

# Routine Program Change

Seeking to Incorporate Certain Provisions of the City of Bandon  
Comprehensive Plan and Municipal Code into the Oregon Coastal Management Program

*July 8, 2015*

## I. Introduction

The Oregon Department of Land Conservation and Development (DLCD) seeks approval by the National Oceanic and Atmospheric Administration (NOAA) Office for Coastal Management's (OCM) to incorporate the current version of the **City of Bandon Comprehensive Plan (BCP) and Title 17, Zoning, of the City of Bandon Municipal Code (BZC)**, into the Oregon Coastal Management Program (OCMP). DLCD requests OCM's concurrence that the incorporation is a Routine Program Change (RPC) to the OCMP. The DLCD has identified and described the enforceable policies that DLCD will apply to federal consistency reviews and explains why their incorporation constitutes a routine program change to the OCMP.

The Land Conservation and Development Commission (LCDC) acknowledged most of the BCP and codes as being in compliance with the Statewide Planning Goals on May 31, 1984, and acknowledged the coastal portions of the plan and codes on October 11, 1984. OCM approved these documents as components of the OCMP on November 22, 1985. The City has revised some parts of the plan and code provisions over the years; these amendments are captured in this RPC submittal.

These changes were approved by the State of Oregon (through the Land Conservation and Development Commission) as meeting the statewide planning goals. However, DLCD has not submitted the current versions of these documents to NOAA/OCM for review and approval. DLCD is now submitting to OCM the current version of the plan and code reflecting all changes subsequent to NOAA's 1985 approval, for incorporation into the OCMP. The submittal includes the city's comprehensive plan and code including policies that apply to the Coquille River estuary within city jurisdiction.

Section II of this analysis describes the legal and policy framework of Oregon's Coastal Management Program, summarizes the key elements of Oregon's land use planning system and the relationship between state requirements and local land use plans and regulations, lists the statewide planning goals, and describes the relationship between the statewide program and the OCMP. Section III lists and briefly describes the enforceable policies of the BCP and BZC that DLCD seeks to incorporate into the OCMP. Section IV analyzes the five CZMA program approvability areas potentially impacted, and determines that this request qualifies as a routine program change. Finally, Section V contains a table of all City of Bandon enforceable policies that Oregon seeks to incorporate into the OCMP.

## II. Framework for Oregon's Approved Coastal Management Program

### A. Oregon's land use planning program: state-local relationship

As noted in NOAA's review and approval of the Oregon Coastal Management Program in 1977, the Statewide Planning Program (ORS Chapter 197, Comprehensive Land Use Planning Coordination), is the principal mechanism by which the state ensures that state goals for land use planning, conserving and developing coastal and other resources in Oregon are implemented by local governments with state oversight. Local governments, such as Bandon, are required to adopt comprehensive land use plans that meet the statewide requirements and to make the day-to-day land use decisions in conformance with those state-approved goal-based plans. Since the mid-1980s, the plans and ordinances of all cities and counties in Oregon have been found to be in compliance with the goals. The state, through the LCDC and DLCD, also review amendments to local plans and ordinances for compliance with state requirements.

### B. Statewide Planning Goals

The nineteen statewide planning goals (<http://www.oregon.gov/LCD/goals.shtml>), which are adopted as administrative rules (Oregon Administrative Rules Chapter 660, Division 015), express the state's policies on land use and (along with additional administrative rules) provide standards for local land use planning and decision-making. Some goals set standards for how certain types of land are to be planned and zoned; for example, Goal 18 sets specific standards for development on various types of dunes. NOAA/OCM has approved these statewide planning goals and related administrative rules as core components of the OCMP.

The central purpose and requirements of the statewide planning goals are:

**Goal 1 CITIZEN INVOLVEMENT:** requires local governments to provide "the opportunity for citizens to be involved in all phases of the planning process;" requires each city and county to have a citizen involvement program and a committee for citizen involvement (CCI) to monitor and encourage public participation in planning.

**Goal 2 LAND USE PLANNING:** outlines procedures for planning; specifies elements of comprehensive planning, requires local jurisdictions to adopt enforceable "implementation ordinances" to carry out the plan's "enforceable" policies; requires local land use decisions to conform to adopted comprehensive plan and ordinances.

**Goal 3 AGRICULTURAL LANDS:** defines "agricultural lands;" requires counties to inventory soil types and designate such lands as agricultural lands based on soil type and actual use and to "preserve and maintain" those lands through zoning.

**Goal 4 FOREST LANDS:** defines "forest lands;" requires counties to inventory forest capability, identify forest land, and adopt policies and ordinances to "conserve forest lands for forest uses."

**Goal 5 OPEN SPACES, SCENIC AND HISTORIC AREAS AND NATURAL RESOURCES:** requires local plans to address more than a dozen natural and cultural resources (e.g. wildlife habitats, wetlands, historic sites); establishes a process for each resource is to be inventoried and evaluated by local governments; creates options for local governments to protect identified significant resources.

**Goal 6 AIR, WATER AND LAND RESOURCES QUALITY:** requires local comprehensive plans and ordinances to be consistent with state and federal regulations on solid waste, groundwater pollution, municipal sewerage discharge, air emissions, etc.

