November 14, 2014

Coos County Commissioners
Coos County Courthouse
250 No. Baxter Street
Coquille OR 97423

RE: Proposed changes to Coos County Zoning Ordinances

Dear Commissioners,

First, thank you for the extension of 30 days to review the hundreds of proposed changes to the County Planning Ordinances. It was insufficient time to do justice to this monumental and important task, but I am sincerely grateful for the opportunity and hope that some of my comments will prove helpful to your deliberations.

As I have delved more deeply into the document, it has become chillingly clear that various proposed changes, though touted as merely housekeeping, are making core and serious adjustments to the building codes of our County. Many of these changes are disturbing. As I have become familiar with SECTION 1.1.200 PURPOSE, there are recommended changes that literally undermine the stated purposes of this ordinance particularly as regards protecting the environment, conserving the value of property and natural resources and most important, #9 preventing water and air pollution.

Primary among those of concern are the proposed changes that impact public participation by limiting the notification process in style (posting on bulletin boards versus publicizing in the newspaper) and duration (reducing length of notice). Equally disruptive to public comment are the reduction in time limits for response and appeal. Anywhere in the document where public comment response or appeal time is reduced should either be retained with the original language or increased to 21 days. No time limit involving public notice, comment, or appeal should be reduced.

SECTION 1.1.300 Compliance with Comprehensive Plan

The Comprehensive Plan is the basis for all land use development within Coos County yet accessing the Comprehensive Plan is inconvenient to people of the County due to its size and where it is housed currently. If public participation is truly a goal of land use planning then, at the minimum, there should be a copy of the Plan in the reference section of each library as well as a link on the County website to the entire document.

SECTION 1.3.225 Violation Process

2. Definition of complainant is limiting. Anyone with a complaint about a zoning violation who appropriately completes the required violation form and substantiates the
legitimacy of their complaint, should be heard. If there is a true violation then it seems that notice of this would be welcome and expedient no matter the property ownership of the complainant. At the very least, any property owner in Coos County should be allowed to file a violation complaint.

SECTION 1.4.300 Term of Appointment Citizen Advisory Committee

5. Concerning minutes: it is proposed due to limitations in staff resources that minutes be summary and recorded. This is acceptable as long as an additional phrase is added that “The meetings will be recorded and recordings will be made accessible to the public”.

SECTION 1.4.600 Duties and Responsibilities (re: Citizen Advisory Committee)

3. Keep requirement to post meetings in newspaper and at the Courthouse for 14 days AND add the proposed change to include the weekly agendas on the Coos County website.

SECTION 1.4.700 Meetings

6b. Citizen Advisory Committee members should be required to declare any ex parte contacts or conflicts of interest as part of their routine meeting process. Removing this statement from the ordinances prevents commissioners and the public from easily identifying biased recommendations that may influence land use planning decisions.

SECTION 2.2.200 New Definitions

RE: Commercial Power Generating Facility: Within this definition differentiating between commercial and non-commercial generating facilities, the stand alone definition needs to include limits of 25 kilowatts or the average amount of electricity utilized by a single home. Facilities of any variety (commercial or non-commercial) generating large amounts of electricity no matter who is using them need to be governed and regulated by the County and how they are regulated needs to be determined by the size and amount of power the facility is generating not solely its use or location. Generating facilities which produce large amounts of power create numerous potential consequences affecting the quality of life (water and air pollution) and can be detrimental to preserving natural resources.

RE: Temporary Residence
This definition should be refined as follows: Mobile home, travel trailer, or recreational vehicle used as a dwelling temporarily during construction of a permitted RESIDENCE.

SECTION 3.1.100 Zoning District Maps

Historically the County Clerk maintains copies of all official county records. Copies of the original maps should continue to be maintained in the County Clerk’s office. Additionally, the change of any zoning district map ought to involve public process.

SECTION 3.1.250 Coastal Shorelands Boundary

It is extremely important in order to preserve this natural resource that no changes to the boundaries be permitted without public process.
SECTION 3.1.350 Errors in Zoning District Maps

2. Add “according to 1.1.700” to ensure public involvement

TABLE 3.2 District Designations need to be defined within the table

Regarding Estuary Zones pg. 378 The Coquille River itself needs to have a separate document

SECTION 3.3.130 Development and Use Standards

As representative of a concerned public, it would be helpful to have the “ordinary high water mark” clearly defined. How is this “mark” determined? How do we adjust it based on changes in flood zones or even rising sea levels predicted? How do tsunami zones relate to the high water mark? These questions should be addressed and appropriate definitions included in the ordinance. This (high water mark) is a key issue in our County with the ocean, bay, and many lakes and rivers to consider in land use planning. I also oppose the following changes:

SECTION 4.1.130

I oppose the removal of the word “minor” because it changes the intent of this section and also oppose making interpretations an “administrative decision”. This would interrupt the public participation in the process and is an inappropriate change.

