



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

JUN 26 2015

Dear Ms. Snow:

Thank you for the Department of Land Conservation and Development's (DLCD) March 6, 2015, request to incorporate the current versions of the City of Newport, City of Lincoln City, and City of Toledo 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 March 16, 2015, was extended to July 14, 2015.

Based on our review of your submission, we concur that the changes are RPCs and we 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.

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.

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

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,

A handwritten signature in black ink, appearing to read 'Joelle', with a long horizontal flourish extending to the right.

Joelle Gore, Acting Chief
Stewardship Division

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

Enclosure to the Office for Coastal Management's June 26, 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.

Name/Description of State or Local Law/Regulation/Policy/Program Authority	State/Local Legal Citation	Date Adopted by State	Date Effective in State
ADDED:		mm/dd/yyyy	mm/dd/yyyy
* City of Newport Comprehensive Plan and Municipal Code, Titles XIII and XIV	ORS Chapter 197; Newport Comprehensive Plan and Newport Municipal Code, Titles XIII, Land Division and Title XIV, Zoning (via City planning and permit process, hereinafter planning /permit process.	6/1/84	1984 - 2015
City of Newport: COMPREHENSIVE PLAN			
Goal 1, Policy 1: Requires evaluation of environmental hazards	ORS Chapter 197; city planning/permit process	6/1/84	1984 - 2015
Goal 1, Policy 5: Requires development in Ocean Shorelands to conform to Zoning Ordinance criteria	ORS Chapter 197; city planning/permit process	6/1/84	1984 - 2015
Goal 1, Policy 6: Requires that nonstructural solutions be used to address erosion or flooding, if structural solutions are necessary, they shall minimize adverse impacts	ORS Chapter 197; city planning/permit process	6/1/84	1984 - 2015
Goal 1, Policy 7: Engineering safeguards are required before building permits will be issued	ORS Chapter 197; city planning/permit process	6/1/84	1984 - 2015
Goal 2, Policy 2: Prohibits development on certain beach and dune areas	ORS Chapter 197; city planning/permit process	6/1/84	1984 - 2015
Goal 2, Policy 3: Prohibits breaching of foredunes	ORS Chapter 197; city planning/permit process	6/1/84	1984 - 2015
Goal 2, Policy 6: Criteria for approval of shore protective structures	ORS Chapter 197; city planning/permit process	6/1/84	1984 - 2015
Goal 2, Policy 7: Requires certain shoreland habitats to be protected	ORS Chapter 197; city planning/permit process	6/1/84	1984 - 2015
Goal 2, Policy 8: Criteria for approval in certain beach and dune areas	ORS Chapter 197; city planning/permit process	6/1/84	1984 - 2015
Goal 2, Policy 9: Requirements to prevent erosion and sedimentation	ORS Chapter 197; city planning/permit process	6/1/84	1984 - 2015

