

**ARTICLE 5.1 REZONES**

**SECTION 5.1.100. Rezone.** Rezoning constitutes a change in the permissible use of a specific piece of property after it has been previously zoned. Rezoning is therefore distinguished from original zoning and amendments to the text of the Ordinance in that it entails the application of a pre-existing zone classification to a specific piece of property, whereas both original zoning and amendments to the text of the Ordinance are general in scope and apply more broadly.

**SECTION 5.1.200. Recommendation of Rezone Expansion by the Planning Director.** The Planning Director may recommend an expansion of the geographic limits set forth in the application if, in his judgment, such an expansion would result in better conformity with the criteria set forth in this Ordinance for the rezoning of property. The Planning Director shall submit his recommendation for expansion to the Hearings Body prior to the scheduled public hearing for a determination whether the application should be so extended.

**SECTION 5.1.250. Zoning for Appropriate Non-farm Use.** Consistent with ORS 215.215(2) and 215.243, Coos County may zone for the appropriate non-farm use one or more lots or parcels in the interior of an exclusive farm use zone if the lots or parcels were physically developed for the non-farm use prior to the establishment of the exclusive farm use zone.

**SECTION 5.1.300. RESERVED (OR 08-11-012PL 3/9/09)**

**SECTION 5.1.325. (RESERVED)**

**SECTION 5.1.350. Process for Rezones.**

1. Valid application must be filed with the Planning Department at least 45 days prior to a public hearing on the matter.
2. The Planning Director shall cause an investigation and report to be made to determine compatibility with this Ordinance and any other findings required.
3. The Hearings Body shall hold a public hearing pursuant to hearing procedures at Section 5.7.300.
4. The Hearings Body shall make a decision on the application pursuant to Section 5.1.400.
5. The Board of Commissioners shall review and take appropriate action on any rezone recommendation by the Hearings Body pursuant to Section 5.1.550.
6. A decision by the Hearings Body that a proposed rezone is not justified may be appealed pursuant to Article 5.8.

**SECTION 5.1.400. Decisions of the Hearings Body for a Rezone.** The Hearings Body shall, after a public hearing on any rezone application, either:

1. Recommend the Board of Commissioners approve the rezoning, only if on the basis of the initiation or application, investigation and evidence submitted, all the following criteria are found to exist:
  - a. the rezoning will conform with the Comprehensive Plan or Section 5.1.250; and
  - b. the rezoning will not seriously interfere with permitted uses on other nearby parcels; and
  - c. the rezoning will comply with other policies and ordinances as may be adopted by the Board of Commissioners.
2. Recommend the Board of Commissioners approve, but qualify or condition a rezoning such that:
  - a. the property may not be utilized for all the uses ordinarily permitted in a particular zone; or
  - b. the development of the site must conform to certain specified standards; or
  - c. any combination of the above.

A qualified rezone shall be dependent on findings of fact including but not limited to the following:

- i. such limitations as are deemed necessary to protect the best interests of the surrounding property or neighborhood; or
  - ii. such limitations as are deemed necessary to assure compatibility with the surrounding property or neighborhood; or
  - iii. such limitations as are deemed necessary to secure an appropriate development in harmony with the objectives of the Comprehensive Plan; or
  - iv. such limitations as are deemed necessary to prevent or mitigate potential adverse environmental effects of the zone change.
3. Deny the rezone if the findings of 1 or 2 above cannot be made. Denial of a rezone by the Hearings Body is a final decision not requiring review by the Board of Commissioners unless appealed.

**SECTION 5.1.450. Status of Hearings Body Recommendation of Approval.** The recommendation of the Hearings Body made pursuant to 5.1.400(1) or (2) shall not in itself amend the zoning maps.

**SECTION 5.1.550. Board of Commissioners Action on Hearings Body Recommendation.** Not earlier than 15 days following the mailing of written notice of the Hearings Body recommendation pursuant to Section 5.1.400, the Board of Commissioners shall either:

- A. adopt the Hearings Body recommendation for approval or approval with conditions; or
- B. reject the Hearings Body recommendation for approval or approval with conditions and dismiss the application; or
- C. accept the Hearings Body recommendation with such modifications as deemed appropriate by the Board of Commissioners; or
- D. if an appeal has been filed pursuant to Article 5.8, the Hearings Body recommendation shall become a part of the appeal hearing record, and no further action is required to dispense with the Hearings Body recommendation.

**SECTION 5.1.600. Requirements for “Q” Qualified Classification.** Where limitations are deemed necessary, Board of Commissioners may place the property in a “Q” Qualified rezoning classification. Said “Q” Qualified Classification shall be indicated by the symbol “Q” preceding the proposed zoning designation (for example: Q C-1).

**SECTION 5.1.650. Permits and Applications Moratorium.**

1. After a proposed rezoning has been set for public hearing, no building or septic permit shall be issued until final action has been taken. Final action constitutes either:
  - a. withdrawal of the application by the applicant; or
  - b. expiration of the County’s appeal period without an appeal having been filed; or
  - c. final order of Board of Commissioners upon hearing the appeal.
2. Following final action on the proposed rezoning, the issuance of a verification letter shall be in conformance with the application approval.