



**FINDINGS AND FINAL DECISION
OF THE CITY OF COOS BAY CITY COUNCIL**

RECORD NO. 187-23-000165-PLNG

**LAND USE APPLICATION FOR TEXT AMENDMENTS TO THE COMPREHENSIVE
PLAN AND DEVELOPMENT CODE RELATED TO COOS BAY ESTUARY
MANAGEMENT PLAN PHASE I UPDATES**

JANUARY 10, 2024

I. INTRODUCTION

This approval authorizes application for text amendments to complete the desired partial plan update to the multi-jurisdictional Coos Bay Estuary Management Plan (CBEMP). The result is a plan document that:

- Integrates three (3) separate CBEMP planning documents adopted by the following local jurisdictions: City of Coos Bay, City of North Bend, and Coos County.
- Includes headers at the top of each section to provide clarity to the reader.
- Outlines the process for amendments (jurisdiction-initiated v. citizen-initiated) and establishes a Joint Steering Committee, Technical Advisory Committee, and Citizens Advisory Committee.
- Includes a digitized CBEMP Map to be used for regulatory purposes and digitized inventory maps to be used as a tool for planning purposes, reserving the original mylar maps as the authoritative map source.

Also, the Coos Bay City Council has passed a joint resolution by which the three (3) governing bodies evidence their support for pursuing further, more comprehensive updates to the CBEMP and wherein the intended interests to be represented on each of the committees is outlined.

II. REQUEST AND AUTHORIZATION

This approval:

- 1) Amends the Coos Bay Comprehensive Plan by repealing Volume III, Estuary Management Plan, and amending Volume I, Plan Policy Document, to adopt by reference the updated Coos Bay Estuary Management Plan, as presented in Exhibit 1.
- 2) Amends Coos Bay Development Code Title 17 to: A) repeal and replace in its entirety Chapter 17.352 CBDC, Estuarine and Coastal Shoreland Uses and Activities; B) add in CBDC 17.360.020, Initiation of amendment, a provision allowing the Director the opportunity to initiate amendment applications; and C) add a new provision under CBDC 17.360.040(2), Application Contents, specifying that applications for amendments to the Coos Bay Estuary Management Plan are processed by Coos County, as presented in Exhibit 2.

See *Land Use Record #187-23-000165-PLNG* incorporated herein by reference.

III. BACKGROUND

This proposal is intended to replace the current adopted 1984 Coos Bay Estuary Management Plan with the updated Coos Bay Estuary Management Plan (CBEMP), which is to be adopted as part to Coos County Comprehensive Plan and by reference

by the cities of Coos Bay and North Bend.

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

The official CBEMP is set forth in three (3) separate but related documents:

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

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

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

Economic, social, cultural, and environmental factors have changed substantially over the years. Technology has also changed significantly. These changes led the Partnership for Coastal Watersheds (PCW), which includes staff from Coos County, City of Coos Bay, City of North Bend, Port of Coos Bay, and representatives from local, state, and federal partners interested in estuary health, to begin an extensive process in 2015 to evaluate the current needs of the local governments and the community in

relation to the CBEMP. The PCW effort was patterned from the original CBEMP workgroup setup in the late 1970's and early 1980's. It involved extensive local, regional, state, and federal agency input, as well as input from the community-at-large.

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

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

The analysis recommended three alternatives for updating the CBEMP: 1) a full plan update, 2) a partial plan update, or 3) no update. The full update recommendation included the hiring of a consultant to fully update the plan (including resource inventories) using the Coos Estuary Map Atlas, the Data Source, and some or all of the focus group recommendations. The partial update recommendation included minor amendments to incorporate the inventory maps of the Coos Estuary Map Atlas, append the current factual inventories with the Data Source, apply easier-to-implement plan modifications as recommended from the focus groups, and realign the three jurisdictions' versions of the plan. Due to budgetary constraints, the governing bodies reached consensus to move forward with a partial plan update.

