



**STAFF REPORT  
JOINT WORK SESSION  
COOS BAY ESTUARY MANAGEMENT PLAN**

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**DATE:** December 28, 2023

**MEETING DETAILS:** January 10, 2024 @ 6:00 p.m.  
Coos Bay City Hall, Council Chambers  
500 Central Ave, Coos Bay OR 97420

**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 Coos Estuary Management Plan as Volume II, Part 1 of the Coos County Comprehensive Plan. The City of Coos Bay and North Bend will adopt the Coos Bay Estuary Management Plan but reference (All three parts).

**STAFF CONTACT(S):**

Jill Rolfe, Coos County  
Community Development Dep.  
60 E. Second St. (office)  
250 N. Baxter (mailing)  
Coquille OR 97423  
(541) 396-7770  
[planning@co.coos.or.us](mailto:planning@co.coos.or.us)

Chelsea Schnabel, Coos Bay  
Community Development Dep.  
500 Central Avenue,  
Coos Bay, OR 97420  
(541) 269-1181 x 3531  
[cschnabel@coosbayor.gov](mailto:cschnabel@coosbayor.gov)

Derek Payne, North Bend  
Planning Dept.  
835 California Ave  
North Bend OR 97459  
(541) 756-8535  
[dpayne@northbendcity.org](mailto:dpayne@northbendcity.org)

During the December 7, 2023 meeting there were a lot of comments from the public that the process should be delayed until a full revision has been completed.

The comments were mostly focused on changes to citizen involvement, historical information, mapping, and waiting for a complete update to happen before making any changes.

- Citizen Involvement

Goal 1 calls for "the opportunity for citizens to be involved in all phases of the planning process." It requires each city and county to have a citizen involvement program that addresses:

1. Opportunities for widespread public involvement
2. Effective two-way communication with the public
3. The ability for the public to be involved in all phases of the planning process
4. Making technical information easy to understand
5. Feedback mechanisms for policy-makers to respond to public input, and
6. Adequate financial support for public involvement efforts

The changes reflected in the CBEMP Volume II, Part 1 Section 2 reflect the intent of the goal . Staff appreciates that information provided about the Yaquina Bay Plan. The Yaquina Bay Plan does not include a citizen involvement program as a sperate policy but relies on the citizen involvement of each of the jurisdictions. The CBEMP has exceeded the expectations of Goal but putting the basic program elements in the plan.

- Historical information

The plan has been altered under Policy #3 to retain the original Mylar maps to retain the historical Mylar maps. This provides a path to move forward with adopted the digitized maps in place of the Special Development Considerations Map

The "Special Considerations Map" is NOT a substitute for the detailed spatial information presented on the Coos Bay Estuary Management Plan's inventory maps. The "Special Considerations Map" is merely an INDEX GUIDE designed as a zoning counter implementation tool that indicates when special policy considerations apply in a GENERAL area; thereby, requiring inspection of the DETAILED Plan Inventory maps.

The "Special Considerations Map" must and shall at all times accurately reflect the detail presented on the inventory maps (but at a more general scale). The recommendation is to modify this incorporate in the digitized maps as a spatial information and relay on the Mylar map as the official map for decisions. With the exception of the official zone map which has been vetted by County, City, Consultants, DLCDC and the public. However, the Mylar map will still be retained to reference in case there is some type of discrepancy that was missed.

In the future any text or maps will be discussed for retaining the historical document.

- Waiting for a complete update to happen before making any changes

The Coos Bay Estuary Plan is a large document, and waiting until a full update would require more funding and staff to make this happen. The local governments will work together to apply for funding to continue the work. At the meeting, Meg Reed from DLCDC did say there would be additional funding but not enough to complete all of the work needed on the CBEMP. This means that it is likely the CBEMP, if updated, will need to be done in stages.

- Line by line review of changes

Staff provided a list of changes and documents on December 20, 2023, to allow for comments. In response to several requests for a line-by-line review of the changes, staff has meticulously reviewed the materials and the suggested changes from the consultant, followed by a thorough examination of the estuary plan. This document outlines the detailed changes and a simplified plan document corresponding to these changes. Importantly, there are no proposed changes to Volume II, Part 2 at this time.

This memo serves as a comprehensive guide to the modifications, ensuring everyone is on the same page. The details in this memo will be thoroughly reviewed during the upcoming work session.

