

**CHAPTER IV**

**ZONING**

## CHAPTER IV - ZONING

### ARTICLE 4.1. ZONING-GENERAL

#### SECTION 4.1.100. Establishment of Zoning Districts.

This Ordinance shall divide the lands within the County into the following zoning districts for the following intended purposes:

#### A. PRIMARY DISTRICTS

##### 1. **Exclusive Agriculture (EFU)**

The purpose of the "EFU" district is to preserve the integrity and encourage the conservation of agricultural lands within Coos County and thereby comply with the provisions of ORS 215; to minimize conflicts between agricultural practices and non-farm uses by limiting any development to uses distinguished as dependent upon or accessory to supporting agricultural or forestry production and which qualify such farm lands for special tax relief pursuant to the provisions of Oregon Revised Statutes. This zone is also for the cultivation and marketing of specialty crops, horticultural crops and other intensive farm uses.

##### 2. **(RESERVED)**

##### 3. **Forest (F)**

The purpose of the "F" district is to designate forest lands and protect them for forest uses, except where findings establish that certain limited non-forest uses may be allowed. Some of the areas covered by the "F" zone are exclusive forest lands, while other areas include a combination of mixed farm and forest uses.

##### 4. **(RESERVED)**

##### 5. **(RESERVED)**

##### 6. **Rural Residential (RR-5)**

The purpose of the "RR-5" district is to provide for acreage homesites outside of Urban Growth Boundaries (UGB), where a moderate intensity of land development is appropriate, but where urban services and facilities may not be available. The "RR-5" district provides for the orderly development of rural land so as to encourage the continued existence of rural family life and to provide a transition of densities between urban development and exclusive agricultural or forestry uses.

**7. Rural Residential (RR-2)**

The purpose of the “RR-2” district is to provide for small acreage homesites outside of Urban Growth Boundaries, where a moderate intensity of land development is appropriate, but where urban services and facilities may not be available or necessary. The “RR-2” district provides for continued existence of rural family life and to provide a transition of densities between urban development and exclusive agricultural and forestry uses.

**8. Rural Center (RC)**

The purpose of the “RC” district is:

- a. to provide for the development of rural commercial, tourist commercial, residential and services facilities, necessities, convenience and supplies ancillary to nearby agricultural, forestry, recreational and rural residential uses and activities; and
- b. to conserve energy by providing for needed commercial outlets in rural areas already “committed” as residential/commercial nodes.

New commercial uses that are consistent with the objectives of the “RC” district are those uses which are needed for the convenient shopping needs of the nearby rural population, and are compatible, or can be made compatible, with surrounding properties.

**9. Urban Residential (UR-1)**

The purpose of the “UR-1” district is to provide for urban residential areas that are exclusively limited to conventional single family dwellings. Detached conventional single family dwellings clustered in planned unit developments are consistent with the objectives of the “UR-1” district. This district shall only be used within Urban Growth Boundaries and Urban Unincorporated Community boundaries.

**10. Urban Residential (UR-2)**

The purpose of the “UR-2” district is to provide for urban residential areas that are designed to accommodate single family dwellings, mobile homes and two family dwellings. Clustered planned unit developments, including multi-family dwellings, are consistent with the objectives of the “UR-2” district.

The “UR-2” district shall only be used within Urban Growth Boundaries and Urban Unincorporated Community boundaries.

**11. Urban Residential – Multi-family (UR-M)**

The purpose of the “UR-M” district is to provide for high density urban residential areas necessary to accommodate opportunities for the construction of multiple-family dwellings, primarily necessary to meet the needs of low and moderate income families.

The “UR-M” district shall only be used within Urban Growth Boundaries and Urban Unincorporated Community boundaries.

**12. Commercial (C-1)**

The purpose of the “C-1” district is:

- a. to provide for needed commercial retail and service opportunities within Urban growth Boundaries;
- b. to recognize existing commercial uses outside Urban Growth Boundaries.

**13. Industrial (IND)**

The purpose of the “IND” district is to provide an adequate land Base necessary to meet industrial growth needs and to encourage diversification of the area’s economy accordingly. The “IND” district may be located without respect to Urban Growth Boundaries, as consistent with the Comprehensive Plan. The “IND” designation is appropriate for industrial parcels that are needed for development prior to the year 2000, as consistent with the Comprehensive Plan.