COVID-19 stalled the project for two (2) years. After receipt of additional funding from the Department of Land Conservation and Development, County and City staff revived the partial plan update project in 2022, hiring IPRE once more to assist staff with the plan adoption process.

The recommended updates to the CBEMP (including DRAFT versions of Part 1, Plan Provisions; Part 1, Appendix A, Maps; and Part 2, Inventories and Factual Base) were made available for public review on the County's website in late December 2022.

Findings and revised products were reintroduced to Councilors, Planning Commissioners, and Board of Commissioners in informational work sessions at the Coos Bay City Hall on January 4, 2023. A public open house, which provided an opportunity to see hard copies of the digital maps and learn about the process going

forward, was held on January 7, 2023 at the North Bend Community Center. A second presentation was made before the Partnership for Coastal Watersheds (January 10, 2023). The City of Coos Bay Planning Commission passed a motion to recommend that the City Council initiate legislative amendments related to the adoption of the updated CBEMP on January 10, 2023. The Coos Bay City Council voted unanimously to adopt the Planning Commission's recommendation on January 17, 2023.

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

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

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

Comments were received from the following agencies: Ashley Audycki (Rogue Climate), Gabrielle Bratt (Coquille Indian Tribe), Phillip Johnson (Oregon Shores Conservation Coalition), Courtney Krossman (CTCLUSI), Rick Eichstaedt (CTCLUSI), Michelle McMullin (NOAA Fisheries), Jenni Schmidt (South Slough Estuary National Estuarine Research Reserve), and Deanna Wright (DLCD Natural Hazards). The following individuals submitted comments: CJ Blaney, Donna Bonetti, Ken Bonetti, Suzanne Church, Connie Earhart, Jamie Fereday, Laurie Friedman Mike Graybill, Bill Grill, Jan Hodder, Charlotte Hult, Janice Lloyd, Nolan Lloyd, Johanna Lyle, Win McLaughlin, Steve Miller, Christine Moffitt, Beverly Segner, and Steve Skinner. Comments focused on the following areas of concern/topics: Citizen Advisory Committee makeup, mapping, Phase 2, Part 1 policies, Part 2 editing, Review, and Tribal Sovereignty. Specific recommendations were integrated into the draft document and maps. See *Revisions Memo, Attachment D, of Land Use Application 187-23-000165-PLNG* for a comprehensive crosswalk of all comments and responses received at this point.

The Planning Commission conducted the first public hearing on this matter on July 11, 2023, continuing it to August 8, 2023, to allow for the submittal of additional written testimony. After consideration of all testimony received, the Planning Commission recommended City Council approve and adopt the proposal as presented and, also, adopt a resolution in support of a future comprehensive plan update. After this time, the Coos County Planning Commission conducted their public hearing and recommended additional changes to the proposed text of the revised CBEMP, which led to the three (3) jurisdictions conducting multiple joint work sessions with all three (3) governing bodies to review and discuss prior to adoption to ensure the final product aligned with

each jurisdiction's expectations. The Coos Bay City Council conducted Joint Work Sessions with the North Bend City Council and the Coos County Board of Commissioners on November 9 and December 7, 2023. The decision-makers were presented with the proposal including all testimony and evidence to-date for the purpose of discussion prior to public hearing(s). The decision-makers directed staff to revise the proposal such that it resulted in only the following changes:

- Integration of the three (3) separate CBEMP planning documents adopted by the following local jurisdictions: City of Coos Bay, City of North Bend, and Coos County.
- The addition of headers at the top of each section to provide clarity to the reader.
- An outline of the process for amendments (jurisdiction-initiated v. citizen-initiated) and establishment of a Joint Steering Committee, Technical Advisory Committee, and Citizens Advisory Committee.
- Addition of the digitized CBEMP Map to be used for regulatory purposes and digitized inventory maps to be used as a tool for planning purposes, reserving the original mylar maps as the authoritative.
- Inclusion of a joint resolution by which the three (3) governing bodies would evidence their support for pursuing further, more comprehensive updates to the CBEMP and, also, outline the intended roles to serve on each of the three (3) committees.

