

THE BAY CITY COMPREHENSIVE PLAN

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THE CITY OF BAY CITY COMPREHENSIVE PLAN

Enacted September 1978

With Amendments through June 9, 2015

# THE BAY CITY COMPREHENSIVE PLAN

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## INTRODUCTION

Bay City is a community with a varied history. Although it is a residential town today, Bay City witnessed the establishment of dairy farms, the cutting of great old growth Spruce forests, the construction of the first jetty, the beginning of the salmon industry, and the growth of Tillamook County. There were expectations that Bay City would become the center of a great metropolitan area.

An early description of Bay City stated:

"Dead indeed is the soul which is not elevated and inspired by nature's masterpiece in the Tillamook Country."

And warned the reader:

"...do not conflict (Bay City) with San Francisco....There is no comparison now, but there will come a time when there will be competition and possibly conflict between Bay City on Tillamook Bay and the southern metropolis."

At that time (1913), Bay City was touted by its developers as "soon to be Oregon's second metropolis"; it had a "bank with a paid up capital of \$25,000, three hotels, opera house, large public wharf, two sawmills, two sash and door factories, salmon cannery, two furniture stores, drug store, food, fish and meat markets, restaurants, livery stables, confectionery stores, general stores, one weekly newspaper, two churches, a commercial club, and fraternal and other societies."

The people of Bay City today have different hopes for their town. They feel, according to one community survey, that Bay City should retain its quiet residential character, that development should take advantage of the natural environment and that growth should be planned and controlled.

It is the purpose of the Comprehensive Plan to provide the City with a guide to future growth in accordance with the desires of the citizens of the town.

A Comprehensive Plan is "a generalized, coordinated land use map and policy statement of the governing body...that interrelate all functional and natural systems and activities relating to the use of land". (ORS 197.015). It is intended to be a constitution for the City, reflecting its desires and concerns, to be used as a tool in regulating and directing the use of land.

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## GENERAL GOALS AND POLICIES

GOAL I: TO MAINTAIN A HIGH QUALITY OF LIFE IN KEEPING WITH THE NATURAL ENVIRONMENT.

### POLICIES:

1. The Plan and City ordinances shall promote development that complements and protects the Bay City environment.
2. These documents shall be developed to provide for flexibility in regulating growth; to direct growth into areas that can best support it, based on the physical suitability of the land, and availability of public facilities.
3. Social, environmental, and economic considerations should guide the land use decisions of the City.
4. The best use of the land is that which is best for the community at large, rather than special interests.
5. Long range benefits and costs must be considered in all planning decisions.
6. Scenic views of Bay City and Tillamook Bay shall be used and protected in the development of land.
7. The City shall promote the use of natural topography and retention of trees, compatible with development, through the City's Development Ordinance in both public and private development.
8. The desires and needs of the townspeople of Bay City shall be considered in the application of all development policies.

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GOAL II: TO ENCOURAGE A CITY FORM WHICH IS COMPACT, EFFICIENT, AND ATTRACTIVE

POLICIES:

1. Public facilities and services such as sewer, water, and fire protection, shall be extended in an orderly, efficient fashion.
2. Annexations shall be carried out only where there is a clear demonstration that public facilities and services are adequate to support future development. The capacity of the City's sewage treatment plant shall be evaluated and a finding made that the annexation will not exceed that capacity. An engineering report addressing sewage capacity shall accompany each annexation application, and shall be carefully reviewed by City staff.
3. Growth or development, as a general rule, should be directed toward undeveloped lands within existing built up areas.
4. Commercial land use shall be directed toward the town center, rather than toward highway commercial types of use.
5. The City should encourage all new power, telephonic and TV cable wires to be installed underground wherever practical.

GOAL III: TO MAINTAIN THE QUIET RESIDENTIAL NATURE OF BAY CITY.

POLICIES:

1. There shall be a wide variety of housing types in the City, including apartments and mobile homes, to accommodate a wide range of incomes, tastes, and other desires.
2. Higher density residential development should occur where the streets, public facilities, and services are capable of handling it.
3. The physical capabilities of the land, as indicated by the Physical Inventory Section of the Plan, should be a controlling factor in designating the types of development that occurs. Particular attention should be paid to flood and landslide potential, steep slopes, lowlands, and the scenic nature of the area.
4. Flexible development approaches should be promoted to reduce the removal of trees or the disturbance of slopes. (Amended Ord. #630, 05-07)

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GOAL IV: TO SUPPORT THE EFFORTS OF TILLAMOOK COUNTY IN ATTRACTING INDUSTRY WHICH IS COMPATIBLE WITH THE ENVIRONMENT AND IS SUPPORTIVE OF THE NATURAL RESOURCES OF THE AREA.

### POLICIES:

1. Industries locating in the area should be consistent with the marine orientation, agricultural, or forest resources of the area.
2. There should be a favorable ratio of jobs to investment for industries locating here; that is industry should be labor intensive rather than capital intensive.
3. Protection of the existing quality of air, water, and land should be assured prior to the establishment of any new industry in the area.

### POLICIES PERTAINING TO THE PORT OF GARIBALDI, PROPERTY WITHIN THE BAY CITY, CITY LIMITS:

1. Limited recreation facilities for tourists shall be considered, but large scale tourist facilities with major impacts are not felt to be compatible with Bay City's character.
2. Any improvement of the boat launch area near the jetty shall avoid large-scale disruptive activities such as large marinas, RV or trailer parking area, and similar developments which would cause traffic hazards. The boat launch area shall remain a low-key informal facility.
3. The viewpoint at the end of Hayes Oyster Drive (The Jetty) beyond the oyster plant shall remain an undeveloped recreational site at the present time.
4. The City will work with the Port of Garibaldi in implementing the Port master plan, with the exceptions stated above concerning the boat launch area and viewpoint.

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## AGRICULTURAL LANDS POLICIES:

1. The City supports the Statewide Agricultural Lands Goal and, through its development ordinances, shall protect active farms around the City from development of the encroachment of conflicting uses.
2. The City Planning Commission and City Council recognize the need to maintain the character of Bay City as a semi-rural area in which small farms and ownerships are interspersed among larger parcels and acreages; the City recognizes the traditional compatibility of these uses.
3. The City recognizes that, although higher public facilities, energy, and general public costs result from this pattern of development, the social and environmental character of the community depend on this form, rather than a denser lot pattern. Much of this public cost has already been incurred in these areas, such as the placement of roads, sewer and water lines.

## JUSTIFICATION FOR INCLUDING AGRICULTURAL LANDS IN THE URBAN GROWTH BOUNDARY

1. Much of Bay City has been built on Class III and IV soils since its beginnings as a community; this land consists primarily of pasture land, although there is a mink ranch within the City limits. It is the intention of the City to continue occupying these areas for development.
2. Because of its semi-rural character, there are scattered parcels of land within the City limits which fall into the SCS Soils Classification III and IV. Most of these parcels are scattered among existing development, except for a mink ranch and adjacent pasture lands and the Class IV Soils in the fringes of the Kilchis River Basin. Most of these soils are interlaced with poorer soils and drainages. Development in this area can be considered essentially "infilling".
3. The portion of the proposed Urban Service Area known as Bewley's Addition, just east of the existing City limits, contains approximately 140 acres of land, approximately all of which are Class III and IV soils. Although the area is outside the City limits, it is felt that it is an important part of the City's Urban Service Area since it contains several City water lines, paved streets, and is divided into approximately twenty separate ownerships. Considerable development has occurred on this land throughout the years.

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GOAL V: TO PROTECT THE NATURAL RESOURCES OF THE AREA.

POLICIES:

1. Agricultural lands in the vicinity shall only be converted to urban land use when they are necessary for the growth of the City inside the approved urban service area boundary. (Please refer to the urban growth policies.)
2. Commercial forest lands shall be protected from urban encroachment, and forested areas greater than 10,000 square feet shall be regulated through the conditional use process and standards in the development ordinance. Non-commercial forest lands shall be regulated by the City's tree cutting ordinance. However, all areas with identified Great Blue Heron Rookeries and wetlands shall be regulated by the development ordinance.
3. The integrity of Tillamook Bay and its shorelands shall be protected through cooperation with the Tillamook County and policies in the Plan relating to shoreland uses. (Refer to Land Use section)
4. The Plan encourages land and water uses which do not degrade the quality of the Bay City environment, including its air, water, and land. The City shall have an opportunity to review any use of the Bay which has a significant impact on the community in a public hearing and to require changes where appropriate.

WETLAND GOALS AND OBJECTIVES

1. It shall be the overall goal of the Bay City Wetlands Goals and Policies to protect the important wetlands within the City's Urban Growth Boundary (UGB) and to allow development consistent with the functional values of each wetlands area. The objectives under this goal are to protect wetlands which provide wildlife habitat, particularly along the major fish bearing streams, which provide open space, flood control and pollution control or filtration areas, particularly those wetlands which have been identified as high value.
2. It is the goal of the City to promote the use of wetlands as educational and recreational resources. The objective of this goal is to enhance the wetlands values of the City Park and City owned property, and the wetlands associated with the major streams and Goose Point. This can be done through restoration projects similar to those done by Patterson Creek Pals, through the use of the areas for an outdoor interpretive area for the Tillamook County Museum, and other means of public awareness.
3. It shall be a goal of the City to require appropriate buffers from lakes and wetlands. The objective of this goal is to require reasonable buffers (generally 25') adjacent to wetlands bordering streams,

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and smaller buffers (generally 15') adjacent to isolated wetlands. Insignificant structures such as raised walkways or bridges should be permitted in wetlands with proper review.

### GOAL VI: TO PROVIDE RECREATION OPPORTUNITIES FOR TOWNSPEOPLE AND VISITORS AND PROTECT THE OPEN SPACE AND UNIQUE AREAS OF THE CITY.

1. The City, within its financial capabilities, shall provide diverse recreational activities within the community for its residents and its visitors.
2. Opportunities for funding recreation through State and Federal sources shall be pursued by the City. Recommendation: The City should consider the establishment of a parks and recreation sinking fund in order to accumulate matching funds for state and federal programs.
3. The City recognizes the importance of providing recreational opportunities to young people as an incentive to live in the community.
4. Unique historic structures within the City, including the Methodist Church and the Masonic Temple, shall be protected from destruction, inappropriate alteration, or incompatible development in the immediate vicinity through standards in the development ordinance and review by the Planning Commission.
5. If archaeological sites are identified in the City, the City will coordinate with the State Historic Preservation Office in establishing a review procedure that meets the requirements of Administrative Rule 660-16-000 through 660-16-025.

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GOAL VII: TO ENCOURAGE DEVELOPMENT WHICH IS PROTECTIVE OF NATURAL TOPOGRAPHY AND VEGETATION, WHICH AVOIDS NATURAL HAZARDS, AND WHICH PROTECTS THE ENVIRONMENTAL QUALITY OF THE SURROUNDING AREA.

### POLICIES:

1. Development Ordinance standards shall be written to encourage high quality development that supports this goal.
2. Information contained in the Hazards Section of the Plan shall be used in the regulation of development and shall be updated as new information becomes available.
3. The City shall use the FEMA Flood Insurance program in the regulation of development in flood areas.
4. Setbacks and buffers from all streams in the City shall be required for the protection of stream bank vegetation and for the prevention of flooding and erosion.
5. The City Building Official shall use information contained in the Comprehensive Plan and Development Ordinance in conjunction with Chapter 70 of the Uniform Building Code.
6. Site specific geologic hazards assessment and geotechnical engineering reports shall be a prerequisite in all areas zoned or otherwise identified as a geologic hazard for all exterior construction that involves ground disturbing activities, and all development applications subject to Planning Commission review under the provisions of Bay City Development Ordinance Article 5 Subdivisions, Partitions, and Planned Development.
7. Engineered stormwater, grading and erosion and sedimentation control plans shall be required for all large scale development based on standards in the development ordinance. The City shall rely on the DEQ and the Nonpoint Source Pollution Control Guidebook to regulate development which may impact streams and the Bay.
8. Development and other activities shall not encroach on streams or natural drainages reduce their ability to drain the land, or cause or increase erosion of the banks. Site specific geologic assessment and geotechnical engineering reports and site plans shall be required to mitigate potential adverse impacts.
9. Geologic assessments shall be conducted by an appropriately licensed professional geologist licensed to work in the State of Oregon using the Guidelines for Preparing engineering Geologic Reports in Oregon, adopted by the Oregon State Board of Geologist Examiners (OSBGE).

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10. Geotechnical assessments shall be conducted by an appropriate licensed professional engineer using guidelines adopted by the Oregon State Board of Examiners for Engineering and Land Surveying (OSBEELS) standards of care for engineering practices.
11. In cases where both geologic assessments and geotechnical engineering are required, reports shall contain the signatures and stamps of both and shall define for which part each professional is responsible. The extent and detail of the reports shall be commensurate with the degree of the suspected or mapped hazard. (Amended Ord. #630, 05-07)
12. When funding opportunities are available, the City shall endeavor to relocate City Hall, the Fire Station, and other critical facilities to a disaster resilient location outside the tsunami inundation zone. (Amended Ord. #663, 14-03)
13. All uses in the City shall continuously maintain waste management and water service approved by the City. (Amended Ord. #663, 14-03)

GOAL VIII: TO PROVIDE A WIDE VARIETY OF HOUSING OPPORTUNITIES IN BAY CITY.

### POLICIES:

1. Manufactured dwellings shall be permitted anywhere conventionally built single family dwellings are permitted, subject to standards in the development ordinance.
2. The minimum size building lot for new developments shall be 10,000 square feet, except that existing platted areas with 5,000 square foot lots may be developed for single family residences. Areas of unbuildable land (significant wetlands, slopes greater than 25%), shall not be used for density calculations.
3. Larger lot sizes or lower densities may be required in the Low Intensity Zone, or in unplatted areas of the City. Performance standards in the Development Ordinance shall regulate the specific lot size based on degree of slope, amount of open space, and other factors.
4. The Development Ordinance shall provide for varying density levels and housing types in support of this goal.
5. Density incentives or bonuses shall be provided to encourage high quality housing development.
6. Planned developments and subdivisions shall be encouraged as a method of reducing housing and public facilities costs and increasing open space area. (Amended Ord. #630, 05-07)

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## ADDITIONAL POLICIES

### Forestry:

1. Logging and associated road construction should be allowed on a conditional use basis to insure that the City can assess its impacts on water quality, adjacent development, and geologic stability. The Oregon Forest Practices Act shall be adhered to in all cases.
2. Most of the City's forests are among residential areas and in the City parks. The Comprehensive Plan and Development Ordinance encourage the retention of these areas for visual buffers, recreation purposes, and slope stability. Incentives should be provided to developers wishing to retain tree cover through variable setbacks and the clustering of lots or structures. Stream and Bay setbacks shall be required for the protection of stream banks. The City's Hilltop Park shall remain in a natural condition.

