



STAFF REPORT

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I. MATTER DETAILS – AGENDA ITEM IV. C

REPORT DATE: November 14, 2025

FILE NUMBERS: AM-25-005

Ordinance Number 25-08-005PL

APPLICANT: Coos County

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SUMMARY PROPOSAL: Coos County, as applicant, proposes to amend the Coos County Comprehensive Plan and Coos County Zoning and Land Development Ordinance (CCZLDO) to update the Beaches and Dunes Special Development Consideration (Section 4.11.129), associated hazard review standards (Sections 4.11.150 and 4.11.155), and corresponding Comprehensive Plan policies.

The amendments integrate the updated hazard mapping and coastal landform inventory prepared by the Oregon Department of Geology and Mineral Industries (DOGAMI) and the Department of Land Conservation and Development (DLCD), as presented in *Open-File Report O-24-13, Beaches and Dunes of Coos County, Oregon: 1975 to 2022*.

The updates provide clearer definitions of dune landforms, crosswalk tables linking mapped codes to development suitability, and new review procedures (Type I and Type II) based on Statewide Planning Goals 7 (Hazards) and 18 (Beaches and Dunes).

Staff received feedback from the Department of Land Conservation and Development in October that the language may not meet the clear and objective standards. Staff did additional research to review how other counties were applying the regulation. Staff has revised the requirements based on the outcome of the research. Tillamook County was used as a template. This still incorporates in the model language from DLCD but defines the review. Most of the reviews are a Type I process.

PURPOSE AND BACKGROUND: The Beaches and Dunes provisions in the CCZLDO were originally based on inventories completed in 1975, and the current policies were incorporated into the Coos County Comprehensive Plan in 1986. They were reviewed during the periodic review process in the late 1990s but have otherwise remained unchanged. The mapping itself has not been updated since the original 1975 inventory. As a result, the existing provisions no longer reflect current hazard science, landform dynamics, or regulatory requirements.

In 2024–2025, DLCD partnered with DOGAMI to prepare updated hazard data, including dune classifications, shoreline change trends, and risk zones. This information was presented to the Planning Commission and the Board of Commissioners in work sessions held in August 2025.

The purpose of the update is to:

- Conserve and protect dune resources while allowing appropriate development;
- Reduce risks to life and property in mapped hazard zones;

- Provide clear, objective standards for needed housing consistent with ORS 197A.400;
- Define the appropriate professionals qualified to prepare hazard reports;
- Implement Statewide Planning Goal 18 by adopting updated dune inventories into the Comprehensive Plan; and
- Create consistency with structural building code requirements related to soil stability.

ORS 197A.400 –

(1) Except as provided in subsection (3) of this section, a local government may adopt and apply only clear and objective standards, conditions and procedures regulating the development of housing, including needed housing, on land within an urban growth boundary. The standards, conditions and procedures:

- (a) May include, but are not limited to, one or more provisions regulating the density or height of a development.
- (b) May not have the effect, either in themselves or cumulatively, of discouraging needed housing through unreasonable cost or delay. ***

(3) In addition to an approval process for needed housing based on clear and objective standards, conditions and procedures as provided in subsection (1) of this section, a local government may adopt and apply an alternative approval process for applications and permits for residential development based on approval criteria that are not clear and objective if:

- (a) The applicant retains the option of proceeding under the approval process that meets the requirements of subsection (1) of this section;
- (b) The approval criteria for the alternative approval process comply with applicable statewide land use planning goals and rules; and
- (c) The approval criteria for the alternative approval process authorize a density at or above the density level authorized in the zone under the approval process provided in subsection (1) of this section.

Ordinance Changes

The proposed text amendment:

1. Repeals and replaces Section 4.11.129 with updated Beaches and Dunes policy language.
2. Updates Section 4.11.150 and 4.11.155 to align with current geological hazard review standards.
3. Incorporates new suitability categories (Suitable, Limited Suitability, Not Suitable) tied to DOGAMI mapping, with clear tables for review type (Type I or II).
4. Establishes clear exemptions for minor activities (e.g., maintenance, utilities, small excavations).
5. Addressing incorrect mapped dune formations.
6. Adds updated standards for Geologic Hazard Reports and Oceanfront Setbacks to address sea level rise, erosion, and vegetation protection.

Comprehensive Plan Amendments

The Beaches and Dunes element of the Comprehensive Plan will be updated to:

- Reference the DOGAMI *Open-File Report O-24-13*.
- Adopt updated policies on hazard management, suitability designations, and review procedures.

- Clarify limitations in areas not suitable for development (e.g., active foredunes, interdune wetlands subject to flooding).

APPLICABLE CRITERIA

- **CCZLDO Article 5.1** – Plan Amendments and Rezones (Legislative Amendments).
- **ORS 197.610–197.625** – Notice and adoption procedures for legislative amendments.
- **Statewide Planning Goals**
 - Goal 2: Land Use Planning
 - Goal 7: Natural Hazards
 - Goal 18: Beaches and Dunes

GENERAL FINDINGS

1. **Legislative Amendment:** This is a legislative action initiated by Coos County affecting countywide policies, not a site-specific rezone.
2. **Consistency with Statewide Goals:**
 - Goal 7: Updates provide hazard avoidance and mitigation.
 - Goal 18: Implements required inventories and regulations for dunes.
 - Goal 2: Follows statutory amendment procedures.
3. **Clear and Objective Housing Standards:** The draft includes a Type I non-discretionary pathway for needed housing consistent with ORS 197A.400.
4. **Public Involvement:** Notices of hearing were mailed to approximately 4,000 affected property owners, a project webpage was established, and work sessions were held with the Planning Commission and Board.

➤ **Current Language: Coos County Zoning and Land Development**

- **Article 4.11**

SECTION 4.11.129 BEACHES AND DUNES (POLICY 5.10)

The Beaches and Dunes map has inventoried the following:

- Beaches and Dunes
 - Suitable for most uses; few or no constraints
 - Limited Suitability; special measures required for most development
 - Not Suitable for Residential, commercial or Industrial Structures

Purpose Statement:

Coos County shall base policy decisions for dunes on the boundaries for these areas as identified on the plan map titled “Development Potential within Ocean Shorelands and Dunes” and the boundaries delineates following specific areas "Suitable", "Limited Suitability" and "Not Suitable" areas of development potential.

- a. Suitable for most uses: These areas are generally stable, well-vegetated, and exhibit little or no ongoing sand movement. They are typically appropriate for a wide range of development types when sited properly and with basic stabilization techniques.
- b. Limited Suitability: "Beach and Dune Areas with Limited Development Suitability" includes all dune forms except older stabilized dunes, active foredunes, conditionally stable foredunes that are subject to ocean undercutting or wave overtopping, and interdune areas (deflation plains) subject to ocean flooding.

The measures prescribed in this policy are specifically required by Statewide Planning Goal #18 for the above-referenced dune forms; and that this strategy recognizes that designated mitigation sites must be protected from other uses.

Implementation shall occur through an Administrative Conditional Use process, which shall include submission of a site investigation report that addresses this subsection, by a qualified registered and licensed geologist or engineer.

- i. Coos County shall permit development within areas designated as "Beach and Dune Areas with Limited Development Suitability" only upon the establishment of findings that consider at least:
 - a) The type of use proposed and the adverse effects it might have on the site and adjacent areas;
 - b) The need for temporary and permanent stabilization programs and the planned maintenance of new and existing vegetation;
 - c) The need for methods for protecting the surrounding area from any adverse effects of the development; and
 - d) Hazards to life, public and private property, and the natural environment which may be caused by the proposed use.
- ii. Further, Coos County shall cooperate with affected local, state and federal agencies to protect the groundwater from drawdown, which would lead to loss of stabilizing vegetation, loss of water quality, or intrusion of saltwater into water supplies. Coos County shall cooperate with state and federal agencies in regulating the following actions in the beach and dune areas with limited development potential:
 - a) Destruction of desirable vegetation (including inadvertent destruction by moisture loss or root damage);
 - b) The exposure of stable and conditionally stable areas to erosion;
 - c) Construction of shore structures which modify current air wave patterns leading to beach erosion; and
 - d) Any other development actions with potential adverse impacts.
- c. Unsuitable: Coos County shall prohibit residential development and commercial and industrial buildings within areas designated as "Beach and Dune Areas Unsuitable for Development". The "Beach and dune Areas Unsuitable for Development" includes:

active foredunes; other foredunes which are conditionally stable and that are subject to ocean undercutting or wave overtopping; and interdune areas (deflation plains) that are subject to ocean flooding.

The measures prescribed in this policy are specifically required by Statewide Planning Goal #18 for the above referenced dune forms, and that is important to ensure that development in sensitive beach and dune areas is compatible with or can be made compatible with, the fragile and hazardous conditions common to such areas.

Implementation shall occur through an Administrative Conditional Use process, which shall include submission of a site investigation report by a registered civil engineer or geologist that addresses this subsection. Coos County shall permit other developments in these areas only:

- i. When specific findings have been made that consider at least:
 - a) the type of use proposed and the adverse effects it might have on the site and adjacent areas;
 - b) the need for temporary and permanent stabilization programs and the planned maintenance of new and existing vegetation;
 - c) the need for methods for protecting the surrounding area from any adverse effects of the development, and
 - d) hazards to life, public and private property, and the natural environment, which may be caused by the proposed use, and
- ii. When it is demonstrated that the proposed development:
 - a) is adequately protected from any geologic hazards, wind erosion, undercutting, ocean flooding and storm waves; or is of minimal value; and
 - b) is designed to minimize adverse environmental effects, and
- iii. When breaching of foredunes is contemplated the following specific criteria has to be addressed:
 - a) the breaching and restoration is consistent with sound principles of conservation, and either
 - b) the breaching is necessary to replenish sand supply in interdune areas, or
 - c) the breaching is done on a temporary basis in an emergency (e.g., fire control, cleaning up oil spills, draining farm lands, and alleviating flood hazards).
- iv. Coos County shall cooperate with affected local, state and federal agencies to protect the groundwater from drawdown which would lead to loss of stabilizing vegetation, loss of water quality, or intrusion of saltwater into water supplies. Coos County shall cooperate with state and federal agencies in regulating the following actions in the beach and dune areas with limited development potential:
 - a) Destruction of desirable vegetation (including inadvertent destruction by moisture loss or root damage);
 - b) The exposure of stable and conditionally stable areas to erosion;

- c) Construction of shore structures which modify current air wave patterns leading to beach erosion; and
- d) Any other development actions with potential adverse impacts.

Proposed New Subsection Language:

SECTION 4.11.129: BEACHES AND DUNES (Policy 5.10) – The geohazard requirements of this section apply only to the inventoried Beaches and Dunes Special Development Considerations and do not require additional review under Sections 4.11.150 and 4.11.155 of the Coos County Zoning and Development Ordinance.

- (1) PURPOSE AND BACKGROUND: The purpose of the Beach and Dune Special Development Consideration is to establish criteria and performance standards to direct and manage development and other activities in beach and dune areas in a manner that:
- (a) Conserves, protects and, where appropriate, restores the resources and benefits of coastal beach and dune areas;
 - (b) Reduces the risks to life and property from natural and man-induced actions on these inherently dynamic landforms; and
 - (c) Ensures that the siting and design of development in beach and dune areas is consistent with Statewide Planning Goals 7 and 18, and the Hazards Element and Beaches and Dunes Element of the Coos County Comprehensive Plan.