- Suggestion by Staff for path to move forward

Staff proposed dialing back some of the changes and revising the tasks list. Below is the task list that was modified and addressed in this report. The tasks list is larger as it is more detailed to accommodate the request for a more comprehensive review (line-by-line).

**Revised Tasks to be completed:**

- Goals for this Update:
  - A. Use of clear headers to explain the purpose and contents of each document section; Figures, Maps and Tables to Explain Process and Policies if necessary to merge document together and include hyperlinks in the digital copy of the text. Correct inconsistencies between CBEMP and Ordinances and fix scrivener’s errors.
  - B. Update of references in CBEMP to local, state and federal laws, regulations, agencies, and processes. Update Section 1 – Update all historical information as needed to show the progress of the plan.
  - C. Update Section 2 – Update future processes and committees.
  - D. Update Section 3.2 – Revisions necessary to address conflicting definitions.
  - E. Update Section 3.3 – Polices - General updates were typos and updating agency
  - F. Update Section 3.4 Management units – Suggested modifications to align with Goal 16.
  - G. Update Section 3.5 to reference Policy 3 – This originally referenced Special Development Considerations map and was changed to reflect Policy 3 amendments.
  - H. Update Section 4 to include hyperlinks
  - I. Updated Section 5 – Inclusion of all management units, address conflicts and request guidance on preference changes shown highlighted.
  - J. Sections 6 and 7 – Typos, Headers and hyperlinks
  - K. The three jurisdictions will adopt a resolution that clearly outlines the project as a whole, including the current phase, future phases, and the commitment to seeking funding and greater citizen input. The future update will include using the Coos Estuary and Shoreland Atlas; Community, Lands & Waterways data source information to inform updates; and digitized map products.

**Staff Recommendations:**

- A. Use of clear headers to explain the purpose and contents of each document section; Figures, Maps and Tables to Explain Process and Policies if necessary to merge document together and include hyperlinks in the digital copy of the text. Correct inconsistencies between CBEMP and Ordinances and fix scrivener’s errors.**

Adopt digitized version of the CBEMP Part 1 and enhance usability through hyperlinks and codification. The CBEMP Part 1 has been digitized with hyperlinks to facilitate internal navigation. This has been completed but all hyperlinks will be verified.

Use clear headers to explain the purpose and contents of each document section. The CBEMP is organized into three (3) parts. Part 1, which is over 500 pages long, is further divided into seven (7) sections. Due to the length of the document, it is important to provide clear headers, section briefs, and a list of each section’s contents.

Part 1, Section 1.1 General Introduction provides a short outline of the document structure, including section descriptions. These section descriptions were used to develop Section purpose statements throughout the document.

Each section has insert purpose statements at the start of each section.

Use Figures and Tables to Explain Process and Policies. Insert flowcharts, maps, figures in places where needed to make it easier for the reader. Staff has inserted some maps and figures in places to make it easier for the reader.

Correct inconsistencies between CBEMP and Ordinances and fix scrivener's errors. The consultant has gone through CBEMP with staff and made recommended changes to rectify inconsistencies between document versions. These inconsistencies ranged from incorrect boundary descriptions to typographical errors that have been made in past updates to the CBEMP. The consultant analyzed documents describing text amendments provided by City and County staff to ensure that text amendments that have occurred have been incorporated into the CBEMP.

The recommendations were made as follows:

- a) Resolve inconsistencies between implementing jurisdictions' versions and ensure lawful text amendments made at a local level have been incorporated into the consolidated CBEMP. There are changes under Section 2 that further explain
- b) Fix scrivener's errors (formatting inconsistencies, typographical errors, spelling errors, etc.) within CBEMP Part 1.

**B. Update of references in CBEMP to state and federal laws, regulations, agencies, and processes.**

Changes have been included in the CBEMP to bring it up to date with current state and federal agency names, regulation references, permit processes, etc. Examples include: Division of State Lands => Department of State Lands, ORS 451 => ORS 198.610, etc. Text has also been added to the history of the CBEMP process (Section 1.3 Historical Perspective) to reflect recent efforts.