### Bicycles:

1. The Oregon Coast Bicycle Route passes through the City on U.S. Highway 101. Development along the route or changes to the Highway should be compatible with its use by bicyclists.
2. The Street Section of the Public Facilities Plan generally does not require sidewalks as part of street improvements. However, as traffic becomes heavier along City arterials and in the commercial areas, consideration should be given to the requirement of sidewalks. Sidewalks would be built as part of new public or private street or land development.

### Energy:

1. City-owned lands north of the existing power substation should be reserved for possible expansion of power facilities. The existing substation is nearing capacity at present and additional space may be needed if electrical usage continues to increase.
2. Renewable energy sources such as solar and wind shall be encouraged as a means to conserve existing supplies. The City's Development Ordinance should allow for flexibility in design to promote these sources.
3. Building sites with good solar exposure, such as on south-facing hillsides, should be considered for the use of solar energy devices such as space heaters and water heaters. Through the use of variable height limits, setbacks, and selective tree removal, solar opportunities should be taken advantage of.

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### Air Quality:

1. Bay City will review all DEQ Air Quality Permits (notice of construction, air contaminant discharge permits, and indirect source construction permits) to insure their consistency with the Comprehensive Plan and shall notify DEQ when there is a conflict.

### Water Quality:

1. The City shall participate in and support local and regional planning efforts to eliminate new point sources of water pollution. Standards in the Development Ordinance shall address storm water runoff controls, lot coverage, and stream and Bay setbacks.
2. The City supports the efforts of the Patterson Creek Pals and Tillamook Bay National Estuary Program (TBNEP) to improve water quality in the City's streams and to enhance Tillamook Bay's environment.

### Land Quality:

1. Bay City is presently and will continue to cooperate with a County or regional solid waste disposal plan.
2. To facilitate efficient solid waste collection in the City, the City shall maintain an exclusive franchise with a private solid waste collector. Mandatory collection shall be required to discourage illegal dumping of solid waste.

### Historic Structures:

1. The City will establish a review and notification procedure for historic buildings proposed for demolition or alteration.

### Noise:

1. The City will cooperate with the Department of Environmental Quality to prevent noise pollution problems in the area.

### Hazardous Waste:

1. The City's actions shall be consistent with State and Federal hazardous waste regulations.

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### Sensitive Aquifers:

1. The City has been identified as major water table area with a sensitive aquifer by the D.E.Q. The D.E.Q. has not yet implemented this program. At the appropriate time, the City will coordinate with the D.E.Q. in the implementation of its program for water table areas with sensitive aquifers. The D.E.Q. anticipates this program may have an effect on the placement of septic tanks and underground storage tanks.

GOAL IX: TO DEVELOP A CITIZEN INVOLVEMENT PROGRAM THAT INSURES THE OPPORTUNITY FOR CITIZENS TO BE INVOLVED IN ALL PHASES OF THE PLANNING PROCESS.

### POLICIES:

1. The City Council shall act as the City's Committee for Citizen Involvement and shall insure that a cross section of Bay City citizens are involved in the planning process, primarily through their appointments to the Planning Commission. (Approved by LCDC)
2. Town meetings shall be well publicized; meetings shall be held at regular times during the evenings and minutes shall be made available to all citizens.
3. Citizens have been and shall be involved in the planning process. (Refer to the Citizen Involvement Section of the Plan).
4. All planning documents, background data, and minutes of meetings shall be available to all citizens at the City Hall.
5. The City Council and Planning Commission shall take into account the recommendations of citizens during the planning process and shall respond to participants through written minutes of meetings or other records.
6. Funds for citizen involvement purposes shall be part of each year's Planning Commission budget.

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## BAY CITY - TILLAMOOK COUNTY URBAN SERVICE AREA POLICIES

### POLICIES:

1. The area outside the City limits, but within the Urban Service Area of Bay City is considered a joint management area between the City and the County. Although this area is in the jurisdiction of Tillamook County, all actions shall be coordinated between the County and the City. These include subdivision requests, planned developments, sewer or water extensions, septic tank requests, street or road construction, zone changes, variances, and similar activities.

The substantive portions of the Bay City Comprehensive Plan and Development Code shall be applicable to all planning actions in the joint management area. It shall be the responsibility of the County to notify the City of all activities within the Urban Service Area and to solicit the City's comments and recommendations. Any actions the City takes, such as sewer or water extensions, shall also be carried out only after the County has had the opportunity to review and comment on the proposal. Procedure for review shall be as follows:

- A. The County shall give the City a written notification of a proposed application or action within five (5) working days of the receipt of the application.
  - B. In turn, the City's recommendation shall be given to the County with fifteen (15) days of receipt of the proposed application or action.
  - C. If additional time is required by the City to respond, the City will notify the County of the period of time needed to finalize a decision.
2. It is the intent to encourage cluster or planned unit developments where excessive slopes (20% or greater) or geologic hazards limit buildable sites. Additionally, for those areas that have excessive slopes and/or constitute a geological hazard, the proposed development shall be keyed to the degree of hazard and to the limitation on the use imposed by such hazard. In addition:
    - A. Care shall be taken to minimize excavation on hillsides or removal of trees or other natural vegetation to insure slope stability. All slopes shall be planted as soon as practical after construction.
    - B. Depending on the location of a structure on steep slopes, provisions shall be made for the disposal of roof and surface water, whether on-site or in approved drainage ways such as ditches, storm sewers, or natural waterways.

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- C. Due to the steep topography of some of the Urban Service Area, site investigation by qualified persons may be required prior to the issuance of building permits. Subdivision and PUD proposals shall be subject to the same evaluation prior to final plat approval.
- 3. Planned developments or subdivisions shall be allowed only if adequate water or sewer capacity is available for the proposed density.
- 4. Septic tanks or individual treatment systems may be allowed if the City Council finds that connection to the sewer system is prohibitively expensive or other good reason exists. This would only be allowable on a single lot basis and individual systems must be approved by the County Sanitarian.
- 5. Sewer service shall be extended only to those areas which are annexed.
- 6. Annexation and changes in the Urban Service Area shall be done only with the mutual finding that the following factors are considered:
  - A. There is a demonstrated need to accommodate long-range growth;
  - B. A need for housing, employment opportunities, and livability;
  - C. An orderly and economic provision for public facilities;
  - D. Efficient land use and utility patterns;
  - E. Environmental, energy, economic, and social consequences;
  - F. Preservation of prime farm lands, especially Class I-IV soils;
  - G. Compatibility of proposed uses with nearby agricultural activities.

A proposed change in the Urban Service Area shall also meet the requirements for a Goal Exception:

- A. Reasons justify why the state policy embodied in the applicable goals should not apply;
- B. Areas which do not require a new exception cannot reasonably accommodate the use;
- C. The long-term environmental, economic, social and energy consequences resulting from the use at the proposal site with measures designed to reduce adverse impacts are not

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significantly more adverse than would typically result from the same proposal being located in areas requiring a goal exception other than the proposed site; and

- D. The proposed uses are compatible with other adjacent uses or will be so rendered through measures designed to reduce adverse impacts.
7. At such time that additional sewage treatment capacity is provided, consideration should be given to providing service to Idaville on a contract basis, so long as agricultural lands between Bay City and Idaville are protected.

### WATER SYSTEM POLICIES AND RECOMMENDATIONS

#### POLICIES:

1. Extensions of the water system shall be paid for by the developer of the property receiving the services. This responsibility shall include any necessary fire hydrants, pumps, and/or other improvements needed to provide adequate storage capacity, pressure, and service to the property.
2. The City's water rates shall be indexed and adjusted annually to provide sufficient funds for system maintenance and improvement.
3. The Kilchis Regional Water District may serve all property within its service area.
4. New water lines shall be adequately sized to support projected development and future growth in the area.
5. The cost of extensions of water lines, water mains and upgrading the water reservoir capacity and treatment system through agricultural, forest and other resource lands shall not fall on those properties until they are developed.
6. Plans for all water system improvements and water line extensions shall be submitted to the Oregon State Health Division, or other appropriate regulatory authority, for review and approval prior to construction.
7. The City shall make reasonable efforts to work toward compliance with Federal Safe Drinking Water Act requirements by encouraging regional participation of other water providers.
8. All costs of extension of water lines and upgrades to the water treatment system shall be borne by those property owners or developers benefiting from the extension or development.

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9. No development of any site shall be permitted until all costs for review, inspection, and upgrades to the system necessary to provide adequate capacity to serve the proposed development have been paid. (Amended Ord. #630, 05-07)

### Recommendations:

1. A capital improvements sinking fund should be maintained for replacement of capital equipment and water system development in the future.
2. A five-year capital improvements program should be maintained for each budget year and updated regularly.

### SEWER SYSTEM POLICIES AND RECOMMENDATIONS

#### POLICIES:

1. Extensions of sewer lines shall be only within the City limits.
2. All costs of extension of sewer lines and upgrading the wastewater treatment system shall be borne by those property owners or developers benefitting from the extension or development.
3. Future extensions of sewer lines shall be adequately sized.
4. System improvement charges shall be adequately priced to make equitable contributions to eventual upgrading of the facilities.
5. Where major developments place extraordinary requirements on sewerage treatment facilities, equitable cost of upgrading the system shall be assessed as determined by the City Council.
6. Extensions of sewer lines shall take into account future development potential of adjacent properties. Agricultural and forest lands not planned for development shall be exempted from assessment; future development of the property can make an equitable contribution to system costs at the time of development.
7. All development within the City limits shall be connected to the sewer system. Development outside the City limits, but inside the Urban Service Area shall connect to the sewer system when it becomes available; in the interim period, septic systems or other approved disposal systems shall be allowed.

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8. Plans for all sewer line extensions and treatment plant improvements shall be submitted to the State Department of Environmental Quality, Water Quality Division, for review and approval prior to construction.

### Recommendations:

1. The City should consider the need for long range capital replacement costs with respect to the sewer system and budget system improvement funds accordingly.
2. Service and hookup charges should be adjusted periodically to provide sufficient funds for long term capital improvements. Capital improvement funds should be allocated yearly according to a capital improvements program. A sinking fund should be established to accumulate system improvement charges.
3. The State Department of Environmental Quality should keep the City informed of their requirements well enough in advance to plan for any system upgrading. As changes in the law become known, the City and DEQ should begin to plan for eventual impacts.

### STORM DRAINAGE POLICIES:

1. Adequate storm drainage facilities, including culverts, catch basins, and natural, surface or subsurface channel systems (approved by the Public Works Superintendent) shall be part of all development which is subject to the Planning Commission review.
2. Subdivision of areas that have drainage problems shall have adequate provision for storm runoff. This may be accomplished by larger lot sizes, mechanical means, maximum lot coverage requirements, or other methods approved by the City Engineer.
3. Natural drainage ways shall be maintained and protected from filling or other alteration. Wetlands should be used wherever possible for stormwater retention, and enhancement of water quality.
4. Storm water standards concerning runoff shall be included in the Development Ordinance and City Engineering Standards. Use of culverts, natural drainages, retention ponds, and other devices to reduce runoff and erosion shall be required where appropriate.
5. The City should evaluate storm drainage needs during its yearly budgeting process and provide funds for improvement of the system, if funds are available.
6. Storm drainage or runoff from new commercial developments, particularly those which have large parking lots or service stations, shall have catch basins or other treatment facilities for oil, grease drippings, or other contaminants. Where possible, parking areas should be porous.

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7. Development of low areas, such as those near Goose Point, shall be allowed to fill only after adequate drainage is provided so that the filling does not adversely affect other property.
8. The City should seek funding for an engineering study and recommendation as to an overall storm drainage plan within the City.
9. The City should adopt policies whereby the abutting property owner should be responsible for maintenance of any storm drainage ways and facilities which may be located on their respective properties or on a public way abutting their respective properties.
10. The City should review each street vacation request for possible use by the City for storm drainage prior to granting any vacation request.

### STREET POLICIES

1. The City shall continue to endorse the County's efforts in maintaining arterial roads through the area. It is the policy of the City that as long as these roads have regional significance beyond the City limits, and therefore benefit County residents in the general area, the County Road Department should be responsible for maintaining them.
2. The City Street Standards shall apply to all proposed subdivisions of land, planned developments, and major street improvements (beyond routine maintenance) sponsored by the City, County, or adjacent property owners. In order to vary from these standards, the party proposing the street or road improvement should show to the satisfaction of the City Council why a lesser improvement is adequate based on topography or other unusual circumstances.
3. Construction of streets in new partitions subdivision, planned unit developments, and rights-of-way where no street existed previously shall be the responsibility of the adjacent property owners, except where the street is an arterial or feeder.
4. The City shall have the opportunity to approve or deny all access permits along County roads within the urban growth boundary. The objective will be to reduce the number of driveways along major streets.
5. The City should consider the use of unimproved street rights-of-way for bicycle and walking paths or trails rather than for street vacations.
6. In new developments, the City shall not accept streets into the City system until they are in conformance with City standards and all utilities are installed which would require future street excavation.

## THE BAY CITY COMPREHENSIVE PLAN

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7. Efforts should be made to build streets and roads to conform to the natural contours of the land; where road cuts are necessary, they should be made so as not to cause future soil slippage or other geologic problems.
8. Wherever possible, new streets should avoid using active farm or timber lands.

### SCHOOL DISTRICT - CONCLUSIONS AND RECOMMENDATIONS

1. The Tillamook Bay Community College Service District will use the old primary building until needs indicate otherwise.
2. It is probable that the school children in grades 1-6 will continue to attend Garibaldi School and 7-12 will attend Neah-Kah-Nie High School until enrollment from the City increases.