Risk is ever present in identified beach and dune areas. The provisions and requirements of this section are intended to provide for identification and assessment of risk from beach and dune natural hazards, and to establish standards that limit overall risk to the community from identified hazards to a level acceptable to the community. All development in identified hazard areas is subject to increased levels of risk, and these risks must be acknowledged and accepted by present and future property owners who proceed with development in these areas.

Oregon’s Statewide Planning Goal 18: Beaches and Dunes requires jurisdictions to inventory coastal dune formations and regulate development based on the suitability of different dune types. These landforms vary in stability, hazard exposure (e.g., wind erosion, ocean flooding, slope failure), and ecological function. Jurisdictions must classify dune areas by their development suitability and apply appropriate standards to protect public safety, preserve natural resources, and avoid inappropriate development in hazard-prone areas.

Mapped dune types are often derived from DOGAMI, USDA Soil Surveys, and local studies. These are then grouped into three general categories based on their suitability for development:

Beaches and Dunes – Development Suitability Categories provide the level of risk and restrictions. Staff has taken the categories and cross referenced them for consistency with current regulation.

- (a) **Suitable for Most Uses** -- These areas are considered stable and well-vegetated, with little or no ongoing sand movement. They are typically appropriate for a wide range of development types with appropriate siting techniques.
- Older Stabilized Dunes (ODS): Heavily vegetated, no active sand movement.
 - Younger Stabilized Dunes (DS): Generally stable, though monitoring may be needed.
 - Coastal Terraces (CT, CT2, CT3, CT4): Uplifted marine terraces with stable soils.
 - Developed Areas (DEV): Previously graded or built-upon lands not subject to active dune hazards.
- (b) **Limited Suitability** ---These areas are partially stable or marginally stable and may pose risks related to wind-blown sand, flooding, erosion, or slope instability. Development is possible but typically requires a more in-depth Geologic Hazard Report and implementation of engineering or management measures.
- Conditionally Stable Foredunes (FD)
 - Open Dune Sand – Conditionally Stable (OSC)
 - Dune Complexes (DC)
 - Inland Foredunes / Transitional Dunes (IFD)
 - Interdune Wetlands (non-ocean flooding) (W)
 - Wet Deflation Plains (WDP)
 - Artificial Foredunes (AFDA)
 - Reactivated Foredunes (FDR)
 - Fluvial and Estuarine Deposits (FED)
- (c) **Not Suitable for Residential, Commercial, or Industrial Structures (Prohibited unless an approved Goal 18 exception is in place)** -- These areas are considered hazardous and inappropriate for most forms of structural development due to their high instability, susceptibility to ocean flooding or erosion, and incompatibility with permanent structures. Only low-impact or temporary uses may be permitted unless a Goal 18, Implementation Requirement 2 exception has been adopted into the comprehensive plan.
- Beaches (B)
 - Active Foredunes (FDA)
 - Active Dune Hummocks (H)
 - Open Dune Sand – Active (OS)
 - Interdune Areas subject to ocean flooding (W, WDP in coastal settings)
 - Areas within FEMA-identified ocean flood zones (FIRM-mapped VE or coastal AE zones)

(2) AREAS INCLUDED: All beach and dune areas categorized in the table below and as identified in Open-File Report O-24-13, Beaches and Dunes of Coos County, Oregon: 1975 to 2022 (DOGAMI) are subject to the provisions of this section. Beach and dune landforms are identified and mapped in the DOGAMI report. The following language

provides guidance and the table provides a crosswalk between the categories mapped in O-24-13 and the categories subject to the provisions of this Section and the Beaches and Dunes Element of the Coos County Comprehensive Plan.

The following table provides a quick guide for the type of permits required, map code and corresponding classification.

Table 4.11.129 Beaches and Dunes Review Type by Classification

DOGAMI Map Code	Landform Classification	Suitability Group	Required Review Type
B	Beach	Not Suitable	Type II – Not Permitted, except with approved Goal 18 Exception, Certification as Suitable or Limited Suitability, or Non-Structural Use (e.g., restoration, signage).
FDA	Active Foredune	Not Suitable	Type II – Not Permitted, Exception, Certification as Suitable/Limited, or Non-Structural Only.
H	Active Dune Hummocks	Not Suitable	Type II – Not Permitted, Exception, Certification as Suitable/Limited, or Non-Structural Only.
OS	Open Dune Sand (Active)	Not Suitable	Type II – Not Permitted, Exception, Certification as Suitable/Limited, or Non-Structural Only.
FD	Conditionally Stable Foredune	Limited Suitability	Type I – Geotechnical Report or may be Certified as Suitable for Most Uses by a licensed geoprofessional.
FDR	Reactivated Foredune	Limited Suitability	Type I – Geotechnical Report or Type I – Certified as Suitable for Most Uses.
DC	Dune Complex	Limited Suitability	Type I – Geotechnical Report, or may be Certified as Suitable for Most Uses.
OSC	Open Dune Sand (Conditionally Stable)	Limited Suitability	Type I – Geotechnical Report, or may be Certified as Suitable for Most Uses.
IFD	Inland Foredunes / Transitional Dunes	Limited Suitability	Type I – Geotechnical Report, or may be Certified as Suitable for Most Uses.
W	Interdune Wetlands (non-ocean flooding)	Limited Suitability	Type I – Geotechnical Report, or may be Certified as Suitable for Most Uses.
WDP	Wet Deflation Plains	Limited Suitability	Type I – Geotechnical Report, or may be Certified as Suitable for Most Uses.
AFDA	Artificial Foredunes	Limited Suitability	Type I – Geotechnical Report, or may be Certified as Suitable for Most Uses.

DOGAMI Map Code	Landform Classification	Suitability Group	Required Review Type
FED	Fluvial & Estuarine Deposits	Limited Suitability	Type I – Geotechnical Report, or may be Certified as Suitable for Most Uses.
DS	Younger Stabilized Dunes	Suitable for Most Uses	Type I – Ministerial Review, may require erosion control plan or certification if needed.
ODS	Older Stabilized Dunes	Suitable for Most Uses	Type I – Ministerial Review, with erosion control requirements unless exempt.
CT – CT4	Coastal Terraces (all subtypes)	Suitable for Most Uses	Type I – Ministerial Review, with erosion control requirements unless exempt.
DEV	Developed Areas	Suitable for Most Uses	Type I – Ministerial Review, with erosion control requirements unless exempt.

(3) APPLICATION REVIEW TYPE:

Within the mapped Beach and Dune Special Development Consideration Area, all uses allowed by the provisions of the underlying zone may be permitted, subject to the additional requirements and limitations of this section.

- (a) **DEVELOPMENT WITHIN SUITABLE FOR MOST USES:** Development located within areas mapped as Suitable for Most Uses shall be processed as a Type I – Ministerial Compliance Determination. A Geologic Hazard Report is not required.

All applications for development within these areas must include a Site Plan prepared by the property owner or their contractor/consultant. The Site Plan shall include drawn and written descriptions of:

- (i) **Temporary and Permanent Stabilization Measures:** Written methods to control erosion during construction (such as straw wattles, silt fencing, or phased grading), along with long-term stabilization measures that include mapped areas showing re-vegetation, drainage controls, and slope protection sufficient to ensure the site remains stable after construction.
- (ii) **Vegetation Maintenance:** Identification of vegetation to be preserved; a plan to re-vegetate disturbed areas using native or locally adapted species; and a description of how both new and existing vegetation will be maintained over time to support dune stability.

- (b) **DEVELOPMENT WITHIN SUITABLE FOR MOST USES:** Development in areas mapped as Limited Suitability shall be processed as Type I, but must meet one of the following:

- i. **Certification Option**
A Certified Engineering Geologist may provide written certification that the proposed development site meets the characteristics of a dune landform classified as Suitable for Most Uses (ODS, DS, CT-CT4, or DEV). If certification is provided, the application shall be processed under the Type I – Suitable for Most Uses pathway described in subsection (a).
- ii. **Geologic Hazard Report Option**
If certification cannot be obtained, the applicant shall submit a Geologic Hazard Report prepared in accordance with Section (6) – Geologic Hazard Report Standards. The application shall then be reviewed as Type I – Geotechnical Report Required, and the applicant must record a Hazard Acknowledgment and Disclaimer prior to approval.

(c) DEVELOPMENT IN NOT SUITABLE AREAS

Areas mapped as Not Suitable are prohibited for structural development unless one of the following applies:

- i. A Goal 18, Implementation Requirement 2 Exception has been adopted into the Comprehensive Plan;
- ii. A licensed Certified Engineering Geologist provides certification that the development location meets the criteria for Suitable for Most Uses or Limited Suitability; or
- iii. The proposal is limited to non-structural uses, such as dune stabilization, habitat restoration, vegetation management, trail improvements, or signage.

Applications within Section (c) shall be processed under a Type II – Administrative Conditional Use Review.

(d) CERTIFICATION OF DUNE CLASSIFICATION FOR ALL DEVELOPMENT: For any proposed development within the Beaches and Dunes Special Development Consideration Area, the County shall apply the review process based on the dune classification shown in the adopted maps. However, if a Certified Engineering Geologist provides a written certification that the mapped dune formation at the specific development site is different from the inventory classification, the County shall apply the review procedure corresponding to the actual dune classification as certified. This process ensures that both residential development subject to ORS 197.307 and all other development types are reviewed under the standards appropriate to the actual on-site conditions.

(e) EXEMPT FROM DUNE PERMIT REQUIREMENTS: The following activities are exempt from the requirement for a Dune Area Development Permit:

- (i) Maintenance, repair, or alterations to existing structures that do not alter the building footprint or foundation and do not constitute substantial improvement;
- (ii) Exploratory excavations under the direction of a certified engineering geologist or registered geotechnical engineer;
- (iii) Structural development that does not require a building permit under the building code.

- (iv) An excavation or fill that is less than two feet in depth, or which involves less than fifty cubic yards of volume;
- (v) Forest operations subject to regulation under ORS 527 (the Oregon Forest Practices Act);
- (vi) Maintenance and reconstruction of public and private roads, streets, parking lots, driveways, and utility lines, provided the work does not extend outside the existing right-of-way boundary;
- (vii) Maintenance and repair of utility lines, and the installation of individual utility service connections;
- (viii) Emergency response activities intended to reduce or eliminate an immediate danger to life, property, or flood or fire hazard;
- (ix) Restoration, repair or replacement of a lawfully established structure damaged or destroyed by fire or other casualty in accordance with Section 5.6 Nonconforming Uses.
- (x) Beachfront protective structures subject only to regulation by the Oregon Parks and Recreation Department under OAR Chapter 736, division 20;
- (xi) Remedial sand grading authorized by a Remedial Sand Grading Permit issued pursuant to subsection (11) of this section; and
- (xii) Foredune grading authorized by a Foredune Grading Permit issued pursuant to subsection (12) of this section.
- (xiii) Site evaluations, installation, and repair of onsite sewage disposal systems.
- (xiv) Wells or residential water systems.
- (xv) Farm use, as defined in ORS 215.203, including the raising, harvesting, cultivation, maintenance, storage, and sale of farm crops—such as cranberries and other agricultural products—and associated land development necessary for farming, including land preparation, grading, drainage improvements, construction, maintenance and repair of dikes, floodgates, reservoirs, drainage and irrigation systems, water control structures, on-site storage, processing and disposal of products and by-products produced on the subject property, and the construction and maintenance of equipment sheds, pump houses, and other farm-related structures that do not require a building permit under the building code.