Staff revised the proposal as directed and presented it to the decision-makers at another Joint Work Session on January 10, 2024. Immediately following this Joint Work Session, the three (3) governing bodies conducted separate public hearings where the Coos Bay City Council moved to APPROVE Record No. 187-23-000165-PLNG subject to the agreed upon revisions and to ADOPT the recommended findings as presented in the DRAFT *Findings and Final Decision of the City of Coos Bay City Council* in the matter of Record No. 187-23-000165-PLNG, dated January 10, 2024.

IV. NOTICE

The Department of Land Conservation and Development was notified of the proposal to amend the comprehensive plan on June 1, 2023. Written notice was sent to interested persons who requested a notice in writing on June 20, October 2, October 25, November 13, and December 8, 2023. Notice was posted on the City's website and at City Hall on June 20, October 2, October 25, November 13, and December 8, 2023. Notice was posted in the City of Coos Bay Friday Update on June 30, July 7, October 20 and 27, November 3 and 24, December 1, 15, 22, 29 of 2023 and January 5, 2024. Notice of the Planning Commission and City Council public hearing(s) was published in the June 30 and October 13, 2023 editions of the World Newspaper.

V. COMMENTS

Written and oral testimony was received from staff, outside agencies, and the public. All comments have been addressed. Refer to *Record No. 187-23-000165-PLNG*.

VI. APPROVAL CRITERIA

Chapter 17.130 CBDC, Procedures.

Chapter 17.360 CBDC, Plan Amendments and Zone Changes.

CBDC 17.360.020 Initiation of amendment.

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

FINDING: The City of Coos Bay Planning Commission passed a motion to recommend that the City Council initiate legislative amendments related to the adoption of the 2024 Coos Bay Estuary Management Plan on January 10, 2023. The Coos Bay City Council voted unanimously to adopt the Planning Commission's recommendation on January 17, 2023. Consequently, staff finds this application for a Comprehensive Plan and Development Code text amendment in compliance with this criterion.

CBDC 17.130.035 Pre-application review.

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

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

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

CBDC 17.130.040 Application contents for all application types.

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

(2) A project site plan identifying existing conditions to remain, and the proposed

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

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

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

FINDING: A complete application was submitted on June 1, 2023. Therefore, this application complies with CBDC 17.130.040.

CBDC 17.130.050 Review for technically complete status.

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

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

CBDC 17.130.060 Distribution of notices.

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

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

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

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

FINDING: Notice of this land use application review was provided to the applicant/owner, the applicant's representative, affected agencies including the Department of Land Conservation and Development, the local Tribes

and ODOT, as well as to interested persons who specifically requested such notice. Therefore, this application is consistent with CBDC 17.130.060.

CBDC 17.130.070 Approval criteria.

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

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

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

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

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

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

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

CBDC 17.130.110 Type IV procedure.

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

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

(2) Notice of Application. Twenty days prior to the director's decision, the city shall mail a written notice of the application to property owners within 300 feet of the application site.

(a) Contents of a Notice of Application Subject to Type IV Review. The notice of Type IV application shall contain at least the following information: (i) The file number; (ii) The name(s) and address(es) of the applicant and owner; (iii) The legal description of the

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

FINDING: This application is for a legislative Type IV land use review that applies city-wide and not to a single property. Therefore, CBDC 17.130.110(2)(a) is not applicable.

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

FINDING: The City of Coos Bay is the applicant for this text amendment and the record keeper of all comments submitted directly to the City. All comments provided to the City have been shared with Coos County. Therefore, CBDC 17.130.110(2)(b) is satisfied.

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

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

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

FINDING: The Planning Commission conducted a public hearing on this matter on July 11, 2023, continued to August 8, 2023. The City Council conducted a public hearing on this matter on January 10, 2024. Therefore, CBDC 17.130.110(3) is satisfied.