Recommendation(s):

- a) Correct references throughout document to federal, state, and local agencies and their permit processes or programs that have changed since the original date of adoption.
- b) Update references to Oregon Revised Statutes and Oregon Administrative Rules as necessary.
- c) Include reference to current update in Section 1.3 Historical Perspectives.

**C. Update Section 2 for future updates to provide a general overview of processes. Clarification of joint plan maintenance, plan update, and citizen involvement process Section 2 and Policy #39**

Clarify joint plan maintenance and citizen involvement process. Section 2 Future Processes

- **Section 2.1 Plan Implementation**

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

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

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

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

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

- **2.4 Citizen Involvement**

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

- **2.5 Relationship to Other Plans**

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

- **2.6 Agency Involvement**

No Changes to this section.

**D. Update Section 3.2 – Revisions necessary to address conflicting definitions. Address Definitions that have a conflict and rely on the CBEMP or current law if there is a conflict. These are the proposed changes for Section 3.2 Definitions.**

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

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

underlined portions of definitions, in this section, indicate the inconsistent portions of the definitions. Preferred text (i.e., recommended definition) is highlighted in grey.

### Coastal Shoreland Area

CBEMP	The lands lying between the Coastal Shorelands Boundary set forth elsewhere in this Plan and the line of nonaquatic vegetation, which is also known as the Section 404 Line.
Coos County Ordinance	The lands lying between the Coastal Shorelands Boundary set forth elsewhere in this Plan and the line of nonaquatic vegetation, which is also known as the Section 404 Line.
City of Coos Bay	The lands lying between the Coastal Shorelands Boundary set forth elsewhere in this Plan and the line of non-aquatic vegetation, which is also known as the Section 404 Line. <u>Those areas immediately adjacent to the ocean, all estuaries and associated wetlands, and all coastal lakes.</u>

### Commercial Uses

CBEMP	Privately-owned or operated facility or place of business open to the public for sale of goods or services. <u>Examples include: restaurants, taverns, hotels, motels, offices, personal services, retail stores, recreational vehicle parks, and campgrounds. Public facilities offering similar goods of services are also defined as commercial uses.</u>
Coos County Ordinance	Privately-owned or operated facility or place of business open to the public for sale of goods or services.
City of Coos Bay	Privately-owned or operated facility or place of business open to the public for sale of goods or services. <u>Examples include: Restaurants, taverns, hotels, motels, offices, personal services, retail stores, recreational vehicle parks, and campgrounds. Public facilities offering similar goods or services are also defined as commercial uses.</u>

**Development**

CBEMP	The act, process, or result of developing.
Coos County Ordinance	The act, process, or result of developing.
City of Coos Bay	No definition.
Recommended	To incorporated the difference in the flood hazard area the definition that should be used is:  The act, process, or result of developing. Within Special Flood Hazard Areas, "development" is defined as any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

**Development Aquatic Area (DA)**

CBEMP	An aquatic management unit (See Volume II, Part 1, Section 3.5).
Coos County Ordinance	An aquatic management unit (See Volume II, Part 1, Section 3.5)
City of Coos Bay	An aquatic management unit. (See Section 3.5.)

**Development Shoreland Area (D)**

CBEMP	A shoreland management unit (See Volume II, Part 1, Section 3.5).
Coos County Ordinance	A shoreland management unit (See Volume II, Part 1, Section 3.5)
City of Coos Bay	A shoreland management unit. (See Section 3.5.)

## Docks and Moorage

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

## Floodway

CBEMP	The normal stream channel and that adjoining area of the natural floodplain needed to convey the waters of a regional flood while causing less than one foot increase in upstream flood elevations.
Coos County Ordinance	The channel or a river or other watercourse and the adjacent land areas that may be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.
City of Coos Bay	<u>Not defined in City of Coos Bay Ordinance – new definition taken from Floodplain Ordinance</u>



All definitions are different, although they all have the same result. The preferred definition aligns with current FEMA/DLCD regulations.

**Impact**

CBEMP	The consequences of a course of action; <u>effect of a goal, guideline, plan, or decision.</u>
Coos County Ordinance	The consequences of a course of action; <u>effect of a goal, guideline, plan or decision.</u>
City of Coos Bay	The consequences of a course of action.