(4) NONSTRUCTURAL HABITAT RESTORATION & ENHANCEMENT: Permits for the nonstructural, enhancement or restoration of beach and dune landforms for the purposes of wildlife and plant habitat are permitted in the Beach and Dune Special Development Consideration subject to the following requirements only:

- (a) Any proposed vegetation removal shall be the minimum extent necessary to carry out the purpose of the habitat restoration or enhancement project.
- (b) Activities shall demonstrate compliance with the requirements of the Flood Hazard Special Development Consideration, if applicable.
- (c) Activities shall be tied to an existing conservation plan, wildlife strategy, Endangered Species Act requirement, or other applicable document.

- (d) The permit application shall include a clear plan for what activities will be carried out, the timing of the activities, and include:
 - (i) Temporary and permanent stabilization programs, sand contouring, and the planned maintenance of new and existing vegetation over at least a five-year period from completion of work;
 - (ii) Methods for protecting the surrounding area from any adverse effects of the restoration or enhancement activities; and
 - (iii) Minimize to insignificant levels hazards to life, public, and private property, and the natural environment which may be caused by the proposed activities.

(5) ADDITIONAL DUNE PERMIT APPLICATION SUBMITTAL REQUIREMENTS:

For all Type I and Type II reviews that require a Geotechnical Report, the following additional permit submittal requirements shall be completed. Applications for Type I review shall be submitted on the County's Compliance Determination form. Applications for Type II review shall be submitted on the Conditional Use application form

- (a) TYPE I DUNE AREA DEVELOPMENT PERMIT: All Type I permit applications shall include the following additional submittal requirements:
 - (i) Plot Plan: A plot plan identifying proposed disturbance areas; ground topography (contours); existing and proposed roads and driveways; natural features (including vegetation and watercourses); erosion-control measures; and any trees 8 inches dbh or greater proposed for removal.
 - (ii) Cut/Fill Estimate: An estimate of all proposed excavation and fill, including depth and extent.
 - (iii) Hazard Identification: Identification of coastal erosion hazard zones and projected sea level rise applicable to the subject parcel.
 - (iv) Natural Hazards Inventory: Identification of all natural hazards potentially affecting the parcel, as documented in the adopted inventory or hazard maps.
 - (v) Geologic Hazard Report: A Geologic Hazard Report prepared in accordance with subsection (6), *Geologic Hazard Report Standards*
- (b) TYPE II DUNE AREA DEVELOPMENT PERMIT: All Type II permit applications shall include all elements required for a Type I permit and shall comply with the following additional criteria:
 - (i) Foredune Grading Limits: Any proposed foredune grading for site preparation shall not reduce elevation below the Base Flood Elevation plus four feet, shall be limited to the minimum area necessary for construction, and shall include plans for temporary and permanent stabilization and a re-vegetation plan for exposed sand areas. All graded sand must remain within the beach-foredune system and shall conform to subsection (11)(b).

- (ii) Geologic Hazard Report Compliance: The Geologic Hazard Report must conform to all standards in subsection (6).
- (iii) Plan Conformance: The development plans must conform, or be capable of being made to conform, to all recommendations and specifications in the Geologic Hazard Report.
- (iv) Conditions of Approval: The decision maker may impose any conditions necessary to ensure compliance with this section and all applicable provisions of Chapter 5 of the Coos County Zoning and Land Development Ordinance.

(c) Technical Review Support: In the event of a dispute between professional engineering geologists regarding a submitted Geologic Hazard Report, the County may request an additional independent review to determine compliance with these standards. The jurisdiction may retain a licensed Certified Engineering Geologist to conduct this technical review, and the applicant shall be responsible for all associated costs. The findings of the independent review shall be incorporated into the final permit decision.

(6) GEOLOGIC HAZARD REPORT STANDARDS. A Geologic Hazard Report (GHR) is required for all Dune Area Development Permit applications in Limited Suitability or Not Suitable areas, unless exempt under subsection (3). Where required, the GHR shall be prepared by a Certified Engineering Geologist (CEG) or a licensed Geotechnical Engineer, as applicable, and shall conform to the standards of this subsection.

A GHR may take the form of an engineering geologic report, geotechnical report, or geotechnical engineering report and shall meet the following requirements:

- (a) Professional Standards and Required Statements: GHRs shall be prepared consistent with standard geologic and geotechnical practices employing generally accepted scientific and engineering principles, and shall, at a minimum, comply with the applicable provisions of "Guidelines for the Preparation of Engineering Geologic Reports," 2nd Edition, 5/30/2014 or most current addition, or other recognized published best-practice guidelines consistent with current scientific and engineering principles
- (b) The Certified Engineering Geologist preparing the geologic hazard reports shall provide the following statements:
 - (i) A statement that all the applicable content requirements of this subsection have been addressed or are not applicable to the review. An explanation must be accompanied with any requirement identified as not applicable;
 - (ii) A description of the qualifications of the professional(s) that prepared the report. If multiple licensed professionals contributed to the report, each professional must individually sign and stamp their own work products; and

- (iii) A statement by the preparer(s) that they have the appropriate qualifications to have completed the report and all its contents.
- (c) Include a management plan addressing vegetation, erosion control, and stormwater management. A management plan for vegetation, erosion control, and stormwater management shall include a description of existing site conditions, including vegetation types, canopy coverage, and any identified invasive species. The plan shall identify measures to protect native vegetation during construction, such as temporary fencing or no-disturbance buffers, and specify areas to remain undisturbed. The re-vegetation component of the plan shall outline proposed plant species, all of which must be native or adapted to dune environments and non-invasive. It must include details on seeding or planting methods, timing of installation (preferably fall or early spring), and monitoring measures to ensure plant survival. The plan shall also describe methods for controlling or removing invasive species and include a schedule for ongoing vegetation maintenance and replanting, as needed.
- (i) Erosion control measures must address both temporary and permanent stabilization methods. During construction, the plan shall specify practices such as soil stabilization materials, sediment barriers, and appropriate phasing to limit exposed soil areas. Permanent measures may include re-vegetation, structural stabilization, or engineered solutions suitable for dune environments. The plan must identify where and how erosion control best management practices will be implemented, and include a schedule for regular inspection and repair before, during, and after storm events.
 - (ii) Erosion Control Measures: All uses subject to a Dune Area Development Permit and Geologic Hazard Report shall address the following erosion control measure requirements, designed by a qualified licensed Certified Engineering Geologist within the Geologic Hazard Report:
 1. Stripping of vegetation, grading, or other soil disturbance shall be done in a manner which will minimize soil erosion, stabilize the soil as quickly as practicable, and expose the smallest practical area at any one-time during construction;
 2. Development plans shall minimize cut or fill operations to prevent off-site impacts;
 3. Temporary vegetation and/or mulching shall be used to protect exposed critical areas during development;
 4. Permanent plantings and any required structural erosion control and drainage measures shall be installed as soon as practical;
 5. Provisions shall be made to effectively accommodate increased runoff caused by altered soil and surface conditions during and after development. The rate of surface water runoff shall be structurally retarded where necessary;

6. Provisions shall be made to prevent surface water from damaging the cut face of excavations or the sloping surface of fills by installation of temporary or permanent drainage across or above such areas, or by other suitable stabilization measures such as mulching, seeding, planting, or armoring with rolled erosion control products, stone, or other similar methods;
 7. All drainage provisions shall be designed to adequately carry existing and potential surface runoff from the twenty-year frequency storm to suitable drainageways such as storm drains, natural watercourses, or drainage swales. In no case shall runoff be directed in such a way that it significantly decreases the stability of known landslides or areas identified as unstable slopes prone to earth movement, either by erosion or increase of groundwater pressure;
 8. Where drainage swales are used to divert surface waters, they shall be vegetated or protected as necessary to prevent offsite erosion and sediment transport;
 9. Erosion and sediment control devices shall be required where necessary to prevent polluting discharges from occurring. Control devices and measures which may be required include, but are not limited to:
 - a. Energy absorbing devices to reduce runoff water velocity;
 - b. Sedimentation controls such as sediment or debris basins. Any trapped materials shall be removed to an approved disposal site on an approved schedule;
 - c. Dispersal of water runoff from developed areas over large undisturbed areas.
 10. Disposed spoil material or stockpiled topsoil shall be prevented from eroding into streams or drainageways by applying mulch or other protective covering; or by location at a sufficient distance from streams or drainageways; or by other sediment reduction measures; and
 11. Such non-erosion pollution associated with construction such as pesticides, fertilizers, petrochemicals, solid wastes, construction chemicals, or wastewaters shall be prevented from leaving the construction site through proper handling, disposal, site monitoring and clean-up activities.
- (iii) Invasive Species Control: Techniques and schedule for removing or preventing invasive plant species shall be included.
- (iv) Timelines. The management plan shall include a timeline for implementation of all measures, including construction phasing and post-construction stabilization, and provide a site map identifying vegetation zones, erosion control features, and stormwater management components.

The name and contact information of the responsible party or professional overseeing compliance shall be included in the plan.

(d) Additional Requirements for Properties Abutting Ocean Shore. In addition to the requirements set forth in subsections (a), (b) and (c), Geologic Hazard Reports for properties abutting the ocean shore shall, to the extent applicable and based on best available information, include the following information, analyses, and recommendations:

(i) Site description:

1. The history of the site and surrounding areas, such as previous riprap or dune grading permits, erosion events, exposed trees on the beach, or other relevant local knowledge of the site;
2. Topography, including elevations and slopes on the property itself;
3. Vegetation cover;
4. Subsurface materials – the nature of the rocks and soils;
5. Conditions of the seaward front of the property, particularly for sites having a sea cliff;
6. Presence of drift logs or other flotsam on or within the property;
7. Description of streams or other drainage that might influence erosion or locally reduce the level of the beach;
8. Proximity of nearby headlands or jetties which might block the longshore movement of beach sediments, thereby affecting the level of the beach in front of the property;
9. Description of any shore protection structures that may exist on the property or on nearby properties;
10. Presence of pathways or stairs from the property to the beach;
11. Existing human impacts on the site, particularly that might alter the resistance to wave attack; and
12. Location and condition of nearby beach access sites.

(ii) Description of the fronting beach:

1. Average widths of the beach during the summer and winter;
2. Median grain size of beach sediment;
3. Average beach slopes during the summer and winter;
4. Elevations above mean sea level of the beach at the seaward edge of the property during summer and winter;
5. Presence of rip currents and rip embayments that can locally reduce the elevation of the fronting beach;
6. Presence of rock outcrops and sea stacks, both offshore or within the beach zone; and
7. Information regarding the depth of beach sand down to bedrock at the seaward edge of the property.

(iii) Analyses of Erosion and Flooding Potential:

1. Analysis of DOGAMI beach monitoring data for the site or nearby area (if available);
 2. Analysis of human activities affecting shoreline erosion;
 3. Analysis of possible mass wasting, including weathering processes, land sliding or slumping;
 4. Calculation of wave run-up beyond mean water elevation that might result in erosion of the sea cliff or foredune (see Stockdon, 1996);
 5. Evaluation of frequency that erosion-inducing processes could occur, considering the most extreme potential conditions of unusually high-water levels together with severe storm wave energy;
 6. For dune-backed shorelines, use established geometric model to assess the potential distance of property erosion and compare the results with direct evidence obtained during site visit, aerial photo analysis, or analysis of DOGAMI beach monitoring data; and
 7. Description of expected local sea level rise over the next 50 years and impacts of that sea level change on the site, including during severe storm conditions.
- (iv) Assessment of potential reactions to erosion episodes:
1. Determination of eligibility for beachfront protective structures as prescribed in subsection (13).
 2. Assessment of potential reactions to erosion events, under expected climate change conditions, addressing the need for future erosion control measures, building relocation or removal, or building foundation and utility repairs.
- (v) Additional Requirements for Reports Supporting Beachfront Protective Structures:
1. Project Need: Analysis of hazards affecting the property, erosion rates, threatened improvements, and the nature of the threat.
 2. Evaluation of Alternatives including:
 - a. Avoidance (siting/relocation);
 - b. Non-Structural stabilization;
 - c. Bio-engineered measures;
 - d. Vegetation/drainage modification;
 - e. Structural stabilization (riprap, seawalls).
 3. Impacts from the Preferred Alternative to address the following:
 - a. Flank scour and toe scour;
 - b. Shoreline alignment impacts to adjacent properties;
 - c. Effects on sand supply;
 - d. Beach narrowing or loss;
 - e. Long-term maintenance impacts; and

f. Impacts to geological resources.

