

ARTICLE 3.2
SUPPLEMENTAL PROVISIONS – USES

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SECTION 3.2.100. Special Temporary Uses. The special temporary uses and their accessory structures and uses may be temporarily permitted by the Planning Director as set forth in the Zoning Districts. The Planning Director’s decision may be reviewed by the Hearing’s Body.

SECTION 3.2.125. Recreational Vehicles as Dwellings.

1. Except as otherwise provided in this Section, no camper, travel trailer, recreational vehicle or other similar device shall be used as a place of habitation other than in a duly authorized RV overnight park or mobile home park, or as an authorized family hardship dwelling.

2. The Planning Director may authorize use of a camper, travel trailer, recreational vehicle or other similar device as a place of temporary habitation:
 - a. as a watchman’s quarters sited in conjunction with a permitted commercial, industrial, or commercial farming or woodlot operation; or

 - b. during construction of a permitted building or authorized use, subject to other provisions of this ordinance; or

 - c. outside of urban growth boundaries, including the CBA-UGB, for short-term guest visits on a lot or parcel containing a dwelling, not to exceed 60 days in any calendar year; or

 - d. while camping, for periods of up to 45 days per calendar year, on property zoned for rural-residential, farm, or forest use and the camper owns the subject land or is a member of the immediate family of the owner of the subject land.
[OR 93-06-012PL 9/1/93]

SECTION 3.2.150. Accessory Uses. Uses customarily accessory to the lawfully established principal use shall be allowed in all cases unless specifically prohibited or restricted.

1. An accessory use may be located on the same lot, parcel or tract or on a contiguous lot, parcel or tract under the same ownership as the lot, parcel or tract that contains the principal use.

2. The use complies with the definition of “Accessory Structure or Use” pursuant to this Ordinance;

3. The noncontiguous lot, parcel or tract is in the “same ownership” as the lot, parcel or tract on which the principal use is located;
4. The accessory use shall only be allowed subject to an administrative conditional use and findings that establish that the use is compatible with surrounding uses or may be made compatible through the imposition of conditions.
[OR 91-05-006PL 7/10/91]

SECTION 3.2.175. Special Allowance for Accessory Housing within the Coquille River and Coos Bay Estuary Shoreland Boundaries. Dwellings may be

allowed as an accessory use to any of the following legally established uses:

1. agriculture, as otherwise consistent with CREMP Policy #42 (Appendix 2) and CBEMP Policy #28 (Appendix 3)
2. airports
3. aquaculture
4. commercial
5. docks and moorage/marinas
6. industrial and port facilities
7. log storage and sorting yard
8. mining and mineral extraction
9. recreational uses
10. solid waste disposal
11. timber farming/harvesting, as otherwise consistent with CREMP Policy #42 and CBEMP Policy #28
12. utilities

However, such accessory dwelling shall only be allowed when findings document that:

1. The dwelling is necessary for a watchman or caretaker that is needed to reside on-premise.
2. That the primary purpose of the dwelling is not solely to provide rental housing.

SECTION 3.2.200. Uses Listed as Permitted. Buildings, structures, and land shall be used, designed, erected, structurally altered or enlarged only for the purposes listed as permitted or conditional (approved pursuant to CHAPTERS 4 and 5) in the district in which such building or land is located, and then only after applying for and securing all permits and licenses required by state and federal law and County Ordinance. Any use already established within an area and is not a permitted use or approved conditional use shall be allowed to continue as a

grandfathered use subject to all conditions and restrictions relating to grandfather uses as provided in this Article.

SECTION 3.2.250. Administrative Conditional Use. Buildings, structures and land may be used, designed, erected, structurally altered or enlarged for the purpose listed as administrative conditional uses in the district in which such building or land is located only after the applicant has:

1. Obtained administrative approval of the Planning Director pursuant to Article 5.2; and
2. Applied for and received all permits and licenses required by state, federal and County Ordinances, laws and statutes.

Any use established prior to this Ordinance within a district which is listed as an administrative conditional use shall be deemed to be an approved administrative conditional use.

SECTION 3.2.300. Hearings Body Conditional Use. Buildings, structures and land may be used, designed, erected, structurally altered or enlarged for the purposes listed as Hearings Body conditional uses in the district in which such building or land is located only after the applicant has:

1. Obtained Hearings Body approval pursuant to Article 5.2; and
2. Applied for and received all permits and licenses required by state, federal and County ordinances, laws and statutes.

Any use established prior to this Ordinance within a district which is listed as a Hearings Body conditional use shall be deemed to be an approved administrative conditional use.

