

The only changes are to the Matrix are for Segment 8. The highlighted areas do not match the Comp Plan for your quick reference. I also adjusted the table, so that it is on two full pages with the headers in the correct locations.

Chapter 17.76

SHORELAND OVERLAY (SO) ZONE

Sections:

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- 17.76.130 Shoreland uses/activities matrix.

17.76.010 Purpose.

The purpose of the shoreland overlay zone is to implement the provisions of the shoreland management units adopted in the city's comprehensive plan. The uses for each shoreland management unit are shown in Table 17.76.130, Shoreland Uses/Activities Matrix. These management units are shown on the city's zoning map.

The requirements of this overlay zone are applied in addition to the requirements of the underlying zone. In cases where the requirements of this zone overlap or conflict with the requirements of the underlying zone, the more restrictive shall apply.

17.76.020 Permitted uses and activities.

Permitted uses and activities are designated for each management unit in Table 17.76.130, Shoreland Uses/Activities Matrix. To resolve possible conflicts, the following rules shall apply:

- A. Uses permitted in the shoreland overlay zone but conditional uses in the underlying zone shall be conditional uses.
- B. Uses permitted in the shoreland overlay zone but not permitted in the underlying zone shall not be permitted.
- C. Activities not listed in the underlying zone shall be permitted or not permitted according to this overlay zone.

17.76.030 Conditional uses and activities.

The conditional uses listed in Table 17.76.130, Shoreland Uses/Activities Matrix, may be allowed when in accordance with Chapter 16.12, applicable conditions of approval listed as footnotes on the table, and applicable policies of the comprehensive plan. Plan estuary Policies "A" through "U" are included herein by reference and made a part of this title.17.76.040 Correspondence with underlying zone.

Specific uses listed in the underlying zone but not listed in this overlay zone shall be considered under the general category of use which corresponds to the specific use.

17.76.050 Special provisions.

All uses and activities, whether permitted or conditional, must conform to the standards listed below and the shoreland uses/activities matrix, appearing as Table 17.76.130 in this chapter. These standards are applicable to wetlands shown on the National Wetlands Inventory Map and other inventory maps of the city.

- A. Dredged Material Disposal (DMD), Restoration (R), or Mitigation (M) Sites. Uses otherwise permitted by this title but proposed within a designated DMD, R or M site shall be permitted only upon satisfying all of the following criteria:
1. The proposed use must not entail substantial structural or capital improvements, such as roads, permanent structural or capital improvements, such as roads, permanent buildings, or non-temporary water and sewer connections;
 2. The proposed use must not require any major alteration of the site that would affect drainage or reduce the usable volume of the site, such as extensive site grading/excavation or elevation from fill;
 3. The proposed use must not require site changes that would prevent the expeditious conversion of the site to estuarine habitat.
- B. Significant Wildlife Habitat. These sites are limited to uses and activities which are consistent with the protection of natural values. Such uses may include harvesting wild crops and low-intensity recreational and educational activities not requiring developed facilities.
- C. Riparian Vegetation. Riparian vegetation shall be protected as per Section 17.104.100, and by requiring a site plan showing (as applicable):
1. The shoreline;
 2. The shorelands plan boundary;
 3. The extent of riparian vegetation;
 4. The details of proposed construction or access and any proposed vegetation removal;
 5. The above shall be shown for an area within fifty (50) feet horizontal distance from the line of non-aquatic vegetation.
- D. Areas Especially Suited for Water-Dependent Uses (ESWD). Any use proposed for a site designated as ESWD on the special features map must be found to be consistent with comprehensive plan Policy "L."
- E. Historic Structures and Sites. The Breuer Building, the Bandon Lighthouse, the Old Coast Guard Building and the Moore Mill Truck Shop are protected by the historic-cultural overlay zone (HC), and all uses shall be consistent with comprehensive plan Policy 2--Historical and Archaeological Preservation.

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

- A. The following provisions shall be applied as applicable to implement Chapter

17.64: The applicant may request a pre-application conference which will be held within ten (10) days of the request.

- B. The purpose of the conference shall be to acquaint the applicant with the substantive and procedural requirements of this title and the comprehensive plan, provide for an exchange of information regarding applicable elements of the comprehensive plan and city ordinances, determine what technical and design assistance will be needed to aid the applicant, identify previously approved development proposals of a similar nature into conformance with necessary state and/or federal permit requirements, indicate what information will be required to review the application, and otherwise identify policies and requirements of this title that create opportunities or pose constraints for the proposed development.

17.76.070 Notification of public agencies.

For conditional uses within the shoreland overlay zone, the following agencies shall be notified by mail according to the notice provisions as stated in Chapter 16.04:

- A. State agencies:
 - 1. Division of State Lands,
 - 2. Department of Fish and Wildlife,
 - 3. Department of Environmental Quality;
- B. Federal agencies:
 - 1. Army Corps of Engineers,
 - 2. National Marine Fisheries Service,
 - 3. U.S. Fish and Wildlife Service;
- C. Other notification (where applicable):
 - 1. State Water Resource Department (uses including appropriation for water only),
 - 2. State Department of Geology and Mineral Industries (mining and mineral extraction only),
 - 3. State Department of Energy (generating and other energy facilities only),
 - 4. Department of Economic Development (docks, industrial and port facilities and marinas, only).

