



U.S. DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
Office for Coastal Management
Silver Spring Metro Center, Building 4
1305 East-West Highway
Silver Spring, Maryland 20910

Ms. Patricia L. Snow, Manager
Oregon Coastal Management Program
Department of Land Conservation and Development
635 Capitol Street, Suite 150
Salem, Oregon 97301-2540

OCT 13 2015

Dear Ms. Snow:

Thank you for the Department of Land Conservation and Development's (DLCD) June 12, 2015, request to incorporate the current versions of the City of Bay City, City of Brookings, and City of Garibaldi comprehensive plans and development codes (zoning ordinances) into the Oregon Coastal Management Program. You requested that the changes described below be incorporated as routine program changes (RPCs), pursuant to Coastal Zone Management Act (CZMA) regulations at 15 C.F.R. part 923, subpart H, and the National Oceanic and Atmospheric Administration's (NOAA's) Office for Coastal Management's¹ *Program Change Guidance (July 1996)*. The Office for Coastal Management's decision deadline for the request received on June 15, 2015, was extended to October 14, 2015.

Based on our review of your submission, we concur that the changes are RPCs and we partially approve the incorporation of the changes as enforceable and non-enforceable policies of the Oregon Coastal Management Program. Federal consistency will apply to the approved changes to enforceable policies only after you publish notice of this approval pursuant to 15 C.F.R. § 923.84(b)(4) and the Office for Coastal Management's *Addendum to the July 1996 Program Change Guidance (November 2013)*. Please include in the public notice the list of changes provided in this letter, and please send a copy of the notice to the Office for Coastal Management.

CHANGES APPROVED

See enclosed list of the changes incorporated into the Oregon Coastal Management Program.

QUALIFICATIONS

States may not incorporate enforceable policies by reference. If an approved enforceable policy refers to another statute, regulation, policy, standard, guidance, or other such requirement or document (hereinafter "referenced policy"), the referenced policy itself must be submitted to and approved by the Office for Coastal Management as an enforceable policy in order to be applied under the federal consistency review provisions of the CZMA. Therefore, no referenced policy in these approved

¹ NOAA's Office for Coastal Management was formerly the Office of Ocean and Coastal Resource Management and the Coastal Services Center; these two offices were integrated in September 2014 into the Office for Coastal Management.

enforceable policies may be applied for federal consistency unless that referenced policy has been separately approved by the Office for Coastal Management.

For example, the Tillamook Bay Dredge Material Disposal (DMD) Plan is referenced throughout the Bay City and Garibaldi comprehensive plans and zoning ordinances but has not been submitted to the Office for Coastal Management for approval as an enforceable policy. As such, the Tillamook Bay DMD Plan cannot be used for CZMA federal consistency review purposes at this time.

Several policies include language that refers back to policy requirements and standards that are within the comprehensive plans and zoning ordinances themselves (e.g., “All Dredged Material Disposal policy requirements and fill standards shall apply” or “[X] activity shall be reviewed subject to respective policies for these activities and uses.”). Only those policies that are approved as enforceable policies can be applied as such for federal consistency review purposes, even if other sections refer to “all” applicable policies within the comprehensive plans and zoning ordinances.

Policies that do not have a definable standard are not approvable as enforceable policies. For example, the Bay City Development Ordinance 2.221(i) and Garibaldi Zoning Ordinance 18.160.080(C) say that certain activities “shall be subject to the requirements of the Division of State Lands.” Since it is unclear what those requirements are, such language is not approvable as an enforceable policy.

Consistency Language

The comprehensive plans and zoning ordinances refer to consistency reviews that the Cities should undertake. For example, there is language requiring reviews to see if activities are consistent with resource capabilities or to see if state or federal permit applications are consistent with local land use requirements. Any reference to a “consistency” review within these plans and ordinances should not be interpreted to mean federal consistency review under the CZMA. DLCD understands that any federal consistency decisions are to be made at the state level (*See* Office for Coastal Management approval letter for Coos County, February 18, 2014).

Definition of “person”

The Brookings Land Development Code defines “person” to include the federal government. Unless Congress has expressly conferred upon states or local governments the authority to regulate federal agencies in certain matters, states have no power to do so and the CZMA makes no exception to this. Therefore, our approval of definitions (17.08.160) within the Brookings Code, including “person,” does not confer upon the City authority to regulate federal agencies.

CHANGES NOT APPROVED

The Office for Coastal Management has not approved the sections described below because these policies: rely upon actions that must be undertaken by federal agencies such as the U.S. Army Corps of Engineers and Environmental Protection Agency; require that state and federal permits must be obtained prior to certain activities occurring (e.g., disposal of dredged material); incorporate by reference federal laws;² impose policies on federal agencies or federal lands or waters, and/or require federal agencies to undertake enforcement actions.