### COMPREHENSIVE PLAN PROCEDURAL POLICIES

1. Discussions of various aspects of land use in Bay City are contained under each of the Plan elements and their sections: Natural Resources, Agricultural Lands, Forest Lands, Coastal Shorelands, Open Space, and so forth. The policies contained in this section draw on and are related to each of those sections; if conflicts exist, they must be eliminated through amendments to the Plan.
2. The Planning Commission is responsible for developing land use policies, mainly based on needs brought forward by the public; the City Council must formally adopt, by ordinance, policies to be included in the Comprehensive Plan. At least one public hearing must be held by both the Planning Commission and City Council in order to change the Plan. Public hearing notice shall be published at least 7 days prior to the date set for the public hearing. Plan review will be carried out as required by law.
3. Major revisions in the Plan affect a large geographical area or wide-ranging policy. They should be carefully considered and instituted infrequently, generally not more often than every two years. Minor Plan changes affecting smaller areas or specific properties should be also carefully considered and should occur no more than once per year. Changing the Comprehensive Plan is not a trivial matter. Not only must adequate finding of public need be established and factual information developed for such a change, but the Plan and Zoning Ordinance must agree and surrounding jurisdictions must be involved. All policies within the Plan must also be compatible.
4. Factual information may be added to the Plan by resolution of the Council upon recommendation by the Planning Commission.

## THE BAY CITY COMPREHENSIVE PLAN

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5. The Plan is to be used for normal land use decisions, such as development control, park improvements, or sewer planning; it should be consulted for budget formulation, economic development, and the writing of grant applications. In short, the Plan is to be used as an active tool. Implementation of the Plan shall be through the Development Ordinance, Capital Improvements Program, or other City ordinance relating to land use.
6. Other governmental agencies and jurisdictions have been consulted and involved in the preparation of this Plan. As the Plan is changed or updated, those entities must be involved in the process. These include Tillamook County, the Port of Garibaldi, the school districts, and State and Federal agencies, where applicable.
7. Where Plan changes require an exception from a Statewide Planning Goal, the procedures as established by ORS Chapter 197 must be followed.
8. Goal Statements are intended to be broad and directive, suggesting purpose and intent of the City. Policies are more specific, but still must be considered directive subject to interpretation of the Planning Commission and City Council. The standards contained in the Development Ordinance are to be applied as though they are written, unless the Planning Commission or City Council grants a variance from them.
9. Findings of fact for land use decisions must include the following points:
  - A. Which of the criteria, policies, or standards in the Plan or Ordinance are applicable; and
  - B. Which facts, instead of conclusions or assumptions, are used in making a decision; and
  - C. Why the decision being reached will serve the appropriate goals, policies, or standards.
10. Bay City will coordinate with Tillamook County during the County's periodic review of the Tillamook Bay Estuary Plan.

# THE BAY CITY COMPREHENSIVE PLAN

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## LAND USE CATEGORIES

### PURPOSE:

The land use element of the Bay City Comprehensive Plan establishes five broad categories or zones of land and water use with the City. These are:

1. High Intensity
2. Moderate Intensity
3. Low Intensity
4. Coastal Shorelands
5. Estuarine Areas

Goals and policies of the Plan apply to the entire City, including all of the land use categories. Performance standards in the Development Ordinance are applicable to each of the zones in that Ordinance.

The land uses which are allowed in each category are subject to the goals and policies in the rest of the Plan. Particular attention must be paid to the Physical Limitations Section of the Plan and Development Ordinance, including geologic and flood hazards.

The overall purpose of the land use categories is to designate land areas where various uses can be carried out in a manner that protects the character and environment of Bay City.

The Plan and Development Ordinance attempt to regulate the effects of land uses as well as the uses themselves.

### LAND USE CATEGORIES:

#### 1. HIGH INTENSITY:

The High Intensity category is where most intensive uses are carried out, such as commercial retail, wholesale, service, governmental, commercial recreation, high intensity residential, and light manufacturing. Some of these uses are also allowed in the Moderate Intensity and Low Intensity categories, but are generally encouraged, through less strict standards, in the High Intensity category. Standards for these uses shall be provided in the Development Ordinance. Residential density in the High Intensity Zone shall range from 8 to 12 dwellings per net acre.

At the present time the High Intensity category encompasses three areas of the City.  
(Refer to the City Land Use Map.)

## THE BAY CITY COMPREHENSIVE PLAN

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### A. THE TOWN CENTER:

This area is the central commercial portion of the City. The uses here are intended to be those which are important to the daily life of the City grocery stores, the post office, cafes, a tavern, shops, the City Hall, the park, church, and meeting halls. This is considered a good location for apartments, especially for elderly persons who could walk to the activities mentioned above.

Standards of community design in this area should promote compact, land intensive uses, such that people can park their cars in one place and walk to several shops or locations. As the community grows, a well designed and located parking lot could be necessary to maintain this town center concept.

Types of uses which would not be permitted in this area are those which require large land areas, such as service stations, fast food carryout places or drive-ins or car lots. Warehousing or light industrial uses should also be located elsewhere.

An important consideration in downtown Bay City is architectural control. The community is central to its being a desirable place to live and shop and important in attracting new business. The old church, parsonage, and Masonic Hall are architectural and historic assets to the community and deserve to be protected from garish or incompatible uses. As new construction occurs in this area, whether it be a tavern, laundromat, or apartment house, the City should have the opportunity to control the appearance of the buildings and its location on the site. Through a site design and architectural control ordinance, the City could have a choice in prescribing how the community should look.

### B. THE SOUTH HIGH INTENSITY ZONE:

The south commercial area in the city has traditionally contained highway oriented uses, such as a service station and crab stand. Other commercial ventures, such as the meat processing plant, have and will locate in this area because of the proximity to the Highway and the flat land.

It is the intent of the Comprehensive Plan to promote high intensity uses in these areas which would not be appropriate in the town center area. Uses permitted are light industrial activities, mobile home parks, highway commercial uses, warehousing or large land uses, recreation vehicle parking areas, and similar uses.

Highway commercial activities should be close to U.S. 101, either on highway frontage or immediately adjacent. Other uses should be attractively designed, and buffered from less intensive uses, particular residences. Although design review in these areas is less important than in the town center, it still should be used.

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Performance standards in the Development Ordinance should be designed to insure that uses in this area are beneficial to the community at large.

### 2. THE MODERATE INTENSITY ZONE:

- A. The purpose of this category is to designate a large area of mostly platted (subdivided) land within the City limits. The largest land use is residential, with a few scattered pastures and other uses. The school is located within this area.
- B. It is the intention of the Plan that the moderate intensity area develop at moderate density residential levels, at 4-8 dwelling units per acre. These can develop on a lot by lot basis, on 10,000 square foot lots (100 x 100) or as cluster developments. The Development Ordinance should provide incentives during subdivision and development in order to preserve open space and reduce public facility costs. (Amended Ord. #630, 05-07)
- C. It is not the intent of the Plan to deprive owners of 50 x 100 foot lots the use of their property. Owners of single lots at the time of passage of the Development Ordinance shall be allowed to build on or sell them. However, the density standards shall apply to all partitioning or subdivision of property in the future, and to developments of over two dwellings at one time.
- D. Other allowable uses in the moderate intensity category shall be those which are not capable of locating in the high intensity areas, can meet the standards established in the Development Ordinance, and above all are compatible with the surrounding neighborhoods.
- E. Carefully-devised standards to insure that these uses are compatible with the areas in which they are located should be included in the Development Ordinance. The Planning Commission shall be empowered to review any new development other than a single family house or duplex to insure that the standards are applied and that the development is harmonious with Bay City's character.
- F. Permitted uses should include a wide range of activities, but the Planning Commission shall be empowered to not permit those uses which do not meet the performance standards.
- G. Development Ordinance standards shall be devised to control the design, traffic generation, lot coverage, buffering and other impacts of uses in this area.

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### 3. THE LOW INTENSITY ZONE:

- A. The purpose of this category is to identify the lands within the Urban Service Area which are less developable due to their physical limitations (flooding, slope, etc.), their distance from City services such as sewer and water, or their present use for agricultural purposes.
- B. This area constitutes the "phased growth" portion of Bay City; as vacant lands in the moderate intensity areas become developed, it is anticipated that these areas will become more built up, subject to their physical limitations.
- C. The residential density of this area shall range from one to four dwelling units per acre, depending on the building suitability and whether the lots or dwellings are clustered. Standards should be detailed in the Development Ordinance establishing specific lot sizes and building criteria.
- D. It is the intention of the Plan that the land in steep, hard-to-build areas be developed at lower densities with minimal disturbance of the landscape and that hazards to life and property are avoided. Development standards shall address these goals.
- E. Permitted uses in the low intensity zone shall include single family, duplex, and multifamily dwellings, agricultural, aquacultural and horticultural activities, cottage industries, home occupations, and other non-residential uses with careful review of the Planning Commission.
- F. Existing active farm units within the Urban Service Area shall be converted to other uses only upon showing that there is need for new residential subdivisions, that the farm is not economically productive, and that there is sufficient sewer and water capacity to serve the development.

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### 4. COASTAL SHORELANDS:

The Coastal Shorelands Goal states that based upon inventories, Comprehensive Plans for coastal areas adjacent to the ocean, estuaries, or coastal lakes shall identify coastal shorelands. This shoreland area is to include at least:

- A. Areas subject to ocean flooding and lands within 100 feet of the ocean shore or within 50 feet of an estuary or coastal lake;
- B. Adjacent areas of geologic instability, where the geologic instability is related to or will impact a coastal water body;
- C. Natural or man-made riparian resources;
- D. Areas of significant shoreland or wetland biological habitat, whose habitat quality is primarily derived from or related to the association with coastal water areas;
- E. Areas necessary for water-dependent and water-related uses, including areas of recreational importance which utilize coastal water or riparian resources, areas appropriate for navigation and port facilities, dredge material disposal and mitigation sites, and areas having characteristics suitable for aquaculture;
- F. Areas of exceptional aesthetic or scenic quality; and
- G. Coastal headlands.

The Coastal Shoreland portion of the Background Report outlines how this coastal shoreland boundary was established. The extent of the Coastal Shoreland Area is shown on the map titled "Coastal Shoreland Boundary".

In establishing its Shoreland Area, the City has used a broader definition than that required by the Statewide Planning Goals. U.S. Highway 101 forms a logical boundary because it separates the portion of Bay City adjacent to Tillamook Bay from the remainder of the City. Therefore, Bay City has defined its Coastal Shoreland area as that portion of the City west of Highway 101. In the vicinity of Larson Cove, the Shoreland Area is defined by the 25-foot contour line and the wetland area surrounding the outlet of Larson Creek. The waterward extent of the Shoreland Area is the line of non-aquatic vegetation.

Because of the variety of physical features and existing land use patterns in the Bay City Shoreland Area, the Shoreland Area has been divided into three subareas.

## THE BAY CITY COMPREHENSIVE PLAN

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Shoreland 1 Zone, a natural subarea that extends from Larson Cove to the Main Street extension'

Shoreland 2 Zone, a water-dependent, water-related management unit in the vicinity of the Bay City jetty; and

Shoreland 3 Zone, a non-water dependent / related subarea in the southern portion of the town.

The Coastal Shoreland Uses section of the Coastal Shorelands Goal states that "local governments shall determine whether there are any existing, developed commercial/industrial waterfront areas which are suitable for redevelopment which are not designated as especially suited for water-dependent uses." The City of Bay City has determined that no such areas exist within its Urban Growth Boundary.

### GENERAL SHORELAND POLICIES:

The following policies apply to all uses and activities in the Shoreland Area.

1. The requirements of the City's Flood Hazard Overlay Ordinance shall be used to regulate development in flood hazard areas.
2. Land use management practices and non-structural solutions to problems of erosion and flooding shall be preferred to structural solutions. When shown to be necessary, structural shoreline stabilization (rip-rap and bulkheads) shall be designed to minimize adverse impacts on water currents, erosion, and accretion patterns.
3. Public access to publicly owned shoreland and estuarine areas shall be maintained and improved wherever possible, consistent with authorized uses. (See Estuarine Policies - Public Access to the Estuary and its Shoreland.)
4. The multiple use of shoreland area is encouraged when the integration of compatible uses and activities is feasible, and is consistent with other Plan policies.

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## SHORELAND 1: LARSON COVE TO MAIN STREET EXTENSION

The northern portion of this Shoreland Area, around Larson Cove, consists primarily of the Southern Pacific Railroad right-of-way and a narrow upland area between the railroad and Larson Cove. Larson Creek enters Larson Cove in this area. Larson Creek supports an anadromous fish run.

South of Larson Cove, to the Main Street Extension, the shoreland consists of a narrow strip between Highway 101 and the shoreline. The area consists primarily of the rip-rapped railroad right-of-way, extending from the U.S. Highway 101 crossing, around Sandstone Point to Main Street.

POLICIES applicable to Shoreland 1 are:

1. The Larson Cove area shall be designated Natural, with permitted uses consisting of wildlife management, recreation such as fishing or clamming, and other passive forms of recreation activity. With Planning Commission review, resource uses such as a fish hatchery or logging may be undertaken.
2. Aquaculture is permitted in the mudflats west of Sandstone Point, as a conditional use.
3. Any activity taking place in the Larson Cove area shall be carried out in such a manner that erosion and resulting siltation of Tillamook Bay is avoided.
4. Access to the water along Larson Cove shall be maintained wherever possible. Setbacks and buffers from the water's edge shall be included in the Development Ordinance.
5. The scenic and habitat value of Larson Cove shall be preserved by all uses of the area.
6. The area from the Highway 101 crossing of the railroad tracks to the Main Street Extension shall provide for passive recreation such as fishing and walking and the maintenance of the railroad right-of-way.
7. Riparian vegetation shall be protected and retained. All vegetation west of the Southern Pacific Railroad right-of-way is considered riparian vegetation.

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## SHORELAND 2: JETTY AREA

This area extends from Main Street, as extended, to Portland Avenue, as extended. The shoreland consists of a narrow strip of land between Highway 101 and Tillamook Bay. Almost all of this strip is comprised of the Southern Pacific Railroad right-of-way. The area also includes two filled estuary areas. The southern area forms a jetty that is used by Hayes Oyster Company. The jetty has access to the Tillamook Bay Channel. The eastern end of the jetty also contains a small boat launch facility. The dredge material disposal site, adjacent to Patterson Creek, east of Highway 101, is included in the Shoreland 2 area.