**LCDC**

CBEMP	Land Conservation and Development Commission of the State of Oregon. <u>Seven lay citizens, non-salaried, appointed by the Governor, confirmed by the Oregon Senate; at least one commissioner from each Congressional District; no more than two from Multnomah County.</u>
Coos County Ordinance	Land Conservation and Development Commission of the State of Oregon. <u>Seven lay citizens, non-salaried, appointed by the Governor, confirmed by the Oregon Senate; at least one commissioner from each Congressional District; no more than two from Multnomah County.</u>
City of Coos Bay	Land Conservation and Development Commission of the State of Oregon.

**Mitigation**

CBEMP	The creation, restoring, or enhancing of an estuarine area to maintain the functional characteristics and processes of the estuary, such as its natural biological productivity, habitats and species diversity, unique features, and water quality <u>(ORS 196.830).</u>
Coos County Ordinance	The creation, restoring, or enhancing of an estuarine area to maintain the functional characteristics and processes of the estuary, such as its natural biological productivity, habitats, and species diversity, unique features and water quality <u>(ORS 196.830).</u>

City of Coos Bay	The creation, restoration, or enhancement of an estuarine area to maintain the functional characteristics and processes of the estuary, such as its natural biological productivity, habitats, and species diversity, unique features and water quality ( <del>ORS 541.626</del> ), (ORS 196.830).
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### Natural Aquatic Areas (NA)

CBEMP	An aquatic management unit (see Volume II, Part 1, Section 3.5).
Coos County Ordinance	An aquatic management unit (see Volume II, Part 1, Section 3.5).
City of Coos Bay	An aquatic management segment (See Section 3.5).

### Natural Shoreland Areas (NS)

CBEMP	A shoreland management unit (see Volume II, Part 1, Section 3.5).
Coos County Ordinance	A shoreland management unit (see Volume II, Part 1, Section 3.5).
City of Coos Bay	A shoreland management segment (See Section 3.5.)

### Recreational Vehicle Park

CBEMP	A lot, parcel, or tract of land upon which two (2) or more recreational vehicle sites are located, established, or maintained for occupancy by recreational vehicles of the general public as temporary living quarters for recreational or vacation purposes.
Coos County Ordinance	A lot, parcel or tract of land upon which two (2) or more recreational vehicle sites are located, established or maintained for occupancy by recreational vehicles of the general public as temporary living quarters for recreational or vacation purposes. [OR 01-02-004PL 6/13/01]
City of Coos Bay	Undefined

**Shoreline**

CBEMP	The line where a body of water and the shore meet.
Coos County Ordinance	The boundary line between a body of water and the land, measured on tidal waters at mean higher high water, and on non-tidal waterways at the ordinary high-water mark.
City of Coos Bay	The boundary between an aquatic management segment and shoreland management segment determined by the establishment of the line of non-aquatic vegetation which is also the section 404-permit line.

**Solid Waste**

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

Ordinance has a more comprehensive definition.

**Structure – Consistent with Floodplain Definition**

CBEMP	Anything constructed or installed or portable, the use of which requires a location on a parcel of land.
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Coos County Ordinance	Walled and roofed building including a gas or liquid storage tank that is principally above ground.
City of Coos Bay	Anything constructed or installed or portable, the use of which requires a location on a parcel of land.

**Subordinate**

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

**Urban Development Area (UD)**

CBEMP	A shoreland management unit (see Volume II, Part 1, Section 3.5).
Coos County Ordinance	A shoreland management unit (see Volume II, Part 1, Section 3.5).
City of Coos Bay	A shoreland management segment. (See Section 3.5.)

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

CBEMP	A shoreland management unit (see Volume II, Part 1, Section 3.5).
Coos County Ordinance	A shoreland management unit (see Volume II, Part 1, Section 3.5).
City of Coos Bay	A shoreland management segment (See Section 3.5.)

**Water Development Shorelands (WD)**

CBEMP	A shoreland management unit (see Volume II, Part 1, Section 3.5).
Coos County Ordinance	A shoreland management unit (see Volume II, Part 1, Section 3.5).
City of Coos Bay	A shoreland management segment. (See Section 3.5).