² Because the Section 307(f) of the CZMA specifically says requirements established by the Clean Water Act, Clean Air Act, or established by the Federal Government or by any state or local government pursuant to such Acts shall be incorporated

The CZMA does not authorize states to establish regulatory standards for federal lands or waters and, in fact, excludes federally controlled lands and waters from the state's coastal zone. *See* 16 U.S.C. § 1453(1). Moreover, a state policy that purports to regulate or otherwise establish standards for federal agencies or federal lands or waters would not meet the CZMA's definition of "enforceable policy," which requires that state policies be legally binding under state law. *See* 16 U.S.C. § 1453(6a). While certain federal permits may be required for activities to occur, the state and cities do not have the ability to enforce such provisions and, as such, cannot be approved for incorporation into Oregon's Coastal Management Program. Since Oregon has no regulatory authority over federal agencies under the CZMA, the provisions described below could not be legally binding under state law, as required by CZMA section 304(6a).

Some of the policies below were proposed as enforceable policies while others were merely proposed for incorporation into the Oregon Coastal Management Program. However, for the reasons described above, none of these policies are approved for incorporation into the Oregon Coastal Management Program:

City of Bay City Comprehensive Plan

- B. Diking: Policy 1
- D. Dredged Material Disposal Policies: Policies 2, 4, and 11
- E. Dredging in Estuarine Water, Intertidal Areas and Tidal Wetlands: Policies 9 and 10
- G. Fill in Estuarine Water, Intertidal Areas and Tidal Wetlands: Policy 8
- Q. Piling/Dolphin Installation: Policy 5
- S. Recreation and Recreational Facilities: Policy 6
- T. Restoration and Enhancement: Policy 2
- V. Shallow Draft Port Facilities and Marinas: Policy 2

City of Bay City Development Ordinance

- Dredged Material Disposal: 2.224(d), (f), and (h)(1)
- Dredging in Estuarine Waters, Intertidal Areas and Tidal Wetlands: 2.225
- Fill in Estuarine Waters, Intertidal Areas, and Tidal Wetlands: 2.227
- Regulated Activities and Impact Assessments: 2.310 – 2.319
- Grading and Erosion Control Permit Standards: 3.255(e)

City of Garibaldi Comprehensive Plan

- B. Diking: Policy 1
- D. Dredged Material Disposal: Policies 2, 4, and 11
- E. Dredging in Estuarine Water, Intertidal Areas and Tidal Wetlands: Policies 8 and 9
- G. Fill in Estuarine Water, Intertidal Areas and Tidal Wetlands: Policy 9
- Q. Piling/Dolphin Installation: Policy 5
- V. Shallow Draft Port Facilities and Marinas: Policy 2

into state coastal management programs, any references to local, state, or federal water and air quality requirements within the city comprehensive plans and zoning ordinances are approved as enforceable policies of the Oregon Coastal Management Program.

City of Garibaldi Municipal Code Title 18, Zoning Ordinance

- Aquaculture Facilities: 18.160.010 (F), (I)
- Siting, design, construction, maintenance or expansion of dikes: 18.160.020 (B)(1)
- Dredged material disposal: 18.160.040 (A), (F), (H)(1)
- Dredging in estuarine waters, intertidal areas and tidal wetlands: 18.160.050
- Fill in estuarine waters, intertidal areas and tidal wetlands: 18.160.070
- Forestry and the forest products industry: 18.160.080 (C)
- Industrial and commercial uses in estuarine waters, intertidal areas and tidal wetlands: 18.160.090 (I)
- Mining and mineral extraction: 18.160.110 (I)
- Navigational structures and navigational aids: 18.160.130 (C)
- Piling/dolphin installation: 18.160.140 (D), (E)
- Dredging in estuarine waters, intertidal areas and tidal wetlands: 18.160.050
- Shallow draft port facilities and marinas: 18.160.160 (G)
- Review of Regulated Activities: 18.165 (including 18.165.010 to 18.165.090)

City of Brookings Comprehensive Plan

- Goal 6: Policy 1
- Goal 18: Coastal Shorelands #3 and 4, and Policy 16 (A)(1)

City of Brookings Land Development Code (Title 17 of City Code)

- Development Review Procedure: 17.72.080(C)(2)(c)
- Partition: 17.172.060(C)(1)

PUBLIC AND FEDERAL AGENCY COMMENTS

The Office for Coastal Management received no comments on this RPC submission.

Thank you for your cooperation in this review. Please contact Jackie Rolleri at (301) 563-1179, if you have any questions.

Sincerely,



Joelle Gore, Chief
Stewardship Division

Enclosure(s): Policies Approved and Incorporated into the Oregon Coastal Management Program

Enclosure to the Office for Coastal Management's October 13, 2015, Approval of the Incorporation of Changes to the Oregon Coastal Management Program

Changes marked with an asterisk (*) are incorporated into the Oregon Coastal Management Program, but do not contain enforceable policies that can be used for Federal Consistency.