SECTION 3.2.350. Prohibited Uses. Except as provided by Section 3.2.400, any use not listed or specifically identified as not permitted are prohibited.

SECTION 3.2.400. Uses Not Listed. It is recognized that in the development of a Comprehensive Zoning and Land Development Ordinance, not all uses of land and water can be listed, nor can all future uses be anticipated. A “use” may have been inadvertently omitted from the list of those specified as permitted or conditional in each of the various districts designated. Ambiguity may arise concerning the appropriate classification of a particular use within the meaning and intent of this Ordinance.

1. The classification of a new permitted or conditional use may be approved by the Planning Director, or may be referred to the Board of Commissioners for consideration;
2. To classify and add a new permitted or conditional use to the uses already listed within a zoning district without formal amendment to the text of this Ordinance, the Planning Director must find that the proposed use to be added is similar and not more obnoxious or detrimental to the public health, safety, and welfare as other uses listed in the respective zoning district.
3. Notice of any decision to classify a new use shall be published in a newspaper of general circulation at least ten (10) days prior to the effective date of the decision, and shall be subject to appeal pursuant to Article 5.8. Decisions to classify a new use may be appealed following the procedures of Article 5.8.
4. Any decision to classify a use pursuant to this section shall be entered in a registry available to the public setting forth:
 - a. The street address or other easily understood geographic reference to the subject property;
 - b. the date of the decision; and
 - c. a description of the decision made.
5. New classified uses shall be subject to all other requirements of this Ordinance.
6. Any new use classified for an Exclusive Farm Use or Forest zone must comply with ORS 215 and requirements of applicable case law and administrative rules. [OR-92-07-012PL]

SECTION 3.2.450. New Use Amendment. If the Planning Director determines a proposed new use is not “similar and not more obnoxious or detrimental to the public health, safety, and welfare as other uses listed in the respective zoning district”, then the proposal shall be subject to the amendment procedures of Article 1.2 of this Ordinance.

SECTION 3.2.500. Right of Way Enhancement.

1. Notwithstanding any other Ordinance provision, the following types of public right-of-way enhancements shall be permitted except as otherwise

reviewable pursuant to Statewide Planning Goals 5, 7, 16, 17, or 18 provisions of the Comprehensive Plan or this Ordinance:

- a. Climbing and passing lanes within the right-of-way existing as of July 1, 1987;
- b. Reconstruction or modification of public roads and highways, not including the addition of travel lanes, where no removal or displacement of buildings would occur, or no new land parcels result;
- c. Temporary public road and highway detours that will be abandoned and restored to original condition or use at such time as no longer needed;
- d. Minor betterment of existing public roads and highway related facilities, such as maintenance yards, weigh stations and rest areas, within right-of-ways existing as of July 1, 1987, and contiguous public owned property utilized to support the operation and maintenance of public roads and highways.

2. Within EFU zones, the following types of public right-of-way enhancements shall be administrative conditional uses subject to Review Standard 15; within all non-EFU zones the following types of public right-of-way enhancements shall be administrative conditional uses subject to Review Standard 7; in addition to the above Review Standards, the following uses may be reviewable pursuant to Goals 5, 7, 16, 17 or 18 provisions of the Comprehensive Plan, or this Ordinance:

- a. Construction of additional passing and travel lanes requiring the acquisition of right-of-way but not resulting in the creation of new land parcels;
- b. Reconstruction or modification of public roads and highways involving the removal or displacement of buildings but not resulting in the creation of new land parcels;
- c. Improvement of public roads and highways and related facilities such as maintenance yards, weigh stations, and rest areas, where additional property or right-of-way is required but not resulting in the creation of new land parcels.

SECTION 3.2.550. Routine Road Maintenance

1. Notwithstanding any other Ordinance provision, and except as otherwise provided in this Section, the routine operation, maintenance, and repair of existing transportation facilities shall be permitted outright in all zones when performed by:
 - a. A public agency, such as the Coos County Highway Department, the Oregon Department of Transportation, the U.S. Department of the Interior, or the U.S Forest Service,
 - b. Any person in conjunction with a forest operation allowed under an Oregon Forest Practices Act permit, or
 - c. Any person when allowed under an Oregon Department of State Lands or a U.S. Army Corps of Engineers fill/removal program permit.

2. As used in this Section, “transportation facilities” means any public physical facility that moves or assists in the movement of people or goods including facilities identified in OAR 660-12-020 but excluding electricity, sewage and water systems.