**Goal 7 AREAS SUBJECT TO NATURAL DISASTERS AND HAZARDS:** seeks to protect development from natural hazards (e.g. floods, landslides, and erosion); requires jurisdictions to use hazard inventories supplied by state agencies and apply "appropriate safeguards" (i.e. floodplain zoning) to those areas.

**Goal 8 RECREATION NEEDS:** requires jurisdictions to plan for recreational opportunities based on an inventory of recreational resources, evaluation of areas and facilities for recreation, and projected demand for recreation.

**Goal 9 ECONOMY OF THE STATE:** calls for diversification and improvement of the economy; requires inventory of existing and potential commercial and industrial lands, determine future needs for such lands, and plan and zone lands sufficient to meet those needs.

**Goal 10 HOUSING:** specifies that each city must plan for and accommodate needed housing types, such as multifamily and manufactured housing.

**Goal 11 PUBLIC FACILITIES AND SERVICES:** calls for efficient planning of public services such as sewers, water, law enforcement, and fire protection; links provision of new services to urbanization policies in Goal 14.

**Goal 12 TRANSPORTATION:** aims to provide "a safe, convenient and economic transportation system;" requires consideration of multiple transportation modes; links funding for transportation facilities to transportation plans.

**Goal 13 ENERGY:** seeks to use land use plans to control development to "maximize the conservation of all forms of energy, based upon sound economic principles."

**Goal 14 URBANIZATION:** requires cities to work with counties to estimate future population growth and related needs for land in unincorporated areas and to jointly designate sufficient land to meet those needs; requires each city jointly with its county, to establish an "urban growth boundary" (UGB) to "identify and separate urbanizable land from rural land."

**Goal 15 WILLAMETTE GREENWAY:** pertains only to those jurisdictions that touch on or include the Willamette River Greenway; not applicable in the Coastal Zone.

**Goal 16 ESTUARINE RESOURCES:** establishes state-level estuary classification system and designates each of 22 estuaries into one of four categories: Natural, Conservation, Shallow-draft Development, and Deep-draft Development; establishes planning and management requirements for each category; specifies land uses and activities permissible in those areas; emphasizes habitat protection; links closely to Goal 18.

**Goal 17 COASTAL SHORELANDS:** defines a shoreland planning area along the ocean shore, estuaries, and other water bodies and requires local governments to map the shoreland boundary; specifies how certain types of land and resources within the shoreland area are to be managed; emphasizes unique coastal land uses (e.g. port facilities) and requires protection of sites for "water-dependent" or "water related" uses.

**Goal 18 BEACHES AND DUNES:** specifies planning standards for protecting or developing various types of dunes; prohibits most development on beaches and active foredunes; prohibits ocean shorefront protective structures for most development built after 1977; establishes standards for dune grading, groundwater drawdown in dunal aquifers, and the breaching of foredunes.

**Goal 19 OCEAN RESOURCES:** seeks to “conserve the long-term values, benefits, and natural resources of the nearshore ocean and the continental shelf;” creates basis for planning and management of state ocean waters through the state Territorial Sea Plan; establishes requirements for state agencies rather than cities and counties.

### **C. The Oregon Coastal Management Program**

NOAA’s 1977 approval of the Oregon Coastal Management Program pre-dated development and state approval of coastal local government plans and ordinances (most of which occurred between 1978 and 1985), but was predicated on “the central authority by which Oregon will implement the program is SB 100” (subsequently codified as ORS 197). NOAA approval also included the enforceable policies of the statewide planning goals, including the coastal goals, and the statutory authorities of several state agencies (e.g. Department of Environmental Quality). In the years following this 1977 approval all coastal local governments created and adopted comprehensive plans and ordinances, which LCDC reviewed, approved, and submitted to OCM for approval as Routine Program Changes (RPCs).

Local land use plans and ordinances were expected to be reviewed and amended in response to individual situations or pursuant to ORS 197 which requires local plans to be periodically reviewed and amended to reflect changes in laws, requirements for meeting the statewide planning goals, community needs, development, and other factors. For “Periodic Review” updates, the DLCD works closely with local governments to identify needed changes and a work schedule for addressing them. Many amendments are minor in nature and do not involve substantive policy changes. The analysis below discusses the current plan policies that DLCD seeks to incorporate as enforceable policies and how the provisions implement the applicable statewide planning goals.

## **III. Bandon Comprehensive Plan and Municipal Code Chapters Incorporated as Enforceable Policies**

While DLCD seeks to incorporate the BCP and BZC into the OCMP in their entirety, DLCD has identified specific sections within each that could be used as enforceable policies for federal consistency purposes.

As required by 16 USC 1453(6a) and OCM guidance, the enforceable policies are legally binding and contain standards of sufficient specificity to guide private and public uses. These policies, contained in discrete sections of the plan and ordinance, are listed in subsections A and B, below, and listed in table form in Section V. Any plan and ordinance provisions not part of this submittal that were approved by NOAA in 1985 remain unchanged.