(a) Notice of the Initial Planning Commission Hearing. At least 20 calendar days before the date of the first planning commission hearing regarding an application subject to a Type IV process, the director shall mail public notice of the hearing to parties who have

requested such notice and to other individuals, firms or agencies as deemed appropriate. If the Type IV procedure is related to a specific property, public notice shall be mailed as specified in subsection (2) of this section to property owners within 300 feet of the application site. At least 10 days before the date of the hearing, the city shall cause notice of the hearing to be posted at City Hall, on the city website, and in the local newspaper.

FINDING: Notice of the Planning Commission public hearing was mailed to interested persons and posted at City Hall and on the City Website on June 20, 2023, and published in the local newspaper on June 30, 2023, in accordance with CBDC 17.130.100(3)(a).

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

FINDING: The Planning Commission staff report was made available on June 30, 2023, more than seven (7) days in advance of the scheduled public hearing. Therefore, this application complies with CBDC 17.130.110(3)(b).

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

(i) At the conclusion of a planning commission or joint planning commission/council hearing on an application subject to a Type IV process, the planning commission or, in the case of a joint planning commission/council meeting, the council shall announce one of the following actions, which may not be appealed: (A) That the hearing is continued. If the hearing is continued to a place, date and time certain, then additional notice of the continued hearing is not required to be mailed or published. If the hearing is not continued to a place, date and time certain, then notice of the continued hearing shall be given as though it was the initial hearing; or (B) That the planning commission recommends against or in favor of approval of the application(s) with or without certain changes, or that the planning commission makes no recommendation regarding the application(s), together with a brief summary of the basis for the recommendation. (C) That, in the case of a joint planning commission/council hearing, the council may take action as noted in subsection (3)(c)(iii) of this section.

FINDING: This land use application was considered at a public hearing before the Planning Commission conducted in accordance with the procedures set forth in CBDC 17.130.110(3)(c) on July 11, 2023, continued to August 8, 2023, and before the City Council on January 10, 2024. Planning Commission's continued hearing was set to a time certain and, also, noticed

in writing for the benefit of the public. Therefore, this application complies with CBDC 17.130.110(3)(c).

CBDC 17.130.140 Expiration and extension of decisions.

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

FINDING: This land use decision is final as of the effective date of the associated ordinances. CBDC 17.130.140 is not applicable when the City Council adopts a land use decision by ordinance.

CBDC 17.360.060 Approval Criteria.

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

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

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

Estuarine Resources Goal:

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

Response: Adoption of the 2024 Coos Bay Estuary Management Plan by reference will facilitate the City's ability to protect the unique economic, environmental, and social values of the estuary and its adjacent shorelands, by providing digitized versions of maps to enhance accessibility, removing inconsistencies in plan implementation between coordinating jurisdictions, and improving coordination between jurisdictions through creation of a multi-jurisdictional steering committee and technical and citizen advisory committees. Hence, this amendment is in the long-term benefit of the estuary and its residents and is consistent with this goal.

Estuarine Resources Goal ER.1

Coos Bay shall actively participate in the inter-jurisdictional, Coos Bay estuary planning process. Further, the city shall (1) subsequently adopt the estuarine plan that results from this inter-jurisdictional process, and (2) amend, as necessary, the estuarine and shoreland portions of the

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

Response: This amendment implements this goal, and further clarifies it, through addition of text that addresses the need to utilize the multi-jurisdictional Coos Bay Estuary Management Plan, which includes language instigating a multi-jurisdictional joint steering committee, which will include representatives from Coos Bay appointed by the Coos Bay City Council. This committee together with technical and citizen advisory committees will enhance the citizen involvement in the management of the Coos Bay Estuary Management Plan, and will provide for a more robust regional, coordinated planning process. Hence, this amendment is consistent with this goal.

Public Participation Goal:

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

Response: The proposed amendments do not change the City’s current citizen involvement program which includes the Planning Commission, City Council, and various Boards and Committees. The 2024 Coos Bay Management Plan includes language instigating a multi-jurisdictional joint steering committee, which will include two representatives from Coos Bay appointed by the Coos Bay City Council and, also technical and citizen advisory committees. Hence, this amendment is consistent with this goal.

