AMENDMENT TO THE COOS COUNTY COMPREHENSIVE PLAN

Ordinance 82-08-015L and amendments thereto adopting Volume II of the Coos County Comprehensive Plan are amended as necessary to delete all reference to the CBEAC in the Comprehensive Plan.

SECTION 6. REPEAL OF INCONSISTENT ORDINANCES

Coos County Ordinance 82-08-015L and amendments thereto are repealed to the extent that they conflict with this Ordinance. Said Ordinance shall remain in full force and effect in all other respects.

SECTION 7. SEVERANCE CLAUSE

If any section, subsection, provision, clause or paragraph of this Ordinance shall be adjudged or declared by any court of competent jurisdiction to be unconstitutional or invalid, such judgment shall not affect the validity of the remaining portions of this Ordinance; and it is hereby expressly declared that every other section, subsection, provision, clause or paragraph of this Ordinance enacted, irrespective of the enactment or validity of the portion thereof declared to be unconstitutional or invalid, is valid.

SECTION 8. EMERGENCY CLAUSE

The Board of Commissioners for the County of Coos deems this Ordinance necessary for the immediate preservation and protection of the public peace, safety, health and general welfare for Coos County and declares an emergency exists, and this Ordinance shall be in full force and effect upon its passage.

ADOPTED this 14th day of December, 1994.

[Signature]
Commissioner
[Signature]
Commissioner
[Signature]
Commissioner

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ATTEST:

Judy A. Norris
Recording Secretary

APPROVED AS TO FORM:

David R. Piz
Office of County Counsel

SIGNED this 14th day of December, 1994.

1st Reading: NOVEMBER 30, 1994

2nd Reading: DECEMBER 14, 1994

Emergency Adoption: DECEMBER 14, 1994

Effective Date: December 14, 1994

COOS BAY ESTUARY AND SHORELANDS

JOINT MANAGEMENT AGREEMENT

The local governing bodies who are parties to this Joint Management Agreement shall be the Cities of North Bend, Coos Bay and Eastside, the Port of Coos Bay, and the County of Coos.

The terms of this Management Agreement shall be applicable to the Coos Bay Estuary and Shorelands areas. For purposes of this Agreement the Coos Bay Estuary and Shorelands areas shall be defined as mapped within the Coastal Shorelands boundary and the Estuary pursuant to the Coos Bay Estuary Management Plan.

This Joint Management Agreement is entered into pursuant to ORS Chapters 190 and 197 for the purpose of facilitating orderly development within the Coos Bay Estuary and its Shorelands and for the purpose of maintaining the integrity of the coordinated Coos Bay Estuary Management Plan.

Words and phrases used in this Agreement shall be construed in accordance with ORS Chapters 190, 197, 215 and 227 and applicable to Oregon State Planning Goals unless otherwise specified. In the event two or more definitions are provided for a single word or phrase, the Coos Bay Estuary Advisory Commission may make a determination as to which definition shall be used in interpreting this Agreement. References to the "Plan" shall apply to the Coos Bay Estuary Management Plan.

I. Introductory Information

- A. This Agreement is the culmination of a series of actions intended to facilitate the following:
 - 1. maintenance of an internally coordinated Coos Bay Estuary Management Plan
 - 2. maintenance of coordinated City and County Comprehensive Plans, Port Plans and Special Functional Plans
- B. The terms of this Agreement shall not conflict with urban growth management agreements and shall function in addition to rather than in place of other agreements currently enacted between the parties of the Agreement.



II. General Provisions

- A. Coos County is responsible for coordinating the plans of all local governments. In order to give all local governmental units influence as to how that coordination is accomplished, the Coos Bay Estuary Advisory Commission is being established.
- B. Local governments shall establish a joint Coos Bay Estuary Advisory Commission. This Advisory Commission shall consist of elected officials from the Cities of North Bend, Coos Bay and Eastside, the Port of Coos Bay and from Coos County.
- C. The Coos Bay Estuary Advisory Commission shall be empowered to act as a planning advisory commission to local governments having jurisdiction within the Coastal Shorelands Boundary of the Coos Bay Estuary.
- D. Each party to this Agreement shall provide the Coos County Board of Commissioners with one appointment from its own jurisdiction to be a member of the Coos Bay Estuary Advisory Commission. Terms of office for members shall be at the discretion of the governing bodies who appoint them.
- E. The Coos Bay Estuary Advisory Commission may appoint ex officio members from local, state or federal agencies at its discretion.
- F. Coos County shall provide public notice of Coos Bay Estuary Advisory Commission meetings to the general public, and shall keep state and federal agencies informed about activities of the Coos Bay Estuary Advisory Commission. Coos County shall provide staff assistance at meetings.
- G. The Coos Bay Estuary Advisory Commission shall meet to review the status of the Plan and to consider local governmental units requests to amend the Plan. The Coos Bay Estuary Advisory Commission may hold meetings if and when requested by local governmental units.
- H. The Chairperson of the Coos Bay Estuary Advisory Commission shall be elected by the Coos Bay Estuary Advisory Commission annually.
- I. The Coos Bay Estuary Management Plan shall be the basis of land use and community development regulations for lands lying within the Coos Bay Estuary and its Shorelands as defined within the Plan.