### **A. COMPREHENSIVE PLAN**

The city’s comprehensive plan establishes the basis for land use regulation throughout the city. The plan contains goal and objective statements formatted to address the Statewide Planning Goals. However, most of these policy statements cannot be construed as enforceable within the meaning of 16 USC 1453(6a) because they are directed at the city itself, frame regulations in the Municipal Code and direct future actions that the city will take to implement the plan, code, and

functional plans. The plan components that address the Coquille River estuary are derived from the Coos County Coquille River Estuary Plan adopted by Coos County.

DLCD seeks to include the following as enforceable policies:

## **SECTION I: PLAN POLICIES**

### **OPEN SPACE, SCENIC, HISTORIC AREAS AND NATURAL RESOURCES**

PDF p. 12.

#### **Special Policies**

2. Requires development within 100 feet to demonstrate no adverse impact on function of Coquille Point National Wildlife Refuge.

PDF pp 13 – 14

#### **Historical and Archaeological Preservation**

2. Requires preservation of historical and archaeological sites identified in Plan Inventory, specifies procedures and criteria for assessing and approving development that may impact such sites.

### **TRANSPORTATION**

PDF pp 30 – 31

#### **Policies**

25. Requires bicycle and pedestrian facilities on new arterial and collector streets.
26. Requires development to about a public street.
27. Specifies requirements for development abutting an existing substandard street.

### **COASTAL RESOURCES**

PDF p. 39

**Development on Foredunes:** prohibits certain development from active foredunes, conditionally stable foredunes, and dunes subject to ocean flooding.

**Estuarine Beaches:** protects estuarine beaches for uses that support conservation, water-dependent, and water-related activities.

**Beach and Dune Erosion:** requires a site review prior to development of a project. The review must include, at minimum, address hazards to life and public/private property and minimize erosion of beaches, cliffs, and dune forms and requires that non-structural temporary and permanent sand stabilization programs to minimize sand erosion. Breaching of the foredune is prohibited. Structures are prohibited on the foredune.

PDF p. 41

**Estuary Classification Policy A:** classifies Coquille River Estuary as a Shallow-Draft Development Estuary consistent with the Oregon Estuary Classification.

**Natural Estuarine Management Units, Policy B:** requires Natural Estuarine Management Units for all major tracts of salt marsh, tideflats, and seagrass and algae beds.

**Conservation Estuarine Management Units, Policy C:** requires Conservation Estuarine Management Units for long-term use of renewable resources in areas that do not require alteration of the estuary.

PDF pp 41 – 42

**Development Estuarine Management Units, Policy D:** requires Development Estuarine Management Units for navigation and other identified needs for public, commercial, and industrial water-dependent uses

PDF p 42

**Resource Capability, Consistency, and Impact Assessment, Policy E:** requires an impact assessment of proposed actions which would alter or potentially alter the integrity or the estuarine ecosystem; specifies requirements for impact assessment.

PDF pp 42 – 43

**Estuarine Fill and Removal, Policy F:** specifies conditions under which dredge, fill, and other activities may be allowed in respective management units.

PDF p. 43

**Estuarine Fill and Removal, Policy G:** allows temporary dredge, fill, and other actions in certain areas under specific conditions.

**Estuarine Mitigation Requirements, Policy H:** requires mitigation for effects of dredge or fill activities on estuarine ecosystem; requires protection of mitigation sites identified in plan.

PDF pp 43 – 44

**Solutions to Flooding and Erosion Problems, Policy I:** establishes preference for non-structural solutions to problems of erosion and flooding in estuary; specifies criteria required for approval of riprap otherwise allowed in Development, Conservation, and Natural estuarine management units.

PDF p. 45

**Protection of Sites Especially Suited to Water-Dependent Uses, Policy L:** requires protection of sites especially suited to water dependent uses within urban and urbanizable estuarine shorelands; specifies requirements, specifies criteria allowing for non-water-dependent uses in management uses in areas otherwise protected for water dependent uses.

PDF p. 46

**Protection of Major Marshes and Significant Wildlife Habitats in Coastal Shorelands, Policy M:** requires protection of major marshlands and significant wildlife habitats within Coquille River Coastal Shorelands boundary.

**Dredged Material Disposal Sites, Policy N:** requires identified dredged material disposal sites be protected from new uses and activities that prevent use as dredged material disposal site.

**Intertidal Dredged Material Disposal, Policy O:** requires approval of waterway permit from Division (Department) of State Lands for disposal of dredged material in intertidal or tidal marsh areas.

PDF pp 46 - 47

**Limiting Dredge and Fill as Estuarine Restoration, Policy P:** supports dredge or fill as part of estuarine restoration under certain conditions.

PDF p. 47

**Flow-Lane Disposal of Dredged Material in Development Management Units, Policy R:** allows flow-land disposal of dredged material in Management Unit #1 under certain conditions.

PDF pp 48 – 49

**Shoreland Overlay Zone (SO) Use Matrix:** specifies uses permitted, conditionally-permitted, and not permitted in thirteen Shoreland Management Units.

## **SECTION II: INVENTORIES**

### **CHAPTER 14 ESTUARY MANAGEMENT**

PDF pp 194 – 196

#### **Section 1.0 Cumulative Effects of Development**

Subsections 1.1 – 1.4.1 Defines and describes Coastal Shorelands Boundary for the City of Bandon based on seven criteria in Statewide Planning Goal 17, Coastal Shorelands.