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

- Policy #2 - Change to management unit description to mirror Goal 16.
- Policy #3 Special Development Considerations Map. The "Special Considerations Map" was NOT a substitute for the detailed spatial information presented on the Coos Bay Estuary Management Plan's inventory maps. The "Special Considerations Map" is merely an INDEX GUIDE designed as a zoning counter implementation tool that indicates when special policy considerations apply in a GENERAL area; thereby, requiring inspection of the DETAILED Plan Inventory maps. The "Special Considerations Map" must and shall at all times accurately reflect the detail presented on the inventory maps (but at a more general scale). The recommendation is to modify this incorporate in the digitized maps as a spatial information and relay on the Mylar map as the official map for decisions. With the exception of the official zone map which has been vetted by County, City, Consultants, state and public. However, the Mylar map will be retained to reference in case there is some type of discrepancy that was missed.

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

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

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

- Policy #4a – Added language to mirror Goal 16
- Policy #5 updated a statutory reference and added requirement to comply with Floodplain regulations
- Policy #6 added compliance with Floodplain regulation

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

**F. Updated to Section 3.4 Management Units - Proposed changes for consistency with Goal 16 as follows:**

- Management Unit: Natural - No Special Assessment Required (A)(5). Added the word “resources,” which was missing.
- Management Unit: Natural - No Special Assessment Required (A)(9): The phrase “and bridge crossing support structures” was added.
- Management Unit: Natural - No Special Assessment Required (A)(10). Added the category, “Rip-rap for protection of uses existing as of October 7, 1977, unique natural

resources, historical and archeological values; and public facilities” to align with current Goal 16 language and match the Coos Bay Plan.

- Management Unit: Conservation – No Special Assessment Required (A)(1). Deleted “permitted outright” for clarification (as all uses allowed with or without special assessment in the Natural Management Unit are allowed in Conservation units).
- Management Unit: Conservation Special Assessment Required (B)(4). Added language to align with current Goal 16 language and match the Coos Bay Plan.

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

Section 3.5 originally referenced the Special Development Considerations map and this has been amended to reflect Policy #3 amendments. See section 3.3, Policy #3 for details.

**H. Update Section 4 to include header and hyperlinks**

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

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

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

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

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

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

Coos Bay Units		North Bend Units	
<u>Shoreland</u>	<u>Aquatic</u>	<u>Shoreland</u>	<u>Aquatic</u>
23A-UW	23-DA	44-UW <sup>1</sup>	44-DA <sup>1</sup>
23B-UD <sup>3</sup>	24-NA	44-UNW	46-DA
24-CS	26A-CA	46-UD	47-DA
26-UD <sup>3</sup>	26B-CA	47-UW	48-CA
27-UW	27-DA	48-CS	48A-CA
28-UW/28-D	43-DA	50-UD	50-NA
42-UD	44-DA <sup>1</sup>	51-UD	51-CA
43-UW	45-NA	53-CS <sup>1</sup>	



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

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

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

- General Changes that apply to all units that have these specific uses and activities listed.
  - Tables were added at the beginning of each Planning Area to identify the Jurisdictions and include maps, when possible, for visual. Some of the planning areas are large and hard to see on a map you can't zoom in on. Typos and agency names were updated if needed.
  - Anywhere it says "Industrial & port facilities" the "&" was replaced with "and"

- “Mining/mineral extraction” was replaced with “Mining/mineral extraction, including dredging necessary for mineral extraction” for consistency with Goal 16.
- Research and educational observations was moved from an activity to a use applicable general and special conditions were adjusted to reference number change. This is listed in this manner because some of Coos Bay’s management units have it listed in this manner. This is a preference and could be rejected.
- Navigation and water-dependent commercial enterprises and activities was modified from water dependent enterprise and activities to mirror goal 16 language. This was also moved from an activity to a use. This was a suggested preference but is not necessary. applicable general and special conditions were adjusted to reference number change.
- Dredge Material Disposal has been changed back to the original language and Flow Lane was removed. Flow Lane Disposal if allowed is covered in the Special Conditions and another use or activity is not required. Making the suggested change by the consultant is not consistent with the overall plan.
- Any management unit that include Navigation was changed to Navigational and then Aids was modified to the following, “Aids (e.g., beacons, buoys)”
- Any management unit subject to Special Condition 9b under activities - Riprap may be allowed to a very limited extent where necessary for erosion control to protect: (A) uses existing as of 10-7-77, (B) unique natural resource and historical and archaeological values, or (C) public facilities was modified to “This activity is only permitted subject to the general findings required by Policy #9, “Solutions to Erosion and Flooding Problems,” preferring non-structural to structural solutions, and to the specific findings for rip-rap. Riprap may be allowed to a very limited extent where necessary for erosion control to protect: (A) uses existing as of 10-7-77, (B) unique natural resource and historical and archaeological values, or (C) public facilities.” This is consistent with Goal 16
- Management Segment was replaced with Management Unit for consistency
- Any map reference to “Special Development Considerations” updated to reference plan map (see Policy 3 Changes).
- Added in all management units from the Cities
- Any references to the City of Eastside will be updated to City of Coos Bay.
- Specific Changes
  - Any management unit in the County that allowed Land divisions listed out the type of land divisions. This was not in the original plan and is not necessary to add but preference.
  - The following were modified to incorporated Coos Bay and Coos County
    - 15-NA, 16-CA, 17-NA , 25-NA, 20-CA– Bridge crossings and supports were not listed in the county in any of the NA management units but were in the City. A special condition was added that that specific use is only allowed within the City of Coos Bay to resolve the conflict for the NA management units.
    - 45A-CA – Aquaculture modified for consistency between city and county and consistency with Goal 16.
    - 20-CA – Modified to include Coos Bay uses, activities and conditions

