

CHAPTER I

GENERAL

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ARTICLE 1.1 INTRODUCTION

SECTION 1.1.100. Title and Authority. This Ordinance shall be known as the Coos County Zoning and Land Development Ordinance of 1985 and is enacted pursuant to the provisions of ORS 92.044, 92.046, 203.035, 203.065, 215.050 and 215.110 and the Coos County Comprehensive Plan. All provisions of this Ordinance shall remain in compliance with the Comprehensive Plan and State law.

SECTION 1.1.200 Purpose. It is the purpose of this Ordinance to implement the Coos County Comprehensive Plan by:

1. Promoting the orderly growth of Coos County,
2. Protecting and enhancing the environment,
3. Conserving and stabilizing the value of property,
4. Reducing excessive traffic congestion,
5. Preventing overcrowding of land by establishing standards for proper density,
6. Providing adequate open space for light and air,
7. Conserving natural resources,
8. Encouraging the most appropriate use of land,
9. Preventing water and air pollution,
10. Facilitating fire and police protection,
11. Providing for community facilities,
12. Promoting and protecting the public health, safety, convenience and general welfare.

SECTION 1.1.300. Compliance with Comprehensive Plan and Ordinance Provisions. The Comprehensive Plan of Coos County is the basis for all land use development within Coos County. Should any conflicts arise between the Plan and this Ordinance, the provisions of the Plan will prevail.

It shall be unlawful for any person, firm, or corporation to cause, develop, permit, erect, construct, alter or use any building, structure or parcel of land contrary to the provisions of the district in which it is located. No permit for construction or alteration of any structure shall be issued unless the plans, specifications, and intended use of any structure or land conform in all respects with the provisions of this Ordinance, unless approval has been granted by the Hearings Body.

Any use permitted within a primary zone but specifically not permitted by an overlaying floating zone restriction (required by the Comprehensive Plan) shall not be permitted.

SECTION 1.1.400. Severability. If any section, paragraph, subdivision, clause, sentence or provision of this Ordinance shall be adjudged by any court of competent jurisdiction to be unconstitutional or invalid, such judgement shall not affect, impair, invalidate, or nullify the remainder of this Ordinance; the invalidation shall be confined to the section, paragraph, subdivision, clause, sentence, or provision immediately involved in the controversy in which such judgement or decree shall be rendered. The intent of the governing body shall be to enact the remainder of this Ordinance notwithstanding the parts so declared unconstitutional or invalid. Should any section, paragraph, subdivision, clause, sentence or provision of this Ordinance be declared unreasonable or inapplicable to a particular premises or to a particular use at any particular location, as outlined above, such declaration or judgement shall not affect, impair, invalidate or nullify such section, paragraph, subdivision, clause, sentence or provision as to any other premises or use.

SECTION 1.1.500 RESERVED [OR 04 12 103PL, 2/9/05]

SECTION 1.1.600 Effect of Agreements Between parties. It is not the intent of this Ordinance to interfere with, abrogate or annul any easement, covenant or other agreement between parties, provided that where this Ordinance imposes a greater restriction than that imposed by that agreement, the provisions of this Ordinance shall control.

SECTION 1.1.700 Interpretation.

1. When in the administration of this Ordinance there is doubt regarding the intent of the Ordinance, the Planning Director, in conjunction with County Counsel shall issue an interpretation to resolve the doubt. Any interpretation shall conform with the Oregon Revised Statutes and appropriate court cases. Such interpretation shall not have the effect of amending the provisions of this Ordinance.

2. The interpretation may be forwarded to the Board of Commissioners and the Hearings Body. The Board of Commissioners may request a recommendation of the Hearings Body whenever such an interpretation is of general public interest.
3. The Board of Commissioners shall initiate an ordinance amendment.

SECTION 1.1.800 Construction. The following rules of construction shall apply unless the context of a particular provision clearly indicates otherwise:

Tense: Words used in the present tense include the future and past tenses.

Number: Words used in the singular include the plural, and words used in the plural include the singular.

Shall and May: The word “shall” is mandatory; the word “may” is permissive.

Gender: The masculine shall include the feminine and neuter.

Hearings Body: The Hearings Body shall be synonymous with Hearings Officer or Planning Commission.

Planning Director: The word Planning Director shall include the Planning Director’s designee.

Headings: In the event there is any conflict or inconsistency between the heading of an article, section or paragraph of this Ordinance and the context thereof, the heading shall not be deemed to effect the scope, meaning or intent of such context.

Zoning District: The terms “zoning district”, “district” or “zone” are synonymous with “management unit”, “management segment” or “segment”.

Lot: The word “lot” is often used in conjunction with a substantive requirement, i.e., “minimum lot size”, “lot line”, etc. When used in such context, “lot” shall be interpreted to include “parcel” and “tract”.

SECTION 1.1.900. Statement about Required Downzoning.

1. The Board of Commissioners declares that some of the downzoning produced by the establishment of zoning districts set forth in this Ordinance is the sole result of confiscatory conservation mandates imposed on Coos County by the Oregon Land Conservation and Development Commission (LCDC).
2. Required downzoning will, in some cases, result in undesirable adverse consequences on the Coos County tax base; the Board of Commissioners is philosophically opposed to these adverse consequences.
3. Recognizing the severe restrictions imposed on the use of some private property by this Ordinance because of LCDC mandates, the Board of Commissioners declares that the State of Oregon should bear the financial burden of defending any taking suits stemming from this Ordinance; further, the State should pay any judgements resulting from such suits.

SECTION 1.9.950. RESERVED [OR 08 11 012PL, 3/9/09]

SECTION 1.1.975. Vested Rights. A parcel shall be considered vested for completion of the construction of a nonconforming use when an administrative conditional use is granted, based on findings establishing:

1. The good faith of the property owner in making expenditures to lawfully develop his property in a given manner;
2. The amount of reliance on any prior zoning classification in purchasing the property and making expenditures to develop the property;
3. The extent to which the expenditures relate principally to the use of an applicant claims is vested, rather than to ancillary improvements, such as but not limited to roads, driveways, which could support other uses allowed as of right.
4. The extent of the purported vested use as compared to the uses allowed in the subsequent zoning ordinances;
5. Whether the expenditures made prior to existing zoning regulations show that the property owner has gone beyond mere contemplated use and has committed the property to the purported vested use which would in fact have been made on the subject property but for the passage of the existing zoning regulation; and
6. The ratio of the prior expenditures to the total cost of the proposed use.