PDF pp 196 – 199

#### **Section 2.0 Analysis of Compliance with Estuarine Resources Goal (#16) by Management Unit:**

##### Subsection 2.1 Justification of Designation of Estuarine Management Units

2.1.1 Development Estuarine Management Units – identifies two management units:

Unit #1D: Authorized channel in the Coquille River, and

Unit #4D: Boat basin for the Port of Bandon.

2.1.2 Conservation Management Units – identifies four management units:

Unit #2C area adjacent to upland subject to wave erosion;

Unit #5C Ferry Creek Flat;

Unit #6C Ferry Creek;

Unit #8C Coquille River natural channel upstream of Authorized channel.

2.1.3 Natural Management Units – identifies one management unit:

#10N Bandon Marsh (is within the Bandon Marsh National Wildlife Refuge).

*(Subsection 2.2 is missing from the plan)*

*(Subsection 2.3 is missing from the plan)*

##### Subsection 2.4 Uses/Activities for Estuarine Management Units

2.4.1 Refers to more specific description of uses and activities in the city zoning ordinance (Code).

2.4.2 Uses/Activities Permitted in Development Estuarine Management Units;

2.4.3 Uses/Activities Permitted in Estuarine Conservation Management Units;

2.4.4 Uses/Activities Permitted in Estuarine Natural Management Units.

PDF pp 199 - 201

**Section 3.0 Analysis of Compliance with Coastal Shorelands Goal (#17) and Beaches and Dunes Goal (#18) by “Shoreland Management Unit:”**

Subsection 3.1 Introduction

Subsection 3.2 Justification of Designations for Shoreland Management Units

3.2.1 Especially Suited for Water Dependent Use Sites in Shoreland Management Units within the City and Urban Growth Areas: identifies ten management units:

Unit #1 South Jetty

Unit #3 Bandon Waterfront

Unit #8 Moore Mill

Units #9 and #10 North Jetty and Vicinity

Units #2, #4, #5, #6, #7 Various sites

*(Sub-subsection 3.2.2 is missing from the plan)*

3.2.3 Protection of Dredged Material Disposal Sites and Mitigation Restoration Sites: specifies that no protected dredged material sites are within the city except Unit #1 is protected for flow-lane disposal.

Subsection 3.3 Justification of Shorelands Uses/Activities Matrix and Goal 18

3.3.1 Introduction: Specifies that permitted uses in each Shoreland Management Unit are contained in a matrix shown in the city Zoning Code.

*(Sub-subsection 3.3.2 is missing from the plan)*

3.3.3 Segments in Urban/Urbanizable Areas: Specifies that ESWD (Especially Suited for Water Dependent) sites are present in Management Units #1, #3, #8, #9, #10

PDF pp 201 – 202

**Section 4.0 Cumulative Effects of Uses and Activities in Aquatic Development Management Units:**

Specifies actions expected to occur within Development Management Units #1D and #4D describes potential effects of each action and specifies that policies affecting actions are implemented through the city Zoning Ordinance (Code).

PDF pp 254 – 266

**Definitions:**

While not enforceable policies *per se*, definitions are necessary for ensuring exact meaning of terms used in the plan and for supporting legal interpretation and application of enforceable policies and plan and ordinance provisions.

**B. ZONING CODE, TITLE 17 of BANDON MUNICIPAL CODE**

**Title 17, Zoning**, contains zoning regulations for land uses and activities within the city. A current copy of the city’s official zoning map is available through the city’s website <http://www.Bandon.or.us/index.aspx?nid=147> . The entire Municipal Code is also accessible on the city’s website.

**Chapter 17.04 – Compliance with Provisions Required**

Section 17.04.040 Compliance with provisions required. Authorizes zoning code requirements. All structures are prohibited except as permitted by the code.

## **Chapter 17.08 – Establishment of Zones**

Section 17.08.010 – Section 17.08.020 specify the classification of zones and the zoning map.

## **Chapter 17.12 – Residential 1 (R-1) Zone**

Sections 17.12.010 – 17.12.090 specify the purpose, permitted uses, conditional uses, limitations and other requirements for residential uses in this zone.

## **Chapter 17.16 – Residential 2 (R-2) Zone**

Sections 17.16.010 – 17.16.090 specify the purpose, permitted uses, conditional uses, limitations and other requirements for residential uses in this zone.

## **Chapter 17.20 – Controlled Development 1 (CD-1) Zone**

Sections 17.20.010 – 17.20.090 specify the purpose, permitted uses, conditional uses, limitations and other requirements for mixed uses and resource protection along the ocean front and related areas including the Bandon Bluff and related dune areas.

## **Chapter 17.24 – Controlled Development 2 (CD-2) Zone**

Sections 17.24.010 – 17.24.110 specify the purpose, permitted uses, conditional uses, limitations and other requirements for mixed uses and resource protection near the Bandon south jetty and bluff areas.

## **Chapter 17.28 – Controlled Development 3 (CD-3) Zone**

Sections 17.28.010 – 17.28.090 specify the purpose, permitted uses, conditional uses, limitations and other requirements for mixed uses and resource protection between Bandon south jetty and Bandon Old Town/Waterfront.