## **J. Sections 6 and 7 – Typos, Headers and hyperlinks**

- K.** The three jurisdictions will adopt a resolution that clearly outlines the project as a whole, including the current phase, future phases, and the commitment to seeking funding and greater citizen input. The future update will include using the Coos Estuary and Shoreland Atlas; Community, Lands & Waterways data source information to inform updates; and digitized map products.

### **Implementing Ordinance(s)**

Below are the changes and recommendations related to the implementing documents, including the Coos County Comprehensive Plan (Volume II), Coos County Code, City of Coos Bay Comprehensive Plan (Volume 3), City of Coos Bay Development Code, and City of North Bend Comprehensive Plan. Information is provided below for each City’s version of the comprehensive plan and/or implementing ordinance.

#### **1. Digitize and Codify.**

For all ordinances, it is recommended that searchable PDFs (or links to such) be published on each jurisdiction’s website.

#### **Recommendation(s):**

- a) Improve usability of the CBEMP through the publication of a searchable version of the CBEMP for use by all three jurisdictions.
- b) Future recommendation from the consultant is to consider that the CBEMP be codified. Codification will provide all three governments and their citizens with current, enforceable regulations in a format that makes the regulations easy to use and reference. When the joint agencies decide to modify the CBEMP in the future, the codified document can be updated to reflect those changes. Initial codification may cost in the realm of \$5000, with additional fees due when changes are made.

#### **2. Modify implementing ordinances to adopt 2024 CBEMP.**

To adopt the updated CBEMP Volume II, Parts 1, including the digitized Zone Map modifications will be necessary to the implementing ordinances of Coos County, Coos Bay, and North Bend. Existing sections of local code, which include all or parts of the CBEMP, including management units, will need to be deleted and replaced with references to the revised CBEMP. The following section reviews proposed changes to each implementing ordinance.

#### **Recommendation(s):**

- a) Coos County Comprehensive Plan (Volume 2)**

The CBEMP is adopted as Volume 2 of the Coos County Comprehensive Plan. Volume 2, Part 1 of the Comprehensive Plan will have to be rescinded and the new version of Part 1 adopted to update the CBEMP.

**Recommendation(s):**

- 1) Amend Volume 2 of the Coos County Comprehensive Plan to replace the current versions of Part 1 of the CBEMP with updated versions.

**b) Coos County Enabling Ordinance (Coos County Zoning and Land Development Code, Chapter 3)**

The enabling legislation in Coos County is the Coos County Zoning and Land Development Code.

Changes proposed to Chapter 3 of the Coos County Zoning and Land Development Code to bring it into alignment with the revised CBEMP include:

- Management Unit Uses and Activities are removed.
- References to “management segments” are changed to “management units.” References to the “Special Considerations Map” are changed to the “Plan Maps.”
- Users are directed to the CBEMP for specific zoning provisions that correspond to the map designations.