- (7) LAND DIVISIONS: Geological hazards shall be shown on the subdivision map along with a disclosure statement that additional reviews will be required at the time of development. If foredune grading is required to install roads or other infrastructure, a permit shall be obtained pursuant to subsection (11) below:
- (8) OCEANFRONT SETBACKS: "Vegetation line," as used in this section, means the more landward of either: (a) the boundary of the ocean shore state recreation area as defined in ORS 390.770, or (b) the line of established, naturally occurring upland shore vegetation. In areas subject to the provisions of this section, all development, except for activities exempt under subsection (3)(d), shall be set back from the vegetation line shall be set back from the vegetation line the greater of:
- (a) A distance specified in a required Geologic Hazard Report if it is more restrictive than the Oceanfront Setback Line; or
 - (b) A distance established through calculation of an Oceanfront Setback Line (OSL) as follows:
 - (i) On a lot or parcel where there are existing buildings located within 300 feet of the boundaries of the subject lot or parcel on both the north and the south, the OSL is a line drawn between the nearest building to the north and the nearest building to the south. The line shall be drawn between the most oceanward points of the two building footprints closest to the vegetation line.
 - (ii) On a lot or parcel where there are buildings within 300 feet of the boundaries of the subject lot or parcel on one side only (north or south), the OSL is the average distance from the vegetation line of all such buildings. The measurement for calculating the average shall be made from the most oceanward point of the building footprints closest to the vegetation line.
 - (iii) On a lot or parcel where there are no buildings within 300 feet north or south of the boundaries of the subject lot or parcel, the OSL is the average distance from the vegetation line of the nearest two buildings. The measurement for calculating the average shall be made from the most oceanward point of the building footprints closest to the vegetation line.
 - (iv) For purposes of calculating the OSL, "building" means a lawfully established, permanent residential, commercial, public, or industrial structure within 500 feet of the vegetation line and located on a lot or parcel that abuts the vegetation line. It does not include detached accessory structures.

- (v) For purposes of calculating the OSL, “closest point of a building” means the point on an exterior wall of a building that is closest to the vegetation line. It does not include decks, second story decks, other structural improvements above finished grade, unroofed porches or landings, walkways, or building projections such as cornices, eaves, canopies, sunshades, gutters, or chimney chases.
 - (c) In no case may any structure or other development be permitted west of the statutory vegetation line or line of actual vegetation, whichever is more landward, except as authorized by the Oregon Department of Parks and Recreation in accordance with OAR Chapter 736, division 20.
 - (d) On lots or parcels created prior to the effective date of this section, where the application of the minimum oceanfront setback, together with any other required yards and/or setbacks, results in a building footprint area of less than 1,500 square feet, the required yard setback opposite the oceanfront may be reduced as follows:
 - (i) The required yard setback opposite the oceanfront may be reduced by an amount necessary to provide a building footprint of not more than 1,500 square feet, or to a minimum of 10 feet, whichever is less.
 - (ii) If the reduction in setback permitted in subsection (b)(i) results in a permissible building footprint of less than 1,500 square feet, the oceanfront setback may be reduced by an amount necessary to provide a building footprint of not more than 1,500 square feet.
 - (e) Notwithstanding the above provisions, the Reviewing Authority shall require a greater setback from the ocean where there is evidence of significant coastal, environmental, or geologic hazards as determined by a Geologic Hazard Report submitted pursuant to Section 4.11.129(6) or other information available to the Department. In making this determination, the Geologic Hazard Report and the Director shall consider evidence of recent and future beach erosion and whether the proposed development has been designed to adequately minimize and mitigate for any adverse environmental effects to the fullest extent required by law.
- (9) FOREDUNE BREACHING: When permitted, foredune breaching and restoration shall be conducted in a manner consistent with sound principles of conservation. Such breaching may be permitted only:
- (a) To replenish sand supply in interdune areas;
 - (b) On a temporary basis in an emergency, such as for fire control, hazard removal or clean up, draining farmlands, or alleviating flood hazards; or
 - (c) For other purposes only upon adoption of an exception to Statewide Planning Goal 18.

(10) **GROUNDWATER REQUIREMENTS:** Applications for development which will utilize groundwater resources shall provide a hydrologic analysis which demonstrates that groundwater withdrawal will not:

- (a) Lead to the loss of stabilizing vegetation;
- (b) Lead to a deterioration of water quality; and
- (c) Result in the intrusion of salt water into water supplies.

(11) **GRADING PERMITS FOR DUNE AREAS:** The purpose of this ordinance is to establish permit procedures and standards for remedial sand grading and foredune grading within the Beaches and Dunes (BD) Special Development Consideration to ensure compliance with Statewide Planning Goal 18, preserve dune integrity, protect public safety, and minimize adverse impacts to coastal resources. This ordinance is adopted under the authority of the Coos County Zoning and Land Development Ordinance (CCZLDO) and the Coos County Comprehensive Plan.

(a) **DEFINITIONS**

- (i) "Remedial Sand Grading" means the removal of accumulated sand which poses an immediate threat of damage or prevents access to a structure, without altering the crest of the foredune. Remedial sand grading may be conducted on an individual lot or parcel on an as-needed basis and may be permitted in all areas subject to the identified Beaches and Dunes area with or without a foredune management plan
- (ii) "Foredune Grading" means grading that alters the height or width of a foredune, including for view restoration or dune maintenance, in accordance with a locally adopted and state-acknowledged foredune management plan.

(b) **REMEDIAL SAND GRADING PERMIT**

- (i) **Applicability:** All remedial sand grading requires a Remedial Sand Grading Permit unless specifically exempted. Permits may be issued for individual lots or parcels within the BD Special Development Consideration.
- (ii) **Permit Procedure:** Applications shall be reviewed according to the Type I or Type II procedures described in Subsection (3) of the Beaches and Dunes Special Development Consideration. If it is a Type II permit it shall be submitted with a geohazard permit as described in subsection (6).
- (iii) **Application Requirements:**
 1. Site plan showing location and extent of sand accumulation and proposed grading limits.
 2. Description of immediate threat or access issue.

3. Schedule of work and description of sand removal methods.
4. Signed acknowledgment of compliance with standards in this ordinance.
5. Standards for Approval:
 - a. Rear Yard: Sand may be removed to the level of the top sill of the foundation up to 40 feet from the habitable structure. From the 20-foot line outward, grading shall slope upward at a 2:1 ratio.
 - b. Side Yards: Sand may be removed to sill level within 10 feet of the structure, then slope upward at 2:1.
 - c. Front Yard: Sand may be removed to sill level provided it does not create slopes exceeding 2:1 or reduce yard below street level, except for access.
 - d. The crest of the foredune shall not be altered.
 - e. Existing vegetation must be preserved where feasible. Any damaged vegetation must be restored.
 - f. Grading may not reduce the overall height of the foredune.
 - g. Grading must use a single 12-foot-wide path, minimize vegetation disturbance, and retain all sand within the beach-foredune system.
 - h. The applicant must notify Coos County Community Development at least 48 hours before grading.

(c) FOREDUNE GRADING PERMIT

- (i) Applicability: Foredune grading shall only be allowed if authorized under a locally adopted and state-acknowledged foredune management plan.
- (ii) Permit Procedure: Foredune Grading Permits are subject to a Type II review and shall be included with a geohazard permit as described in Subsection (6).
- (iii) Application Requirements:
 1. Signed consent from all property owners along at least a 500-foot continuous foredune segment.
 2. Existing and proposed elevation profiles prepared by a registered surveyor.

3. Grading plan showing compliance with adopted foredune management plan.
- (iv) Standards for Approval:
1. Grading must occur on at least 500 feet of continuous foredune.
 2. All property owners along the segment must consent in writing.
 3. Grading must conform to the adopted foredune management plan including specifications for foredune height, width, slope stabilization, sand redistribution, and maintenance.
- (v) Post-Construction Requirements:
1. Upon completion, the applicant must submit a final survey by a registered surveyor documenting compliance with the permit.
 2. Any deviation from approved plans shall be promptly restored and re-verified.

(12) REQUIREMENTS FOR BEACHFRONT PROTECTIVE STRUCTURES:

- (a) A Dune Area Development Permit is required for beachfront protective structures not subject to regulation by the Oregon Parks and Recreation Department under OAR Chapter 736, division 20.
- (b) In all cases, beachfront protective structures shall be permitted only where development existed on January 1, 1977, or where an exception to Goal 18, Implementation Requirement 2 or 5 has been adopted in the jurisdiction's comprehensive plan.
- (c) For the purposes of this subsection, "development" means houses, commercial and industrial buildings, and vacant subdivision lots which are physically improved through construction of streets and provision of utilities to the lot.
- (d) All beachfront protective structures shall be subject to the following requirements:
 - (i) Visual impacts shall be minimized. Structures shall be designed, constructed, and finished in a manner that reduces their visibility from the beach, neighboring properties, and public viewpoints. Techniques to minimize visual impact may include, but are not limited to, low-profile design, use of materials that blend with the surrounding natural environment, incorporation of native vegetation for screening, and shaping or contouring the structure to match natural dune or shoreline features. Design shall consider the scenic and aesthetic character of the coastal area in accordance with Goal 18 and applicable comprehensive plan policies;
 - (ii) Access to and along the beach shall be maintained;

- (iii) Negative impacts on adjacent property shall be minimized (i.e., structure shall be designed and located in a manner that reduces or avoids off-site impacts such as flank scour, sand starvation, or redirected wave energy that could increase erosion or flooding risk on neighboring unarmored parcels. Structures must be tapered, engineered to transition into natural landforms where feasible, and supported by impact analysis provided in the required Geologic Hazard Report);
 - (iv) Long-term or recurring costs to the public shall be avoided;
 - (v) Structures shall be designed to minimize adverse impacts on water currents, erosion, and accretion patterns;
 - (vi) Land-use management practices and non-structural solutions to problems of erosion and flooding shall be preferred to structural solutions; structural solutions shall only be utilized when it is determined that land-use management and non-structural solutions are not adequate; and
 - (vii) All applicable requirements of the Flood Hazard Overlay Ordinance as described in Applicable Sections 4.11.211 through 4.11.257 shall be followed.
- (e) In addition to the applicable requirements set forth in subsection 6, Geologic Hazard Reports for beachfront protective structures shall, to the extent applicable and based on best available information, include the following information, analyses and recommendations:
- (i) Project Need: Analysis of the types of hazards affecting the property; estimated rate of erosion based on visual observations, aerial photo analysis, published reports, such as DOGAMI hazard risk zone studies, and DOGAMI beach monitoring data; description of the type of property, improvements, or structures that are threatened, and description of the nature of the threat.
 - (ii) Evaluation of Alternatives: Include a description of the preferred erosion mitigation technique, any practices that have been attempted previously, as well as an evaluation of the following options:
 1. Hazard avoidance options (siting or relocation);
 2. Non-structural stabilization methods (e.g., foredune enhancement, beach nourishment, vegetation plantings, cobble berms);
 3. Bio-engineered structures (e.g., clay burritos and vegetated terraces);
 4. Site modifications for the control of erosion such as vegetation management, drainage controls, slope regrading, and building

reinforcements; and

5. Structural stabilization (e.g., riprap, seawalls).

(iii) Analysis of Impacts from Preferred Alternative, including:

1. Potential for flank scour and toe scour;
2. Shoreline alignment impacts to adjoining properties and non-armored neighbors, including impacts to properties not eligible for shoreline protective structures; potential for the preferred alternative to cause rip embayments or prolong existing embayment patterns;
3. Reduction in sand supply caused by preferred alternative;
4. Quantify narrowing or loss of beach area;
5. Impacts from expected maintenance of the project over the lifetime of the structure. Include history of maintenance of similar projects nearby, analysis of local sea level rise, and trends in littoral sand movement. Describe the expected maintenance methods that could occur;
6. Impacts to existing public beach access routes, and provisions to keep access route in a useable condition; and
7. Impacts to sites of geologic interest, such as fossil beds or ancient forest remnants.