## **Chapter 17.32 – Controlled Development Residential 1 (CD-R1) Zone**

Sections 17.32.010 – 17.32.090 specify the purpose, permitted uses, conditional uses, limitations and other requirements protect the vistas residential character of the area overlooking the jetty area, river, and Old Town waterfront.

## **Chapter 17.36 – Controlled Development Residential 2 (CD-R2) Zone**

Sections 17.36.010 – 17.36.090 specify the purpose, permitted uses, conditional uses, limitations and other requirements protect the vistas residential character of the area overlooking the ocean and Coquille River.

## **Chapter 17.40 – Old Town Commercial (C-1) Zone**

Sections 17.40.010 – 17.40.100 specify the purpose, permitted uses, conditional uses, limitations and other requirements to provide space for and protect the businesses in the Old Town area.

### **Chapter 17.44 – General Commercial (C-2) Zone**

Sections 17.44.010 – 17.44.100 specify the purpose, permitted uses, conditional uses, limitations and other requirements to provide space for general shopping, business and commercial needs of the city.

### **Chapter 17.48 – Marine Commercial (C-3) Zone**

Sections 17.48.010 – 17.48.100 specify the purpose, permitted uses, conditional uses, limitations and other requirements to provide space for general shopping, business and commercial needs of the city.

### **Chapter 17.52 – Light Industrial (LI) Zone**

Sections 17.52.010 – 17.52.110 specify the purpose, permitted uses, conditional uses, limitations and other requirements to provide space for industrial uses with little effect on adjacent uses.

### **Chapter 17.56 – Heavy Industrial (HI) Zone**

Sections 17.56.010 – 17.56.100 specify the purpose, permitted uses, conditional uses, limitations and other requirements for industrial uses.

### **Chapter 17.60 – Public Facilities and Parks (PF) Zone**

Sections 17.60.010 – 17.60.040 specify the purpose, permitted uses, and conditional uses, for publically owned areas intended for public facilities and services.

### **Chapter 17.64 – Water (W) Zone**

Sections 17.64.010 – 17.64.120 carry out the comprehensive plan for the Coquille River estuary by specifying the purposes, permitted and conditional uses for three estuarine management units:

17.64.020 – 17.64.040: Natural Management Units;

17.64.050 – 17.64.070: Conservation Management Units;

17.64.080 – 17.64.100: Development Management Units;

and criteria for approving estuarine fill and removal.

### **Chapter 17.68 – Natural Resource and Open Space (NR) Zone**

Sections 17.68.010 – 17.68.030 specify the purpose, permitted and conditional uses, to protect important natural resources.

### **Chapter 17.72 – Historic-Cultural Overlay (HC) Zone**

Sections 17.72.010 – 17.72.050 specify the purpose, permitted and conditional uses, list of historic sites subject to Historic Overlay provisions, and planning commission review related to historic features within the city.

## **Chapter 17.76 – Shoreland Overlay (SO) Zone**

Sections 17.76.010 – 17.76.130 implement the provisions of the shoreland management units in the city comprehensive plan.

17.76.020: Permitted uses and activities;

17.76.030: Conditional uses and activities;

17.76.040: Correspondence with underlying zone;

17.76.050: Special provisions specify standards applicable to all uses or activities in wetlands shown on inventory maps, including:

- A. Dredged Material Disposal (DMD), Restoration (R), or Mitigation (M) Sites;
- B. Significant Wildlife Habitat;
- C. Riparian Vegetation;
- D. Areas Especially Suited for Water Dependent Uses (ESWD);
- E. Historic Structures and Sites.

17.76.060: Supplemental provisions for estuarine and shoreland uses/activities – pre-application conference

17.76.070: Notification of public agencies;

17.76.080: Information to be provided;

17.76.090: Resource capabilities test;

17.76.100: Dredge, fill, or other significant reductions or degradations;

17.76.120: Impact assessment;

17.76.130: Shorelands uses/activities matrix.

## **Chapter 17.77 – Beaches and Dunes Overlay (BDO) Zone**

Sections 17.77.010 – 17.77.070 implement the provisions of the city comprehensive plan related to beaches and dunes. The purpose of the zone is to identify areas subject to ocean overtopping and wave undercutting that would be subject to Statewide Planning Goal 18.

## **Chapter 17.84 – Architectural Review Overlay (AR) Zone**

Sections 17.84.010 – 17.84.100 specify the purpose, standards and guidelines for architectural review within the city.

## **Chapter 17.88 – Airport Overlay (AO) Zone**

Sections 17.88.010 – 17.88.070 specify requirements including technical definitions, permitted uses, and conditional uses to prevent obstruction of the approaches and surrounding area of airports in the city.

## **Chapter 17.92 – Conditional Uses**

Sections 17.92.010 – 17.92.100 specify requirements for review and approval of conditional uses that are listed in the use districts of the code.

### **Chapter 17.102 – Wetland Protection Standards**

Sections 17.102.010 – 17.102.040 specify requirements for protecting significant wetlands identified within the city under the requirements of Statewide Planning Goal 5, including prohibited and permitted uses; procedures; standards for wetland protection, conservation and maintenance, mitigation; definitions and relationship to wetlands map adopted in the city comprehensive plan.