Post-It Fax Note	7671	Date	11/3/94	No. of pages	8
To	Laura Baron	From	Emily Joby		
Co./Dept.		Co.			
Phone #		Phone #			
Fax #	396-2680	Fax #			



III. Plan Amendment, Review and Update Procedures

- A. The Coos Bay Estuary Advisory Commission shall conduct a formal review of this Plan at least every two (2) years to determine if any revisions are necessary.
- B. The Coos Bay Estuary Advisory Commission shall submit a status report to the Coos County Board of Commissioners following formal review of the Plan.
- C. Public input shall be incorporated into the review process, and shall be considered in decision-making.
- D. The Coos Bay Estuary Advisory Commission may seek the opinions of state and federal agencies having regulatory jurisdiction within the Coos Bay Estuary and its Shorelands during review and update.
- E. When Plan amendments take place, local governments are responsible for developing implementing measures within their respective jurisdictional boundaries subject to processes established by each respective jurisdiction.
- F. The Coos Bay Advisory Commission shall utilize the following strategy in considering Plan amendments during Plan review and update:
 - 1. Identification of new planning problems and issues.
 - 2. Collection and analysis of inventories and other pertinent factual information.
 - 3. Evaluation of alternative courses of action and ultimate policy choices.
 - 4. Selection of appropriate policy directives, based upon consideration of the County's social, economic, energy and environmental needs.
- G. Local governments including those of Coos County and the Cities of North Bend, Coos Bay and Eastside shall follow those processes set forth within their respective plans and ordinances for revising/amending their own plans, except that the procedures agreed to in this formal Agreement shall be in addition to the respective amendment procedures insofar as revisions/amendments to the Coos Bay Estuary Management Plan are proposed.

- H. When revisions/amendments are proposed by a local governmental unit which is a member of the Coos Bay Estuary Advisory Commission, the member shall contact Coos County to initiate a meeting of the Coos Bay Estuary Advisory Commission. If the jurisdiction initiating the change is Coos County, Coos County shall initiate a meeting of the Coos Bay Estuary Advisory Commission. Other procedures for initiating revisions/amendments to the Coos Bay Estuary Management Plan are outlined in the Coos Bay Estuary Management Plan and shall be followed in addition to those outlined in this agreement.
- I. When major or minor revisions/amendments are initiated by a governmental unit, that governmental unit may waive its own right to proceed with the proposal, sending the proposal directly to the Coos Bay Estuary Advisory Commission for a recommendation.
- J. The Coos Bay Estuary Advisory Commission shall conduct at least one (1) public meeting prior to formulating its recommendation on each major or minor Plan revision/amendment. The meeting shall be advertised in a newspaper of general circulation within the Coos Bay Estuary area.

IV. Plan Amendments Initiated by Citizens

- A. The Coos Bay Estuary Advisory Commission shall review major revisions/major amendments or minor revisions/minor amendments except those initiated by the Coos Bay Advisory Commission through the following procedures:
1. If an applicant proposes a revision/amendment which changes the use or designation of specific property, the applicant must first establish standing with the City or County within which the affected property is located. Standing shall be established by processes outlined in that jurisdiction's own ordinances/plans. If the governmental unit approves further pursuit of the revision/amendment, the applicant requesting the revision/amendment may then proceed by bringing the proposal before the Coos Bay Estuary Advisory Commission. The applicant requesting the revision/amendment shall be responsible for making the presentation to the Coos Bay Estuary Advisory Commission.

2. The proposal of the applicant along with the recommendation of the Coos Bay Estuary Advisory Commission shall then be presented to the Coos County Board of Commissioners who determine whether or not the revision/amendment would result in maintaining a coordinated Plan.
- B. Citizens may only initiate major or minor plan revisions/amendments through the city or county having direct regulatory jurisdiction.
- C. Recognizing the legal status of the Port of Coos Bay, the Cities of Coos Bay, North Bend and Eastside shall notify the Port of Coos Bay within 10 days of the date that an application for a major or minor revision/amendment is filed with that City or with the County.

V. Flow Chart of Amendment Processes

A flow chart depicting general Plan revision/amendment processes is included with this Joint Management Agreement as an Exhibit, Page 7 of 7.