(13) CERTIFICATION OF COMPLIANCE: Permitted development shall comply with the recommendations in the required Geologic Hazard Report. Certification of compliance shall be provided as follows:

- (a) Plan Review Compliance: Building, construction or other development plans shall be accompanied by a written statement from a certified engineering geologist or licensed geotechnical engineer stating that the plans comply with the recommendations contained in the Geologic Hazard Report for the approved Dune Area Development Permit.
- (b) Inspection Compliance: Upon the completion of any development activity for which the Geologic Hazard Report recommends an inspection or observation by a certified engineering geologist or licensed geotechnical engineer, the certified engineering geologist or licensed geotechnical engineer shall provide a written statement indicating that the development activity has been completed in accordance with the applicable Geologic Hazard Report recommendations.
- (c) Final Compliance: No development requiring a Geologic Hazard Report shall receive final approval (e.g., certificate of occupancy, final inspection, etc.) until the department receives:
 - (i) A written statement by a certified engineering geologist or licensed

geotechnical engineer indicating that all performance, mitigation, and monitoring measures specified in the report have been satisfied, including confirmation of foredune restoration and implementation of temporary and permanent vegetation stabilization measures;

- (ii) If mitigation measures incorporate engineering solutions designed by a licensed professional engineer, a written statement of compliance by the design engineer.
- (iii) A written statement by the qualified licensed Certified Engineering Geologist indicating that all erosion control measure requirements were met.

(14) RESTORATION AND REPLACEMENT OF EXISTING STRUCTURES:

- (a) Notwithstanding any other provisions of this ordinance, application of the provisions of this section to an existing use or structure shall not have the effect of rendering such use or structure nonconforming as defined in Article 5.6.
- (b) Replacement, repair or restoration of a lawfully established building or structure subject to this section that is damaged or destroyed by fire, other casualty or natural disaster shall be permitted, subject to all other applicable provisions of this ordinance, and subject to the following limitations:
 - (i) Replacement authorized by this subsection is limited to a building or structure not larger than the damaged/destroyed building.
 - (ii) Structures replaced pursuant to this subsection shall be located no further seaward than the damaged structure being replaced.
 - (iii) Replacement or restoration authorized by this subsection shall commence within one year of the occurrence of the fire or other casualty which necessitates such replacement or restoration.
 - (iv) Where the cost of restoration or replacement authorized by this subsection equals or exceeds 80 percent of the market value of the structure before the damage occurred, such restoration or replacement shall also comply with subsections (7) and (8) of this section.
 - (v) A building permit application for replacement, repair, or restoration of a structure under the provisions of this subsection shall be accompanied by a Geologic Hazard Report prepared by a qualified licensed Certified Engineering Geologist that conforms to the standards set forth in subsection (6) and subsections (11) and (12) if applicable. All recommendations contained in the report shall be complied with in accordance with subsection (13).
 - (vi) A building permit application for replacement, repair, or restoration authorized by this subsection shall be processed and authorized as Type I review pursuant to Article 5.6.

Definitions to be added to Chapter 2, Section 2.1.200 Specific Definitions

Certified Engineering Geologists (CEG) provide engineering geologic reports and geotechnical reports. They are licensed by the Oregon State Board of Geologist Examiners (OSBGE). They apply geologic data, principles and interpretation so that geologic factors affecting planning, design, construction and maintenance of civil engineering works are properly recognized and utilized. They can conduct engineering geologic work to provide recommendations for the siting, design, modification, or construction of structures. CEGs are defined in ORS 672.505 and ORS 672.525.

Oceanfront Lot: A lot or parcel that abuts the ocean shore state (as defined in ORS 390.605) or a lot or parcel where there is no portion of a buildable lot between it and the ocean shore.

- Coos County Comprehensive Plan
 - [Current Language](#)

VOLUME I PART 1 SECTION 5.10 DUNES, AND OCEAN AND COASTAL LAKE SHORELANDS

5.10 DUNES, AND OCEAN AND COASTAL LAKE SHORELANDS

Problem/Opportunity Statement

Coos County's extensive reaches of shorelands and dunes comprise a unique resource whose beauty attracts both tourists and pressures for development.

ISSUES

Uncontrolled development could seriously damage the resource and could conflict with other equally valid uses such as recreation, wildlife habitat, and water supplies. Unstable features such as beach erosion and dune movement present serious hazards to development.

What conservation and development requirements can the County make to balance the conflicting demands made on these areas by the variety of possible uses? Further, what can the County do to

minimize hazard to life, property, and the environment from any development that is permitted in these areas?

GOAL

Coos County shall manage its dune areas, ocean and coastal lake shorelands, and minor estuary shorelands, to provide for diverse uses consistent with maintenance of the natural values associated with such areas and with the need to reduce hazards to human life and property.

PLAN IMPLEMENTATION STRATEGIES

1. Coos County shall base policy decisions for dunes and ocean, coastal lake, and minor estuary shorelands on the boundaries for these areas as identified on the Special Considerations Map.

In addition, the County shall utilize the Special Considerations Map and the boundaries it delineates for the following specific areas:

- i. "Coastal Shorelands Boundary"
- ii. "Coastal Lake Shorelands Boundary:"
- iii. "Suitable", "Limited Suitability" and "Not Suitable" areas of development potential.

This strategy recognizes that the Special Considerations Map specifically delineates the boundaries for areas identified in the Dunes and Ocean, Coastal Lakes Inventory and Assessment.

2. Coos County shall permit development within areas designated as "Beach and Dunes Areas with Limited Development Suitability" on the Special Considerations Map only upon the establishment of findings that consider at least:
 - i. the type of use proposed and the adverse effects it might have on the site and adjacent areas,
 - ii. the need for temporary and permanent stabilization programs and the planned maintenance of new and existing vegetation,
 - iii. the need for methods for protecting the surrounding area from any adverse effects of the development, and
 - iv. hazards to life, public and private property, and the natural environment which may be caused by the proposed use.

Further, Coos County shall cooperate with affected local, state and federal agencies to protect the groundwater from drawdown, which would lead to loss of stabilizing vegetation, loss of water quality, or intrusion of salt water into water supplies.

Implementation shall occur through an Administrative Conditional Use process, which shall include submission of a site investigation report by the developer that addresses the five considerations above.

This policy recognizes that:

- i. The Special Considerations Map Category of "Beach and Dune Areas with Limited Development Suitability" includes all dune forms except older stabilized dunes, active foredunes, conditionally stable foredunes that are subject to ocean undercutting or wave-overtopping, and interdune areas (deflation plains) subject to ocean flooding.
 - ii. the measures prescribed in this policy are specifically required by LCDC Goal #18 for the above-referenced dune forms, and that this strategy recognizes that potential mitigation sites must be protected from pre-emptory uses.
3. Coos County shall prohibit residential development and commercial and industrial buildings within areas designated as "Beach and Dunes Areas Unsuitable for Development" on the Special Considerations Map.

Further, Coos County shall permit other developments in these areas only:

- i. When specific findings have been made that consider at least:
 - a) the type of use proposed and the adverse effects it might have on the site and adjacent areas;
 - b) the need for temporary and permanent stabilization programs and the planned maintenance of new and existing vegetation;
 - c) the need for methods for protecting the surrounding area from any adverse effects of the development; and
 - d) hazards to life, public and private property, and the natural environment which may be caused by the proposed use; and
- ii. When it is demonstrated that the proposed development:
 - a) is adequately protected from any geologic hazards, wind erosion, undercutting, ocean flooding and storm waves; or is of minimal value, and
 - b) is designed to minimize adverse environmental effects, and
- iii. When specific findings have been made, where breaching of foredunes is contemplated, that (1) the breaching and subsequent restoration is consistent with sound principles of conservation, and either (2) the breaching is necessary to replenish sand supply in interdune areas, or (3) the breaching is done on a temporary basis in an emergency (e.g., fire control, cleaning up oil spills, draining farm lands, and alleviating flood hazards).

Further, Coos County shall cooperate with affected local, state and federal agencies to protect the groundwater from drawdown, which would lead to loss of stabilizing vegetation, loss of water quality, or intrusion of saltwater into water

supplies.

This policy shall be implemented through (1) review of the Special Considerations Map when development is proposed in these areas, and (2) an Administrative Conditional Use process where findings are developed based upon a site investigation report submitted by the developer, which addresses the considerations set forth above.

iv. This policy recognizes that:

- a) The Special Considerations Map category of "Beach and Dune Areas Unsuitable for Development" includes the following dune forms:
 - 1) active foredunes
 - 2) other foredunes which are conditionally stable and that are subject to ocean undercutting or wave overtopping, and
 - 3) interdune areas (deflation plains) that are subject to ocean flooding,
- b) the measures prescribed in this policy are specifically required by LCDC Goal #18 for the above referenced dune forms, and that
- c) it is important to ensure that development in sensitive beach and dune areas is compatible with or can be made compatible with, the fragile and hazardous conditions common to such areas.

4. Coos County shall cooperate with state and federal agencies in regulating the following actions in the beach and dune areas described in subparagraph (iii) of Policy #1: (1) destruction of desirable vegetation (including inadvertent destruction by moisture loss or root damage), (2) the exposure of stable and conditionally stable areas to erosion, (3) construction of shore structures which modify current or wave patterns leading to beach erosion, and (4) any other development actions with potential adverse impacts.

This strategy shall be implemented through the processes described in Policies #2 and #3 above and through review and comment by the County on state and federal permits in beach and dune areas.

This strategy recognizes that regulation of these actions is necessary to minimize potential erosion.

5. Coos County shall provide special protection to major marshes, significant wildlife habitat, coastal headlands, exceptional aesthetic resources, and historic and archaeological sites located within the Coastal Shorelands Boundary of the ocean, coastal lakes, and minor estuaries. Coos County shall consider (1) "major marshes" to include certain extensive marshes associated with dune lakes in the Oregon Dunes National Recreation Area and wetlands associated with New River, as identified in Inventory text

and maps on the Special Considerations Map; (2) "significant wildlife habitat" to include "sensitive" big-game range, Snowy Plover nesting areas, Bald Eagle and Osprey nesting areas, Salmonid spawning and rearing areas, and wetlands; (3) "coastal headlands" to include Yoakum Point, Gregory Point, Shore Acres, Cape Arago south to Three-Mile Creek, Five Mile Point and Coquille Point; (4) "exceptional aesthetic resources" to include the coastal headlands identified above, and other areas identified in Coastal Shorelands Inventory, and (5) "historic and archaeological sites" to include those identified in the Historic and Archaeological Sites Inventory and Assessment.