CONCLUSION: Based upon the above findings, this proposal is consistent with the policies of the Coos Bay Comprehensive Plan and, therefore, consistent with CBDC 17.360.060(1)(a).

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

FINDING: Adoption of an integrated, multi-jurisdictional Coos Bay Estuary Management Plan by reference together with the establishment of, and participation in, the joint steering, technical, and citizen advisory committees

will facilitate implementation of this plan and coordinated efforts moving forward to complete further updates. Hence, this proposal will provide a long-term benefit to the estuary and its residents in the public's best interest.

The proposed text amendments to the Coos Bay Development Code clarify application processing for uses and activities in the Coos Bay Estuary as well as for amendments proposed to the Coos Bay Estuary Management Plan. This will make the administration of the CBEMP more straightforward for applicants in the public's best interest.

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

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

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

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

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

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

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

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

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

implicated.

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

FINDING: The update to the Coos Bay Estuary Management Plan focuses upon improvements to usability, mapping, and administration. It will have no adverse effect on specific properties or public facilities including, but not limited to, transportation facilities, because it will not result in changes to current permitted uses and activities. Therefore, CBDC 17.360.060(1)(f) is not implicated.

VII. COMPLIANCE WITH STATEWIDE PLANNING GOALS

FINDING: This request is consistent with Oregon Statewide Planning Goals. The following Statewide Planning Goals are not applicable to the proposed code amendment: Goal 3 – Agricultural Lands; Goal 4 – Forest Lands; Goal 8 – Recreational Needs; Goal 10 – Housing; Goal 11 – Public Facilities and Services; Goal 12 – Transportation; Goal 13 – Energy Conservation; Goal 14 – Urbanization; Goal 15 – Willamette River Greenway.

This proposal is consistent with Goal 1. The proposed plan and products were the result of many years of public comment and review. Public involvement was encouraged through numerous avenues, including surveys, subject-matter focus groups, open houses, map displays, website, etc., between 2016 and 2024. The public was provided the opportunity to comment on the final draft products (CBEMP Part 1 and 2 and maps) between January 2023 and May 26, 2023. Adequate public notice of the proposed changes was provided through the Type IV public notice process as specified in CBDC Section 17.130.110. The Department of Land Conservation and Development was notified of the intended modifications and did not express any concerns in writing about the changes, apart from comments directly related to National Flood Insurance Program implementation, which were integrated into the draft document. Affected state and federal agencies were provided opportunities to comment upon the proposed products, and their comments were incorporated into the final draft documents. Additional time for public review of the draft products was provided upon request to further refine the final products. The City adoption process involves various forms of notification of the public in the impacted areas, notification in local media, and notification of impacted governmental agencies, and any person who requests a notice in writing. Public hearings were held at the Planning Commission and City Council levels. Notifications of these public hearings followed the requirements of 17.130.060. Refer to

Record No. 187-23-000165-PLNG.

This proposal is consistent with Goal 2. The City has established a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions. As addressed in these findings, the proposal is consistent with the City's Comprehensive Plan and implementing regulations.

This proposal is consistent with Goals 5 and 6. This partial plan update will help the City of Coos Bay ensure the appropriate conservation, protection, and development of the estuary and shoreland resources by improving the usability and consistency of the plan upon which decisions are made. The updates focus on enhanced procedures for resolving conflicts between management units across the county and cities and the need for diverse citizen involvement in future updates as well as multi-jurisdictional coordination to ensure that the CBEMP is implemented consistently throughout the estuary and amended cohesively, further protecting these shared natural resources.

This proposal is consistent with Goal 7. The CBEMP addresses the need for floodplain regulations.

This proposal is consistent with Goal 9. Integrating the three (3) separate plans ensures clarity and consistency in implementation, which is beneficial for economic development in the overall area.