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City of Newport COMPREHENSIVE PLAN: Yaquina Bay and Estuary Section			
Management Unit 1: Conservation	ORS Chapter 197; city planning/permit process	6/1/84	1984 - 2015
Management Unit 2: Conservation	ORS Chapter 197; city planning/permit process	6/1/84	1984 - 2015
Management Unit 3: Conservation	ORS Chapter 197; city planning/permit process	6/1/84	1984 - 2015
Management Unit 4: Development	ORS Chapter 197; city planning/permit process	6/1/84	1984 - 2015
Management Unit 5: Development	ORS Chapter 197; city planning/permit process	6/1/84	1984 - 2015
Management Unit 6: Conservation	ORS Chapter 197; city planning/permit process	6/1/84	1984 - 2015
Management Unit 7: Development	ORS Chapter 197; city planning/permit process	6/1/84	1984 - 2015
Management Unit 8: Conservation	ORS Chapter 197; city planning/permit process	6/1/84	1984 - 2015
Management Unit 9A: Natural (not including "Exceptions" or "Special Policies")	ORS Chapter 197; city planning/permit process	6/1/84	1984 - 2015
Management Unit 10A: Natural (only including "Description," "Classification," "Resource Capability," "Management Objective," "Special Policies," "Review Procedures," and "Areas Especially Suited for Water-Dependent Uses")	ORS Chapter 197; city planning/permit process	6/1/84	1984 - 2015
City of Newport COMPREHENSIVE PLAN: Yaquina Bay and Estuary Goals and Policies			
Estuarine Policy 3: Use Priorities	ORS Chapter 197; city planning/permit process	6/1/84	1984 - 2015
Estuarine Policy 4: Riparian Vegetation	ORS Chapter 197; city planning/permit process	6/1/84	1984 - 2015
Estuarine Policy 5: Dredged Material Disposal Sites	ORS Chapter 197; city planning/permit process	6/1/84	1984 - 2015
Estuarine Policy 7: Bayfront Uses	ORS Chapter 197; city planning/permit process	6/1/84	1984 - 2015
Estuarine Policy 8: Waterfront-Dependent Zoning Districts	ORS Chapter 197; city planning/permit process	6/1/84	1984 - 2015

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Estuarine Policy 9: Solutions to Erosion and Flooding	ORS Chapter 197; city planning/permit process	6/1/84	1984 - 2015
Estuarine Policy 10: Impact Assessment	ORS Chapter 197; city planning/permit process	6/1/84	1984 - 2015
Estuarine Policy 11: Dredge and Fill	ORS Chapter 197; city planning/permit process	6/1/84	1984 - 2015
Estuarine Policy 12: Alteration of the Estuary	ORS Chapter 197; city planning/permit process	6/1/84	1984 - 2015
Estuarine Policy 13: Resource Capability Determinations – Natural Management Units	ORS Chapter 197; city planning/permit process	6/1/84	1984 - 2015
Estuarine Policy 14: Resource Capability Determinations – Conservation Management Units	ORS Chapter 197; city planning/permit process	6/1/84	1984 - 2015
Estuarine Policy 15 (excluding Implementation Measures 2 and 3): Temporary Alterations in Natural and Conservation Management Units	ORS Chapter 197; city planning/permit process	6/1/84	1984 - 2015
City of Newport MUNICIPAL CODE			
13.05.005: Definitions	ORS Chapter 197; city planning/permit process	6/1/84	1984 - 2015
13.05.015: Streets	ORS Chapter 197; city planning/permit process	6/1/84	1984 - 2015
13.05.020: Blocks	ORS Chapter 197; city planning/permit process	6/1/84	1984 - 2015
13.05.025: Easements	ORS Chapter 197; city planning/permit process	6/1/84	1984 - 2015
13.05.030: Lots and Parcels	ORS Chapter 197; city planning/permit process	6/1/84	1984 - 2015
13.05.035: Public Improvements	ORS Chapter 197; city planning/permit process	6/1/84	1984 - 2015
13.05.040: Public Improvement Requirements	ORS Chapter 197; city planning/permit process	6/1/84	1984 - 2015
13.05.045: Adequacy of Public Utilities and Facilities	ORS Chapter 197; city planning/permit process	6/1/84	1984 - 2015
13.05.050: Underground Utilities and Service Facilities: establishes requirements for underground utilities and service facilities	ORS Chapter 197; city planning/permit process	6/1/84	1984 - 2015
14.1.020: Definitions	ORS Chapter 197; city planning/permit process	6/1/84	1984 - 2015