17.76.080 Information to be provided.

In addition to the information listed in Chapter 16.12 and in the underlying zone and in other parts of this title, the following information may be required, as applicable:

- A. Identification of resources existing at the site;
- B. Description of the types of alteration to occur, if any, including information detailing the extent of the alteration, such as:
 - 1. Area measurement,
 - 2. Site coverage,
 - 3. Depth to which alterations will extend,
 - 4. Volume of material removed or placed as fill;
- C. Effects of the proposed use on physical characteristics of the estuary and the proposed site, such as:
 - 1. Flushing,
 - 2. Patterns of circulation and other hydraulic factors,
 - 3. Erosion and accretion patterns,
 - 4. Salinity, temperature and dissolved oxygen,

5. Biological and chemical oxygen demand,
6. Turbidity and salinity characteristics of the water;
- D. Effects of the proposed use on biological characteristics of the estuary and shorelands such as:
 1. Benthic habitats and communities,
 2. Anadromous fish migration routes,
 3. Fish and shellfish spawning and rearing areas,
 4. Primary productivity, resting, feeding and nesting areas for migratory and resident shorebirds, wading birds and other waterfowl,
 5. Riparian vegetation,
 6. Wildlife habitat;
- E. Effects of the proposed use on other established uses in the area;
- F. Impacts of the proposed use on navigation and public access to shoreland or estuarine areas;
- G. Assurance that structures have been properly engineered;
- H. Alternative project designs and/or locations which have been considered in order to minimize preventable adverse impacts;
- I. Steps which have been taken to minimize or avoid adverse impacts;
- J. If application has been made to the Corps of Engineers of Oregon Division of State Lands for permit approval, applications for local approval shall include the federal/state permit application and information submitted with that request;
- K. A set of findings which demonstrate compliance with the applicable policies, standards, the criteria required by the comprehensive plan and this title;
- L. Maps, photographs, or other descriptive materials showing how the siting, design, operation and maintenance chosen by the applicant meets the policies, standards and criteria of the comprehensive plan and this title.

17.76.090 Resource capabilities test.

Certain uses in estuarine areas require findings of consistency with the resource capabilities of the area. For uses and activities requiring the resource capabilities test, a special condition is noted in the applicable subdistrict. Other uses either do not require the test or adequate findings are already included in the comprehensive plan. The provisions of this section apply only to those uses and activities for which the resource capabilities test is required as a special condition.

- A. A determination of consistency with resource capabilities shall be based on:
 1. Identification of resources existing at the site, including environmental (e.g., aquatic life and habitat present, benthic populations, migration routes) and social and economic factors (navigation channels, public access facilities, areas especially suited for water-dependent use);
 2. Evaluation of impacts on those resources by the proposed use;
 3. Determination of whether the resources can continue to achieve the purpose of the management unit if the use is approved.
- B. In determining consistency of a proposed use with the resource capabilities of the area, the city shall rely on federal or state resource agencies for regulated activities in estuarine areas. Findings must show that the proposed use is consistent with the permits approved for that area. The city may submit proposed findings to the permit-issuing agency as a part of the local review and comment process.
(Amended during 2000 codification)

17.76.100 Dredge, fill, or other significant reductions or degradations.

Uses and activities which involve dredge, fill or other significant reductions or degradations of natural estuarine values are allowed in the respective management units only if such actions are found to be consistent with comprehensive plan Policy "E." For the purpose of this requirement, "significant" shall be determined by:

- A. The U.S. Army Corps of Engineers through its Section 10 and 404 permit processes; or
- B. The Department of Environmental Quality for approvals of new aquatic log storage areas only; or
- C. The Department of Fish and Wildlife for new aquaculture proposals only.
(Amended during 2000 codification)

17.76.110 Impact assessment.

Findings for uses in Sections 17.76.090 and 17.76.100 shall be made according to comprehensive plan Policy "E." Findings need not be lengthy or complex, but it shall provide a clear understanding of the impacts to be expected.

17.76.120 Coordination with Division of State Lands (DSL) state/federal waterway permit reviews.

If the city is notified by DSL that a state or federal permit has been requested for a use or activity which is permitted outright or permitted with standards, the following provisions shall apply:

- A. No application to the city is necessary for uses or activities which do not require local approval. Local input shall be provided to permit granting agencies in response to public notice provisions of their application procedures.
- B. The fact that a use or activity is permitted, permitted conditionally or not permitted shall be reported to the permit granting agency within three working days of a public notice or other request for such information. The report shall contain a statement of what, if any, standards and conditions must be applied if the permit is granted, and the need, if any, for other local permits for uses associated with the regulated activities. Also, the city may submit proposed findings to the permit agency as a part of the local review and comment process.