**14. South Slough (SS)**

The purpose of the “SS” district is to complement the primary management objectives and the primary scientific objectives of the South Slough Estuarine Sanctuary (SSES). This district is intended to maintain the integrity of the sanctuary by preserving the area for long-term scientific and educational uses.

**15. Minor Estuary and Shorelands (MES)**

The purpose of the “MES” district is to regulate uses within the inventoried minor estuaries and adjacent shorelands within unincorporated Coos County. The estuaries within the district are treated as “natural management units” per LCDC Goal 16.

## **16. Recreation (REC)**

The purpose of the “REC” district is to accommodate recreational uses of areas with high recreational or open space value.

The district applies solely to areas designated as “Recreation” in the Comprehensive Plan, which include state, county and other municipal parks, the Oregon Dunes National Recreation Area, as well as private lands currently developed as golf courses.

New recreational developments in this district shall be oriented to the open space nature of the land. The type and intensity of recreational developments in this district must be conditioned by environmental considerations set forth in the County’s Coastal Shoreland/Dune Lands Comprehensive Plan policies where such developments are allowed in these coastal resource areas.

## **17. Controlled Development (CD-5)**

The purpose of the “CD-5” district is to recognize the scenic and unique quality of selected areas within Urban Growth Boundaries, to enhance and protect the unique “village atmosphere”, to permit a mix of residential, commercial and recreational uses and to exclude those uses which would be inconsistent with the purpose of this district, recognizing tourism as a major component of the County’s economy.

## **18. Controlled Development (CD-10)**

The purpose of the “CD-10” district is to recognize the scenic and unique quality of selected areas within Urban Growth Boundaries, to enhance and protect the unique “village atmosphere”, to permit a mix of residential, commercial and recreational uses and to exclude those uses which would be inconsistent with the purpose of this district, recognizing tourism as a major component of the County’s economy.

## **19. Airport Operation (AO)**

The purpose of the Airport Operation “AO” district is to recognize those areas devoted to or most suitable for immediate operational facilities necessary for commercial and non-commercial aviation. It is also intended to provide areas for those activities directly supporting or dependent upon aircraft or air transportation when such activities, in order to function, require a location within or immediately adjacent to primary flight operations and passenger or cargo service facilities. In addition, the “AO” district is intended to provide areas for certain open space uses for airfield grounds maintenance and as a buffer to minimize potential dangers from, and conflicts with, the use of aircraft.

**20. Bandon Dunes Resort (BDR)**

The purpose of the Bandon Dunes Resort (BDR) zone is to implement an exception to the Statewide Planning Goals and a Master Plan for a destination resort that have been adopted as part of the Coos County Comprehensive Plan. [OR 96-04-006PL 9/11/96]

**B. OVERLAY ZONES**

**1. Floodplain (/FP)**

The purpose of the Floodplain Floating Zone is to protect public health and safety. The secondary aim is to improve the general welfare by reducing economic loss due to interruption of businesses and industry or damage to homes on other property. Development in a floodplain may constitute a “public nuisance” by reducing the flow-carrying capacity of the channel and thus endangering others.

**2. Airport Surfaces (/AS)**

The purpose of the airport Surfaces Floating Zone is to protect public health, safety and welfare. It is recognized that obstruction to aviation have a potential for endangering the lives and property of users of selected airports, and property of occupant of land in the airport’s vicinity; an obstruction may affect future instrument approach minimums; and obstructions may reduce the area available for the landing, take-off and maneuvering of aircraft, thus tending to destroy or impair the utility of the airport and the public investment therein.

**C. CREMP SHORELAND SEGMENTS**

**Segment #:**

**#11 (Natural Resource Management)** This segment shall be managed to protect the natural resources of this area (including a large fresh-water marsh), and for undeveloped outdoor recreation activities in conjunction with the Bullards Beach State Park. A designated dredged material site is located at the south end of this segment, and shall be protected from pre-emptive uses.

**#12 (Recreation)** This segment is part of Bullards Beach State Park and managed for outdoor recreation activities and facilities, as consistent with the plan of the State Parks Division and the recreational needs of the State and its visitors.