State/Local Legal Citation	Name/Description of State or Local Law/Regulation/ Policy/Program Authority	Date Adopted by State	Date Effective in State
ADDED:		mm/dd/yyyy	mm/dd/yyyy
* City of Bay City Comprehensive Plan and Development Ordinance	*While OCRM approves the most recent versions of the City of Bay City Comprehensive Plan and Development Ordinance for incorporation in their entirety into the Oregon Coastal Management Program, OCRM only approves as enforceable policies the provisions listed below.	05/2007 (Comprehensive Plan) 09/2008 (Development Ordinance)	05/2007 (Comprehensive Plan) 09/2008 (Development Ordinance)
* Garibaldi Comprehensive Plan and Garibaldi Municipal Code Title 18, Zoning Ordinance	*While OCRM approves the most recent versions of the City of Garibaldi Comprehensive Plan and Municipal Code for incorporation in their entirety into the Oregon Coastal Management Program, OCRM only approves as enforceable policies the provisions listed below.	6/19/2006 (Comprehensive Plan) 08/2014 (Zoning Ordinance)	6/19/2006 (Comprehensive Plan) 08/2014 (Zoning Ordinance)
*City of Brookings Comprehensive Plan and Land Development Code (Title 17 of City Code)	*While OCRM approves the most recent versions of the City of Brookings Comprehensive Plan and Land Development Code for incorporation in their entirety into the Oregon Coastal Management Program, OCRM only approves as enforceable policies the provisions listed below.	07/28/2014 (Comprehensive Plan) 11/10/2014 (Development Code)	07/28/2014 (Comprehensive Plan) 11/10/2014 (Development Code)
BAY CITY COMPREHENSIVE PLAN			
Bay City Goal IV – Protect Natural Resources – Compatible Industries			
Policies pertaining to the Port of Garibaldi, Property within the Bay City city limits			
Policy 2	Prohibits large-scale disruptive activities in specified area	05/2007	05/2007
Policy 3	Maintains area for recreational use	05/2007	05/2007
Bay City Goal V – Protect Natural Resources			
Policy 2	Protection of forest lands	05/2007	05/2007
Bay City Goal VII – Encourage			

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Development Protective of the Natural Environment, etc.			
Policy 4	Requires setbacks and buffers from Tillamook Bay, streams and other waterways	05/2007	05/2007
Policies 6 – 11	Requires for site-specific geologic, geotechnical, and engineering	05/2007	05/2007
Water System Policies			
Policy 1	Requires extension of water system to be paid for by developer of property receiving service, including certain facilities	05/2007	05/2007
Policy 4	Size requirements for new water lines	05/2007	05/2007
Policy 6	Requires property owners or developers to submit plans to state health division	05/2007	05/2007
Policy 8	Requires property owners or developers to pay costs of water system extensions and upgrades	05/2007	05/2007
Policy 9	Requires payment for all service upgrades prior to approval of permits for development	05/2007	05/2007
Sewer System Policies			
Policy 1	Limits extension of sewer lines to areas within city limits	05/2007	05/2007
Policy 2	Requires developer or property owner to pay costs of sewer system extensions and upgrades	05/2007	05/2007
Policy 3	Size requirements for future extensions	05/2007	05/2007
Policy 7	Requires all development within city limits to be connected to city sewer service.	05/2007	05/2007
Policy 8	Requires property owners or developers to submit plans to state DEQ	05/2007	05/2007
Storm Drainage Policies			
Policy 1	Requires adequate storm drainage facilities	05/2007	05/2007
Policy 2	Requires adequate storm drainage facilities	05/2007	05/2007
Policy 3	Requires natural drainage ways to be maintained and protected	05/2007	05/2007

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Policy 4	Requires culverts, natural drainages and retention ponds where appropriate	05/2007	05/2007
Policy 6	Requires catch basins or other treatment facilities for storm runoff from commercial development	05/2007	05/2007
Land Use Categories			
Purpose	Establishes five land use categories, specifies that Plan goals and policies apply to all categories throughout city, specifies that standards in Development Ordinance apply to zones	05/2007	05/2007
Land Use Categories			
1. High Intensity 2. Medium Intensity (A, B) 3. Low Intensity (A, B, C)	Defines purpose and suggests uses within this category, refers to standards in Development Ordinance	05/2007	05/2007
4. Coastal Shorelands	Specifies criteria for identifying coastal shorelands, defines the Coastal Shoreland area within the city	05/2007	05/2007
General Shoreland Policies			
General Shoreland 1.	Requires city Flood Hazard Overlay Ordinance to be applied to development in flood hazard areas	05/2007	05/2007
General Shoreland 2.	Requires structural shoreline stabilization to be designed to minimize impacts on water currents, etc.	05/2007	05/2007
General Shoreland 3.	Requires public access to publically owned shoreland and estuarine areas to be maintained	05/2007	05/2007
Larson Cove to Main Street Extension (Shoreland Area 1)	Describes boundaries of Shoreland Area 1, designates area as Natural, specifies policies and use requirements to apply to Shoreland Area 1	05/2007	05/2007
Jetty Area (Shoreland Area 2)	Describes boundaries of Shoreland Area 2, designates area as Water-Dependent Development, specifies policies and use requirements to apply to Shoreland Area 2	05/2007	05/2007
Estuarine Areas			
Natural Management Units Conservation Management Units Development Management Units	Defines the various management units	05/2007	05/2007