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

jurisdictions, includes tools for improving navigation/legibility of the plan, and includes digitized mapping for use in decision making. It also improves implementation tools for jurisdictional coordination and expands citizen involvement in this coordinated management, which directly addresses Goal 16 concerns. The update does not change any use or activity within management units, nor change previously approved management unit boundaries.

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

This proposal is consistent with Goal 18. Goal 18 focuses on conserving and protecting Oregon's beach and dune resources, and on recognizing and reducing exposure to hazards in this dynamic, sometime quickly changing environment. Goal 18 is central to the work of coastal communities in addressing the impacts of coastal hazards and climate change in areas along the ocean shore. Local governments are required to inventory beaches and dunes and describe the stability, movement, groundwater resources, hazards and values of the beach, dune, and interdune areas. Local governments must then apply appropriate beach and dune policies for use in these areas. Goal 18 prohibits development on the most sensitive and hazardous landforms in the beach and dune environment, limits the placement of beachfront protective structures, and specifies detailed requirements for foredune grading. The integration of the three (3) separate CBEMPs enhances the implementation and functionality of the multi-jurisdictional plan, which is the primary tool used to ensure compliance with Goal 18 within the estuary. No modifications are proposed to uses or activities within management units, nor to policies related to beach and dune environments. Digitized mapping will, however, better assist local governments with evaluating proposals for work within these sensitive areas.

This proposal is consistent with Goal 19. Statewide Planning Goal 19 addresses matters related to open ocean resources and aims "to conserve the long-term values, benefits, and natural resources of the nearshore ocean and the continental shelf." It outlines state interest in conserving resources within the Ocean Stewardship Area, which includes Oregon's territorial sea out to 3 nautical miles as well as the continental margin seaward to the toe of the continental slope, and adjacent ocean areas. The

Coos Bay Estuary Management Plan implements Goal 19 through policies relating to dredging, management of development, and management of non-renewable resources along the coastal shore. No policies related to Goal 19 are being amended with this update. Digitized maps are incorporated to provide staff and the public with a better understanding of the extent of protected resources.

CONCLUSION: Based on the information submitted as Land Use Application 187-23-000165-PLNG and evidence in the record, and as outlined herein, the proposal complies with all criteria for approval of an application for an Amendment to the Comprehensive Plan and Coos Bay Development Code. Therefore, Land Use Application #187-23-000165-PLNG is APPROVED.

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Coos Bay Comprehensive Plan PROPOSED Amendments

Section 1. Repeal Volume III of the City of Coos Bay Comprehensive Plan 2000 in its entirety.

Section 2. The text of the City of Coos Bay Comprehensive Plan 2000, Volume I, 1.5 AGENCY COORDINATION, Number 5, is amended to read as follows (~~deleted text~~, new text):

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

Section 3. The text of the City of Coos Bay Comprehensive Plan 2000, Volume I, 7.10 ESTUARINE RESOURCES, Strategies, Number ER. 1, is amended to read as follows (~~deleted text~~, new text):

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

Section 4. A new Strategy, AC. 6, shall be added to the text of the City of Coos Bay Comprehensive Plan 2000, Volume I, 8.2 AGENCY COORDINATION, to read as follows (~~deleted text~~, new text):

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

Section 5. A new Strategy, LU. 11, shall be added to the text of the City of Coos Bay Comprehensive Plan, Volume I, 8.3 LAND USE AND COMMUNITY DEVELOPMENT PLANNING, to read as follows (~~deleted text~~, new text):

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

Coos Bay Development Code PROPOSED Amendments

Section 1: The text of Chapter 17.352 CBDC is repealed and replaced in its entirety to read as follows (~~deleted text~~, new text):