- #13** **(Forestry)** This segment shall be managed for forest uses, with special attention being given to protecting riparian vegetation.
- #14** .....for development of a dock and storage area for bulk material loading or similar low-intensity industrial use. Due consideration shall be given to minimizing noise or visual impacts on the adjacent State Park, and to protection of archaeological resources (see Policy #18).
- #15** This segment shall be managed to conserve the natural resources of this low-lying forested wetland area with special attention being given to protecting the riparian vegetation adjacent to the Bandon Marsh.
- #16** .....to continue its use as a mill or for other industrial uses, utilizing the existing dock and water access.
- #17** .....to conserve the natural resources of this low-lying forested wetland area, with special attention being given to protecting the riparian vegetation adjacent to the tidal marsh in Aquatic Segment #16.
- #18** .....to provide water access for residential lots fronting the river and for water-front residential development provided flood-protection and riparian vegetation requirements are met (see Policies #27 and #23).
- #19** .....to conserve this forested area, with special attention being given to protecting riparian vegetation.
- #20** .....to develop this area of historic water-front development for industrial and commercial uses connected with boat building, repair, port operations, moorage and other water-dependent or related uses.
- #22** .....to conserve this area of forested wetland for forest use, with special attention being given to protecting the riparian vegetation adjacent to the marsh in Aquatic Segment #20.
- #23** .....for the continuation of farm use as defined in ORS 215.203 (2) (a) and such other non-farm uses as are conditionally permitted in ORS 215.213. Mitigation shall also be permitted, and designated mitigation sites shall be protected against pre-emptory uses.
- #24** .....for recreational uses connected with the Rocky Point Boat Ramp, and other uses as permitted by the uses/activities matrix.

- #25** .....for the continuation of rural residential uses, provided flood protection requirements are met. (See Policy #27)
- #26** .....for the continuation of farm use as defined in ORS 215.203 (2) (a) and such other non-farm uses as are conditionally permitted in ORS 215.213. Mitigation shall also be permitted and designated mitigation sites shall be projected against pre-emptory uses.
- #27** .....for the continuation of farm use as defined in ORS 215.203 (2) (a) and such farm uses as are conditionally permitted in ORS 215.213.
- #28** .....for the continuation of farm use as defined in ORS 215.203 (2) (a) and such other farm uses as are conditionally permitted in ORS 215.213.
- #29** .....for the protection of its natural resource values as a mitigation site which shall be protected from pre-emptory uses.
- #30** .....to provide water access for residential lots fronting the river and for water-front residential development provided flood-protection and riparian vegetation requirements are met (see Policies #27 and #23).
- #31** .....for the continuation of farm use as defined in ORS 215.203 (2) (a) and such other farm uses as conditionally permitted in ORS 215.213.
- #32** .....for the continuation of farm use as defined in ORS 215.203 (2) (a) and such other farm uses as are conditionally permitted in ORS 215.213.
- #33** .....for the continuation of farm use as defined in ORS 215.203 (2) (a) and such other farm uses as are conditionally permitted in ORS 215.213.
- #34** .....for the continuation of farm use as defined in ORS 215.203 (2) (a) and such other farm uses as are conditionally permitted in ORD 215.213.
- #35** .....for forest uses and practices, subject to any special regulations the Oregon Department of Forestry may adopt for forest lands in the coastal shorelands area. Any development shall be subject to Policy #27a, addressing mass movement hazards.
- #36** .....for the continuation of farm use as defined in ORS 215.203 (2) (a) and such other farm uses as are conditionally permitted in ORS 215.213.

- #37** .....for the continuation of farm use as defined in ORS 215.203(2)(a) and such other farm uses as are conditionally permitted in ORS 215.213.
- #38** .....for forest uses and practices, subject to any special regulations the Oregon Department of forestry may adopt for forest lands in the Coastal Shorelands area. Any development shall be subject to Policy #27a, addressing mass movement hazards.
- #39** .....for recreational uses connected with the Riverton Boat Ramp and other uses as permitted by the uses/activities matrix.
- #40** .....for general industrial, commercial or other development particularly uses which utilize the water-frontage of the site. However, continuation and expansion of existing non-water-dependent/related uses shall be allowed.
- #41** .....for the continuation of farm use as defined in ORS 215.203 (2)(a) and such other farm uses as are conditionally permitted in ORS 215.213.
- #42** ..... for the continuation of farm use as defined in ORS 215.203 (2)(a) and such other farm uses as are conditionally permitted in ORS 215.213.
- #43** ..... for the continuation of farm use as defined in ORS 215.203 (2)(a) and such other farm uses as are conditionally permitted in ORS 215.213.
- #44** ..... for the continuation of farm use as defined in ORS 215.203 (2)(a) and such other farm uses as are conditionally permitted in ORS 215.213.
- #45** .....for the continuation of industrial use including development of water access if necessary.
- #47** ..... for the continuation of farm use as defined in ORS 215.203 (2) (a) and such other farm uses as are conditionally permitted in ORS 215.213.
- #50** .....to provide water access for residential lots fronting the river and for water-front residential developments provided flood-protection and riparian vegetation requirements are met (see Policies #27 and #23).