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State/Local Legal Citation	Name/Description of State or Local Law/Regulation/ Policy/Program Authority	Date Adopted by State	Date Effective in State
Matrix table: <u>Permissibility of Uses and Activities in Aquatic Areas</u>	Specifies level of permissibility of uses and activities in each of five estuary management categories: Estuary Development, Estuary Conservation 1, Estuary Conservation 2, Estuary Conservation Aquaculture, Estuary Natural	05/2007	05/2007
Definitions	Defines six terms used in enforceable policies pertaining to estuary management	05/2007	05/2007
A. Aquaculture Facilities Policies 1, 2, 5 - 9	Requirements for siting aquaculture facilities in the estuary	05/2007	05/2007
B. Diking Policies 2 - 4	Requirements for maintenance, repair, construction and removal of dikes in various estuary zones	05/2007	05/2007
C. Boat Ramps, Docks and Moorages Policies 1, 3- 7	Requirements for maintenance and repair of existing boat ramps, docks, and moorage facilities and for approval of new facilities in estuary zones.	05/2007	05/2007
E. Dredging in Estuarine Water, Intertidal Areas and Tidal Wetlands Policies 1 - 8	Requirements for dredging in estuarine water and intertidal areas and within estuary management zones	05/2007	05/2007
F. Energy Facilities and Uses Policies 1 - 6	Requirements for maintenance and repair of existing facilities; approval of new facilities in estuary zones	05/2007	05/2007
G. Fill in Estuarine Water, Intertidal Areas and Tidal Wetlands Policies 1 – 7, 9	Requirements for placement of fill in estuaries and within specific estuary management zones	05/2007	05/2007
H. Fisheries Policy 1	Requires protection of estuarine habitat areas and maintaining minimum stream flows	05/2007	05/2007
I. Forestry and Forest Products Industry Policy 1	Requirements for approval of log handling or log storage facilities within estuarine areas	05/2007	05/2007
J. Implementation Policies 3 - 5	Requirements for approval of dredging, filling, dredged material disposal and other activities within estuarine and shoreland areas	05/2007	05/2007
K. Industrial and Commercial	Requirements for maintenance and	05/2007	05/2007

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Uses in Estuarine Water, Intertidal Areas and Tidal Wetlands Policies 1, 2, 4 - 12	repair of existing commercial or industrial uses; approval of new such uses in various estuary zones, including Water Dependent industrial and commercial development		
L. Transportation Facilities Policies 1 – 6, 9 – 11	Requirements for maintenance and repair of existing transportation facilities; approval of new facilities, such as bridges, in various estuary use zones	05/2007	05/2007
M. Mining and Mineral Extraction Policies 1 – 6	Prohibits petroleum extraction or drilling in estuarine areas; requirements for mining and mineral extraction in various estuary and shoreland use zones	05/2007	05/2007
N. Mitigation Policies 1 - 2	Requires mitigating effects of dredge, fill, or removal or loss of existing dikes in estuarine areas	05/2007	05/2007
O. Natural Habitat and Resource Areas Policy 1	Designates criteria for management categories Estuary Natural, Estuary Conservation Aquaculture, Estuary Conservation 1, Estuary Conservation 2, Estuary Development	05/2007	05/2007
P. Navigational Structures and Navigation Aids Policies 1 - 3	Requirements for repair and maintenance of existing and approval of new navigational structures and aids	05/2007	05/2007
Q. Piling/Dolphin Installation Policies 1 – 4	Requirements for replacement of existing piling/dolphins; installation of new piling/dolphins in various estuary management zones	05/2007	05/2007
R. Public Access to the Estuary and its Shorelands Policy 2a	Requires public access to be retained, enhanced in the estuary.	05/2007	05/2007
S. Recreation and Recreational Facilities Policies 1 – 5, 7	Requirements pertaining to recreational uses and activities in the estuary and its shoreland.	05/2007	05/2007
T. Restoration and Enhancement Policies 1, 3-5, 7	Requirements for restoration and enhancement of estuarine areas	05/2007	05/2007
V. Shallow Draft Port Facilities and Marinas Policies 1, 3-4, 6	Requirements for maintenance and repair of existing port facilities and marinas; approval of new or expanded port facilities and marinas	05/2007	05/2007
W. Shoreline Stabilization	Requirements for maintenance and	05/2007	05/2007