POLICIES applicable to Shoreland 2 are:

1. This area is designated for water-dependent development. Water-dependent uses have the highest priority, followed by water-related uses. Uses which are not water-dependent or water-related may be provided for only on findings that the use will not preclude or conflict with existing or probable future water-dependent uses of the site and the vicinity. Temporary uses which involve minimal capital investment and no permanent structures or a use in conjunction with and incidental to a water-dependent use are also permitted.
2. Seafood processing, water-dependent recreation facilities, and other water-dependent uses have the highest priority in this area.
3. All development in this area shall be reviewed by the City's Planning Commission to insure that it meets the following guidelines:
  - A. The use is supportive of the resource base of Tillamook County, such as fishing, logging, or agriculture;
  - B. The use is labor intensive, i.e. produces a reasonable number of jobs in relation to its capital investment;
  - C. The use has limited social or fiscal impact on Bay City, i.e. it does not cause a major influx of people, or a major strain on public facilities at one time;
  - D. The use does not impair the scenic value of the waterfront or block access to the water for recreation purposes.
4. Parking and storage shall be allowed only to the extent necessary to support water-dependent or water-related uses, such as limited employee parking for processing plants or staging areas for shipping.

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5. Any support activity which may reasonably be located east of U.S. Highway 101, such as boat trailer storage or parking, shall be established there.
6. Crosswalks or other pedestrian safety devices shall be considered as part of any development related to uses on the opposite side of U.S. Highway 101.
7. The City will protect the dredge material disposal site adjacent to Patterson Creek from pre-emptive uses which would prevent its use as a dredge disposal site.
8. Prior to the placement of any dredge material at the Patterson Creek dredge material disposal site, a survey shall establish the area that is in Port of Garibaldi ownership.
9. Riparian vegetation shall be protected and retained. A 25-foot riparian zone is established on each bank of Patterson Creek.

### SHORELAND 3 ZONE (Amended Ord. #663, 14-03)

The Shoreland 3 Zone area occupies land that is west of the US Highway 101 right-of-way, south of Tillamook Avenue, to the South City Limits. Vehicular access from the area to US Highway 101 is provided by Warren Street. The City is evaluating opportunities to create a second emergency access. The Shoreland 3 Zone is located adjacent to estuaries and includes wetlands associated with Goose Point and Kilchis Point. The land is suitable for residential development and for non-residential development where it is determined to be compatible with development standards. The Tillamook County Pioneer Museum operates Kilchis Point Reserve here. The City wastewater treatment plant, sewage treatment lagoons, and public works offices and shops are located here.

POLICIES applicable to the Shoreland 3 Zone are:

1. The Shoreland 3 Zone allows residential uses outright and allows other uses on a conditional use basis subject to specified performance standards. Performance standards are intended to separate non-compatible uses and, where appropriate, to reduce the overall intensity of use while allowing flexibility in development.
2. All development except for single family dwellings, duplexes, accessory uses, and home occupations are to be reviewed by the City Planning Commission to ensure that they meet the following guidelines:
  - a. Public utilities and streets have the capacity to support the proposed use or improvements necessary for the use are to be provided.

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- b. The use does not impair the scenic value of the waterfront or block existing public access to the water for recreation purposes.
  - c. The use is consistent with specified performance standards.
  - d. The use is consistent with the Bay City Comprehensive Plan.
3. Riparian vegetation shall be protected and retained. A 50-foot riparian zone is established on the bank of Tillamook Bay.
4. The Shoreland 3 area is susceptible to the following identified natural hazards. Therefore it is City policy to allow a maximum density for new development is one dwelling unit per 10,000 square feet.
  - a. The Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) identifies the shoreland 3 area as having property located in the Velocity Flood Zone.
  - b. Bay City is required to participate in the National Flood Insurance Program (NFIP).
  - c. The Oregon Department of Geology and Mineral Industries (DOGAMI) identifies property within the Shoreland 3 area as being susceptible to tsunami inundation hazards.
  - d. The Shoreland 3 area has a single vehicular access point at Warren Street.
  - e. Structures in the Shoreland 3 area are required to have fire sprinklers installed with development until such time as a second access meeting Oregon Fire Code access standards is installed.

## ESTUARINE AREAS

The objective of the Estuarine Resources Goal is "to recognize and protect the unique environmental, economic, and social values of each estuary and associated wetland and to protect, maintain, where appropriate develop, and where appropriate restore the long term environmental economic and social values, diversity and benefits of Oregon's estuaries". In order to accomplish this objective, a comprehensive management plan for the Tillamook Bay Estuary has been developed. The management plan incorporates the three elements of the Estuarine Resources Goal: inventory requirements, Comprehensive Plan requirements, and implementation requirements.

The Estuarine Resources Goal requires that the Land Conservation and Development Commission classify Oregon's estuaries to specify the most intensive levels of development or alteration to be allowed within each estuary. On October 7, 1977, the Land Conservation and Development Commission adopted an Administrative Rule classifying Oregon's estuaries.

The classification system consists of four classes: (1) natural estuaries, (2) conservation estuaries, (3) shallow-draft development estuaries, and (4) deep-draft development estuaries.

The intent of the classification system adopted is to:

1. Specify the most intensive level of development or alteration allowable within each estuary;
2. Direct the kinds of management units appropriate and allowable for each estuary;
3. Affect the extent of detail required and items inventoried for each estuary;
4. Affect the issuance of conditions attached to permits by State and Federal agencies;
5. Provide guidance for the disposal of State and Federal public works funds; and
6. Indirectly affect decisions concerning private investments in and around estuaries.

The Tillamook Bay Estuary is classed as a shallow-draft development estuary. Shallow-draft estuaries are estuaries with maintained jetties and a main channel maintained by dredging at 22 feet or less.

The Estuary Classification Rule states:

"Both shallow and deep-draft development estuaries shall be managed to provide for navigation and other identified needs for public, commercial, and industrial water-dependent uses consistent with the overall Estuarine Resources Goal requirements. Other appropriate uses include those uses listed as permissible uses in the development management units in the Estuarine Resources Goal. Minor and major navigational

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improvements are allowed in both shallow-draft and deep-draft estuaries, consistent with the requirements of the Goal. However, in shallow-draft estuaries, extension or improvements in main channel shall not be designed to exceed 22 feet in depth. Information about the location, extent, and depth of channels and jetties, including planned extensions, shall be developed during the local planning process and described in the Comprehensive Plan.

(This work has been completed and is part of the Tillamook County Estuary Plan.) Shallow and deep-draft development estuaries shall have natural, conservation, and development management units as provided in the Estuarine Resources Goal.

Four local entities, Garibaldi, Bay City, Tillamook, and Tillamook County have direct jurisdiction over estuarine areas of Tillamook Bay. To ensure that the required planning would be done in a consistent manner, Tillamook County has prepared the management plan for the entire estuary.

The Estuarine Resource Goal defines the areas which shall be included within each type of management unit:

**NATURAL MANAGEMENT UNITS** - "In all estuaries, areas shall be designated to assure the protection of significant fish and wildlife habitats, of continued biological productivity within the estuary, and of scientific, research and educational needs. These shall be managed to preserve the natural resources in recognition of dynamic, natural, geological and evolutionary processes. Such areas shall include at a minimum, all major tracts of salt marsh, tideflats, and seagrass and algae beds."

**CONSERVATION MANAGEMENT UNITS** - "In all estuaries, except those in the overall Oregon Estuary Classification which are classed for preservation, areas shall be designated for long-term uses of renewable resources that do not require major alteration of the estuary, except for the purpose of restoration. These areas shall be managed to conserve the natural resource and benefits. These shall include areas needed for maintenance and enhancement of biological productivity, recreational and aesthetic uses, and aquaculture. They shall include tracts of significant habitat smaller or of less importance than those in Natural Management Units, and recreational or commercial oyster and clam beds not included in Natural Management Units. Areas that are partially altered and adjacent to existing development of moderate intensity which do not possess the resource characteristics of natural or development units shall also be included in this classification."

**DEVELOPMENT MANAGEMENT UNITS** - "In estuaries classified in the overall Oregon Classification for more intense development or alteration, areas shall be designated to provide for navigation and other identified needs for public, commercial, industrial water-dependent uses, consistent with the level of development or alteration allowed by the overall Oregon Estuary Classification. Such areas shall include deep-water areas adjacent or in proximity to the shoreline, navigation channels, subtidal areas for in-water disposal of dredged material and areas of minimal biological significance needed for uses requiring alteration of the estuary not included in a Natural or Conservation Management Unit."

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Tillamook Bay Estuarine areas were divided into management units that reflect the criteria of the Statewide Planning Goals. Each management unit is a discrete geographic area that is defined by biophysical characteristics and features. (A description of the characteristics of the management units in Bay City is contained in the Tillamook County Estuarine resource element.)

The landward extent of estuarine management units is the line of non-aquatic vegetation or mean higher high water where such a line cannot be determined.

Bay City's estuarine area consists of five types of management units: Estuary Development (ED); Estuary Conservation 1 (EC-1); Estuary Conservation 2 (EC-2); Estuary Conservation Aquaculture (ECA); and Estuary Natural (EN).

The objective of the Estuary Development Unit is to provide for intensive non-conservative uses and activities such as channel maintenance and development, public or commercial piers, and other water-dependent and water-related commercial, industrial and public uses.

The purpose of the Estuary Conservation 1 Management Unit is to: provide for the long-term utilization of areas which support, or have the potential to support valuable biological resources; provide for long-term maintenance and enhancement of biological productivity; and to provide for the long-term maintenance of the aesthetic values of estuarine areas, in order to promote or enhance the low intensity recreational use of estuarine areas adjacent to rural or agricultural shorelands.

The purpose of the Estuary Conservation 2 Management Unit is to: conserve the long-term benefits of renewable resources and conserve the natural resources and benefits of area needed for maintenance and enhancement of biological productivity, recreational aesthetic uses, and aquaculture, and where consistent with the resource capabilities of the areas, to provide for future expansion or creation in appropriate area of water-dependent facilities, including but not limited to water-dependent recreational facilities and aquaculture facilities; provide for major navigational improvements in order to maintain the navigability of estuarine channels and provide for maintenance of water access to existing water-dependent commercial, industrial or recreational facilities.

The purpose of the Estuary Conservation Aquaculture Management Unit is to promote the continuing utilization of designated shellfish culture areas, while providing for low-intensity water-dependent recreation, commercial and recreational fishing, crabbing, and protection of the significant biological productivity of major tracts of fish and wildlife areas needed for scientific, research, or educational purposes.

The purpose of the Estuary Natural Management Unit is to provide for the preservation and protection of significant fish and wildlife habitats and other areas which make an essential contribution to estuarine productivity or fulfill scientific, research, or educational needs.

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The Estuarine Resources Goal specifies the types of uses that are allowed in each type of management unit:

NATURAL MANAGEMENT UNITS: "Permissible uses in natural management units shall be undeveloped low-intensity water-dependent recreation; research and educational observation; navigational aides, such as beacons and buoys; protection of habitat, nutrient, fish, wildlife and aesthetic resources; and passive restoration measures; dredging necessary for on-site maintenance of existing functional tidegates and associated drainage channels and bridge crossing support structures; rip-rap for protection of uses existing as of October 7, 1977, unique natural resources, historical and archaeological values, and public facilities, and bridge crossings."

Where consistent with the resource capabilities of the area and the purposes of this management unit, the following uses may be allowed:

1. Aquaculture which does not involve dredge or fill or other estuarine alteration other than incidental dredging for harvest of benthic species or removable in-water structures such as stakes or racks;
2. Communication facilities;
3. Active restoration of fish and wildlife habitat or water quality and estuarine enhancement;
4. Boat ramps for public use where no dredging or fill for navigation access is needed; and
5. Pipelines, cables and utility crossings, including incidental dredging necessary for their installation;
6. Installation of tide gates in existing functional dikes;
7. Temporary alterations;
8. Bridge crossing support structures and dredging necessary for their installation.

CONSERVATION MANAGEMENT UNITS: "Permissible uses in conservation areas shall be those allowed in Natural Management Units, except temporary alterations, where consistent with resource capabilities of the area and the purpose of their management unit; high-intensity water-dependent recreation, including boat ramps, marinas and new dredging for boat ramps and marinas; maintenance dredging of existing facilities; minor navigational improvement; mining and mineral extraction, including dredging necessary for mineral extraction; other water-dependent uses requiring occupation of water surface area by means other than fill; aquaculture requiring dredge or fill or alteration of the estuary; active restoration for purposes other than allowed in natural management units; and temporary alterations shall be appropriate.

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DEVELOPMENT MANAGEMENT UNITS: "Permissible uses in areas managed for water-dependent activities shall be navigation and water-dependent commercial and industrial uses."

As appropriate the following uses shall also be permissible in development management units:

1. Dredge or fill, as allowed elsewhere in the goal;
2. Navigation and water-dependent commercial enterprises and activities;
3. Water transport channels where dredging may be necessary;
4. Flow-lane disposal of dredged material monitored to assure that estuarine sedimentation is consistent with the resource capabilities and purposes of affected natural and conservation management units;
5. Water storage areas where needed for products used in or resulting from industry, commerce, and recreation;
6. Marinas.

Where consistent with the purposes of this management unit and adjacent shorelands designated especially suited for water-dependent uses or designated for water front redevelopment, water-related and nondependent, nonrelated uses not requiring dredge or fill, mining and mineral extraction, and activities identified in Natural and Conservation Management Units above shall also be appropriate.

The uses listed in the Estuarine Resources Goal and the overall priorities for estuarine uses were used in establishing the uses and activities allowed in each management unit. These are listed in the table titled "Permissibility of Uses and Activities in Aquatic Areas". Uses and activities are subject to Policies for Estuarine Use and Activity listed below.

Three potential dredge material disposal sites were identified within the Bay City Urban Growth Boundary by the Tillamook Bay Dredge Material Disposal Plan. One site, Site 12, located in the vicinity of Patterson Creek, was found to be acceptable for dredge material disposal.

Within the Bay City Urban Growth Boundary, the Tillamook Bay Restoration and Mitigation Plan identified two sites. These are listed as Site 2 and are areas that could benefit from the establishment of additional riparian vegetation. There are no mitigation sites within the Bay City urban growth boundary.