This strategy shall be implemented through plan designations and ordinance measures that limit uses in these special areas to those uses that are consistent with protection of natural values, such as propagation and selective harvesting of forest products, grazing, harvesting wild crops, and low intensity water-dependent recreation.

This strategy recognizes that special protective consideration must be given to key resources in coastal shorelands over and above the protection afforded such resources elsewhere in this plan.

6. Coos County shall, when considering possible future amendments to this comprehensive plan, protect shorelands in future urbanizable areas (especially suited for water-dependent uses) for water-dependent recreational, commercial and industrial uses.

Implementation shall be based on the plan review process and the "Land Use Planning" plan implementation strategies applicable to that review process.

This strategy recognizes that future revisions to urban growth areas may include new areas that are especially suited for water-dependent uses.

7. Coos County shall manage its rural areas within the "Coastal Shorelands Boundary" of the ocean, coastal lakes, and minor estuaries through implementing ordinance measures that allow the following uses:
 - i. farm uses as provided in ORS 215;
 - ii. propagation and harvesting of forest products consistent with the Oregon Forest Practices Act.;
 - iii. private and public water-dependent recreation developments;
 - iv. aquaculture;
 - v. water-dependent commercial and industrial uses and water-related uses only upon finding by the Board of Commissioners that such uses satisfy a need which cannot otherwise be accommodated on shorelands in urban and urbanizable areas;
 - vi. single family residences on existing lots, parcels, or units of land when compatible with the objectives and implementation standards of the Coastal

Shorelands Goal, and as otherwise permitted by the underlying zone.

- vii.. any other uses, provided that the Board of Commissioners determines that such uses a) satisfy a need which cannot be accommodated at other upland locations or in urban or urbanizable areas; b) are compatible with the objectives of LCDC Goal #17 to protect riparian vegetation and wildlife habitat; and c) the "other" use complies with the implementation standard of the underlying zone designation.

In addition, the above uses shall only be permitted upon a finding that such uses do not otherwise conflict with the resource preservation and protection policies established elsewhere in this plan.

This strategy recognizes (1) that Coos County's rural shorelands are a valuable resource and accordingly merit special consideration, and (2) that LCDC Goal #17 places strict limitations on land divisions within coastal shorelands.

- 8. (ORS 85-08-010L) Coos County shall permit subdivisions, partitions, within the "Coastal Shorelands Boundary" of the ocean, coastal lakes, or minor estuaries in rural areas only upon finding by the governing body: (1) that such land divisions will not conflict with agricultural and forest policies and ordinance provisions of the Coos County Comprehensive Plan and would be compatible with the objectives of LCDC Goal #17 to protect riparian vegetation and wildlife and either, (2) that the new land divisions fulfill a need that can not otherwise be accommodated in other uplands or in urban and urbanizable areas, or, (3) that the new land divisions are in a documented "committed" area or, (4) that the new land divisions have been justified through a goal exception.

This strategy shall be implemented through provisions in ordinance measures that require the above findings to be made prior to the approval of the preliminary plat of a subdivision or partition.

This strategy recognizes (1) that Coos County's rural shorelands are a valuable resource and accordingly merit special consideration, and (2) that LCDC Goal #17 places strict limitations on land divisions within coastal shorelands.

- 9. Coos County shall consider the following general priorities for the overall use of ocean, coastal lake, or minor estuary coastal shorelands (from highest to lowest):
 - i. promote uses which maintain the integrity of estuaries and coastal waters;
 - ii. provide for water-dependent uses;
 - iii. provide for water-related uses;
 - iv. provide for non-dependent, non-related uses which retain flexibility of future use and do not prematurely or unalterably commit shorelands to more intensive uses;
 - v. provide for development, including non-dependent, non-related uses, in urban

areas compatible with existing or committed uses;

- vi. permit non-dependent, non-related uses which cause a permanent or long-term change in the features of coastal shorelands only upon a demonstration of public need.

In addition, priority uses for flood hazard and floodplain areas shall include agriculture, forestry, recreation and open space uses which are water-dependent.

This strategy shall serve as a guide when evaluating discretionary zoning and land development actions.

This strategy recognizes LCDC Goal #17 requirements.

- 10. Coos County shall prefer non-structural solutions to problems of erosion and flooding to structural solutions in ocean, coastal lake, or minor estuary shorelands.

Where shown to be necessary, water and erosion control structures, such as jetties, bulkheads, seawalls, and similar protective structures and fill shall be designed to minimize adverse impacts on water currents, erosion, and accretion patterns.

Implementation of this strategy shall occur through County review of and comment on state and federal permit applications for such projects.

This strategy is based on the recognition that non-structural solutions are often more cost-effective as corrective measures but that carefully designed structural solutions are occasionally necessary.

- 11. Coos County shall maintain riparian vegetation within the shorelands of the ocean, coastal lakes, and minor estuaries, and when appropriate, restore or enhance it, as consistent with water-dependent uses.

Timber harvest, if permitted in the zoning ordinance, shall be regulated by the Oregon Forest Practices Act.

Where the County's Comprehensive Plan identifies riparian vegetation on lands in the coastal shorelands subject to forest operations governed by the FPA, the Act and Forest Practices rules administered by the Department of Forestry will be used in such a manner as to maintain, and where appropriate, restore and enhance riparian vegetation.

This strategy shall be implemented by County review of and comment on state permit applications for waterfront development.

This strategy is based on the recognition that prohibiting excessive removal of vegetative cover is necessary to stabilize the shoreline and, for coastal lakes and minor estuaries, to maintain water quality and temperature necessary for the maintenance of fish habitat.

VOLUME I PART 2 SECTION 3.8 DUNES AND NON-ESTUARINE COASTAL SHORELANDS

Dune Classification

The dune resource classifications are mapped on pp. 15-11 through 15-13 in the Background Document, and were developed and mapped by the U.S.D.A. Soil Conservation Service for OCCDC (Beaches and Dunes of the Oregon Coast, 1975). The dunes areas delineated on the maps titled "Development Potential Within Ocean Shorelands and Dunes" are based on these classifications.

The units on the sand dunes maps that appear in the Background Document and the relationship of those units to the identification categories specified in Goal 18 of the Statewide Planning Goals and Guidelines are described in Table 1. Uses permitted, and findings required to permit development, are set out in Goal 18; the dune units to which various goal requirements apply are laid out in Table 6, together with probable constraints on development.

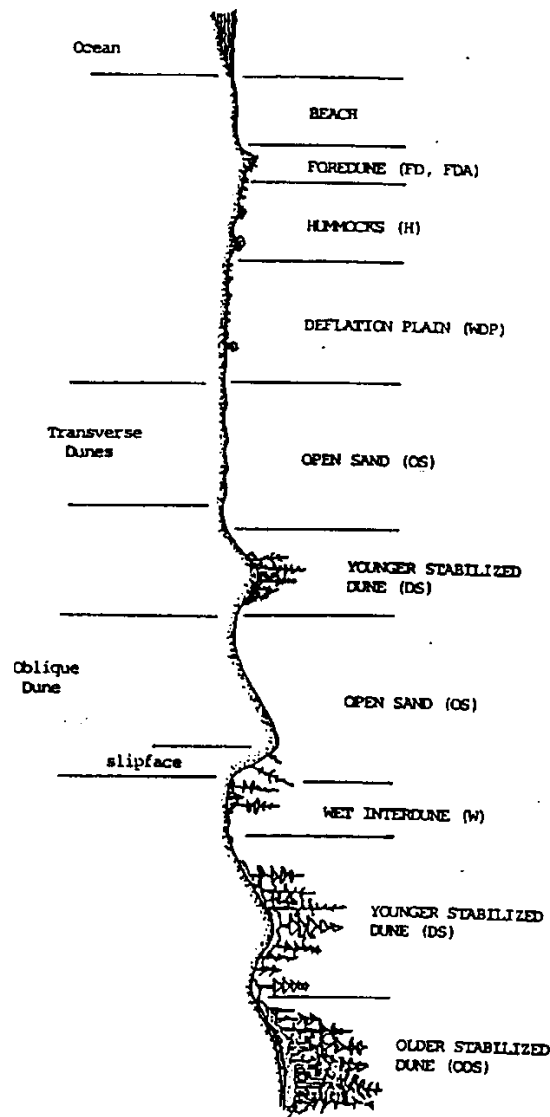
Table 1
Sand Dunes Units

Goal Categories	Sand Dunes Map Units		Abbreviated Description
	Name	Symbol	
Active Dunes	Open Sand Dune	OS	Wind drifted sand in the form of dunes and ridges, that are essentially bare of vegetation.
	Active Dune Hummocks	H	Partly vegetated circular and elevated mounds of sand.
	Active Fore-Dunes	FDA	A growing barrier ridge of sand paralleling the beach which lies immediately above the high tide line.
Recently Stabilized Dunes	Foredunes	FD	An active foredune that has become conditionally stable with regard to wind erosion.
	Open Dune Sand Conditionally Stable	OSC	A sand dune presently in wind-stable condition but vegetated by fragile plantings.
	Dune Complex	DC	Various patterns of small dunes with partially stabilized intervening areas.
	Younger Stabilized Dunes	DS	A youthful wind-stable dune landform.
Older Stabilized Dunes	Older Stabilized Dunes	ODS	A wind-stable dune landform that has soils with weakly cemented nodules and to strongly

			cemented nodules or strongly cemented 'Bir' horizons.
Interdune Forms	Wet Deflation Plains	WDP	Broad areas just inland from the foredunes which are wind-scoured to the height of the summer water table.
	Wet Interdunes	W	Includes a range of landforms varying from wet open dune sand forms to wet areas in recent and older stabilized dunes.

Figure 1

Typical Dunes Units



o Proposed Language

VOLUME I PART 1 SECTION 5.10 DUNES, AND OCEAN AND COASTAL LAKE SHORELANDS

5.10 DUNES, AND OCEAN AND COASTAL LAKE SHORELANDS

Problem/Opportunity Statement

Coos County’s extensive dunes, ocean shorelands, and coastal lake shorelands are a unique and irreplaceable resource. They provide ecological, recreational, and scenic values while also attracting significant development pressure. These areas are inherently dynamic and subject to hazards such as erosion, dune migration, flooding, and sea level rise.

Issues

Unregulated or poorly managed development in dune and shoreland environments can:

- Degrade fish and wildlife habitat, water quality, and scenic resources;
- Increase exposure to hazards such as ocean flooding, wave overtopping, and erosion;
- Conflict with other valid uses, including recreation and water supply;
- Undermine the long-term resilience of coastal communities.

The County must balance conservation, hazard mitigation, and development needs while implementing Statewide Planning Goals 7 (Natural Hazards), 17 (Coastal Shorelands), and 18 (Beaches and Dunes).

Goal

Coos County shall manage dunes, ocean shorelands, and coastal lake shorelands to:

- Conserve natural resources and ecosystem functions;
- Provide for diverse and appropriate land uses;
- Protect human life and property from natural hazards; and
- Ensure consistency with Statewide Planning Goals and the most current hazard science.