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Policies 1 – 7	repair of shoreline stabilization structures and activities to stabilize the estuary shoreline		
X. Water Quality Policies 4-5	Specifies state and federal authorities for meeting water quality standards in estuarine areas	05/2007	05/2007
Y. Solid Waste Disposal and Sanitary Landfills Policy 1	Prohibits solid waste disposal sites in estuarine areas	05/2007	05/2007
BAY CITY ZONING/DEVELOPMENT ORDINANCE (CITY OF BAY CITY ORDINANCE 374)			
Article 1 Introductory Provisions and Intensity Zones			
Section 1.2 (including 1.21 – 1.25)	Criteria for the establishment and alteration of plan/zone designations, intensity zones and overlay zones	09/2008	09/2008
Section 1.26	Zoning of annexed areas	09/2008	09/2008
Section 1.27	Compliance with the ordinance provisions and comprehensive plan	09/2008	09/2008
Section 1.28	Locations of zones and zone boundaries	09/2008	09/2008
Bay City Development Ordinance Land Use Matrix	Specifies level of permissibility of uses and activities in different shoreland subareas and areas of varying use intensity.	09/2008	09/2008
Section 1.3	Allowable uses	09/2008	09/2008
Section 1.4 (including 1.401 – 1.418)	High Intensity Zone (HI) requirements	09/2008	09/2008
Section 1.5 (including 1.501 – 1.520)	Moderate Intensity Zone (MI) requirements	09/2008	09/2008
Section 1.6 (including 1.601 – 1.620)	Low Intensity Zone (LI) requirements	09/2008	09/2008
Section 1.7 (including 1.701 – 1.705)	Hazards Overlay Zone (HZ) requirements	09/2008	09/2008
Section 1.750 (including 1.751 – 1.755)	Freshwater Wetland Overlay Zone (FW) requirements	09/2008	09/2008
Section 1.8 (including 1.801 – 1.802)	Shoreland Zones (S1, S2)	09/2008	09/2008

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Section 1.810 (including 1.811 – 1.822)	Shoreland Zone 1 Standards	09/2008	09/2008
Section 1.830 (including 1.831 – 1.844)	Shoreland Zone 2 Standards	09/2008	09/2008
Section 1.860 (including 1.861)	Estuary Zones, Areas Included and Uses Permitted Outright	09/2008	09/2008
Sections 1.870 (including 1.871 – 1.874)	Estuary Natural (EN) Zone	09/2008	09/2008
Sections 1.880 (including 1.881 – 1.884)	Estuary Conservation 1 (EC1) Zone	09/2008	09/2008
Sections 1.890 (including 1.891 – 1.894)	Estuary Conservation 2 (EC2) Zone	09/2008	09/2008
Sections 1.900 (including 1.901 – 1.904)	Estuary Conservation Aquaculture (ECA) Zone	09/2008	09/2008
Sections 1.910 (including 1.911 – 1.914)	Estuary Development Zone (ED)	09/2008	09/2008
Sections 1.920 (including 1.921 – 1.926)	Dredged Material Disposal Site Protection Zone (DMD)	09/2008	09/2008
Article 2 Conditional Uses			
Section 2.2 (including 2.201 – 2.215, 2.145)	Conditional Use Standards	09/2008	09/2008
Section 2.220 (including 2.221 (except (i)), 2.222, 2.223, 2.224 (except (d), (f) and (h)(1)), 2.226, 2.228 – 2.237)	Estuarine and Shoreline Standards	09/2008	09/2008
Section 2.3	Permissibility of Uses and Activities in Aquatic Areas (matrix)	09/2008	09/2008
Article 3 Supplementary Provisions			
Section 3.1 subsection 3.102.e subsection 3.102.f subsection 3.102.g	Buffers and Screens Riparian Areas setback Streamside setback Density considerations	09/2008	09/2008
Section 3.25 (including 3.251 - 3.255 (except (e)))	Grading and Erosion Control Permit	09/2008	09/2008
Section 3.7015	Maintenance of Public Access	09/2008	09/2008

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Article 6 Variances			
Section 6.030	Criteria for granting variances	09/2008	09/2008
Section 6.035	Variance standards for setback requirements	09/2008	09/2008
Article 7 Nonconforming Uses			
Sections 7.020 – 7.070	Requirements for non-conforming uses	09/2008	09/2008
Article 13 Definitions			
Section 13.010	Definitions	09/2008	09/2008
Section 13.020	Adopts by reference definitions in Tillamook County Land Use Code that apply to estuary, shorelands, and water-dependent development codes.	09/2008	09/2008
CITY OF GARIBALDI COMPREHENSIVE PLAN			
VII. Hazards			
A.	Requires registered geologist report prior to approval of development on steep slopes	6/19/2006	6/19/2006
X. Goal 11 Public Facilities			
C.2a	City sewer and water within city limits; provides limited exception	6/19/2006	6/19/2006
C.2b	Urban-level development within the city and urbanizable area to be served with city sewer and water	6/19/2006	6/19/2006
C.2e	Water, sewer and other public services must be installed prior to approval of new development	6/19/2006	6/19/2006
XII. Coastal Shoreland Policies			
A.	Existing public rights of way and easements across shorelands to be retained or replaced	6/19/2006	6/19/2006
B.	Riparian vegetation to be maintained, enhanced	6/19/2006	6/19/2006
C.	Dredged material disposal sites to be protected for future use	6/19/2006	6/19/2006
D.	Mitigation sites to be protected for future use	6/19/2006	6/19/2006
F	Waterfront development to provide	6/19/2006	6/19/2006