# THE BAY CITY COMPREHENSIVE PLAN

## PERMISSIBILITY OF USES AND ACTIVITIES IN AQUATIC AREAS

<u>USES</u>	ED	EC1	EC2	ECA	EN
Active restoration/resource enhancement	PS	PS/C	PS/C	C	C
Aquaculture	PS	PS/C	PS/C	PS	C
Bridge Crossing	PS	PS	PS	NP	PS
Bridge Crossing support structures	PS	PS	PS	NP	PS
Commercial & Industrial Use					
Water-dependent	PS	NP	C	NP	NP
Water-related	C	NP	NP	NP	NP
Non-water dependent	C	NP	NP	NP	NP
Dock, Individual	PS	PS	PS	NP	NP
Moorages	PS	NP	C	NP	NP
Mooring Buoys	PS	PS	PS	NP	PS
Log Sort/storage areas (in water)	C	NP	NP	NP	NP
Low water bridge, temporary	PS	PS	PS	NP	C
Marinas	PS	NP	C	NP	NP
Mining/mineral extraction	C	C	C	NP	NP
Minor Navigational improvements	N/A	C	C	NP	NP
Navigational Aid	PS	PS	PS	PS	PS
Navigational structure	PS	NP	C	NP	NP
Recreation, low intensity, water-dependent	P	P	P	P	P
Recreation, high intensity, water-dependent	PS	C	C	NP	C
Research, education, observation (low intensity)	P	P	P	P	P
Passive restoration/resource enhancement	P	P	P	P	P
Utilities					
Communication facilities	PS	PS	PS	NP	C
Storm water & treated wastewater outfalls	C	C	C	NP	NP
Underwater cable, sewer, water & other pipelines	PS	PS	PS	NP	C

ED = Estuary Development

EC1 = Estuary Conservation-1

EC2 = Estuary Conservation-2

ECA = Estuary Conservation Aquaculture

EN = Estuary Natural

P = Permitted

PS = Permitted with standards

C = Conditional

RA = Regulated activity

NP = Not permitted

# THE BAY CITY COMPREHENSIVE PLAN

## PERMISSIBILITY OF USES AND ACTIVITIES IN AQUATIC AREAS

<u>ACTIVITIES</u>	ED	EC1	EC2	ECA	EN
<b>Dikes</b>					
New Construction	PS	NP	NP	NP	NP
Maintenance/repair	P	P	P	P	P
Temporary	PS	PS	PS	NP	PS
Tide gate installation	PS	PS	PS	NP	PS
<b>Dredging</b>					
Incidental dredging harvest of benthic species or Removal of in-water structures	RA	RA	RA	RA	RA
New projects	RA	RA	RA	NP	RA
Maintenance	RA	RA	RA	NP	RA
Minor navigational improvement	RA	RA	RA	NP	NP
Dredge Material Disposal	RA	NP	NP	NP	NP
Fill	RA	RA	RA	NP	RA
Piling/dolphin installation	RA	RA	RA	RA	RA
<b>Shoreline stabilization</b>					
Vegetation	PS	PS	PS	NP	PS
Rip-rap	RA	RA	RA	RA	RA
Bulkhead	RA	RA	RA	NP	NP
Temporary Alterations	PS	C	C	C	C

ED = Estuary Development  
 EC1 = Estuary Conservation-1  
 EC2 = Estuary Conservation-2  
 ECA = Estuary Conservation Aquaculture  
 EN = Estuary Natural

P = Permitted  
 PS = Permitted with standards  
 C = Conditional  
 RA = Regulated activity  
 NP = Not permitted

### DEFINITIONS:

1. Activity.  
A development action generally taken in conjunction with a use and which makes a use possible; activities do not in and of themselves result in specific use of land and water areas; often several activities (e.g. dredging, piling, fill)....may occur with a single use (e.g. port facility). Most activities take place in conjunction with a wide variety of uses.
2. Conditional (C).  
A use or activity requiring the approval of the Planning Commission before being permitted in a particular zone
3. Permitted (P).  
A use or activity which is permitted as an outright use
4. Permitted with Standards (PS).  
A use or activity which is permitted as an outright use subject to specific standards
5. Regulated Activity (RA).  
Actions involving alteration to the estuary which are generally undertaken in conjunction with off-shore uses, and for which state and federal permits are required; these activities are reviewed by the Planning Commission for consistency with the Plan and Development Ordinance.
6. Use.  
The end to which a water area is ultimately employed

## THE BAY CITY COMPREHENSIVE PLAN

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### A. AQUACULTURE FACILITIES

1. In shoreland zones aquaculture facilities shall be sited, designed and operated to minimize adverse impacts on navigation channels and public access points to publicly owned lands.
2. In Estuary Natural (EN) and Estuary Conservation Aquaculture (ECA) zones, aquaculture and water-dependent portions of aquaculture facilities shall be limited to temporary or easily removable benthic or pelagic structures (stakes, racks, trays, long lines or rafts), that will not require dredging or fill other than incidental dredging for harvest of benthic species or removal of in-water structures.
3. The use of aquaculture projects (fish hatcheries and fish release/recapture operations) to replenish natural stocks is encouraged.
4. Bay City recognizes the statutory authority of the Oregon Department of Fish and Wildlife and the Oregon Department of Agriculture to regulate aquaculture and oyster culture. These departments shall forward their finding to Bay City prior to issuance or denial of aquaculture permits.
5. Existing aquaculture facilities and areas designated as possessing significant aquaculture potential shall be identified and protected from conflicting uses or uses that would create water quality problems.
6. In Tillamook Bay, areas which are legally platted by ORS 509 and 510 for oyster culture and which are in existing aquaculture use, shall be zoned Estuary Conservation Aquaculture (ECA) and shall be managed to provide for the continuation and expansion of the Tillamook Bay oyster industry. Aquaculture facilities in Estuary Conservation Aquaculture (ECA) zones shall be limited to benthic or pelagic structures (stakes, racks, trays, long lines or rafts) and accessory pilings or dolphins for anchoring purposes.
7. In Estuary Conservation (EC1 and EC2) zones, aquaculture facilities will require a resource capability determination where dredging, fill or other alterations of the estuary are needed, other than the incidental dredging for the harvest of benthic species or removal of in-water structures.
8. Aquaculture facilities in Estuary Development (ED) zones will not preclude the provision or maintenance of navigation or other needs for commercial and industrial water-dependent use, and will not prevent the use of shorelands equally suited for water-dependent development.

## THE BAY CITY COMPREHENSIVE PLAN

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9. In the Estuary Natural (EN) zone, aquaculture shall be allowed only where it is determined to be consistent with the resource capabilities and purpose of the management unit. This determination shall be made by the Oregon Department of Agriculture and the Oregon Department of Fish and Wildlife in instances where Bay City finds that it does not have the resources or abilities to make such a determination.
10. A boat ramp proposed for the Port area near the jetty (Shoreland 2) should be low key and not impact the oyster processing facility or create traffic problems.

### B. DIKING

1. Maintenance and repair of existing dikes, tide gates, drainage systems, farm roads and bridges and other existing farm structures shall be permitted within all estuary zones and shoreland areas. Dike maintenance and repair shall be permitted for:
  - a. existing serviceable dikes (including those that allow some seasonal inundation); and
  - b. dikes that have been damaged by flooding, erosion or tide gate failure where the area behind the dike has not reverted to estuarine influence; and
  - c. dikes that have been damaged by flooding, erosion or tide gate failure where the area behind the dike has reverted to estuarine influence only if this area is in the Farm, F-1, zone and it has been in agricultural use for 3 of the last 5 years and reversion to estuarine influence has not occurred more than 5 years prior.

Bay City will rely on the U.S. Army Corps of Engineers and the Division of State Lands to determine whether an area has reverted to estuarine influence.

For the purpose of this policy, agricultural use means using an area for pasture several months of the year or harvesting this area once a year.

2. Construction of temporary (60 days or less) dikes for the purpose of flood protection in emergency situations or in the interest of safety or welfare of the public shall be permitted within all estuary zones, and within shoreland zones.
3. Dredging within estuarine waters, intertidal areas, or tidal wetlands to obtain fill for dike repair or maintenance shall not be permitted. However, dredged material from an approved dredging project may be used for dike repair or maintenance. Dredged material stockpile sites shall be used as a source of fill material for dike repair and maintenance whenever practicable.

## THE BAY CITY COMPREHENSIVE PLAN

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4. New diking of intertidal areas and tidal marshes shall be limited to Estuary Development (ED) zones and shall be permitted only:
  - a. for a water-dependent use that requires an estuarine location or is specifically allowed by the management unit or zone; and
  - b. if adverse impacts are avoided or minimized to be consistent with the purposes of the area;
  - c. a need (i.e. a substantial public benefit) is demonstrated and the use or alteration does not unreasonably interfere with the public trust rights.

### C. BOAT RAMPS, DOCKS AND MOORAGES

1. Maintenance and repair of existing docks and moorages shall be permitted within all estuary zones and within shoreland zones.
2. Safe navigational access to boat ramps, docks and moorages should be provided and maintained.
3. New boat ramps, docks and moorages shall be allowed only where sufficient back-up land exists without the need to fill tidelands or marshlands.
4. To encourage the most efficient use of waterfront and water surface area, alternative to individual, single purpose docks and moorages (such as cooperative use facilities, mooring buoys or dry land storage) are encouraged. New subdivisions and planned developments in areas adjacent to estuaries, rivers, streams and coastal lakes shall provide for cooperative use facilities whenever possible.
5. Conflicts with navigation and other water surface uses, such as commercial fishing and recreational boating, shall be avoided or minimized.
6. To preserve significant fish and wildlife habitats and provide continued biological productivity, docks and moorages shall not be permitted within Estuary Natural (EN) zones. Boat ramps for public use where no dredging or fill for navigational access is needed shall be allowed, where consistent with the resource capabilities of the area and the purpose of the management zone.
7. Boat ramps, docks and moorages in Estuary Conservation 1 and Estuary Conservation 2 zones shall be permitted only if consistent with the resource capabilities of the area and

## THE BAY CITY COMPREHENSIVE PLAN

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the long-term use of renewable resources and if they do not constitute a major alteration of the estuary. Boat ramps for public use where no dredging or fill for navigational access is needed shall not require a resource capability determination.

### D. DREDGED MATERIAL DISPOSAL

1. The Tillamook Bay Dredged Material Disposal Plan shall evaluate dredging needs over a five-year period and shall establish priorities on areas for dredged material disposal based on the following economic, engineering, and environmental consideration:
  - a. engineering feasibility;
  - b. probable method of dredging;
  - c. distance from dredging project;
  - d. elevation;
  - e. cost of site acquisition, preparation, and containment of dredged materials;
  - f. size of site;
  - g. cost of ability, or necessity to re-vegetate or develop on top of the dredged material;
  - h. impacts on biological productivity, aquatic communities and habitats, water quality, wetlands, and floodplains;
  - i. ownership (public or private);
  - j. habitat, scenic, recreational, archaeological or historic values of the site;
  - k. conformity of the final use, after dredged material disposal, to the Comprehensive Plan.
  
2. Whenever practicable ocean disposal in an approved ocean disposal site shall be the preferred method of disposal of dredged materials. The designation of additional ocean disposal sites shall occur only after a formal site review and impact analysis by all federal and state agencies with regulatory authority and is subject to final approval by the U.S. Army Corps of Engineers and the Environmental Protection Agency. Copies of site review and impact analysis shall be made available to local governments.

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3. When engineering or economic considerations preclude the use of approved ocean disposal sites for dredged materials disposal, sites identified in the Tillamook Bay DMD Plan as "Presently Acceptable" shall be used for dredged material disposal.
4. Sites identified in the Tillamook Bay DMD Plan as "Presently Unacceptable" for dredged material disposal shall be used for disposal of dredged material only after an amendment to the Bay City Comprehensive Plan, Development Ordinance and Zoning Map. If an exception to the Statewide Land Use Planning Goals is required, the exception shall be included as part of the amendment. Coordination with affected state and federal resource agencies shall occur during this amendment process. State and federal permits must be obtained prior to disposal of dredged material.
5. As needs arise, additional disposal sites shall be approved for dredged material disposal. Designation of additional dredged material disposal sites shall be coordinated with state and federal resource agencies with regulatory authority over dredged material disposal. The Bay City Comprehensive Plan and Development Ordinance shall be amended as required to provide for dredge material disposal. If an exception to the Statewide Land Use Planning Goals is required, the exception shall be included as part of the Plan amendment.
6. Sites identified as priority sites in the Tillamook Bay DMD Plans shall be preserved for future dredged material disposal use.
7. Tillamook County, in conjunction with local ports, affected local jurisdiction, and State and Federal resource agencies, shall review the dredged material disposal plans for Tillamook and Nehalem Bay at no more than five-year intervals to re-examine dredging needs, site availability, new permit requirements and degree of plan implementation.
8. Use of dredge material from navigational or other dredging actions, as fill for approved fill projects, shall be encouraged. Prior determination shall be made to ensure that the structural characteristics of the material are suitable for the intended use.
9. Whenever practicable, stockpile sites of dredged material suitable for use as fill shall be established and the dredged material sold. Particular emphasis shall be given to establishing stockpile sites in areas where acceptable disposal sites are presently or likely to be limited.
10. Flow lane disposal of dredged material shall be limited to Estuarine Development zones and shall be monitored to assure that estuarine sedimentation is consistent with the resource capabilities and purposes of the affected Natural and Conservation Management Units.

11. Dredged material disposal is subject to the requirements of the Clean Water Act of 1977 (P.L. 95-217), the State Fill or Removal Law and other State and Federal laws which regulates the disposal of dredged materials.