### **Chapter 17.103 – Riparian Corridor Protection**

Sections 17.103.010 – 17.103.060 specify requirements for protecting riparian corridors identified in the Riparian Inventory of the city comprehensive plan, including exemptions, prohibited and permitted activities, exceptions.

### **Chapter 17.108 – Nonconforming Uses and Structures**

Sections 17.108.010 – 17.108.060 specify requirements for review and approval of uses of structures or sites that do not conform to regulations in the district within which they are located.

### **Chapter 17.112 - Variances**

Sections 17.112.010 – 17.112.030 specify standards for evaluating and approving variances to the requirements of the code for specific uses and use districts

### **Chapter 17.116 – Zone Changes and Amendments**

Sections 17.116.010 – 17.116.040 specify requirements for amending the text or map of the zoning code.

### **Chapter 17.120 – Administration and Enforcement**

Section 17.120.210 authorizes the city manager to take action to abate, remove, or discontinue uses or activities not in compliance with provisions of the zoning code.

## **IV. This Action is a Routine Program Change**

The incorporation of the enforceable policies listed above of the current City of Bandon Comprehensive Plan and Municipal Code into the OCMP does not substantially alter any of the five program areas detailed in 15 CFR 923:

### **1. Uses subject to management (Subpart B)**

This action does not substantially change the uses subject to management specified in the OCMP (navigation and transportation; residential/urban/industrial, including energy production; agriculture and forestry; recreation; fish and wildlife production and utilization; public facilities; mining and minerals; and restoration) or those originally included in the City of Bandon Comprehensive Plan and Municipal Code approved by OCRM in 1985. The State of Oregon requires the plan and ordinance to implement Oregon's statewide planning goals, which require local jurisdictions to set standards for various uses, including those set forth in the OCMP. Because the uses permitted by the plan and ordinance must be consistent with the statewide planning goals and because the city has not added any new uses, incorporation of the updated plan and ordinance into the OCMP merely refines and does not substantially change the uses subject to management.

### **2. Special management areas (Subpart C)**

This action does not change the criteria for designating areas of particular concern, or areas for preservation or restoration. Statewide planning goals 16 through 18 set the criteria and procedures for establishing and managing estuarine areas (Goal 16), coastal shorelands (Goal 17), and beaches and dunes (Goal 18). The City of Bandon Comprehensive Plan and Municipal Code merely set policies and standards for designating and managing these areas within city jurisdiction.

### **3. Boundaries (Subpart D)**

This action applies only to lands under the jurisdiction of the City of Bandon. It does not change Oregon's inland or seaward coastal zone boundary, nor does it change the status of excluded lands.

### **4. Authorities and organization (Subpart E)**

This action does not change Oregon's authority or organization, nor does it alter Oregon's administration of the OCMP. Oregon's land use system and statewide planning goals establish criteria and standards for local planning; the city plan and ordinance simply implement those standards.

### **5. Coordination, public involvement and national interest (Subpart F)**

This action does not change any coordination, public involvement, or national interest provisions of the OCMP.

## V. Enforceable Policies Table

<b>Changes to the OREGON COASTAL MANAGEMENT PROGRAM</b>				
<p>The OREGON COASTAL MANAGEMENT PROGRAM (OCMP) seeks to incorporate certain provisions of the <b>City of Bandon Comprehensive Plan (BCP) and Zoning Code (BZC)</b> into its federally-approved coastal management program. The following table identifies specific provisions that DLCD seeks to incorporate as enforceable policies and that DLCD anticipates using for Federal Consistency review purposes.</p>				
State/Local Legal Citation	Name/Description of State or Local Law/Regulation/Policy/ Program Authority or Change	Enforcement Mechanism(s)	Date Adopted by State	Date Effective in State
<b>ADDED</b>			<b>mm/dd/year</b>	<b>mm/dd/year</b>
City of Bandon Comprehensive Plan and Zoning Code (Title 17 of City Code)	*DLCD seeks to incorporate the City of Bandon Comprehensive Plan (BCP) and Zoning Code (BZC) into the OCMP in their entirety. However, DLCD only seeks to incorporate the provisions listed below as enforceable policies.	ORS 197/BCP; BZC 17.04.040 <sup>1</sup> via city planning and permit processes, (hereinafter: city planning/permit processes)	10/11/1984	1984 - 2015
<b>CITY OF BANDON COMPREHENSIVE PLAN</b>				
<b>SECTION 1: PLAN POLICIES</b>				
<b>Open Space, Scenic, Historic Areas and Natural Resources</b>				
PDF p. 12 Policy 2 Special Policies	Requires no impact on Coquille Point National Wildlife Refuge from development within 100 feet	ORS 197/city planning/permit processes	10/11/84	1984 - 2015
PDF p. 13 Policy 3 Historical and Archaeological Preservation	Requires preservation of historical and archaeological sites identified in plan inventory	ORS 197/city planning/permit processes	10/11/84	1984 - 2015
<b>Transportation</b>				
PDF pp 30-31 Policy 25	Requires bicycle and pedestrian facilities on new arterial and collector streets	ORS 197/city planning/permit processes	10/11/84	1984 - 2015
PDF pp 30-31 Policy 26	Requires development to about a public street	ORS 197/city planning/permit processes	10/11/84	1984 - 2015
PDF pp 30-31 Policy 27	Requirements for development abutting an existing substandard public street	ORS 197/city planning/permit processes	10/11/84	1984 - 2015

<sup>1</sup> “No structure or lot shall hereafter be used or occupied, and no structure or part thereof shall be erected, moved, reconstructed, extended, enlarged or otherwise altered except as permitted by this title.”