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	public access to the water		
XV. Estuary and Shoreland Policies			
A. Aquaculture Policies 3 – 5, 7 – 8	Approvals of aquaculture facilities in various estuary zones	6/19/2006	6/19/2006
B. Diking Policies 2 – 5	Maintenance, repair, construction and removal of dikes in various estuary zones	6/19/2006	6/19/2006
C. Boat Ramps, Docks and Moorages Policies 1, 3 – 7	Maintenance and repair of existing boat ramps, docks, and moorage facilities and new facilities in estuary management zones.	6/19/2006	6/19/2006
E. Dredging in Estuarine Water, Intertidal Areas and Tidal Wetlands Policies 1-3, 5-7	Dredging in estuarine water and intertidal areas and within estuary management zones	6/19/2006	6/19/2006
F. Energy Facilities and Utilities Policies 1 – 8	Maintenance and repair of existing facilities; approval of new facilities in estuary zones	6/19/2006	6/19/2006
G. Fill in Estuarine Water, Intertidal Areas and Tidal Wetlands Policies 1 – 8	Placement of fill in estuaries and within specific estuary management zones	6/19/2006	6/19/2006
H. Fisheries Policy 6	Maintenance of minimum stream flows	6/19/2006	6/19/2006
I. Forestry and Forest Products Industry Policies 1 and 2	Approval of log handling or log storage facilities within estuarine areas	6/19/2006	6/19/2006
J. Implementation Policies 3 – 5	Approval of dredging, filling, dredged material disposal and other activities within estuarine and shoreland areas	6/19/2006	6/19/2006
K. Industrial and Commercial Uses in Estuarine Water, Intertidal Areas and Tidal Wetlands Policies 1, 2, 4 – 12	Maintenance and repair of existing commercial or industrial uses; approval of new such uses in various estuary zones, including Water Dependent industrial and commercial development	6/19/2006	6/19/2006

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L. Transportation Facilities Policies 1 – 12	Maintenance and repair of existing transportation facilities; approval of new facilities, such as bridges, in various estuary use zones	6/19/2006	6/19/2006
M. Mining and Mineral Extraction Policies 2 – 6	Mining and mineral extraction in various estuary and shoreland use zones	6/19/2006	6/19/2006
N. Mitigation Policies 2 – 4	Mitigating effects of dredge, fill, or removal or loss of existing dikes in estuarine areas	6/19/2006	6/19/2006
O. Natural Habitat and Resource Areas Policy 2	Applying management designations to various estuarine habitat areas	6/19/2006	6/19/2006
P. Navigational Structures and Navigation Aids Policies 1 and 2	Repair and maintenance of existing and approval of new navigational structures and aids	6/19/2006	6/19/2006
Q. Piling/Dolphin Installation Policies 1 – 4	Replacement of existing piling/dolphins; installation of new piling/dolphins in various estuary management zones	6/19/2006	6/19/2006
R. Public Access to the Estuary and its Shorelands Policies 2a, 4 – 5	Public access to be maintained to the estuary.	6/19/2006	6/19/2006
S. Recreation and Recreational Facilities Policies 1 – 6, 9, 10	Recreational uses and activities in the estuary and its shoreland.	6/19/2006	6/19/2006
T. Restoration and Enhancement Policies 2 – 5	Restoration and enhancement of estuarine areas	6/19/2006	6/19/2006
V. Shallow Draft Port Facilities and Marinas Policies 1, 3 – 6	Maintenance and repair of existing port facilities and marinas; approval of new or expanded port facilities and marinas	6/19/2006	6/19/2006
W. Shoreland Development: Industrial, Commercial, Residential Policies 1 – 7	Development in estuarine and estuarine shoreland areas, including water-dependent development	6/19/2006	6/19/2006

Enclosure to the Office for Coastal Management's October 13, 2015, Approval of the Incorporation of Changes to the Oregon Coastal Management Program