VI. Execution of Agreement

This Agreement shall automatically renew each year unless terminated by one of the parties following a ninety (90) day termination notice in writing. This Agreement shall be reviewed by the Cities, the Port, and the County at the request of one of the involved parties and may be amended upon concurrence by all parties.

This Agreement commences from this 8th day of November, 1982.

CITY OF NORTH BEND

[Signature]
Mayor

[Signature]
Attest

PORT OF COOS BAY

[Signature]
President

[Signature]
Attest

CITY OF COOS BAY

[Signature]
Mayor

[Signature]
Attest

CITY OF EASTSIDE

[Signature]
Mayor

[Signature]
Attest

COOS COUNTY BOARD OF

COMMISSIONERS

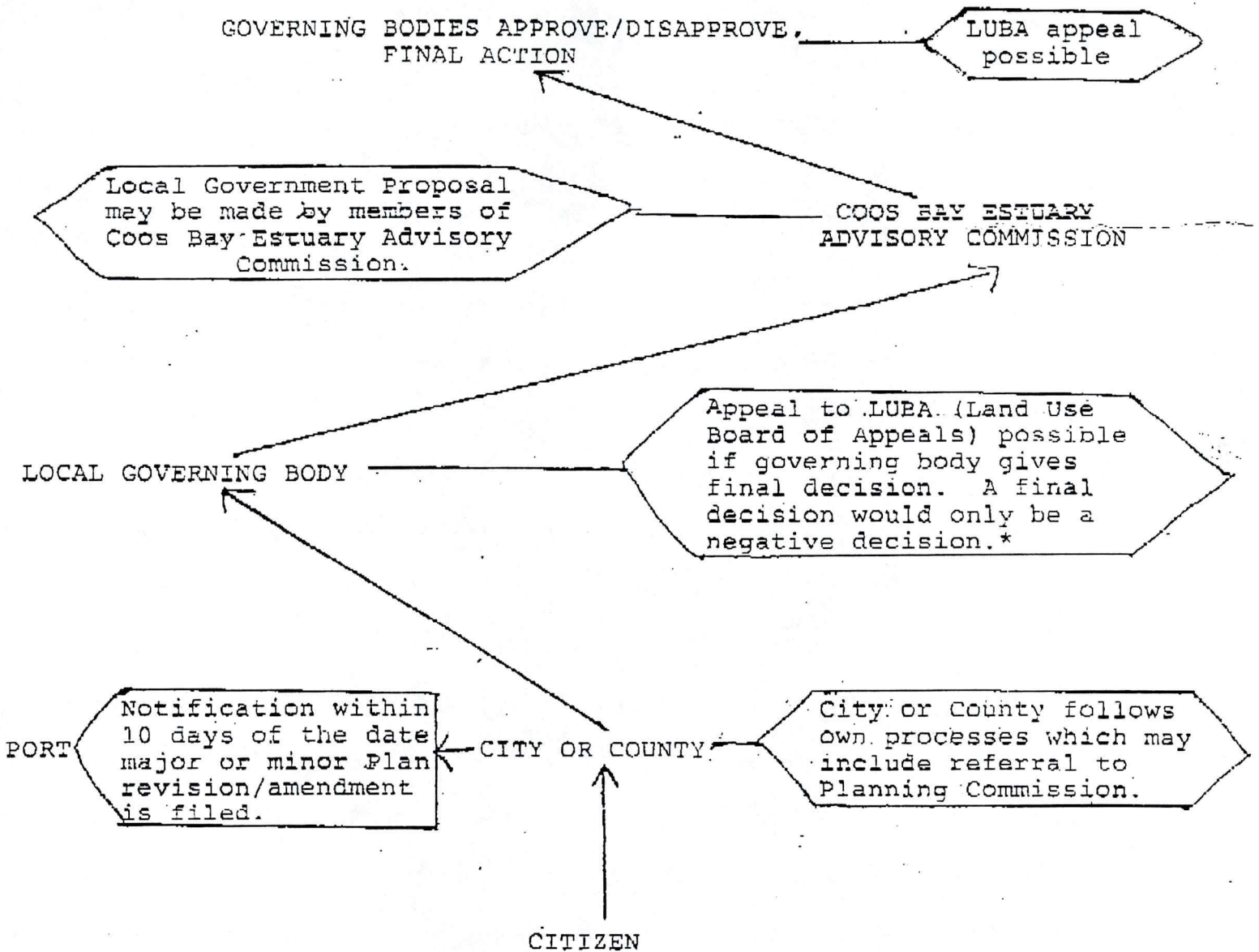
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Chairman

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Commissioner

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Commissioner

A7

GENERAL MAJOR OR MINOR PLAN REVISION/AMENDMENT PROCESSES



* A positive decision must always go to the Coos Bay Estuary Advisory Commission.