~~Chapter 17.352~~

~~ESTUARINE AND COASTAL SHORELAND USES AND ACTIVITIES~~

~~Sections:~~

~~17.352.010 — General.~~

~~17.352.020 — Initiation.~~

~~17.352.030 — Application.~~

~~17.352.040 — Tentative decision.~~

~~17.352.050 — Conditions.~~

~~17.352.060 — Tentative order and notice.~~

~~17.352.070 — Final order.~~

~~17.352.080 — Appeal.~~

~~17.352.010 — General.~~

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

~~17.352.020 — Initiation.~~

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

~~17.352.030 — Application.~~

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

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

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

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

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

~~17.352.040 — Tentative decision.~~

~~Within 15 working days of a complete application, the director shall render a tentative decision to approve, approve with conditions, or deny the request after adopting findings of fact which~~

~~address applicable general or special conditions or policies of the Coos Bay estuary management plan, special resources delineated on the special considerations map of the estuary management plan, and applicable provisions of this title.~~

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

~~17.352.050 — Conditions.~~

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

~~17.352.060 — Tentative order and notice.~~

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

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

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

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

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

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

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

~~(a) State Agencies:~~

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

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

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

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

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

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

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

~~(b) Federal Agencies.~~

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

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

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

~~17.352.070 — Final order.~~

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

~~17.352.080 — Appeal.~~

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

Chapter 17.352

ESTUARINE AND COASTAL SHORELAND USES AND ACTIVITIES

Sections:

17.352.010 General.

17.352.020 Management units.

17.352.030 Management units and conflicts with other laws.

17.352.040 Application contents and review process.

17.352.050 Criteria.

17.352.010 General.

Uses and activities permitted by the Coos Bay Estuary Management Plan are subject to general and special conditions and policies to comply with statewide planning goals and with the Coos Bay Estuary Management Plan as adopted by the city of Coos Bay. Compliance with these conditions and policies must be verified; therefore, all uses and activities within designated Coos Bay Estuary Management Plan management units must be reviewed for compliance with the adopted plan.

17.352.020 Management units.

Areas within the city which are within the Coos Bay estuary coastal shorelands boundary shall be classified in management units based on the designation of such areas as aquatic and shoreland within the Coos Bay Estuary Management Plan. A management unit is a discrete geographic area, defined by biophysical characteristics and features within which particular uses and activities are promoted, encouraged, protected, or enhanced and others are discouraged, restricted, or prohibited. The following is a list of management units:

(1) Aquatic Management Units include:

(a) Natural Aquatic (NA)

(b) Conservation Aquatic (CA)

(c) Development Aquatic (DA)

(2) Shoreland Management Units include:

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

17.352.030 Management units and conflicts with other laws.

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

17.352.040 Application contents and review process.

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

(2) Applications shall include:

(a) All contents as specified in CBDC 17.130.040.

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

17.352.050 Criteria.

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

(a) Uses and activities designated in the plan as "A" may be allowed subject to compliance with management objectives and general conditions.

(b) Uses and activities designated in the plan as "*" may be allowed subject to compliance with management objectives, general conditions, and any special conditions provided in the plan for such use.

(c) Uses or activities which are not described in the Coos Bay Estuary Management Plan but are found to be similar with other allowed uses may be permitted by the director subject to such conditions and limitations as would ensure compatibility with the resources.

Section 2: The text of CBDC 17.360.020 is amended to read as follows (~~deleted text~~, new text):

(1) Amendments of the comprehensive plan text or map, zoning map, or this title may be initiated by the city council, the planning commission, the director, or by application of a property owner or his/her authorized agent by following:

(1a) A Type III application, CBDC 17.130.100, Type III procedure, by one or more owners of the property proposed to be changed or reclassified consistent with the adopted comprehensive plan; or Quasi-Judicial Process. Subject to a Type III land use procedure. See, CBDC 17.130.100.

(2b) A Type IV legislative process, CBDC 17.130.110, Type IV procedure, by motion of the planning commission and adoption by the city council. Legislative Process. Subject to a Type IV land use procedure. See, CBDC 17.130.110.

(2) Amendments to the text or map of the Coos Bay Estuary Management Plan shall be processed by Coos County.

DRAFT