17.76.130 Shoreland uses/activities matrix.

Shoreland uses/activities in the SO zone are shown in the following table:

Table 17.76.130: SHORELAND USES/ACTIVITIES MATRIX

Shorelands Mgmt Unit No. Plan Designation Uses	1	2	3A	3E	4	5	6	7	8	9	10	11	12
	PF	CD	MC	ESWD	PF	UR	OTC	OS	GD I	P F	NR	NR	CD
Aquaculture	NP	NP	P	P	NP	P	NP	NP	NP P	NP	CU	CU	NP
Commercial Uses													
Water-dependent	NP	NP	P	P	NP	NP	NP	NP	NP P	NP	NP	NP	NP
Water-related	NP	NP	P	CU*	NP	NP	CU	NP	P	NP	NP	NP	NP
Not dependent or related	NP	CU	P	NP	NP	NP	CU	NP	P	NP	NP	NP	NP
Water oriented	NP	CU	P	NP	NP	NP	P	NP	P	NP	NP	NP	NP
Industrial Uses													
Water-dependent	NP	NP	P	P	NP	NP	NP	NP	NP P	NP	NP	NP	NP
Water-related	NP	NP	P	CU*	NP	NP	CU	NP	P	NP	NP	NP	NP
Not dependent or related	NP	NP	P	NP	NP	NP	CU	NP	P	NP	NP	NP	NP
Log Storage	NP	NP	NP	NP	NP	NP	NP	NP	NP P	NP	NP	NP	NP
Marinas (shore facilities)	NP	NP	NP	P	NP	NP	NP	NP	CU	NP	NP	NP	NP
Recreational Uses													
Water-dependent	P	CU	P	P	P	P	NP	NP	NP P	P	P1	P1	P1
Water-related	NP	CU	P	CU*	P	P	P	NP	NP CU	NP	P1	P1	P1
Not dependent or related	NP	CU	P	NP	P	P	P	P	P CU	NP	P1	P1	P1
Residential	NP	CU	P	NP	NP	P	P	NP	P	NP	NP	NP	CU6
Utilities	P	P	P	CU*	P	CU	P	P	P	P	CU	CU	P
Parks and Sanctuary	P	CU	CU	NP	CU	CU	P	P	CU	P	P	P	CU
Harvest Wild Crops	P	P	NP	NP	NP	P	NP	P	NP P	P	P	P	P
Pub. Use Structure including Recreational	P	CU	CU	CU*	P	CU	CU	P	CU	P	CU	CU	CU
Historical Struc. including Rehab.	P	CU	CU	CU*	P	CU	CU	P	CU	P	CU	CU	CU

Shorelands Mgmt Unit No. Plan Designation Uses	1 PF	2 CD	3A M C	3E ESW D	4 PF	5 UR	6 OT C	7 OS	8 CD I	9 PF	10 NR	11 NR	12 CD	
Forest Products														
Propagation & selective harvest	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	CU	CU	NP
Grazing	NP	NP	NP	NP	NP	NP	NP	CU	NP	NP	CU	CU	NP	
Dredged Material														
Disposal	NP	NP	NP	NP	NP	NP	NP	NP	CU 2,3,5	NP	CU 2,3,5	NP	NP	
Dune Stabilization and Restoration														
Active	NP	CU	NP	NP	NP	NP	NP	NP	NP	NP	CU	CU	CU	
Passive	NP	P	NP	NP	NP	NP	NP	NP	NP	NP	P	P	P	
Fill	P	P7	P	P	P	P	P	P	P	P	P	P	P	
Land Division	NP	P	P	P	NP	P	P	P	P	NP	CU	CU	CU	
Mitigation	NP	P	NP	NP	NP	NP	NP	NP	P	NP	P	P	CU	
Shoreline Stabilization														
Structural	CU 4	CU4	CU4	CU4	CU4	NP	CU4	NP	CU4	CU4	CU4	CU4	CU4	
Nonstructural	P	P	P	P	P	P	P	P	P	P	P	P	P	

PF	Public Facilities	P	Permitted
CD	Controlled Development	CU	Conditional Use
MC	Marine Commercial	NP	Not Permitted
UR	Urban Residential	*	Must be in conjunction with a water-dependent use
OTC	Old Town Commercial		
OS	Open Space		
I	Industrial		
NR	Natural Resource		

Endnotes

1. Low intensity uses only
2. In designated site only
3. Dredged material disposal (DMD) must include stabilization measures to control runoff and prevent sloughing
4. Subject to comprehensive plan policy "I"
5. Subject to comprehensive plan policy "N"
6. See Bandon comprehensive plan, Part V, Land Use Classifications, Public and Environmental Areas, Natural Resource Areas
7. Fill subject to specific requirements of the CD-2 zone Chapter 17.24.110