E. DREDGING IN ESTUARINE WATER, INTERTIDAL AREAS AND TIDAL WETLANDS

1. Dredging in estuarine waters, intertidal areas and tidal wetlands shall be allowed only if required for:
  - a. navigation, port facilities, marinas or other water-dependent uses that require an estuarine location; or
  - b. an approved active restoration, estuarine enhancement or mitigation project deemed necessary to fulfill a public need and for the future environmental well-being of the estuary (subject to Restoration and Mitigation policies and standards); or
  - c. on-site maintenance of existing drainage tiles, drainage ditches or tide gates; or
  - d. mining and mineral extraction (subject to Mining and Mineral Extraction policies and standards); or
  - e. installation or maintenance of bridge crossing support structures, electrical transmission line support structures, or water, sewer, or gas lines;
  - f. incidental dredging for harvest of benthic species or removal of in-water structures such as stakes or racks;
  - g. temporary alterations.
2. Dredging in estuarine waters, intertidal areas or tidal wetlands shall be allowed only if:
  - a. required for navigation or other water-dependent uses that require an estuarine location or are specifically allowed by the management unit or zone; and
  - b. a need (i.e. a substantial public benefit) is demonstrated and the use or alteration does not unreasonably interfere with public trust rights;
  - c. no feasible alternative upland location exists; and

## THE BAY CITY COMPREHENSIVE PLAN

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- d. adverse impacts are avoided or minimized to be consistent with the purposes of the area. Dredging shall be the minimum amount possible to accomplish the proposed use.
3. Dredging in intertidal areas or tidal wetlands shall be subject to the requirements of the Mitigation policies and the State Fill and Removal Law (ORS 541.605 - 541.695).
4. Proposals for new dredging projects in Tillamook Bay shall be reviewed against the long-range dredged material disposal (DMD) plan for the estuary to ensure that sufficient DMD sites are available to meet initial and maintenance dredged material disposal needs.
5. Dredging in Estuary Natural (EN) zones shall be permitted only for:
  - a. an approved restoration or estuarine enhancement project (subject to Restoration and Estuarine Enhancement Standards);
  - b. on-site maintenance of existing drainage tiles, drainage ditches, tide gates, bridge crossing support structures or electrical transmission support structures;
  - c. installation or maintenance of water intake facilities, sewer outfalls and gas or communications lines;
  - d. installation or maintenance of an electrical transmission line or line support structure;
  - e. bridge crossing support structures;
  - f. temporary alterations;
  - g. public boat ramps (excluding dredging for navigational access);
  - h. incidental dredging for harvest of benthic species or removal of in-water structures such as stakes or racks.
6. Dredging in the Estuary Conservation Aquaculture (ECA) zone shall be permitted only for an approved restoration, estuarine enhancement project (subject to Restoration and Enhancement Policies and Standards), and for incidental dredging for harvest of benthic species or removal of in-water structures such as stakes or racks.
7. Dredging in Estuary Conservation 1 (EC1) zones shall be permitted only for:

## THE BAY CITY COMPREHENSIVE PLAN

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- a. subparagraph 5 (a-h) above;
  - b. mining and mineral extraction;
  - c. minor navigational improvements;
  - d. boat ramps;
  - e. water-dependent portions of aquaculture facilities or operations.
8. Dredging in Estuary Conservation 2 (EC2) zones shall be permitted only for:
- a. Items 7 (a-e) above; or
  - b. high intensity water-dependent recreational facilities;
  - c. maintenance dredging of existing facilities.
9. Dredging in Estuary Conservation 2 (EC2), Estuary Conservation 1 (EC1), Estuary Conservation Aquaculture (ECA), or Estuary Natural (EN) zones shall be permitted only if consistent with the resource capabilities of the area and purposes of the management unit. This determination shall be made by the Division of State Lands and the U.S. Army Corps of Engineers during review of dredging permit application.
10. Dredging within estuarine water, intertidal areas or tidal wetlands is subject to the requirements of the State Fill and Removal Law (ORS 541.605 - 541.655), the Rivers and Harbors Act of 1899 and other applicable State and Federal laws.

### F. ENERGY FACILITIES AND UTILITIES:

1. Maintenance and repair of existing energy facilities and utilities shall be permitted in all Estuary zones and in Shoreland zones.
2. In selecting sites for development of new energy facilities and utilities priorities are, from highest to lowest:
  - a. non-shoreland sites;
  - b. shoreland sites;

## THE BAY CITY COMPREHENSIVE PLAN

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- c. Estuary Development (ED) zones;
- d. Estuary Conservation 2 (EC2) zones;
- e. Estuary Conservation 1 (EC1) zones;
- f. Estuary Natural (EN) zones.

The City, however, realizes that this priority list is subject to modification by economic considerations, or by the need for services in a particular area. The site-selection process shall weigh economic considerations and social benefits against environmental losses within estuaries.

- 3. New energy facilities and utilities (with the exception of waste water treatment plants) shall be permitted within the estuarine water, intertidal or tidal wetlands only if:
  - a. a need (i.e. a substantial public benefit) is demonstrated and the use or alteration does not unreasonably interfere with public trust rights; and
  - b. no feasible alternative upland locations exist; and
  - c. adverse impacts are avoided or minimized.

Waste water treatment plants shall not be allowed within estuarine waters, intertidal areas and tidal wetlands.

- 4. In Estuary Natural zones, new energy facilities and utilities shall be permitted only if consistent with the resource capabilities of the area and the purpose of the management unit and shall be limited to:
  - a. electrical transmission lines and line support structures; or
  - b. water, sewer and gas lines.
- 5. In Estuary Conservation 2 (EC2) and Estuary Conservation 1 (EC1) zones, new energy facilities and utilities shall be limited to:
  - a. electrical transmission lines and line support structures;
  - b. water, sewer and gas lines; or

## THE BAY CITY COMPREHENSIVE PLAN

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- c. storm water and sewer outfalls (where consistent with the resource capabilities of the area, the purpose of the Management Unit and Water Quality policies).
  6. New energy facilities and utilities in Estuary Development (ED) zones shall be permitted where consistent with the maintenance of navigation and other needed public, commercial and industrial water-dependent uses.
- G. FILL IN ESTUARINE WATER, INTERTIDAL AREAS AND TIDAL WETLANDS
  1. Fill for the purpose of on-site maintenance and repair of existing man-made structure or facilities or the construction of temporary low-water bridges shall be permitted within all estuary zones.
  2. New fill within estuarine water, intertidal areas or tidal wetlands shall be permitted only if:
    - a. required for navigation or water dependent uses or other uses for which an estuarine location is required; and
    - b. a need (i.e. a substantial public benefit) is demonstrated and the use or alteration does not unreasonably interfere with public trust rights; and
    - c. no feasible alternative upland locations exist for the portion of the use requiring fill; and
    - d. no practicable alternative design or construction methods exist which would eliminate the use of fill. (Construction of facilities or structures on piling is preferred over construction on fill); and
    - e. potential adverse impacts have been identified and avoided or minimized to be consistent with the purposes of the area.
  3. The placement of fill shall be consistent with the protection of property, estuarine habitat and diversity, aesthetics, water quality and recreational resources. Loss of estuarine surface area and volume shall be avoided or minimized and/or mitigated.
  4. Fill within intertidal areas or tidal wetlands shall be subject to the requirements outlined in the Mitigation policies and the State Fill and Removal Law (ORS 541.605 - 541.665).
  5. New fill in the EN zone shall be allowed only for:

## THE BAY CITY COMPREHENSIVE PLAN

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- a. an approved active restoration or estuarine enhancement project (subject to Restoration and Enhancement standards); or
  - b. on-site maintenance of dikes or bridge crossing support structures; or
  - c. temporary alterations; or
  - d. installation of public boat ramps or bridge crossing support structures.
6. New fill in the EC1 zone shall be permitted only for:
- a. subparagraph 5 (a-d) above.
  - b. flood control structures or structural shoreline stabilization (subject to Shoreline Stabilization standards) if:
    - (1) required to protect a water-dependent use or an existing use, facility or structure; and
    - (2) land use management practices and non-structural solutions are inadequate to protect the use.
  - c. water-dependent portions of aquaculture facilities;
  - d. temporary alterations;
  - e. boat ramps.
7. New fill in Estuary Conservation 2 (EC2) zones shall be permitted only for:
- a. items 6 (a-e) above; or
  - b. minor navigational improvements; or
  - c. water-dependent recreational facilities.
8. In Estuary Conservation 2 (EC2) and Estuary Conservation 1 (EC1) zones only fills which do not constitute a major alteration to the estuary and which are consistent with the resource capabilities of the area and the long-term use of renewable resources shall be

## THE BAY CITY COMPREHENSIVE PLAN

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permitted. This determination shall be made by the Division of State Lands and the U.S. Army Corps of Engineers during review of fill permit applications.

9. New fill in Estuary Development (ED) zones shall be permitted only for:
  - a. subparagraph 7 (a-c) above;
  - b. navigational structures and navigational improvement;
  - c. water-dependent uses that require an estuarine location;
  - d. dredged material disposal, in conjunction with an approved fill project. Fill standards shall apply; or
  - e. communication facility support structures.

### H. FISHERIES

1. Intertidal flats, tidal marshes, subtidal and intertidal seagrass and algae beds and other estuarine areas of major significance for rearing and other life stages of marine fish and invertebrates have been identified in estuary inventory reports, and shall be protected from conflicting uses through designation as Estuary Natural (EN), Estuary Conservation 1 (EC1), and Estuary Conservation Aquatic (ECA).
2. In order to maintain and improve fish runs and fisheries in the area wise management of fishery resources, fish enhancement programs, and maintenance of reproductive stocks are strongly supported.
3. Areas shall be designated as Estuary Development (ED) or Estuary Conservation 2 (EC2) to provide for adequate docks and moorage space for present and anticipated future commercial and sport fishing vessels and for fish processing, cold storage and other water-dependent support facilities.
4. Traditional sport and commercial fishing areas, shellfish harvesting areas and subtidal shellfish seed beds should be protected with dredging, filling, pile driving. Constructing pile dikes or rock jetties or other disruptive in-water activities which are permitted.
5. The City shall encourage the maintenance, improvement or enhancement or anadromous fish habitat or shellfish habitat by assigning appropriate estuary zones (see Policy 1 above) by encouraging the establishment of protective stream corridors and by controlling excessive sedimentation from shorelands.

# THE BAY CITY COMPREHENSIVE PLAN

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## I. FORESTRY AND THE FOREST PRODUCTS INDUSTRY

1. New or expanded log handling, sorting and storage areas shall be limited to Estuary Development (ED) zones and shall be allowed only if:
  - a. the handling, sorting, and storage area is an integral part of the process of water-dependent transportation of logs (i.e., is water-dependent);
  - b. a need (i.e. a substantial public benefit) is demonstrated and the use or alteration does not interfere with public trust rights; and
  - c. no feasible alternative upland locations exist; and if
  - d. adverse impacts are minimized.

New or expanded log handling, sorting, and storage areas shall not be located in shellfish beds, shallow spawning areas, or in areas where grounding of logs will occur.

2. The City, in conjunction with the County, shall cooperate with the Department of Environmental Quality to develop standards for in-water log storage and handling facilities prior to their establishment in Tillamook County.

## J. IMPLEMENTATION

1. The City of Bay City shall review the following for consistency with the Bay City Comprehensive Plan and Development Ordinance:
  - a. State and Federal permit applications for uses and activities within estuaries;  
  
Where applicable, procedures for review shall be developed as part of the Bay City Development Ordinance. The review of actions which would potentially alter the estuarine ecosystem shall include an impact assessment unless this is already part of the Comprehensive Plan.
2. Bay City shall notify all State and Federal agencies with mandates and authorities for planning, permit issuance, and resource decision making that they have the ability to make comment to the County before a County assessment of State and Federal permit applications is made. The following agencies shall be notified: Oregon Department of Fish and Wildlife, Oregon Division of State Lands, Oregon Department of Land Conservation and Development, Oregon Department of Economic Development, U.S. Fish and Wildlife

## THE BAY CITY COMPREHENSIVE PLAN

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Service, National Marine Fisheries Service, Environmental Protection Agency, U.S. Army Corps of Engineers.

3. Dredge or fill shall be allowed only if:
  - a. Required for navigation or other water-dependent uses that require an estuarine location or is specifically allowed by the management unit or zone; and
  - b. A need (i.e. a substantial public benefit) is demonstrated and the use or alteration does not unreasonably interfere with public trust rights; and
  - c. No feasible alternative upland locations exist; and
  - d. Adverse impacts to aquatic life and habitat, recreation and aesthetic uses, water quality and other physical characteristics of the estuary are minimized.

Other uses and activities which could alter the estuary shall only be allowed if the requirements in b., c. and d. are met.

4. Significant degradations or reductions of estuarine natural values include dredge, fill, in-water structures, riprap, log storage, application of pesticides and herbicides, flow-lane disposal of dredged material, water-intake or withdrawal and effluent discharge and other activities which will cause significant offsite impacts as determined by an impact assessment.
5. Dredging, fill, piling/dolphin installation, navigational structures, shoreline stabilization and dredged material disposal associated with an estuarine use or uses shall be reviewed as a whole subject to the respective policies for these activities and uses.

### K. INDUSTRIAL AND COMMERCIAL USES IN ESTUARINE WATERS, INTERTIDAL AREAS, AND TIDAL WETLANDS

1. Maintenance and repair of existing industrial and commercial uses shall be permitted in all estuary zones. Expansion and new construction of industrial and commercial uses, other than water-dependent recreation facilities, shall be limited to ED and EC2 designated areas.
2. The following shall be considered in the designation of Estuary Development (ED) and Estuary Conservation 2 (EC2) zones for the purpose of new development or expansion of industrial or commercial uses:

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- a. value of the area to local communities as an economic resource;
  - b. proximity to land transportation facilities;
  - c. availability of water and sewer service and power supplies;
  - d. proximity to urban or urbanized areas;
  - e. availability of developable shorelands;
  - f. degree of existing estuarine or shoreland alteration;
  - g. type, extent, and scarcity of biologic resources in the area;
  - h. proximity to navigation channels.
3. Development and improvement of existing commercial and industrial sites is encouraged prior to development of new commercial and industrial sites.
4. Water-dependent industrial facilities include, but are not limited to:
- a. piers, wharves, and other terminal transfer facilities for passengers or water-borne commerce such as fish, shellfish, or timber products;
  - b. water-intake and discharge facilities of timber processing plants;
  - c. portions of facilities for the extraction of minerals, aggregate, petroleum, natural gas, earth products, or geothermal resources (as defined by subsection (4) of ORS 522.010) which require access to a water body for intake or release of water during the refining or processing procedure;
  - d. portions of facilities for the refining or processing of minerals, aggregate, earth products, or geothermal resources (as defined by subsection (4) of ORS 522.010) which require access to a water body for intake or release of water during the refining or processing procedure;
  - e. portions of facilities for manufacturing, assembly, fabrication, maintenance, or repair of marine craft or marine equipment which require access to a water body as part of the manufacture, assembly, or fabricating process, due to the size of the craft or equipment which is being constructed;