3. As used in this Section, “routine operation, maintenance, and repair” means:
 - a. Project types identified in Section VII of the Coos County Transportation System Plan, for example surface treatments like grading, overlays and chip seal, mowing the shoulders, patching pot holes, cleaning culverts, street sweeping, and including in-kind culvert replacements or culvert upgrading.
 - b. Dedications of right-of-way, authorizations of construction and the construction of facilities and improvements, where the improvements are consistent with clear and objective dimensional standards
 - c. Projects necessary to protect the structural integrity of a transportation facility, such as streambank stabilization and fill.

4. If a project identified in paragraph 3(c) of this section:
 - a. Will be located within the 100-year floodway, and
 - i. is designed to enhance fisheries, fish habitat, or aquatic passage, then the applicant shall either submit the project to the Planning Department for floodplain review and approval or comply with the following streamlined approval process:
 1. Hire a qualified professional to perform a feasibility analysis and certify that the project is designed to keep any rise in the 100-year flood level as close to zero as practically possible and that no buildings would be repetitively impacted by the potential rise;
 2. Develop a long-term maintenance program that would sustain the project over time; and,

3. Submit a written report to the County Planning Department no less than 30 days prior to commencement of the project, which describes the project and includes the feasibility analysis, certifications, and maintenance plan.
 4. As used in this section, a 'qualified professional' means a hydraulic or hydrology professional, a professional engineer, or a similarly qualified staff member of the County or any State or Federal fisheries, natural resource, water resource, or land management agency.
 - ii. is not designed to enhance fisheries, fish habitat, or aquatic passage, the applicant shall submit the project to the Planning Department for floodplain review and approval.
- b. Will involve riprap or other structural solutions for shoreline stabilization, the applicant shall:
- i. Make written findings that non-structural solutions would not adequately protect public safety and/or public facilities;
 - ii. Make written findings that the proposed structural solution has been designed to minimize adverse impacts on water flows, erosion and accretion patterns; and
 - iii. Submit a written report to the County Planning Department no less than 30 days prior to commencement of the project, which describes the project and sets forth these findings.
 - iv. Nothing in this Section shall prohibit a public agency from taking action necessary to protect the public health, safety, and welfare in response to an emergency, without providing prior notice to the County Planning Department. In the event of an emergency, the written report described in paragraph 4(b)(iii) shall be provided to the County Planning Department no later than 5 days after commencement of the project along with a written explanation of why the 30-day notice requirement was not followed.
- c. For a project requiring State and/or Federal fill/removal permit review, the applicant shall submit to the Planning Department all written reports required by this section prior to or concurrent with its submittal of the fill/removal permit for consistency sign-off.

(Ordinance 02-12-012PL 2/27/03)

SECTION 3.2.600. Storage and Treatment of Oil Contaminated Soil. Coos County recognizes that the Oregon Department of Environmental Quality (DEQ) is responsible for ensuring compliance with state and federal clean air and water quality statutes -- including those pertaining to the storage and treatment of oil contaminated soil. Coos County does not regulate storage and treatment of oil

contaminated soil except where such contaminated earth is processed as "contaminated soil land farming" and classified as a use that may be permitted in certain zoning districts.

Any decision by Coos County to allow "contaminated soil land farming" at a given location does not relieve DEQ of its duty to ensure that the proposed activity is environmentally safe. The County specifically defers to DEQ for the determination that use of any site for storage and treatment of oil contaminated soils is environmentally safe and that placement of oil contaminated soils on the site will result in no adverse environmental or health consequences to groundwater and nearby properties.

SECTION 3.2.700. Process for Tribe(s) Review and Response of Proposed Development within Acknowledged Archaeological Sites. Properties which have been determined to have an "archaeological site" location must comply with the following steps prior to issuance of a "Zoning compliance Letter" for building and/or septic permits.

1. The County Planning Department shall make initial contact with the Tribe(s) for determination of an archaeological site(s). The following information shall be provided by the property owner/agent:
 - a. plot plan showing exact location of excavation, clearing, and development, and where the access to the property is located; and
 - b. township, range, section and tax lot(s) numbers; and
 - c. specific directions to the property.
2. The Planning Department will forward the above information including a request for response to the appropriate tribe(s).
3. The Tribe(s) will review the proposal and respond in writing within 30 days to the Planning Department with a copy to the property owner/agent.
4. It is the responsibility of the property owner/agent to contact the Planning Department in order to proceed in obtaining a "Zoning Compliance Letter" (ZCL) or to obtain further instruction on other issues pertaining to their request.[OR-00-05-014PL]