Policies and Implementation Strategies

1. Mapping and Inventory

- a. The County adopts the updated dune and coastal hazard inventory developed by DOGAMI and DLCD in *Open-File Report O-24-13 (2024)*, including classifications of dune forms, coastal erosion hazard zones, and suitability designations.
- b. Development suitability shall be based on three mapped categories:
 - Suitable for Development – minimal constraints;
 - Limited Suitability – requires special measures and site-specific review;
 - Not Suitable – prohibits residential, commercial, or industrial structures.
- c. The Special Considerations Map shall be updated to reflect these boundaries and shall be used in all policy and permitting decisions.

2. Development in Areas of Limited Suitability

- a. Development may be permitted in areas mapped as *Limited Suitability* only when supported by findings that address:
 - Potential adverse effects on the site and adjacent properties;
 - Need for stabilization programs and long-term vegetation management;
 - Methods to minimize off-site impacts;
 - Hazards to life, property, and the environment.
- b. Applicants shall submit a Site Investigation Report or Geologic Hazard Report, prepared by a qualified licensed geologist or engineer, consistent with CCZLDO Sections 4.11.150–155.
- c. Implementation shall occur through a Type II Administrative Conditional Use review.

3. Development in Areas Not Suitable for Development

- a. Residential, commercial, and industrial structures are prohibited in mapped Not Suitable areas.
- b. Other uses may only be permitted if:
 - If the property is in exception area;
 - Adequately protected from hazards such as flooding, erosion, or dune movement;
 - Designed to minimize environmental impacts;
 - Supported by findings based on a professional geologic report.
- c. Breaching of foredunes may occur only when consistent with conservation principles, necessary for sand replenishment, or required on a temporary emergency basis.

4. Resource Protection and Groundwater

The County shall coordinate with state and federal agencies to protect groundwater resources, vegetation, and dune stabilization. Actions regulated include:

- Removal of stabilizing vegetation;
- Grading or excavation that exposes conditionally stable dunes;
- Shoreline structures that alter erosion/accretion patterns.

5. Special Resource Areas

Major marshes, significant wildlife habitat, coastal headlands, archaeological and cultural sites, and exceptional scenic resources within mapped shorelands shall receive enhanced protection. Allowed uses shall be limited to those compatible with long-term preservation, such as habitat restoration, low-intensity recreation, and selective harvest.

6. Rural Coastal Shorelands

Within mapped rural shorelands, the County shall allow only farm and forest uses, water-dependent recreation, aquaculture, and limited residential use on existing legal lots. Water-related or non-dependent uses may be permitted only upon demonstration of public need and compliance with Goal 17 standards.

7. Erosion and Flood Hazard Mitigation

- a. Non-structural solutions (vegetation management, setbacks, relocation) shall be preferred over structural measures.
- b. Where structural measures are necessary, designs must minimize adverse impacts on shoreline processes.

8. Riparian Vegetation and Habitat Protection

- a. Riparian vegetation in coastal shorelands shall be maintained, restored, or enhanced consistent with Goal 17.
- b. Timber harvest shall follow the Oregon Forest Practices Act, but additional measures may be applied where necessary to protect water quality, fish habitat, or slope stability.

NEW LANGUAGE FOR VOLUME I PART 2 SECTION 3.8 DUNES AND NON-ESTUARINE COASTAL SHORELANDS

VOLUME I – PART 2 – SECTION 3.8

Dunes and Non-Estuarine Coastal Shorelands

Dune Classification

The dune and coastal shoreland classifications adopted by Coos County are based on the updated inventories prepared by the Oregon Department of Geology and Mineral Industries (DOGAMI) in partnership with the Department of Land Conservation and Development (DLCD) (see *Open-File Report O-24-13: Beaches and Dunes of Coos County, Oregon: 1975–2022*). These inventories replace the 1975 “Beaches and Dunes of the Oregon Coast” mapping previously used in the Coos County Comprehensive Plan.

The updated mapping incorporates current science on shoreline change, dune processes, and hazard exposure, including sea level rise. Dune forms are classified into units that correspond with the Goal 18 requirements for protection and development constraints.

The units are delineated on the adopted **Special Considerations Map – Beaches and Dunes** and are organized into three categories of development suitability:

- **Suitable for Development** – Areas generally stable and appropriate for development with minimal additional review.
- **Limited Suitability** – Areas where development may occur only after site-specific investigation and mitigation measures are applied to address hazards.
- **Not Suitable** – Areas where residential, commercial, and industrial structures are prohibited due to high hazard exposure or ecological sensitivity.

The relationship of DOGAMI dune units to Goal 18 development categories is provided in Table 1 – Dune Classification Crosswalk.

Table 1 – Dune Classification Crosswalk

Code	Classification	Suitability Group	Type of Review
B	Beach	Not Suitable	Not Permitted, Exception, Certification or Nonstructural only – Type II
FDA	Active Foredune	Not Suitable	Not Permitted, Exception, Certification or Nonstructural only – Type II
FD	Conditionally Stable Foredune	Limited Suitability	Type II unless exempt or can be certified as Suitable for Most Uses.
FDR	Reactivated Foredune	Limited Suitability	Type II unless exempt or can be certified as Suitable for Most Uses.
H	Active Dune Hummocks	Not Suitable	Not Permitted, Exception, Certification or Nonstructural only – Type II
DS	Younger Stabilized Dunes	Suitable for Most Uses	Type I review with additional requirements for erosion control unless it is exempt
ODS	Older Stabilized Dunes	Suitable for Most Uses	Type I review with additional requirements for erosion control unless it is exempt
DC	Dune Complex	Limited Suitability	Type II unless exempt or can be certified as Suitable for Most Uses.
OSC	Open Dune Sand Conditionally Stable	Limited Suitability	Type II unless exempt or can be certified as Suitable for Most Uses.
OS	Open Dune Sand Active	Not Suitable	Type II unless exempt or can be certified as Suitable for Most Uses.
IFD	Inland Foredunes / Transitional Dunes	Limited Suitability	Type II unless exempt or can be certified as Suitable for Most Uses.
Code	Classification	Suitability Group	Type of Review

W	Interdune Wetlands (non-ocean flooding)	Limited Suitability	Type II unless exempt or can be certified as Suitable for Most Uses.
WDP	Wet Deflation Plains	Limited Suitability	Type II unless exempt or can be certified as Suitable for Most Uses.
AFDA	Artificial Foredunes	Limited Suitability	Type II unless exempt or can be certified as Suitable for Most Uses.
FED	Fluvial and Estuarine Deposits	Limited Suitability	Type II unless exempt or can be certified as Suitable for Most Uses.
CT	Coastal Terraces	Suitable for Most Uses	Type I review with additional requirements for erosion control unless it is exempt
CT2	Coastal Terraces	Suitable for Most Uses	Type I review with additional requirements for erosion control unless it is exempt
CT3	Coastal Terraces	Suitable for Most Uses	Type I review with additional requirements for erosion control unless it is exempt
CT4	Coastal Terraces	Suitable for Most Uses	Type I review with additional requirements for erosion control unless it is exempt
DEV	Developed Areas	Suitable for Most Uses	Type I review with additional requirements for erosion control unless it is exempt

Implementation

1. **Mapping:** The Special Considerations Map shall serve as the official adopted boundary for dune suitability and shall be updated as DOGAMI provides new mapping or hazard data.
2. **Review Procedures:** Development is consistent with conditional use or compliance determination review pursuant to the Beaches and Dunes section of the Coos County implementing ordinance.
3. **Consistency with Goal 18:** These policies implement Statewide Planning Goal 18 by identifying dune forms where development is prohibited, conditionally permitted, or generally suitable.
4. **Resource Protection:** Groundwater, vegetation, and sensitive dune habitats shall be protected in coordination with state and federal agencies.

PUBLIC HEARING:

- **Hearing Dates and Location:**

All hearings will be held in the Conference Room of the Owen Building, located at 201 N. Adams Street, Coquille, Oregon.

- **Planning Commission Hearings:** November 6, 2025 and December 4, 2025 at 7:00 PM.

All pre-hearing written testimony must be submitted prior to the date of the hearing to the Coos County Community Development Department. Testimony may be delivered:

- **In person:** 60 E. Second Street, Coquille, OR 97423
- **By mail:** 250 N. Baxter, Coquille, OR 97423
- **By email:** planning@co.coos.or.us

Additional oral and written testimony will be accepted at the hearing. If submitting written testimony on the day of the hearing, please provide **eight (8) copies** to ensure distribution to all hearing body members. Please include your signature, printed name and mailing address. All written comments or evidence received prior to the close of the evidentiary record will be included in the evidentiary record.

- **Board of Commissioners Hearing: December 17, 2025 at 1:30 pm**

All pre-hearing written testimony must be submitted prior to the date of the hearing to the Coos County Community Development Department. Testimony may be delivered:

- **In person:** 60 E. Second Street, Coquille, OR 97423
- **By mail:** 250 N. Baxter, Coquille, OR 97423
- **By email:** planning@co.coos.or.us

Additional oral and written testimony will be accepted at the hearing. If submitting written testimony on the day of the hearing, please provide **five (5) copies** to ensure distribution to all hearing body members.

Please include your signature, printed name and mailing address. All written comments or evidence received prior to the close of the evidentiary record will be included in the evidentiary record.

- **Virtual Attendance Information:**

- **Planning Commission:**
<https://meet.goto.com/940158709>
Phone Access Code: 940-158-709 | +1 (224) 501-3412
- **Board of Commissioners:**
<https://meet.goto.com/964495293>
Phone Access Code: 964-495-293 | +1 (571) 317-3122

Please email planning@co.coos.or.us at least 24 hours in advance to testify virtually. Log in 10 minutes before the hearing to resolve any technical issues. If you experience technical

difficulties during the hearing while attending remotely, **you assume the risk**. Coos County cannot guarantee the reliability or performance of the virtual platform and will not delay proceedings due to individual connectivity problems.

- **Additional Information and Testimony:**

If you wish to testify, time limits are three (3) minutes per person, except for the applicant's presentation, which is allowed fifteen (15) minutes, unless extended by the Planning Commission Chair.

A staff report will be available at least seven (7) days before the Planning Commission hearing for public review. It can be viewed at the Community Development Department during business hours or obtained for \$0.50 per page.

Failure to raise an issue in person or by letter before the close of the evidentiary record, or failure to provide sufficient specificity, may preclude appeal to the Land Use Board of Appeals on that issue. Appeals of hearing body decisions must follow Article 5.8 of the CCZLDO.

Anyone entering a signed petition(s) into the record is responsible for providing individual notice to the signee(s) of the petition(s). Please be aware that failure to raise an issue prior to the close of the evidentiary record, in person or by letter, or failure to provide statements or evidence sufficient to afford the decision makers an opportunity to respond to the issue, precludes appeal to the Land Use Board of Appeals based on that issue. An appeal of a Hearings Body decision shall be made pursuant to Article 5.8 of the CCZLDO.

All hearings will be held in the Conference Room of the Owen Building, 201 N. Adams St., Coquille, Oregon. A copy of the Staff Report will be available for review at the Planning Department at least seven (7) days prior to the scheduled Planning Commission hearing. Copies can be obtained for a fee of \$.50 per page, viewed online @ www.co.coos.or.us and or viewed at the Community Development Department at any time during regular business hours 7:30 a.m. to 12:00 p.m. and 1:00 p.m. to 4:30 p.m.