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- f. portions of aquaculture facilities, including hatchery sites or fish release/recapture sites which require access to or use of water;
  - g. in water handling, sorting, and storage of logs in association with waterborne transportation of logs.
- 5. Water-dependent commercial facilities include, but are not limited to, commercial marinas and moorages (including seaplane moorages) and ancillary facilities such as marine craft or equipment repair facilities or fueling stations.
- 6. Other uses not listed in 6 or 7 above may be determined to be water-dependent if the use can only be carried out on, in, or adjacent to water, and the location or access is needed for:
  - a. water-borne transportation;
  - b. recreation; or
  - c. a source of water (such as energy production, cooling of industrial equipment or wastewater, or other industrial processes).
- 7. Industrial uses shall be identified as water-related industrial uses on a case-by-case basis, with consideration given to the public loss of quality in goods or services which would result if the use were not offered adjacent to water. Water-related industrial uses could include:
  - a. fish or shellfish processing plants;
  - b. warehousing and/or other storage areas for marine equipment or water-borne commerce.
- 8. Commercial uses shall be identified as water-related commercial uses on a case-by-case basis, with consideration given to the public loss of quality in goods or services which would result if the use were not offered adjacent to water. Water-related commercial uses could include:
  - a. fish and shellfish wholesale outlets;
  - b. marine craft or marine equipment sales establishments;

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- c. sport fish cleaning, smoking, or canning establishments;
  - d. charter fishing offices;
  - e. retail trade establishments providing products necessary for the commercial and recreational fishing industry, such as ice, bait, tackle, nautical charts, gasoline, or other products incidental to or used in conjunction with a water-dependent use;
  - f. restaurants which provide a waterfront view.
9. Other uses not listed in 9 and 10 above may be determined to be water-related if the use:
- a. provides goods and/or services that are directly associated with water-dependent uses (supplying materials to or using products of water-dependent uses); and
  - b. is not located near the water, would experience a public loss of quality in the goods and services offered. Evaluation of public loss of quality shall involve a subjective consideration of economic, social, and environmental consequences of the use.
10. Multipurpose and cooperative use of piers, wharves, parking areas, or handling and storage facilities shall be provided for, whenever practicable.
11. New commercial and industrial uses in Estuary Conservation 2 (EC2) zones other than water-dependent recreation shall be limited to water-dependent commercial and industrial facilities which:
- a. do not require dredging or filling; and
  - b. are consistent with the resource capabilities of the area and the long term use of renewable resources; and
  - c. do not cause a major alteration of the estuary.
12. Water-related and non-dependent, non-related industrial and commercial uses in Estuary Development (ED) zones shall be limited to those uses which:
- a. do not require the use of fill; and
  - b. do not preclude the provision or maintenance of navigation and other needed public, commercial, and industrial water-dependent uses.

L. LAND TRANSPORTATION FACILITIES

1. Maintenance and repair of existing roads, railroads, airports, bridge crossing support structures, bridge approach ramps, and establishment of low-water bridges shall be allowed in all estuary zones. Replacement of bridge crossing support structures and bridge approach ramps may be considered a form of maintenance if the resulting bridge support structure or ramp is the minimum size necessary to accommodate the same number of traffic lanes as exist on that portion of the highway.
  
2. In selecting sites for development of new land transportation facilities, priorities are, from highest to lowest:
  - a. upland sites;
  - b. shoreland sites;
  - c. Estuary Development (ED) zones;
  - d. Estuary Conservation 2 (EC2) zones;
  - e. Estuary Conservation 1 (EC1) zones.

The City, however, realizes that this priority list is subject to modification by economic consideration or by the need for services in a particular area.
  
3. New land transportation facilities within estuarine waters, intertidal marshes, or tidal wetlands shall be permitted only if:
  - a. no feasible alternative upland route exists; and
  - b. a need (i.e. a substantial public benefit) is demonstrated and the use or alteration does not unreasonably interfere with public trust rights;
  - c. adverse impacts are avoided or minimized.
  
4. In Estuary Conservation 1 (EC1) and Estuary Conservation 2 (EC2) zones new land transportation facilities shall be limited to bridge crossing support structures and temporary low-water bridges.

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5. New land transportation facilities in Estuary Development (ED) zones shall be permitted only if consistent with the purposes of the management area, the maintenance of navigation, and other public, commercial, and industrial water-dependent uses.
6. When bridge crossing support structures are needed, the amount of estuarine surface area occupied shall be the minimum amount possible. Bridges, piers, and trestles shall be designed so as not to impair tidal flow in respect to volume, velocity, or direction.
7. Proposals for new land transportation facilities shall be reviewed locally to determine land and water use compatibility and resource capabilities.
8. Construction and maintenance of land transportation facilities should be timed and conducted so that mass soil wasting or excessive erosion does not occur. Tillamook County recommends increased coordination between the State and County Highway Departments and State natural resource agencies in order to meet this objective.
9. In order to preserve significant fish and wildlife habitats and maintain biological productivity, new land transportation facilities in Estuary Natural (EN) zones shall be limited to low-water bridges, bridge crossing and bridge crossing support structures. Bridge crossing support structures are allowed only if consistent with the resource capabilities of the area and the purposes of the management unit.
10. Dredged material stockpile sites shall be used as a source of fill material for land transportation facilities whenever practicable.
11. Roadway construction shall be scheduled to avoid critical periods of breeding, feeding, and migration of coastal species.

### M. MINING AND MINERAL EXTRACTION

1. Petroleum extraction and drilling operations shall not be allowed in estuarine waters, intertidal areas, or tidal wetlands. Petroleum may, however, be extracted from beneath aquatic areas using equipment located on adjacent shorelands. Petroleum exploration not involving exploratory drilling shall be permitted within all estuary zones and shoreland zones and other shoreland areas.
2. To ensure the preservation of significant fish and wildlife habitats and the maintenance of biological productivity within estuaries, mining and mineral extraction shall not be permitted within Estuary Natural (EN) zones. However, future decreases in the supply of mineral and aggregate resources may require the extraction of resources from areas which are currently designated as Estuary Natural (EN). In such cases, an exception to the Estuarine

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Resources Goal shall be taken and included as an amendment to the City's Comprehensive Plan. Coordination with affected State and Federal resource agencies shall occur during this amendment process.

3. Mining and mineral extraction in Estuary Conservation 2 (EC2) and Estuary Conservation 1 (EC1) zones shall be permitted only if consistent with the resource capabilities of the area and the long-term use of renewable resources and if it does not cause a major alteration in the estuary.
4. Mining and mineral extraction in Estuary Development (ED) zones shall be permitted only if consistent with the maintenance of navigation and other needed public, commercial and industrial water-dependent uses.
5. Location of valuable mineral, sand, aggregate, clay, natural gas, and petroleum deposits within estuarine waters, intertidal areas, tidal wetlands, and shorelands shall be identified and these sites protected from pre-emptive use until the resources are extracted.

### N. MITIGATION

1. Dredging or fill within intertidal areas or tidal wetlands shall be mitigated by the creation, restoration, or enhancement of similar estuarine areas.
2. Mitigation projects shall comply with the requirements of the State Fill and Removal Law (ORS 541.605 - 541.655).
3. Mitigation sites which generally correspond to the types and quantity of intertidal area proposed for dredging or filling shall be identified in the mitigation plan element of the City's Comprehensive Plan. Priority sites shall be preserved for future mitigation use. The City shall cooperate with local ports and the County to preserve priority sites for future mitigation proposals.

### O. NATURAL HABITAT AND RESOURCE AREAS

1. Estuarine habitat shall be designated and managed as follows:
  - a. Except where goal exceptions have been taken in the City's Comprehensive Plan, Estuary Natural (EN) zones shall contain, at a minimum, all major tracts of salt marsh, tideflats, seagrass, and algae beds. The purpose is to:
    - 1) assure the protection of significant fish and wildlife habitats; and

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- 2) retain diversity of natural ecosystems and continued biological productivity within each estuary.

The management objective is to preserve those natural resources in recognition of dynamic, natural, geological, and evolutionary processes. Permissible uses within these areas shall be consistent with this management objective and shall recognize the low tolerance level of intensive human use.

b. Estuary Conservation Aquaculture (ECA) zones shall contain:

- 1) areas which are in existing aquaculture use and which are subject to a valid oyster growing lease from the Division of State Lands pursuant to ORS 509 and 510;
- 2) other areas suitable for aquaculture which do not qualify as natural management units.

This management objective is to promote the continuing utilization of (this designated) shellfish culture area while providing for low-intensity water-dependent recreation, commercial, and recreational fishing and crabbing, and protecting the significant biological productivity of major tracts of fish and wildlife habitat and area needed for scientific, research, or educational purposes.

c. Except where goal exceptions have been taken in the City's Comprehensive Plan, Estuary Conservation 1 (EC1) zones shall contain, at a minimum:

- 1) tracts of tidal marshes, tideflats, seagrass, and algae beds which are similar or of less biological importance than those designated as Estuary Natural (EN);
- 2) native and commercial clam, shrimp, and oyster beds;
- 3) productive recreational or commercial fishing areas;
- 4) areas that are partially altered and adjacent to existing development of moderate intensity which do not possess the resource characteristics of natural or development units;
- 5) areas with potential for shellfish culture (excluding platted oyster beds in Tillamook Bay); and

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- 6) Subtidal channel areas adjacent to rural or agricultural shorelands.

The management objective is to:

- 1) provide for the long-term maintenance and enhancement of biological productivity;
- 2) provide for activities allowing the long-term utilization of renewable resources and not requiring major alterations of the estuary except for the purposes of active restoration; and
- 3) provide for the long-term maintenance of the aesthetic values so estuarine areas, in order to promote/enhance low intensity recreational use of estuarine areas which are adjacent to rural or agricultural shorelands.

- d. Except where goal exceptions have been taken in the City's Comprehensive Plan, Estuary Conservation 2 (EC2) zones shall contain:

- 1) tracts of significant habitat not qualifying for EN or EC1 designation;
- 2) areas containing existing water-dependent facilities which require periodic maintenance of water access;
- 3) partially altered estuarine areas of estuarine areas adjacent to existing water-dependent development, and which do not otherwise qualify for EN, EC1, or ED designation; and
- 4) subtidal navigable areas which are adjacent to urbanized areas, which do not qualify for EN, ECA, or EC1 designations and which are not federally authorized and maintained navigation channels.

The management objective is to:

- 1) provide for long-term use of renewable resources that do not require major alterations of the estuary, except for purposes of restoration; and
- 2) other than minor navigational improvement, aquaculture and water-dependent recreational and commercial uses only where dredging and filling are not necessary, and where consistent with the resource capabilities of the area and purposes of the management unit.

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- e. Estuary Development (ED) zones shall contain:
- 1) areas which contain public facilities which are utilized for shipping, handling, or storage of water-borne commerce, or for moorage or fueling of marine craft;
  - 2) subtidal channel areas adjacent or in close proximity to the shoreline which are currently used or needed for shallow-draft navigation (including authorized maintained channels and turning basins);
  - 3) areas of minimum biologic significance needed for uses requiring alteration of the estuary not included in EN, ECA, EC1 and EC2 zones; and
  - 4) where and acknowledged Goal 16 exception has been taken, areas of biologic significance which are potentially suitable for commercial, recreational, or industrial development, due to their proximity to subtidal channels, developed or undeveloped shorelands, or developed estuarine areas, and to the availability of services.

The management objective is to:

- 1) provide for long-term maintenance, enhancement, expansion, or creation of structures and facilities for navigational and other water-dependent commercial, industrial, or recreational uses;
- 2) provide for the expansion or creation of other commercial, industrial, or recreational facilities subject to the general use priorities outlined in Subsection K;
- 3) developments that require surface water appropriation and diversion shall be located where stream flows are not reduced below the minimum recommended levels. Water quality policies shall apply;
- 4) non-hazard snags adjacent to stream, sloughs, and in forested areas should be left in order to increase habitat diversity;
- 5) Bay City encourages a reduced tax assessment for privately owned lands which have been identified as important estuarine or shoreland natural habitat and resource areas.

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### P. NAVIGATIONAL STRUCTURES AND NAVIGATIONAL AIDS

1. Navigational aids (beacons, buoys, channel markers) and maintenance and repair of navigational structures (breakwaters, jetties, groins, and pile dikes) shall be permitted within all estuary zones. Expansion or new construction of navigational structures is only permitted in Estuary Conservation 1 (EC1), Estuary Conservation 2 (EC2) and Estuary Development (ED) zones.
2. Navigational structures shall be permitted only if:
  - a. required for navigation or in conjunction with a water-dependent recreational, commercial, or industrial use for which there is a need (i.e. a substantial public benefit) demonstrated and the use of alteration does not unreasonably interfere with public trust rights; and
  - b. the need cannot be met by non-structural solutions; and
  - c. adverse impacts on water currents and erosion and accretion patterns are avoided or minimized to be consistent with the purposes of the area; and
  - d. in Estuary Conservation 2 (EC2) and Estuary Development (ED) zones, navigational structures shall be limited to floating breakwaters, which shall be permitted only if consistent with the resource capabilities of the area and the long-term use of renewable resources, and if they do not cause a major alteration of the estuary.
3. New navigational structures shall not be permitted in Estuary Conservation 1 (EC1) or Estuary Natural (EN) zones.

### Q. PILING/DOLPHIN INSTALLATION

1. Replacement of existing pilings and dolphins shall be permitted within all estuary zones.
2. In Estuary Natural (EN) and Estuary Conservation Aquaculture (ECA) zones, new pilings shall be limited to:
  - a. individual unconnected pilings in conjunction with an approved aquaculture facility or a navigational aid;
  - b. temporary alterations;

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- c. active restoration and estuarine enhancement.

Aquaculture facilities and navigation structures and aides policies and standards shall apply.

- 3. Piling and dolphin installation in Estuary Conservation 2 (EC2) and Estuary Conservation 1 (EC1) zones shall be allowed only for navigation for a water-dependent use for which no practicable alternative locations exist, and shall be permitted only if consistent with the resource capabilities of the area and the long-term use of renewable resources, and if it does not cause a major alteration of the estuary.
- 4. Piling and dolphin installation in Estuary Development (ED) zones shall be permitted if:
  - a. required in conjunction with navigation or a water-dependent use for which no feasible alternative upland location exists; or
  - b. required in conjunction with a water-related use or a non-dependent non-related use, only if consistent with the maintenance of navigation and other needed public and industrial water-dependent uses.
- 5. Replacement of existing pilings and dolphins and installation of new pilings and dolphins shall be subject to the requirements of the Rivers and Harbors Act of 1899, and other applicable State and Federal laws.