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Name/Description of State or Local Law/Regulation/Policy/Program Authority	State/Local Legal Citation	Date Adopted by State	Date Effective in State
14.2.010 – 14.2.030: Establishment of Zones	ORS Chapter 197; city planning/permit process	6/1/84	1984 - 2015
14.3.010 – 14.3.110: Zoning Districts	ORS Chapter 197; city planning/permit process	6/1/84	1984 - 2015
14.4.020 – 14.4.240 (except 14.4.060 and 14.4.070): Management Unit Districts	ORS Chapter 197; city planning/permit process	6/1/84	1984 - 2015
14.5.010 – 14.5.110: Management Unit Special Policies	ORS Chapter 197; city planning/permit process	6/1/84	1984 - 2015
14.20.020 – 14.20.060: Flood Hazard Areas	ORS Chapter 197; city planning/permit process	6/1/84	1984 - 2015
14.21.020 – 14.21.150: Geologic Hazard Overlay	ORS Chapter 197; city planning/permit process	6/1/84	1984 - 2015
14.22.010 - 14.22.040, 14.22.070 - 14.22.130: Airport Restricted Area	ORS Chapter 197; city planning/permit process	6/1/84	1984 - 2015
14.24.020 – 14.24.050: Beach and Sand Dune Areas	ORS Chapter 197; city planning/permit process	6/1/84	1984 - 2015
14.26.010: Maintenance of Public Access	ORS Chapter 197; city planning/permit process	6/1/84	1984 - 2015
14.33.020 – 14.33.060: Adjustments and Variances	ORS Chapter 197; city planning/permit process	6/1/84	1984 - 2015
14.34.020 – 14.34.050: Conditional Use	ORS Chapter 197; city planning/permit process	6/1/84	1984 - 2015
14.38.010 – 14.38.050: Ocean Shorelands Overlay Zone	ORS Chapter 197; city planning/permit process	6/1/84	1984 - 2015
14.39.010 – 14.39.040: Dredged Material Disposal Sites	ORS Chapter 197; city planning/permit process	6/1/84	1984 - 2015
14.40.010 – 14.40.170 (except 14.40.080, 14.40.090, 14.40.110 – 14.40.140): PDR, Planned Destination Resort	ORS Chapter 197; city planning/permit process	6/1/84	1984 - 2015
14.42.030 – 14.42.040: South Beach Open Space Overlay Zone	ORS Chapter 197; city planning/permit process	6/1/84	1984 - 2015

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* City of Lincoln City Comprehensive Plan and Municipal Code Chapters 16 and 17	ORS Chapter 197, LCCP, LCMC 17.04.030 (via City planning and permit process, hereinafter planning/permit process)	1984-2015	1984-2015
City of Lincoln City COMPREHENSIVE PLAN			
Drainage: Policies 1, 2, 4, and 6	ORS Chapter 197; planning/permit process	07/19/1984	1984-2015
Parks and Recreation: Policy 4	ORS Chapter 197; planning/permit process	07/19/1984	1984-2015
Urbanization: Policy 4	ORS Chapter 197; planning/permit process	07/19/1984	1984-2015
Natural Hazards: Policies 1, 2, 3, and 4	ORS Chapter 197; planning/permit process	07/19/1984	1984-2015
Aesthetic: Policy 3a	ORS Chapter 197; planning/permit process	07/19/1984	1984-2015
Shorelands, Beaches, Dunes, Estuary and Ocean Resources Policies: 1-7, 10, 15, 16, 18, 22, and 23	ORS Chapter 197; planning/permit process	07/19/1984	1984-2015
Development: Categories 1 - 15	ORS Chapter 197; planning/permit process	07/19/1984	1984-2015
Estuary Management Plan: Overall Management Policies 1 - 5	ORS Chapter 197; planning/permit process	07/19/1984	1984-2015
Estuary Management Plan: Management Classifications and Permitted Use Definitions	ORS Chapter 197; planning/permit process	07/19/1984	1984-2015
Estuary Management Plan: Estuarine Use Standards	ORS Chapter 197; planning/permit process	07/19/1984	1984-2015
Estuary Management Plan: Management Units	ORS Chapter 197; planning/permit process	07/19/1984	1984-2015
Estuary Management Plan: Mitigation and Restoration (only includes "Mitigation Needs and Sites" for Siletz Bay)	ORS Chapter 197; planning/permit process	07/19/1984	1984-2015
Estuary Management Plan: Plan Implementation (only includes "Permitted Uses" and "Conditional Uses" under Local Review Procedure)	ORS Chapter 197; planning/permit process	07/19/1984	1984-2015
Estuary Management Plan: Appendix A, Definitions	ORS Chapter 197; planning/permit process	07/19/1984	1984-2015