**Recommendation(s):**

- 1) Adopt a revised Chapter 3 that references the CBEMP as its primary document

**c) City of Coos Bay Comprehensive Plan (Volume 3)**

The CBEMP is implemented through Volume 3 of the City of Coos Bay Comprehensive Plan. This document incorporated that portion of the CBEMP that was applicable within Coos Bay. It had been modified over the years so that it had several discrepancies with the CBEMP.

As the CBEMP has been realigned with the City of Coos Bay’s Volume 3, it is our recommendation that Volume 3 be rescinded in its entirety and replaced with a reference to the CBEMP as the master document.

**Recommendation(s):**

- 1) Rescind Volume 3 and substitute it with a reference to the CBEMP as the guiding management document.
- 2) Replace references to the CBEMP Shorelands Map with references to the appropriate maps.

**d) City of Coos Bay Implementing Ordinance (Development Code Chapter 17.352)**

The City of Coos Bay’s Development Code (Chapter 17) includes a Chapter on Estuarine and Coastal Shoreland Uses and Activities (Chapter 17.352). This code incorporates the Coos Bay Estuary Management Plan and establishes the process for how applications are reviewed and approved for uses and activities within the estuary. Necessary changes include:

- Section 17.352.040 Tentative Decisions must be modified to reflect the revised map names.
- References to Volume 3 must be replaced with references to the CBEMP.

Staff are also proposing to amend Section 17.352 to better reflect the current format of the Coos Bay Development Code and clarify administrative procedures.

**Recommendation(s):**

- 1) Adopt ordinance replacing existing Section 17.352 of the Coos Bay Development Code with revised section, incorporating 2023 CBEMP Parts 1 & 2 and clarifying administrative procedures.

**e) City of North Bend Comprehensive Plan**

The Coastal Element of the North Bend Comprehensive Plan is intended to be maintained so that it is consistent with the CBEMP. (Article 12.5.100 Policies (2))

The North Bend Comp Plan includes the following language:

*Article 12.6.100 Implementation Requirements -- The Coos Bay Estuary Management Plan has been designed to provide coordinated management within the Estuary. The Cities of North Bend and Coos Bay and Coos County have adopted the CBEMP as part of their respective comprehensive plans. The City of North Bend will follow the implementation strategies, policies and allowable uses outlines in the Coos Bay Estuary Management Plan.*

This language does not need to be amended to adopt the new CBEMP. However, the CBEMP Shoreland Estuary Management Map is adopted by reference into the North Bend Comprehensive Plan. This map needs to be rescinded and replaced with a reference to the revised CBEMP Parts 1 and 2 (including its updated maps).

**Recommendation(s):**

- 1) Update the North Bend Comprehensive Plan to adopt the revised CBEMP by reference (removing reference to old Shoreland Estuary Management map).

**f) North Bend Implementing Ordinance (Title 18, Zoning, Chapter 18.88)**

*North Bend City Code Chapter 18.88: Coos Bay Estuary Management Plan* is located within Title 18, Zoning of North Bend City Code (NBCC). Ordinance 1952 § 1(4),

2006, adopted the portions of the CBEMP that are applicable to land located in, or owned by, the City of North Bend. This code references the CBEMP, but does not need to be amended, provided that the updated version of the CBEMP be adopted as part of the North Bend Comprehensive Plan (above).

**Recommendation(s):**

- 1) No changes.

**Conclusion:** This revision addresses specific issues within the scope, emphasizing consistency between Coos Bay and County plans. No new uses or activities are proposed, and changes aim for alignment without altering permitting or applicable policies. There are no modifications to mapping, and all maps have been publicly accessible since May 2023, except those referencing protected resources (Archaeological and Historical sites, see Policy #18). Assertions about legal ambiguities lack evidence and specificity, hindering a proper response.

This is a partial revision and staff has completed the tasks set out in the December 2023 work session.

It's crucial to provide proof of representation for organizations or groups when offering testimony or the testimony may be stricken from the record.

All testimony is due by January 3rd at 5:00 p.m. Comments should be focused on the criteria for a legislative plan amendment. Comments may be emailed to [planning@co.coos.or.us](mailto:planning@co.coos.or.us), mailed to 250 N. Baxter, Coquille OR 97423 or dropped by 60 E Second St. Coquille OR. The office is closed on Friday's but there is a drop box available. If mailing please allow for time to be received.

ATTACHMENTS: Draft Volume II, Part I CBEMP  
Draft Resolution