<b>Coastal Resources</b>				
PDF p. 39	Development on Foredunes	ORS 197/city planning/permit processes	10/11/84	1984 - 2015
PDF p. 39	Estuarine Beaches	ORS 197/city planning/permit processes	10/11/84	1984-2015
PDF p. 39	Beach and Dune Erosion	ORS 197/city planning/permit processes	10/11/84	1984-2015
PDF p. 41 Policy A	Estuary Classification	ORS 197/city planning/permit processes	10/11/84	1984 - 2015
PDF p. 41 Policy B	Natural Estuarine Management Units	ORS 197/city planning/permit processes	10/11/84	1984 - 2015
PDF p.41 Policy C	Conservation Estuarine Management Units	ORS 197/city planning/permit processes	10/11/84	1984 - 2015
PDF 41-42 Policy D	Development Estuarine Management Units	ORS 197/city planning/permit processes	10/11/84	1984 - 2015
PDF p. 42 Policy E	Resource Capability, Consistency, and Impact Assessment	ORS 197/city planning/permit processes	10/11/84	1984 - 2015
PDF. 42-43 Policy F	Estuarine Fill and Removal	ORS 197/city planning/permit processes	10/11/84	1984 - 2015
PDF p. 43 Policy G	Estuarine Fill and Removal	ORS 197/city planning/permit processes	10/11/84	1984 - 2015
PDF p. 43 Policy H	Estuarine Mitigation Requirements	ORS 197/city planning/permit processes	10/11/84	1984 - 2015
PDF pp 43-44 Policy I	Solutions to Flooding and Erosion Problems	ORS 197/city planning/permit processes	10/11/84	1984 - 2015
PDF p. 45 Policy L	Protection of Sites Especially Suited to Water Dependent Uses	ORS 197/city planning/permit processes	10/11/84	1984 - 2015
PDF p. 46 Policy M	Protection of Major Marshes and Wildlife Habitats in Coastal Shorelands	ORS 197/city planning/permit processes	10/11/84	1984 - 2015
PDF p. 46 Policy N	Dredged Material Disposal Sites	ORS 197/city planning/permit processes	10/11/84	1984 - 2015
PDF p. 46 Policy O	Intertidal Dredged Material Disposal	ORS 197/city planning/permit processes	10/11/84	1984 - 2015
PDF pp 46-47 Policy P	Limiting Dredge and Fill as Estuarine Restoration	ORS 197/city planning/permit processes	10/11/84	1984 - 2015
PDF p. 47 Policy R	Flow-Lane Disposal of Dredged Material in Development Management Units	ORS 197/city planning/permit processes	10/11/84	1984 - 2015

PDF pp 48 – 49 Policy SO	Shoreland Overlay Zone (SO) Use Matrix	ORS 197/city planning/permit processes	10/11/84	1984 – 2015
<b>SECTION II: INVENTORIES</b>				
PDF pp 194-196 Section 1.0 Subsections 1.1 – 1.4.1	Cumulative Effects of Development	ORS 197/city planning/permit processes	10/11/84	1984 – 2015
PDF pp 196 – 199 Section 2.0	Analysis of Compliance with Estuarine Resources Goal (#16) by Management Unit	ORS 197/city planning/permit processes	10/11/84	1984 – 2015
Subsection 2.1	Justification of Designation of Management Units	ORS 197/city planning/permit processes	10/11/84	1984 – 2015
Subsection 2.4	Use/Activities for Estuarine Management Units	ORS 197/city planning/permit processes	10/11/84	1984 – 2015
PDF pp 199 – 201 Section 3.0	Analysis of Compliance with Coastal Shorelands Goal (#17) and Beaches and Dunes Goal (#18) by Shoreland Management Unit	ORS 197/city planning/permit processes	10/11/84	1984 – 2015
Subsection 3.1	Introduction	ORS 197/city planning/permit processes	10/11/84	1984 – 2015
Subsection 3.2	Justification of Designations of Shoreland Management Units	ORS 197/city planning/permit processes	10/11/84	1984 – 2015
Subsection 3.3	Justification of Shorelands Uses/Activities Matrix and Goal 18	ORS 197/city planning/permit processes	10/11/84	1984 – 2015
PDF pp 201 – 202 Section 4.0	Cumulative Effects of Uses and Activities in Aquatic Development Management Units	ORS 197/city planning/permit processes	10/11/84	1984 – 2015
PDF pp 254 – 266 Definitions	Definitions	ORS 197/city planning/permit processes	10/11/84	1984 – 2015
<b>CITY OF BANDON MUNICIPAL CODE</b>				
<b>TITLE 17 ZONING CODE</b>				
Chapter 17.04: Subsection 17.04.040	Compliance with provisions required.	ORS 197/city planning/permit processes	10/11/84	1984 - 2015
Chapter 17.08: Subsections 17.08.010 – 17.08.020	Establishment of Zones	ORS 197/city planning/permit processes	10/11/84	1984 - 2015
Chapter 17.12: Subsections 17.12.010 – 17.12.090	Residential 1 (R-1) Zone	ORS 197/city planning/permit processes	10/11/84	1984 - 2015
Chapter 17.16: Subsections 17.16.010 – 17.16.090	Residential 2 (R-2) Zone	ORS 197/city planning/permit processes	10/11/84	1984 - 2015
Chapter 17.20: Subsections	Controlled Development 1 (CD-1) Zone	ORS 197/city	10/11/84	1984 - 2015