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City of Lincoln City MUNICIPAL CODE			
16.4.40: Definitions	ORS Chapter 197; planning/permit process	07/19/1984	1984-2015
16.16.010: Required improvements	ORS Chapter 197; planning/permit process	07/19/1984	1984-2015
16.16.030: Requires storm and surface drain improvements	ORS Chapter 197; planning/permit process	07/19/1984	1984-2015
16.16.040: Requires sanitary sewer facilities	ORS Chapter 197; planning/permit process	07/19/1984	1984-2015
17.8.10: Definitions	ORS Chapter 197; planning/permit process	07/19/1984	1984-2015
17.12.010: Establishes zoning districts	ORS Chapter 197; planning/permit process	07/19/1984	1984-2015
17.12.020: Establishes zoning locations	ORS Chapter 197; planning/permit process	07/19/1984	1984-2015
17.12.030: Establishes zoning boundaries	ORS Chapter 197; planning/permit process	07/19/1984	1984-2015
17.16.020 – 17.16.100 (except 17.16.080): Requirements governing the Single-Family Residential (R-1) zone	ORS Chapter 197; planning/permit process	07/19/1984	1984-2015
17.20.020 – 17.20.100: Requirements governing the Multiple-Family Residential (R-M) zone	ORS Chapter 197; planning/permit process	07/19/1984	1984-2015
17.24.020 – 17.24.090: Requirements governing the Professional Campus (PC) zone	ORS Chapter 197; planning/permit process	07/19/1984	1984-2015
17.28.010 – 17.28.100: Requirements governing the Recreation-Commercial (RC) zone	ORS Chapter 197; planning/permit process	07/19/1984	1984-2015
17.32.010 – 17.32.110: Requirements governing the General Commercial (GC) zone	ORS Chapter 197; planning/permit process	07/19/1984	1984-2015
17.34.005 – 17.34.160 (except 17.34.070): Nelscott Plan District zoning and design requirements	ORS Chapter 197; planning/permit process	07/19/1984	1984-2015
17.36.020 – 17.36.080 (except 17.36.070): Requirements governing the Planned Industrial (PI) zone	ORS Chapter 197; planning/permit process	07/19/1984	1984-2015
17.42.020 – 17.42.060: Requirements governing the Park (P) zone	ORS Chapter 197; planning/permit process	07/19/1984	1984-2015
17.43.020 – 17.43.050: Requirements governing the Open Space (OS) zone	ORS Chapter 197; planning/permit process	07/19/1984	1984-2015
17.44.020 – 17.44.040: Requirements governing	ORS Chapter 197;	07/19/1984	1984-2015