- #51** .....for recreational uses connected with the Coquille Boat Ramp and other uses as permitted by the uses/activities matrix.
- #52** .....for the continuation and development industrial use, including the development of water access as necessary.
- #53** .....for the continuation of farm use as defined in ORS 215.203 (2) (a) and other such farm uses as are conditionally permitted in ORS 215.213.
- #54** .....for the continuation and development of industrial use, including the development of water access as necessary.
- #55** .....for the continuation of farm use as defined in ORS 215.203 (2) (a) and for such other farm uses as are conditionally permitted in ORS 215.213.
- #56** .....for the continuation of farm use as defined in ORS 215.203 (2) (a) and such other farm uses as are conditionally permitted in ORS 215.213.
- #57** .....for the continuation of residential and commercial uses as consistent with the rural center function of Arago, provided flood protection requirements are met. (see Policy #27)
- #58** .....for recreational uses connected with the Coquille Boat Ramp and other uses as permitted by the Uses/Activities matrix.
- #59** .....for the continuation and development of industrial use, including the development of water access as necessary.
- #60** .....for the continuation of farm use as defined in ORS 215.203 (2) (a) and such other farm uses as are conditionally permitted in ORS 215.213.
- #61** .....to provide water access for residential lots fronting the river and for water-front residential development provided flood-protection and riparian vegetation requirements are met (see Policies #27 and #23).
- #62** ..... for the continuation of farm use as defined in ORS 215.203 (2)(a) and such other farm uses as are conditionally permitted in ORS 215.213.
- #63** .....to provide water access for residential lots fronting the river and for water-front residential development provided flood-protection

and riparian vegetation requirements are met (see Policies #27 & #23).

**#73** ..... for the continuation of farm use as defined in ORS 215.203 (2)(a) and such other farm uses as are conditionally permitted in ORS 215.213.

**#74** .....for the continuation of rural residential uses, provided flood-protection requirements are met (see Policy #27).

**#75** .... for the continuation of farm use as defined in ORS 215.203 (2)(a) and such other farm uses as are conditionally permitted in ORS 215.213.

**D. CREMP Aquatic Units.** The CREMP zoning districts shall have the same boundaries as the Coquille River Estuary Management Plan unit boundaries and shall be so designated.

**#8** This unit shall be managed to conserve and enhance the aquatic resources of the main river channel, while allowing such minor alterations as are necessary for shallow draft navigation.

**#10** .....to protect and enhance the natural resources of the Bandon Marsh as a wildlife refuge.

**#11** .....to protect and enhance the natural resources of these intertidal marshes for the purposes of estuarine production.

**#12** .....to conserve, and enhance the natural resources of these intertidal flats for the purposes of estuarine production.

**#13** .....to protect and enhance the natural resources of this intertidal flat for the purposes of estuarine production.

**#14** .....for dredging and bulkheading as necessary to develop a dock for bulk material shipping.

**#15** .....to conserve and enhance the natural resources of this intertidal area while allowing for the development of recreational docking or a small marina, including dredging as necessary.

**#16** .....to protect and enhance the natural resources of this intertidal marsh for the purposes of estuarine production.

**#17** .....to conserve and enhance the natural resources of this intertidal area while allowing for the continuation of recreational and

commercial docking facilities and maintenance dredging as necessary.

**#18** .....for the development of docking, boat building and repair and similar water dependent uses, including dredging and fill as necessary.

**#19** .....for the dredging and fill as necessary to develop a major recreational marina with ancillary services and facilities.

**#20** .....to conserve and enhance the natural resources of this intertidal marsh for the purposes of estuarine production, while allowing the continuation of existing grazing use.

**#21** .....to conserve and enhance to aquatic resources of the main river channel and fringing intertidal areas, while allowing such minor alterations as are necessary for the continuation of recreational boating and other shallow draft navigation. Removal of snags, old pilings and other obstructions from the river, and bank stabilization shall also be encouraged.

**#22** .....to conserve and enhance the natural resources, of these fringing intertidal marshes for the purposes of estuarine production.