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State/Local Legal Citation	Name/Description of State or Local Law/Regulation/ Policy/Program Authority	Date Adopted by State	Date Effective in State
X. Shoreline Stabilization Policies 1 – 8	Activities to stabilize the estuary shoreline	6/19/2006	6/19/2006
Y. Water Quality Policies 4, 5	Meeting water quality standards in estuarine areas	6/19/2006	6/19/2006
Z. Solid Waste Disposal and Sanitary Landfills Policies 1 – 6	Approval criteria for solid waste disposal facilities and sanitary landfills in relation the estuarine areas and resources	6/19/2006	6/19/2006
CITY OF GARIBALDI ZONING ORDINANCE (MUNICIPAL CODE CHAPTER 18)			
Division I Introductory Provisions			
18.05.030 – 18.05.040	Definitions	08/2014	08/2014
Division II Basic Provisions			
18.10.010	Compliance with Title	08/2014	08/2014
18.10.020	Classification of zones	08/2014	08/2014
18.10.030	Location of Zones	08/2014	08/2014
18.10.040	Zoning Map	08/2014	08/2014
18.10.050	Zone Boundaries	08/2014	08/2014
18.10.060	Zoning of annexed areas	08/2014	08/2014
Division III Use Zones			
18.15.010 – 18.15.040	Medium Density Residential Zone R-1	08/2014	08/2014
18.20.010 – 18.20.040	Resource/Open Space Zone R-O	08/2014	08/2014
18.25.010 – 18.25.040	Commercial Zone C-1	08/2014	08/2014
18.27.010 – 18.27.040	Downtown Zone D-1	08/2014	08/2014
18.30.010 – 18.30.040	General Industrial Zone I-1	08/2014	08/2014
18.35.010 – 18.35.040	Water Dependent Development Zone WD	08/2014	08/2014
18.40.010 – 18.40.040	Waterfront Mixed Use Zone WM	08/2014	08/2014
18.45.010 – 18.45.060	Dredged Material Disposal Site Protection Overlay Zone DMD	08/2014	08/2014

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18.50.010 – 18.50.040	Sensitive Bird Habitat Overlay Zone	08/2014	08/2014
18.55.010 – 18.55.020	Estuary Zones – General Use Priorities and Areas Included	08/2014	08/2014
18.60.010 – 18.60.040	Estuary Zone Natural EN	08/2014	08/2014
18.65.010 – 18.65.040	Estuary Conservation 1 Zone EC-1	08/2014	08/2014
18.70.010 – 18.70.040	Estuary Conservation 2 Zone EC-2	08/2014	08/2014
18.75.010 – 18.75.050	Estuary Development Zone ED	08/2014	08/2014
18.80.010 – 18.80.050	Hillside Overlay Zone HOZ	08/2014	08/2014
18.85.010 – 18.85.050	Limited Use Overlay Zone LUO	08/2014	08/2014
Division IV Supplemental Provisions			
18.160.010 (except (F), (I))	Aquaculture facilities	08/2014	08/2014
18.160.020 (except (B)(1))	Siting, design, construction, maintenance or expansion of dikes	08/2014	08/2014
18.160.030	Docks and moorages	08/2014	08/2014
18.160.040 (except (A), (F), (H)(1))	Dredged material disposal	08/2014	08/2014
18.160.060	Energy facilities and utilities	08/2014	08/2014
18.160.080 (except (C))	Forestry and the forest products industry	08/2014	08/2014
18.160.090 (except (I))	Industrial and commercial uses in estuarine waters, intertidal areas and tidal wetlands	08/2014	08/2014
18.160.100	Land transportation facilities	08/2014	08/2014
18.160.110 (except (I))	Mining and mineral extraction	08/2014	08/2014
18.160.120	Mitigation	08/2014	08/2014
18.160.130 (except (C))	Navigational structures and navigational aids	08/2014	08/2014
18.160.140 (except (D), (E))	Piling/dolphin installation	08/2014	08/2014
18.160.160 (except (G))	Shallow draft port facilities and marinas	08/2014	08/2014
18.160.170 (except (J), (K))	Shoreline stabilization	08/2014	08/2014
18.170.010	Riparian Vegetation	08/2014	08/2014
18.175.010	Maintenance of Access	08/2014	08/2014
18.185.020, 18.185.040, 18.185.050	Conditional Uses	08/2014	08/2014
18.190.040 – 18.190.160	Variances	08/2014	08/2014

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18.195.020 – 18.195.040	Nonconforming Uses	08/2014	08/2014
CITY OF BROOKINGS COMPREHENSIVE PLAN			
Goal 16 Estuarine Resources			
Aquatic Development	Purposes and Permitted Uses in three management units	07/28/2014	07/28/2014
Policy 3	Circumstances in which dredging is allowed	07/28/2014	07/28/2014
Policy 7	Conditions for active restoration of estuarine habitat	07/28/2014	07/28/2014
Policy 8	Requires mitigation for certain dredge and fill	07/28/2014	07/28/2014
Implementation	Specifies implementation through Section 72, Marine Activities district in Title 17 of Municipal Code	07/28/2014	07/28/2014
Goal 17 Coastal Shorelands/Goal 18 Beaches and Dunes		07/28/2014	
Policy 12	Prohibits building on certain dune areas	07/28/2014	07/28/2014
Policy 14	Requires public access for development at Chetco Point	07/28/2014	07/28/2014
Policy 15	Prohibits beachfront protective structures for development after January 1, 1977	07/28/2014	07/28/2014
CITY OF BROOKINGS MUNICIPAL CODE			
Title 17 Zoning			
Chapter 17.01: Subsection 17.01.040	General provisions	11/10/2014	11/10/2014
Chapter 17.04: Sections 17.04.010 – 17.04.070	Development Permit Procedures	11/10/2014	11/10/2014
Chapter 17.08: Subsections 17.08.001 – 17.08.260	Definitions	11/10/2014	11/10/2014
Chapter 17.12: Subsections 17.12.010 – 17.12.040	Establishment of Zoning Districts and Zoning Map	11/10/2014	11/10/2014