### R. PUBLIC ACCESS TO THE ESTUARY AND ITS SHORELANDS

- 1. The City recognizes the value of maintaining and improving public access to its publicly owned estuaries for all the people.
- 2. Further acquisition, sale, or development of shorelands owned by the County, Federal, State, and local governments shall be carried out in a manner to retain existing public access and maximize future public access to these publicly owned shorelands, consistent with resource capabilities and site sensitivity to human use. To this end:
  - a. Existing public ownership, rights-of-way, and similar public easements which provide access to or along coastal waters shall be retained or replaced if sold, exchanged or transferred. Rights-of-way may be vacated to permit redevelopment of shoreland areas provided public access across the affected site is retained.
  - b. Governments should avoid closing their lands to public use unless protection of fragile resources outweighs the benefits to be derived from public use.

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- c. All units of government providing or supporting public access to the public coastal areas should give particular attention to use capabilities in order to protect areas from over-use to prevent potential damage to resources.
  - d. Public access to shorelands owned by Federal, State, and local governments should be improved where feasible and consistent with authorized use.
  - e. The City should consider the purchase of conservation or scenic easements whenever opportunities are available to increase public access.
  - f. The City supports the voluntary use of the open space special tax assessment law when it will result in property owners maintaining natural areas or providing visual or physical access to public areas.
  - g. Special consideration should be given to making some designated areas of the City's publicly-owned shorelands available to the elderly, handicapped, and physically disabled.
3. The private use of privately-owned intertidal areas, tidal wetlands, and shorelands is legitimate and must be protected against encroachment. Public access through and the use of private property shall require the consent of the owner and is trespassing unless appropriate easements and accesses have been acquired in accordance with the law.
  4. Where major shoreland developments are allowed, they should not, in combination with other developments in the area, exclude the public from shoreline access to areas traditionally used for fishing, hunting, or other shoreline activities.
  5. Special consideration of the need to retain open space and improve public access to publicly owned shorelands is necessary in urban and urbanizing areas. Industrial and commercial facilities such as canneries, ports and marinas should, where feasible, provide physical or visual access to coastal waters and shorelands.

### S. RECREATION AND RECREATIONAL FACILITIES

1. Maintenance and repair of existing docks, moorages, marinas, and other recreational facilities shall be permitted within all estuary zones and shoreland zones.
2. Low-intensity water-dependent recreation shall be permitted within all estuary zones and shoreland zones.

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3. To preserve significant fish and wildlife habitat and provide for continued biological productivity, recreation in Estuary Natural (EN) zone shall be limited to boat ramps for public use where no dredging or fill for navigational access is needed.
4. Boat ramps for public use where no dredging or fill for navigational access is needed are permitted in Estuary Conservation 1 and Estuary Conservation 2 zones. Other water-dependent recreational facilities shall be permitted only if consistent with the resource capabilities of the area and the long-term use of renewable resources and if they do not cause a major alteration of the estuary.
5. Recreational off-road vehicle use shall not be permitted in estuarine waters, intertidal areas, or tidal wetlands.
6. Consistent with demand, natural resource values, private property rights, and the need for other more intensive development local, State, and Federal agencies are encouraged to provide for recreational facilities and public access points to ocean, estuaries, rivers, and shorelands. Adequate law enforcement shall be provided by the local, State, and Federal agency responsible for these recreational areas.
7. Dredge, fill, shoreline stabilization, or piling/dolphin installation in conjunction with recreational facilities shall be subject to the respective policies and standards for these activities.

### T. RESTORATION AND ENHANCEMENT

1. Passive restoration is the use of natural processes, sequences, and timing which occur after the removal or reduction or adverse stresses without other specific positive remedial action. Passive restoration shall be permitted in all estuary zones.
2. Restoration and enhancement activities may serve as part of a mitigation project, subject to the requirements of State Fill and Removal Law (ORS 541.605 - 541.665) and other applicable state and federal laws.
3. Estuarine Restoration means to revitalize or re-establish functional characteristics and processes of the estuary diminished or lost by past alteration, activities or catastrophic events. A restored area must be a shallow subtidal or an intertidal or tidal marsh area after alteration work is performed and may not have been a functioning part of the estuarine system where alteration work begins. The following types of restoration work are recognized but not limited to:

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- a. Diked lands restoration - Priority shall be given to restoration of agriculturally marginal or unused, low-lying diked areas adjacent to estuarine wetland or tideland. This may be accomplished by either active means such as contouring to provide the potential for diverse habitats (mudflat and marsh), removal of dikes, or by passive means such as breaching a dike to allow tidal flushing. An exception to the Agricultural Lands Goal shall be taken and included as an amendment to the Bay City Comprehensive Plan before productive agricultural land is lost to reaching or removal of functional dikes for purposes of restoration. The Tillamook County Agricultural Criteria shall be used to evaluate the value or productivity of agricultural land. Significant wildlife habitat should not be lost through breaching or removal of dikes. Incentives should be provided to landowners to encourage the restoration of unused diked tidal marsh areas with minimal agricultural value to aquatic production.
  - b. Removal of fills to restore estuarine surface area.
  - c. Establishment of tidal marsh vegetation.
4. Estuarine enhancement is an action which results in the long-term improvement of existing estuarine functional characteristics and processes that is not the result of a creation or restoration action. Estuarine enhancement includes but is not limited to:
- a. Removal of old pilings and structures - Priority shall be given to the removal of old piling, buildings, or navigational structures which are a hazard to navigation, pose a danger to life and property, are structurally unsound, or serve no demonstrated public use.
  - b. Restoration of shoal areas - Priority shall be given to estuarine channel areas where excessive shoaling has resulted in loss or decrease in navigability.
  - c. Restoration of eroded areas - Priority shall be given to areas where erosion constitutes a hazard.
  - d. Restoration of river channels and mouths for purposes of flood control. Priority shall be given to channels and mouths where shoaling or concentration of debris has occurred. Proposed restoration projects for the purposes of flood control must demonstrate that flooding conditions will be reduced to those which existed at the time of the physical dimensions (e.g. depth and width) to which the channel is being restored.

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- e. Salmon habitat/spawning restoration projects - Priority shall be given to projects involving the re-gravelling of streams where excessive siltation has occurred, and/or removal of bypass constructions such as old tide gates, dams or waterfalls.
5. In Estuary Development (ED) zones, only those passive restorative projects shall be permitted which not:
    - a. interfere with the provision or maintenance of navigation and other needed public, commercial, and industrial water-dependent uses;
    - b. pre-empt the use of adjacent shorelands especially suited for water-dependent development.
  6. Habitat types, resources, or amenities which are in shortest supply as compared with historical abundance shall be identified as part of the restoration plan element of the Bay City Comprehensive Plan and shall be priority sites for restoration projects.
  7. Active restoration and estuarine enhancement as defined above shall be permitted in all estuary zones, subject to the following requirements:
    - a. In Estuary Natural Zones active restoration shall be limited to restoration and estuarine enhancement shall be consistent with the resource capabilities of the area and the purposes of the Management Unit.
    - b. In Estuary Conservation Zones a resource capability determination shall be required for active restoration for purposes other than restoration of fish and wildlife habitat or water quality.
    - c. In Estuary Development Zones active restoration shall not interfere with the provision or maintenance of navigation and other needed public, commercial and industrial water-dependent uses or the use of adjacent shorelands especially suited for water-dependent development.
    - d. In Shoreland Zones active restoration shall not preclude or conflict with existing or reasonable potential water-dependent uses on the site or in the vicinity.
    - e. In major marshes significant wildlife habitat, coastal headlands and exceptional aesthetic resources within coastal shorelands, active restoration shall be consistent with the protection of natural values.

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### U. SCIENTIFIC RESEARCH, PLANNING, AND PUBLIC EDUCATION ESTUARIES AND SHORELANDS

1. To ensure local coordination and to provide useful information for local estuary management decisions, all agencies, consultants, university personnel, and private individuals conducting research or developing plans in the City should:
  - a. contact the City during the project planning stage to outline the research objectives and schedules and the means of reporting project results; and
  - b. convey research results to local government agencies.

### V. SHALLOW DRAFT PORT FACILITIES AND MARINAS

1. Maintenance and repair of existing port facilities and marinas shall be permitted within all estuary zones. Expansion and new construction of port facilities and marinas is only allowed in Estuary Development (ED) and Estuary Conservation 2 (EC2) zoned areas.
2. In Tillamook Bay, the depth of those portions of the main channel which are maintained by dredging shall not exceed 22 feet in depth.
3. The following shall be considered in the designation of areas for the purpose of port facility or marina development or expansion:
  - a. proximity to navigation channel;
  - b. degree of existing estuarine or shoreland alteration;
  - c. resource capabilities, when located in EC2 zones;
  - d. relative biological significance;
  - e. proximity to land transportation facilities;
  - f. availability to water and sewer service and power supplies;
  - g. value of the area to the community as an economic resource;
  - h. proximity to urban or urbanized areas;
  - i. need for and availability of developable shorelands;

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- j. proximity to industrial areas or potential upland industrial sites;
  - k. initial and long-term dredging, dredged material disposal requirements, and availability of dredged material disposal sites.
- 4. Safe navigation access to existing and future port facilities shall be maintained.
  - 5. To encourage the most efficient use of waterfront and water surface area:
    - a. public or private community marina facilities are encouraged over the proliferation of individual, single-purpose piers and mooring facilities;
    - b. concentrated marinas are preferred over small, widely distributed marinas;
    - c. dryland, rather than in-water storage of boats is preferred, when feasible.
  - 6. Development or expansion in EC2 zones shall be permitted only if:
    - a. consistent with the resource capabilities of the area and the long-term use of renewable resources; and
    - b. no major alterations of the estuary would result.

### W. SHORELINE STABILIZATION

- 1. Maintenance and repair of existing shoreline stabilization measures shall be permitted within all estuary and shoreland zones and other shoreland areas.
- 2. Within estuarine water, intertidal areas, tidal wetlands and along shoreland zones, and other shoreland areas general priorities for shoreline stabilization for erosion control are, from highest to lowest:
  - a. proper maintenance of existing riparian vegetation;
  - b. planting of riparian vegetation;
  - c. vegetated rip-rap;
  - d. non-vegetated rip-rap;

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- e. groins, bulkheads, and other structural methods.
3. Proper maintenance of existing riparian vegetation and planting of additional vegetation for purposes of shoreline stabilization shall be permitted within all estuary zones, and along shoreland zones and other shoreland areas. The City supports the efforts of the Tillamook Soil and Water Conservation District to maintain and improve streamside habitat along the County's rivers and streams.
  4. Structural shoreline stabilization methods within estuary and shoreland zones or other shoreland areas shall be permitted only if:
    - a. flooding or erosion is threatening a structure or an established use or there is a demonstrated need (i.e. a substantial public benefit) and the use or alteration does not unreasonably interfere with public trust rights;
    - b. land use management practices or non-structural solutions are inappropriate because of high erosion rates or the use of the site; and
    - c. adverse impacts on water currents, erosion, and accretion patterns, and aquatic life and habitat are avoided or minimized.
  5. In Estuary Natural (EN) and Estuary Conservation Aquaculture (ECA) zones structural shoreline stabilization shall be limited to rip-rap which shall be permitted only if consistent with the resource capabilities and purposes of the management unit. Rip-rap in these zones shall be allowed only to protect:
    - a. existing structures or facilities which are in conformance with the requirements of this ordinance, or non-conforming structures or facilities established prior to October 7, 1977;
    - b. unique natural resources or sites with unique historical or archaeological values; or
    - c. established uses on private property.

A resource capability determination shall be required for riprap in EN zones for purposes other than the protection of unique natural resources, historical and archaeological values, public facilities and uses existing as of October 7, 1977.

6. In Estuary Conservation 1 (EC1) and Estuary Conservation 2 (EC2) zones, structural shoreline stabilization (rip-rap, groins, or bulkheads) shall be permitted only if:

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- a. consistent with the long-term use of renewable resources; and
  - b. does not cause a major alteration of the estuary.
7. In Estuary Development (ED) zones, structural shoreline stabilization (rip-rap, groins, or bulkheads) shall be permitted only if consistent with the maintenance of navigation and other needed public, commercial, and industrial water-dependent uses.

### X. WATER QUALITY

1. The following State and Federal authorities shall be utilized for maintaining water quality and minimizing man-induced sedimentation in estuaries:
  - a. the Oregon Forest Practices Act and Administrative Rules for forest lands and defined in ORS 527.610 - 572.990;
  - b. the non-point source discharge water quality program administered by the Department of Environmental Quality under Section 208 of the Clean Water Act of 1977 (P.L. 92-500);
  - c. the Fill and Removal Permit Program administered by the Division of State Lands under ORS 541.605 - 541.665;
  - d. the program of the Soil and Water Conservation Commission and local districts and the Soil Conservation Service for Agricultural Lands;
  - e. sections 404 and 402 of the Clean Water Act of 1977 (P.L. 2-500).
2. The City supports the efforts of the Department of Environmental Quality to identify the quantities of bacterial wastes derived from non-point pollution sources and to develop a bacteria management plan for Tillamook Bay. The City shall review the Tillamook Bay Bacteria Management Plan and incorporate appropriate elements of the plan.
3. Gasoline and oil sales on the waterfront should be limited to the servicing of water-dependent facilities and marine craft.
4. Uncontrolled release of pollutants into ocean, river, or estuarine waters is prohibited by State and Federal law. Controlled release of treated industrial, domestic, and agricultural wastes into ocean, river, or estuarine waters shall be permitted only if no practicable alternatives exist. In this case, waste disposal into the ocean or rivers is preferred over estuarine waste disposal.

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5. All projects involving dredging, fill, piling/dolphin installation, or navigational structures shall be constructed so that flushing capacity is maintained or improved and so that changes in circulation patterns will not result in water quality problems.
6. Bay City recognizes the statutory authority of the Oregon Department of Agriculture to regulate the application of pesticides and herbicides, the Oregon Department of Environmental Quality to regulate the impacts of chemical substances on estuarine water quality, and the Oregon Department of Environmental Quality to regulate water withdrawal and effluent discharge into estuarine waters. Preparation of impact assessments for these activities shall be the responsibility of these agencies.

### Y. SOLID WASTE DISPOSAL AND SANITARY LANDFALL

1. Solid Waste disposal sites shall not be permitted within estuarine waters, intertidal areas, or tidal wetlands.

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COMPREHENSIVE PLAN MAPS