**#23** .....to conserve and enhance the natural resources of Randolph Slough for the purposes of estuarine production.

**#24** .....to conserve and enhance the natural resources of this small intertidal marsh for the purposes of estuarine production.

**#25** .....to conserve and enhance the natural resources of the tidal portion of Bear Creek for the purposes of estuarine production.

**SECTION 4.1.200. Zoning District Maps.** The location and boundaries of the zoning districts designated in Section 4.1.100 are indicated on the Coos County Zoning Map, Coquille River Estuary Zoning Map and the Coos Bay Estuary Zoning Map. These zoning maps and their explanatory information are hereby adopted as part of this Ordinance. The zoning map may consist of several sheets or pages, which shall be listed on a cover page together with the date and name of each page. The zoning map shall be certified by the Board of Commissioners and County Clerk as being the official zoning map. The certification of the official zoning map shall appear on the cover page of the collection of zoning maps. There shall be only one official zoning map which shall be located in the office of the County Clerk as long as this Ordinance remains in effect.

**SECTION 4.1.300. Amendment of Zoning District Map.** Whenever it is necessary to amend the zoning map to conform with an approved rezoning or with an

amendment to the text of this Ordinance or as final land use actions of incorporated cities may require, the Planning Director shall so change the map, making such changes in red ink and annotating the map and the cover sheet to show the Ordinance or other number and the date of the change. (ORD 85-08-011L)

**SECTION 4.1.400. Interpretation of Zoning District Boundaries.** Due to the transposition of boundary lines from the Comprehensive Plan Maps (scale: 2" = 1 mile) to the Official Zoning Maps (scale 1"=800'), zoning district boundaries were drawn to the nearest 10 acres. Whenever an uncertainty exists as to the boundary of a zone as shown on the official zoning map, the following rules of interpretation shall apply:

1. Boundaries indicated as approximately following the centerlines of streets, highways, or alleys shall be construed to follow such centerlines;
2. Boundaries indicated as approximately following platted or surveyed lines shall be construed to follow such plat or survey lines;
3. Boundaries indicated as approximately following city limits shall be construed to follow such city limits;
4. Boundaries indicated as following railroad lines or public utility easements shall be construed to follow such line;
5. Boundaries indicated as following the centerlines of streams, rivers, canals, or other bodies of water shall be construed to follow those centerlines;
6. Boundaries indicated as approximately following the shorelines of water bodies shall be construed to follow the mean high water line (MHWL) or the line of non-aquatic vegetation, whichever is higher;
7. Boundaries indicated as approximately following ridge tops and other topographical features shall be construed to follow those features;
8. Boundaries indicated as approximately parallel to, or as extensions of features indicated in subsections 1 through 7, shall be so construed;
9. Where a public street or alley is officially vacated, the zone requirements applicable to the property in which the vacated area becomes a part shall apply;
10. Boundaries not intended to follow the above-listed features shall indicate where possible distances to reference points and other lines so they can be located on the ground;

11. Where physical features existing on the ground are at variance with those shown on the official zoning map, or in other circumstances not covered by subsections 1 through 10 above, the Planning Director shall interpret the zone boundaries, and if need be, may refer the matter to the Hearings Body for its interpretation pursuant to Section 1.1.700 of this Ordinance.

**SECTION 4.1.450. Interpretation of Coastal Shorelands Boundary.** When a development action is proposed in the immediate vicinity of the Coastal Shorelands Boundary (CSB) and when such proposed development action relies on a precise interpretation of the CSB, the Planning Director shall establish the precise location of the CSB using the seven criteria specified in the Coastal Shorelands goal. Establishment of the exact location may require an on-site inspection. If the location of the CSB as shown on the Plan maps or Coastal Shorelands Inventory map is subsequently found to be inaccurate or misleading, the Planning Director shall make the appropriate minor adjustments to the maps and provide a copy of any map revision to the County Clerk's office.

**SECTION 4.1.500. Unzoned or Multi-zoned Land.**

1. Any land which is unzoned or multi-zoned through inadvertence or oversight shall be reviewed by the Planning Director, and a recommendation of the appropriate zoning shall be made to the Hearings Body which shall make a recommendation to the Board of Commissioners, pursuant to the provisions of Section 1.1.700 of this Ordinance.
2. The Board of Commissioners, at a regular, special, or emergency meeting, shall determine the appropriate zone district pursuant to the provisions of Chapter 4 of this Ordinance.
3. Hearings required in Section 1.2.400 shall comply with the provisions of Article 5.7 of this Ordinance.
4. The Planning Director shall amend the zoning map to conform to the decision of the Board of Commissioners in accordance with the procedures set out in Section 4.1.300 of this Ordinance.