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the Marine Waterway (M-W) zone	planning/permit process		
17.45.020 – 17.45.100: Requirements governing the Taft Village Core (TVC) zone and design district	ORS Chapter 197; planning/permit process	07/19/1984	1984-2015
17.46.020 – 17.46.100: Requirements governing Natural Resource Overlay (NR) zone	ORS Chapter 197; planning/permit process	07/19/1984	1984-2015
17.47.020, 17.47.030: Requirements for Natural Hazards, Beaches and Dunes Overlay	ORS Chapter 197; planning/permit process	07/19/1984	1984-2015
17.48.020, 17.48.030: Requirements for Aesthetic, Historic and Archaeological Sites	ORS Chapter 197; planning/permit process	07/19/1984	1984-2015
17.50.005 – 17.50.160: Requirements for Oceanlake Plan (OP) District	ORS Chapter 197; planning/permit process	07/19/1984	1984-2015
17.52.210, 17.52.220, 17.52.230, 17.52.270: Supplementary regulations and exceptions	ORS Chapter 197; planning/permit process	07/19/1984	1984-2015
17.60.030, 17.60.050, 17.60.060, 17.60.080, 17.60.100: Conditional Use requirements	ORS Chapter 197; planning/permit process	07/19/1984	1984-2015
17.64.010 – 17.64.060: Nonconforming Situations	ORS Chapter 197; planning/permit process	07/19/1984	1984-2015
17.68.010 – 17.68.040: Variance requirements	ORS Chapter 197; planning/permit process	07/19/1984	1984-2015
17.80.010 – 17.80.100: Provisions applying to special uses	ORS Chapter 197; planning/permit process	07/19/1984	1984-2015
* City of Toledo Comprehensive Plan and Municipal Code, Titles 17 and 18	ORS Chapter 197; Toledo Comprehensive Plan and Toledo Municipal Code 17.04.030 (via City planning and permit process, hereinafter planning /permit process.	4/21/1983	1983-2015
City of Toledo COMPREHENSIVE PLAN			
Article 2 (Land Use Planning): Objective 2(B)	ORS Chapter 197; city planning/permit process	4/21/1983	1983-2015
Article 16 (Estuarine Resources): Objective 6	ORS Chapter 197; city planning/permit process	4/21/1983	1983-2015
Article 17 (Coastal Shorelands): Objectives 5, 6, and 7	ORS Chapter 197; city planning/permit process	4/21/1983	1983-2015

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City of Toledo MUNICIPAL CODE			
17.04.020 – 17.04.070: General provisions, including Definitions, Compliance, Classification of Zones, Zoning Map	ORS Chapter 197; city planning/permit process	4/21/1983	1983-2015
17.08.010 – 17.08.090: Single Family Residential Zone (R-S)	ORS Chapter 197; city planning/permit process	4/21/1983	1983-2015
17.12.010 – 17.12.090: General Residential Zone (R-G)	ORS Chapter 197; city planning/permit process	4/21/1983	1983-2015
17.16.010 – 17.16.050: Commercial Zone (C)	ORS Chapter 197; city planning/permit process	4/21/1983	1983-2015
17.20.010 – 17.20.040: Light Industrial Zone (L-I)	ORS Chapter 197; city planning/permit process	4/21/1983	1983-2015
17.24.010 – 17.24.040: Industrial Zone (I)	ORS Chapter 197; city planning/permit process	4/21/1983	1983-2015
17.28.010 – 17.28.030: Natural Resource Zone (N-R)	ORS Chapter 197; city planning/permit process	4/21/1983	1983-2015
17.32.010 – 17.32.040: Water-Dependent Zone (W-D)	ORS Chapter 197; city planning/permit process	4/21/1983	1983-2015
17.36.010 – 17.36.030: Public Lands Zone (P-L)	ORS Chapter 197; city planning/permit process	4/21/1983	1983-2015
17.48.030 – 17.48.050: Access Requirements	ORS Chapter 197; city planning/permit process	4/21/1983	1983-2015
17.56.010 – 17.56.070: Nonconforming Uses and Structures	ORS Chapter 197; city planning/permit process	4/21/1983	1983-2015
17.64.010 – 17.64.060: Conditional Use Permits	ORS Chapter 197; city planning/permit process	4/21/1983	1983-2015
17.68.010 – 17.68.060: Variances	ORS Chapter 197; city planning/permit process	4/21/1983	1983-2015
18.04.010 – 18.04.080: Riparian Protection			
DELETED:			
1984 version of City of Newport Comprehensive Plan and Municipal Code, Titles XIII and XIV		1984	1984
1984 version of City of Lincoln City Comprehensive Plan and Municipal Code		1984	1984
1983 version of City of Toledo Comprehensive Plan and Municipal Code, Titles 17 and 18		1983	1983