COOS COUNTY PLANNING COMMISSION

Date: October 2, 2014

RE: File No. AM-14-11

This is an official Coos County Planning Commission Notice of recommendation for the above-referenced application. The Planning Commission held a public hearing on Thursday, October 02, 2014, and made the following recommendation:

✓ The Planning Commission recommends these changes as presented.

✓ The Planning Commission recommends these changes with modifications as explained in the body of this letter.

COOS COUNTY PLANNING COMMISSION

Steve Sheer, Chair

These changes are part of a work program that was put together by Staff and initiated by the Board of Commissioners. Staff has been working on needed changes to the ordinances since July of 2013. The first sets of changes were adopted on May 3, 2014. This is the second set of changes in the work program. Grant money was obtained through DLCD to make some of the changes. The changes have been requested from decision makers, public and Staff who are responsible for implementing the ordinances. The goal is to streamline the process (when possible), address readability, include uses that have not been listed, and update outdated language.

The draft language was completed and reviewed through work sessions with the Citizen Advisory Committee, the Planning Commission and the Board of Commissioners; Staff provided a 35-day post acknowledgment plan amendment (PAPA) notice to Department of Land Conservation and Development (DLCD). This notice is required 35 days prior to the first evidentiary hearing.

Staff was required to provide notice to all property owners that may be affected by the change, and this notice is referred to as a Measure 56 notice. In 1998, Oregon voters passed a law known as Ballot Measure 56. It requires that notices be mailed to landowners when a change in land-use laws might limit uses of their property. The law requires certain language to be used in the notices but that wording does not describe the likely effects from the change in land-use laws. Receiving this notice does not mean the changes affect anyone’s property or property value. The changes proposed are not authorizing any type of development or use of anyone’s property. This notice was mailed as required.
by CCZLDO § 5.0.900. Notice was also published in the World Newspaper. The notice was published in the World Newspaper on September 22, 2014 and again on October 6, 2014 (10 days prior to each hearing).

The Planning Commission recommended the following changes: (changes in blue)

**SECTION 5.0.175 Application Made by Transportation Agencies, Utilities or Entities:**

1. A public transportation agency, public utility company or public entity with the right private right of private property acquisition pursuant to ORS Chapter 35 may submit an application to the Planning Department for a permit or zoning authorization required for a transportation project without landowner consent otherwise required by this ordinance.

2. For any new applications submitted after the effective date of this section, such a public transportation agency, public utility, or public entity must mail certified notice to the Planning Department and any owner of land upon which the transportation project would be constructed at least ten (10) days before submitting an application to the Planning Department. Said notice shall state the public transportation agency, public utility, or public entity’s intent to file the application and must include a map, brief description of the proposed transportation project, and a name and telephone number of an official or representative of the project available to discuss the proposed project.

3. A Such public transportation agency, public utility or public entity (applicant) must comply with all other applicable requirements of this ordinance; however, a property divided by the sale or grant of property for state highway, county road, City Street or other right-of-way purposes shall continue to be considered a single unit of land until such time as the property is further subdivided or partitioned.

4. Notwithstanding any other requirement of this ordinance, approvals granted to a such public transportation agency for a transportation improvement, public utility or public entity shall not become effective for construction on a property under the approval until the transportation agency, utility or entity obtains either the written consent of the property owner or the property rights necessary for construction on that property. The subject property is acquired for the project.

5. Any permit subject to this section will be effective valid for two (2) years unless a request for renewal for another two (2) years is received from the transportation, utility or entity agency within 2 years after the date of approval, is received from the transportation agency within 2 year period, in which case renewal will be automatic to a maximum of 5 renewals. The date of approval is the date the appeal period has expired and no appeals have been filed, or all appeals have been exhausted and final judgments are effective.[OR-92-07-012PL]

The other change was to remove the last sentence from last sentence from § 5.8.170(6). Staff has deleted that sentence from the language in your packet. The sentence is shown below in blue.

6. The appellant must explain in detail, on the appeal form or attached to the appeal form, how the application did not meet the criteria in the case of an approval or why the criteria or should not apply; or, in the case of a denial the appellant shall explain why the application did meet the criteria or why certain criteria did not apply to the application. (Failure to explain why the application did not meet criteria identified in the decision notice or why criteria should have been applied shall result in dismissal of appeal.)

There were no other changes to the language.