17.20.010 – 17.20.090		planning/permit processes		
Chapter 17.24: Subsections 17.24.010 – 17.24.011	Controlled Development 2 (CD-2) Zone	ORS 197/city planning/permit processes	10/11/84	1984 - 2015
Chapter 17.28: Subsections 17.28.010 – 17.28.090	Controlled Development 3 (CD-3) Zone	ORS 197/city planning/permit processes	10/11/84	1984 - 2015
Chapter 17.32: Subsections 17.32.010 – 17.32.090	Controlled Development Residential 1 (CDR-1) Zone	ORS 197/city planning/permit processes	10/11/84	1984 - 2015
Chapter 17.36: Subsections 17.36.010 – 17.36.090	Controlled Development Residential 2 (CDR-2) Zone	ORS 197/city planning/permit processes	10/11/84	1984 - 2015
Chapter 17.40: Subsections 17.40.010 – 17.40.100	Old Town Commercial (C-1) Zone	ORS 197/city planning/permit processes	10/11/84	1984 - 2015
Chapter 17.44: Subsections 17.44.010 – 17.44.100	General Commercial (C-2) Zone	ORS 197/city planning/permit processes	10/11/84	1984 - 2015
Chapter 17.48: Subsections 17.48.010 – 17.48.100	Marine Commercial (C-3) Zone	ORS 197/city planning/permit processes	10/11/84	1984 - 2015
Chapter 17.52: Subsections 17.52.010 – 17.52.110	Light Industrial (LI) Zone	ORS 197/city planning/permit processes	10/11/84	1984 - 2015
Chapter 17.56: Subsections 17.56.010 – 17.56.110	Heavy Industrial (HI) Zone	ORS 197/city planning/permit processes	10/11/84	1984 - 2015
Chapter 17.60: Subsections 17.60.010 – 17.60.040	Public Facilities and Parks (PF) Zone	ORS 197/city planning/permit processes	10/11/84	1984 - 2015
Chapter 17.64: Subsections 17.64.010 – 17.64.110	Water (W) Zone	ORS 197/city planning/permit processes	10/11/84	1984 - 2015
Chapter 17.68: Subsections 17.68.010 – 17.68.030	Natural Resource and Open Space (NR) Zone	ORS 197/city planning/permit processes	10/11/84	1984 - 2015
Chapter 17.72: Subsections 17.72.010 – 17.72.040	Historic-Cultural Overlay (HC) Zone	ORS 197/city planning/permit processes	10/11/84	1984 - 2015
Chapter 17.76: Subsections 17.76.010 – 17.76.130	Shoreland Overlay (SO) Zone	ORS 197/city planning/permit processes	10/11/84	1984 - 2015
Chapter 17.77: Subsections 17.77.010 – 17.77.070	Beaches and Dunes Overlay (BDO) Zone	ORS 197/city planning/permit processes	10/11/84	1984 - 2015
Chapter 17.84: Subsections 17.84.010 – 17.84.100	Architectural Review Overlay (AR) Zone	ORS 197/city planning/permit processes	10/11/84	1984 - 2015
Chapter 17.88: Subsections 17.88.010 – 17.88.070	Airport Overlay (AO) Zone	ORS 197/city planning/permit processes	10/11/84	1984 - 2015
Chapter 17.92: Subsections 17.92.010 – 17.92.100	Conditional Use	ORS 197/city planning/permit processes	10/11/84	1984 - 2015

Chapter 17.102: Subsections 17.102.010 – 17.102.050	Wetland Protection Standard	ORS 197/city planning/permit processes	10/11/84	1984 - 2015
Chapter 17.103: Subsections 17.103.010 – 17.103.060	Riparian Corridor Protection	ORS 197/city planning/permit processes	10/11/84	1984 - 2015
Chapter 17.108: Subsections 17.108.010 – 17.108.060	Nonconforming Uses and Structures	ORS 197/city planning/permit processes	10/11/84	1984 - 2015
Chapter 17.112: Subsections 17.112.010 – 17.112.110	Variances	ORS 197/city planning/permit processes	10/11/84	1984 - 2015
Chapter 17.116: Subsections 17.116.010 – 17.116.040	Zone Changes and Amendments	ORS 197/city planning/permit processes	10/11/84	1984 - 2015
Chapter 17.120: Subsections 17.120.210	Administration and Enforcement	ORS 197/city planning/permit processes	10/11/84	1984 - 2015
<b>REMOVED:</b>				
City of Bandon Comprehensive Plan			1984	1984
City of Bandon Zoning Code			1984	1984