Further explanation concerning any information contained in this notice can be obtained by contacting the Planning Staff members at (541) 396-7770, or by visiting the Planning Department Website. This notice was posted, mailed and published.

COMMENTS: Only one written comment has been received. All comments are found at Attachment B.

II. STAFF REPORT – WITH RECOMMENDATIONS AND PROPOSED FINDINGS

A. APPLICABLE IDENTIFIED REVIEW CRITERIA:

- Coos County Zoning and Land Development Ordinance (CCZLDO)
 - Article 5.1 Plan Amendments and Rezones

B. CRITERIA:

Coos County Zoning and Land Development Ordinance (Ordinance)

- Section 5.0.900 Notice Requirements
- Section 5.1.100 Legislative Amendments of Text Only (Quasi-Judicial)

SECTION 5.0.900 NOTICE REQUIREMENTS (ORS 197.763): All applications that receive a notice shall follow this section except for land divisions within the urban growth boundary or lands designated as Regionally Significant Industrial Areas (RSIA). See Article 5.12 for processing and time tables.***

4. Legislative Amendment

- a. The Board of Commissioners shall conduct one or more public hearings with 10 days advance published notice of each of the hearings.*
- b. The public notice shall state the time and place of the hearing and contain a statement describing the general subject matter of the ordinance under consideration. (ORS 215.060 & ORS 215.223)*
- c. Notice to DLCD shall be provided 35 days prior to the initial hearing per ORS 197.610. Notice of adoption is subject to ORS 197.615. [OR 04 12 013PL 2/09/05]*
- d. Notice to Cities and Districts.*

FINDING: This application is considered a legislative amendment to the Coos County Zoning and Land Development Ordinance (CCZLDO), specifically proposing to amend Beaches and Dunes Special Development Consideration (Policy 5.10).

SECTION 5.1.100 LEGISLATIVE AMENDMENT OF TEXT ONLY:

An amendment to the text of this ordinance or the comprehensive plan is a legislative act within the authority of the Board of Commissioners. [OR 04 12 013PL 2/09/05]

FINDING: This amendment is to both the ordinance and the comprehensive plan which a legislative act within the authority of the Board of Commissioners. Therefore, this section has been addressed.

SECTION 5.1.110 WHO MAY SEEK CHANGE:

Coos County shall consider the appropriateness of legislative plan text and map amendment proposals upon:

- 1. A motion by the Board of Commissioners; or*
- 2. A motion of the Planning Commission; or*
- 3. The submission of formal request made by either:*
 - a. The Citizen Advisory Committee; or*
 - b. An application filed by a citizen or organization, accompanied by a prescribed filing fee. If a Measure 56 notice is required the applicant shall be responsible for the payment of all cost associated with that service.*

FINDING: A motion from the Board of Commissioners was made to allow staff to accept the grant and work on this amendment to during a regular Board of Commissioners meeting. Therefore, the proposal complies with this section.

SECTION 5.1.115 ALTERATION OF A RECOMMENDED AMENDMENT BY THE PLANNING DIRECTOR:

The Planning Director may recommend an alteration of a proposed amendment if, in the director's judgment, such an alteration would result in better conformity with any applicable criteria. The Planning Director shall submit such recommendations for an alteration to the Hearings Body prior to the scheduled public hearing for a determination whether the proposed amendment should be so altered.

FINDING: Pursuant to Section 5.1.115 of the Coos County Zoning and Land Development Ordinance (CCZLDO), the Planning Director is authorized to recommend alterations to a proposed legislative amendment when, in the Director's judgment, such alterations would result in improved conformity with applicable review criteria. Any recommended alterations must be submitted to the Hearings Body prior to the scheduled public hearing for consideration and determination.

As part of this review, the Planning Director made minor changes following the work session to: (1) classify all reviews within the *Suitable for Most Uses* category as nondiscretionary decisions, (2) provide a clear enforcement pathway, and (3) clarified inspections and land division requirements.

After the September Planning Commission meeting, and at its suggestion, staff included farming practices in the exemption—similar to forest practices—and increased the removal threshold from 25 cubic yards to 50 cubic yards to align with state removal/fill regulations. This change does not affect floodplain requirements, which remain more restrictive; any development located within the floodplain must comply with the stricter standards.

After the October Planning Commission comments were received from DLCDC requiring additional changes regarding clear and objective process. Staff also removed some of the erosion standards and updated land division standards.

The Planning Director has submitted these recommended alterations to the Hearings Body in advance of the scheduled public hearing, in accordance with Section 5.1.115. These recommendations are intended to ensure that the proposed amendment conforms more closely with applicable zoning criteria and provides adequate safeguards for public health, safety, and welfare.

SECTION 5.1.120 PROCEDURE FOR LEGISLATIVE AMENDMENT:

The Board of Commissioners shall conduct one or more public hearings with 10 days advance published notice of each of the hearings. The public notice shall state the time and place of the hearing and contain a statement describing the general subject matter of the ordinance under consideration. (ORS 215.060 & ORS 215.223). Notice to DLCD shall be provided 35 days prior to the initial hearing per ORS 197.610. Notice of adoption is subject to ORS 197.615. [OR 04 12 013PL 2/09/05]

FINDING: This application is a legislative amendment to the text of the Coos County Zoning and Land Development Ordinance (CCZLDO), specifically to revise Section 4.11.129 (Beaches and Dunes – Policy 5.10) to update the Beaches and Dunes provisions and associated mapping for consistency with Statewide Planning Goal 18 (Beaches and Dunes) and current resource inventory data. In addition, the amendment revises the Coos County Comprehensive Plan, including Volume I, Part 1, Section 5.10 (Dunes, and Ocean and Coastal Lake Shorelands) and Volume I, Part 2, Section 3.8 (Dunes and Non-Estuarine Coastal Shorelands), to ensure consistency between the Plan and the implementing ordinance. In accordance with Section 5.1.120 and applicable Oregon Revised Statutes, the County has followed the required procedures for processing a legislative amendment.

As required by ORS 215.060 and ORS 215.223, the Board of Commissioners shall conduct one or more public hearings, each of which is preceded by at least 10 days of advance published notice. The public notice clearly states the time and place of the hearing and includes a description of the general subject matter of the proposed ordinance amendment, satisfying the notice content requirements for legislative actions.

In accordance with ORS 197.610, the County provided written notice of the proposed legislative amendment to the Department of Land Conservation and Development (DLCD) at least 35 days prior to the initial evidentiary hearing. Additionally, upon adoption of the amendment, the County will submit a Notice of Adoption to DLCD consistent with the requirements of ORS 197.615.

Therefore, the County finds that the Beaches and Dunes legislative amendment has been properly initiated and processed in full compliance with the procedural requirements of Section 5.1.120 and applicable state statutes governing legislative land use actions.

SECTION 5.1.125 MINOR TEXT CORRECTIONS:

The Director may correct this ordinance or the Comprehensive Plan without prior notice or hearing, so long as the correction does not alter the sense, meaning, effect, or substance of any adopted ordinance. [OR 04 12 013PL 2/09/05]

FINDING: This is not a minor text correction; therefore, this section is not applicable.

SECTION 5.1.130 NEED FOR STUDIES:

The Board of Commissioners, Hearings Body, or Citizen Advisory Committee may direct the Planning Director to make such studies as are necessary to determine the need for amending the text of the Plan and/or this Ordinance. When the amendment is initiated by application, such studies, justification and documentation are a burden of the initiator.

FINDING: Following the preparation of updated Beaches and Dunes maps, it was necessary to amend the text of both the Comprehensive Plan and the Zoning and Land Development Ordinance to reflect current landscape features and applicable regulatory requirements. These updates ensure consistency with Statewide Planning Goal 18 (Beaches and Dunes), address Building Code provisions related to development on less than stable soils¹, and clarify the role of licensed professionals in review and implementation.

SECTION 5.1.135 STATUS OF HEARINGS BODY RECOMMENDATIONS TO THE BOARD OF COMMISSIONERS:

A Hearings Body recommendation for approval or approval with conditions shall not in itself amend this Ordinance or constitute a final decision.

FINDING: In accordance with Section 5.1.135 of the Coos County Zoning and Land Development Ordinance (CCZLDO), a recommendation by a Hearings Body—such as the Planning Commission—for approval or approval with conditions of a legislative amendment does not in itself amend the ordinance or constitute a final decision.

This legislative text amendment will be considered by the Planning Commission in a public hearing and the Planning Commission will make a recommendation. The Planning Commission’s role is advisory to the Board of Commissioners. Any recommendation made by the Planning Commission, whether for approval, denial, or modification, is not binding and does not become effective until formally adopted by the Board of Commissioners through a public hearing and ordinance enactment process. The Planning Commission held a hearings on September 4, 2025 and October 2, 2025 and decided to continue the meetings to give some additional opportunity for the people in attendance to look at the map fully and to incorporate changes to the language.

The final decision authority rests solely with the Board of Commissioners, and the adoption of any amendment to the text of the ordinance must occur by formal action in accordance with the legislative procedures established in Article 5 of the CCZLDO and applicable state law.

Therefore, this finding affirms that the role of the Hearings Body in this matter is advisory only, and no change to the ordinance occurs until formally adopted by the Board of Commissioners.

¹ Specifically, the Oregon Residential Specialty Code (ORSC R401.4 – Soil Tests) and the Oregon Structural Specialty Code (OSSC Section 1803 – Geotechnical Investigations) require a geotechnical investigation and engineering design prepared by a registered design professional when soil conditions are questionable, unstable, or otherwise unsuitable for standard development. Incorporating these requirements into the Beaches and Dunes provisions provides clear alignment between state building regulations and local land use standards.

CONCLUSION:

The proposed legislative text amendment to Section 4.11.129 (Beaches and Dunes – Policy 5.10) of the Coos County Zoning and Land Development Ordinance (CCZLDO) has been initiated in accordance with the applicable procedures and authority granted under Article 5 of the Ordinance and relevant Oregon Revised Statutes. In addition, the proposal amends the Coos County Comprehensive Plan, specifically Volume I, Part 1, Section 5.10 (Dunes, and Ocean and Coastal Lake Shorelands) and Volume I, Part 2, Section 3.8 (Dunes and Non-Estuarine Coastal Shorelands), to ensure consistency between the ordinance and the comprehensive plan.

The amendment updates Beaches and Dunes provisions and associated mapping to reflect current landscape features, ensure compliance with Statewide Planning Goal 18 (Beaches and Dunes), and align with applicable Building Code requirements related to development on less than stable soils. Findings demonstrate that the amendment provides greater clarity, strengthens regulatory compliance, and protects public health, safety, and welfare while ensuring conformity with state and federal standards.

Notice of the proposed legislative amendment was provided in accordance with statutory requirements, including a Measure 56 notice mailed to nearly 4,000 affected property owners 45 days prior the hearing, publication of the hearing schedule, and written notice to the Department of Land Conservation and Development (DLCD) at least 35 days prior to the initial evidentiary hearing. The Planning Commission continued the hearing out an additional 30 days and the Board of Commissioner's hearing was changed from September 30 to December 17, 2025 to allow for additional comments and modifications.

The Planning Commission's recommendation to the Board of Commissioners, while advisory, represents an important step in the legislative process. Final authority to adopt, modify, or deny the amendment rests solely with the Board of Commissioners.

Based on the evidence in the record, the applicable review criteria, and staff's recommendation, the proposed Beaches and Dunes text and Comprehensive Plan amendments are consistent with County and state land use policy and should be adopted as presented, or with modifications as deemed appropriate by the Board of Commissioners.