Enclosure to the Office for Coastal Management's October 13, 2015, Approval of the Incorporation of Changes to the Oregon Coastal Management Program

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Chapter 17.16: Subsections 17.16.010 – 17.16.120	Suburban Residential (SR) District	11/10/2014	11/10/2014
Chapter 17.20: Subsections 17.20.010 – 17.20.120	Single-Family Residential (R-1) District	11/10/2014	11/10/2014
Chapter 17.24: Subsections 17.24.010 – 17.24.120	Two-Family Residential (R-2) District	11/10/2014	11/10/2014
Chapter 17.28: Subsections 17.28.010 – 17.28.120	Multiple-Family Residential (R-3) District	11/10/2014	11/10/2014
Chapter 17.32: Subsections 17.32.010 – 17.32.120	Manufactured Home Residential (R-MH) District	11/10/2014	11/10/2014
Chapter 17.36: Subsections 17.36.010 – 17.36.120	Professional Office (PO-1) District	11/10/2014	11/10/2014
Chapter 17.40: Subsections 17.40.010 – 17.40.120	Public Open Space (P/OS) District	11/10/2014	11/10/2014
Chapter 17.44: Subsections 17.44.010 – 17.44.120	Neighborhood Commercial (C-1) District	11/10/2014	11/10/2014
Chapter 17.48: Subsections 17.48.010 – 17.48.120	Shopping Center Commercial (C-2) District	11/10/2014	11/10/2014
Chapter 17.52: Subsections 17.52.010 – 17.52.120	General Commercial (C-3) District	11/10/2014	11/10/2014
Chapter 17.56: Subsections 17.56.010 – 17.56.120	Tourist Commercial (C-4) District	11/10/2014	11/10/2014
Chapter 17.64: Subsections 17.64.010 – 17.64.120	Industrial Park (I-P) District	11/10/2014	11/10/2014
Chapter 17.68: Subsections 17.68.010 – 17.68.070	General Industrial (M-2) District	11/10/2014	11/10/2014
Chapter 17.70: Subsections 17.70.010 – 17.70.120	Master Plan Development (MPD) District	11/10/2014	11/10/2014
Chapter 17.72: Subsections 17.72.010 – 17.72.090 (except 17.72.080 (C)(2)(c))	Marine Activity (MA) District	11/10/2014	11/10/2014
Chapter 17.76: Subsections 17.76.010 – 17.76.120	Airport Approach (AA) Overlay Zone	11/10/2014	11/10/2014
Chapter 17.80: Subsections 17.80.010 – 17.80.090	Site Plan Approval	11/10/2014	11/10/2014
Chapter 17.84: Subsections 17.84.010 – 17.84.060	Public Hearings Notice Procedures	11/10/2014	11/10/2014
Chapter 17.100: Subsections	Hazardous Building Site Protection	11/10/2014	11/10/2014

Enclosure to the Office for Coastal Management's October 13, 2015, Approval of the Incorporation of Changes to the Oregon Coastal Management Program

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17.100.010 – 17.100.080	Hillside Development Standards		
Chapter 17.116: Subsections 17.116.010 – 17.116.100	Planned Community	11/10/2014	11/10/2014
Chapter 17.120: Subsections 17.120 – 17.120.050	Nonconforming Use	11/10/2014	11/10/2014
Chapter 17.124: Subsections 17.124.010 – 17.124.220	Specific Standards Applying to Conditional Use	11/10/2014	11/10/2014
Chapter 17.128: Subsections 17.128.010 – 17.128.070	Interpretation and Exceptions	11/10/2014	11/10/2014
Chapter 17.132: Subsections 17.132.010 – 17.132.110	Variances	11/10/2014	11/10/2014
Chapter 17.136: Subsections 17.136.010 – 17.136.150	Conditional Uses	11/10/2014	11/10/2014
Chapter 17.144: Subsections 17.144.010 – 17.144.050	Annexation	11/10/2014	11/10/2014
Chapter 17.164: Subsections 17.164.010 – 17.164.050	Wireless Telecommunication Facilities	11/10/2014	11/10/2014
Chapter 17.172: Subsections 17.172.010 – 17.172.090 (except 17.172.060(C)(1))	Land Division	11/10/2014	11/10/2014
REMOVED:			
City of Brookings Comprehensive Plan and Land Development Code		10/11/1984	10/11/1984
Garibaldi Comprehensive Plan and Zoning Ordinance		11/15/1984	11/15/1984
Bay City Comprehensive Plan and Development Ordinance		01/30/1980	01/30/1980