**SECTION 4.1.600. (Reserved)**

**SECTION 4.1.700. Errors in Zoning District Maps.**

1. The Planning Director shall periodically compare zone maps on file with the official zoning map and the action taken by the Board of Commissioners or Hearings Body to assure the maps conform therewith.

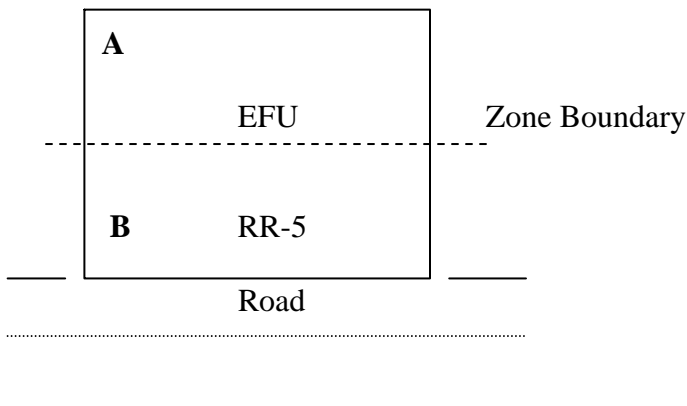
2. When errors in transcription, interpretation, or clerical mistakes are found, the Planning Director shall have the authority to correct those errors pursuant to Section 4.1.300 (Amendment of Map).

**SECTION 4.1.800. Special Considerations Maps.** The location of special hazards and resources are indicated on the Coos County Special Considerations Maps prepared for each volume (I, II, and III) of the Comprehensive Plan. These Special Considerations Maps are hereby adopted as part of this Ordinance. The Special Considerations Maps may consist of several sheets or pages, which shall be listed on a cover page together with the date and name of each page. The Special Considerations Maps are not a substitute for the detailed spatial information presented on the inventory maps. The Special Considerations Maps are merely index guides designed as zoning counter implementation tools that indicate when a special policy consideration applies in a general area, thereby requiring inspection of the detailed plan inventory maps. The Special Considerations Maps must and shall at all times accurately reflect the detail presented on the inventory maps (but at a more general scale). See Articles 4.7 and 4.8.

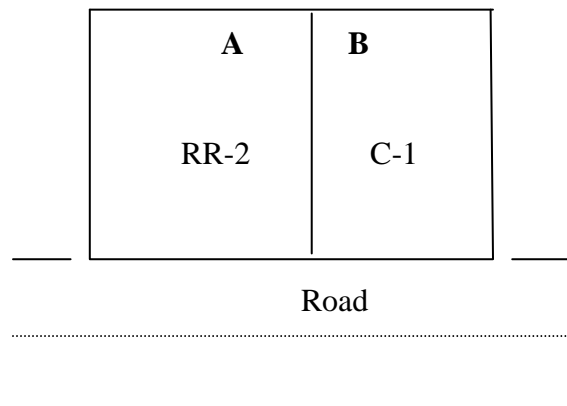
**SECTION 4.1.900. Split Zoning.** Split zoning occurs when a contiguous ownership is divided into two or more zoning districts.

1. For the purpose of establishing uses, each portion of the total contiguous ownership within an individual zoning district may be used for any use permitted by the applicable zoning district subject to Section 3.3.100.

Example 1



Example 2



In the example above, “A” may be used for any use allowed by the applicable zoning district irrespective of portions “B”. Likewise, portions “B” may be used for any use allowed by the applicable zoning district irrespective of portions “A”.

2. Where a parcel is split-zoned with both resource and non-resource zones, the non-resource land may be partitioned from the resource land, in accordance with the partitioning application requirements of this ordinance. The non-resource parcel is considered exception land that is irrevocable committed to uses that render the practice of farming and forestry activities impracticable, and therefore such partitioning would have no discernable effect on farming or forestry practices on the adjacent resource land. The resulting parcels meet the minimum parcel sizes of ORS 215.780, or the partition otherwise meets the statutory criteria for exceptions to minimum parcel sizes or resource goal exceptions.

[OR-08-07-007PL]