SECTION 4.2.300 Development and Use Standards for the RR Zones

I object to the proposed change in #8a of this section (Riparian Vegetation Protection) because it gives too many single agencies jurisdiction over tree removal. I request that it be left as is or if additional agencies are added that the language be changed to read “two or more of the following”: This same change appears elsewhere in the proposed changes and should be synchronized throughout (for example in 4.4.130 #8a)

SECTION 4.3.130

#8i. Refer to comment above in SECTION 3.3.130 “High water mark”

SECTION 4.3.230 (also 4.4.230, 4.4.330, 4.5.130, 4.6.140, 4.6.240, 4.7.130, 4.10.030)
#9a Refer to comment Section 4.2.300 (Riparian Vegetation Protection)
#9i. Refer to comment above re: “High water mark”

SECTION 4.4.130
#7a Refer to Comments above (Riparian Vegetation Protection)

SECTION 4.4.200
#35 I oppose this addition. Grandfathering in a previous permit is possibly appropriate, but allowing an expansion without public process is not. The expansion may have a different impact, possibly significant, from the original use. Public input should be required. Again, I question whether this addition targets a specific project and is not in the best overall interest of the County.
SECTION 4.4.220
Addition 12 referring to new high intensity recreation uses

I have concerns that this proposed change is being tailored to address a specific project and piece of land already under discussion rather than meeting the overall intent of creating guidelines for planning in the future.

SECTION 4.5.120
Addition 1 regarding Campgrounds and Private Parks

I object to this addition because the specific definitions of "temporary" and "emergency purposes" need to be provided. Also, this section needs to specifically exclude temporary housing that is designed to support industrial development versus meeting recreational purposes. There are similar passages in the proposed changes in other sections regarding campgrounds and private parks and these should be made consistent throughout the document.

SECTION 4.6.140
This section contains a definition of temporary as 30 days during a consecutive 6-month period in the same campground by a camper or camper’s vehicle and may be appropriate to add to Section 4.5.120.

Note typographical error in section iii “canvas on a collapsible frame with "on" plumbing... should read "no plumbing". This same error occurs in similar passages throughout the document related to yurts.

Section 4.6.220- Hearings Body Conditional Development and Use:

3. Non-residential Uses
6. Utilities

I object to proposed changes in this section.

The term "Public service" in this section needs to be clarified and to have "public service for the citizens of Coos County" added. As the people of Coos County are the ones being impacted, it should be clarified that they are the ones to be served by the utility.

Further changes and clarification are also needed in this section regarding the following:

Are the transmission lines limited to electricity? Could these proposed changes regarding transmission lines be related to a gas pipeline? The use of transmission lines and associate transmission lines needs to be spelled out regarding what can and cannot be transmitted. In #5 under this section it states "if, after an evaluation, or reasonable alternative, the applicant demonstrated that the entire route of the associate transmission line meets two or more of the following (a-h), it can be approved. I think "two or more of the following" is insufficient for approval and recommend that the language be changed to read "if all of the following are met then the application can be approved."

Certainly if public safety or technical and engineering feasibility are compromised, it would be inappropriate to approve a project and this is what could happen if this section is to remain as currently written. These changes need to be made in the document so it fits with the stated requirements of SECTION 1.1.200 PURPOSES.
Article 4.11 Special Development Considerations and Overlays

Section 4.7.100 4.1.100 Purpose

There has been some difficulty locating airport overlays and these maps and all overlay maps need to be readily accessible to the public particularly as related to special considerations and hazard zones. It is difficult to make reasonable comments when the public does not have access to the necessary information.

A tsunami overlay needs to be created for the County and should be part of any ordinance changes.

Section 4.7.105 and Section 4.7.115

I object to these sections being removed from the ordinance as more detail and specificity is helpful to planners.

Section 4.11.125 Special Development Consideration

Reiterating that plan maps and overlay maps need to be easily accessible and housed in a particular place on the County website as well as available in reference sections of County libraries. It is prohibitive cost-wise for individuals to copy these documents and citizens cannot participate without access to the relevant materials. This recommendation includes copies of the Comprehensive Plan.

I object to the proposed Purpose Statement in this section and ask that the phrase “to the people of Coos County: be added so the passage would read:

“...except where conflicting uses are identified during implementation of the Plan, and such uses are justified based on consideration of the economic, social, environmental, and energy consequences of the conflict uses to the people of Coos County.

#7 Natural Hazards (Balance of County Policy 5.11)

I object to this section and request that specific language about tsunami zones and threats be added to the list of natural disaster and hazards in the Purpose Statement as well as addressed in the list of potential natural hazards preceding the Purpose Statement.

In section “b”: I object to changing the word “dwellings” to “structures” as structures provides a much broader definition and changes the intent of what can be permitted. There is a big difference between a single residential dwelling and a commercial building or tower in terms of impact.

OVERLAY ZONE
Section 4.11.200 and Section 4.11.235

I request that specific language and map overlays regarding tsunami threats be included in the Flood Plain definition and Coastal High Hazard Area and that specific overlays be completed and made easily accessible to the public.
Southwest Oregon Regional Airport

4.11.445 Land Use Compatibility Requirements (spelling error in document "requirments")

I object to #4 Industrial Emissions. The language is not strong enough and is not in keeping with language for other similar passages in this section. For example, glare and outdoor lighting that impinge upon pilot's visibility and vision are not permitted, without exception. There is no language elsewhere in this section that allows for exceptions based on mitigation. Industrial emissions should in fact have stricter guidelines because they are more capricious and less easy to manage. Passage should read as follows:

"No new industrial, mining or similar use, or expansion of an existing industrial, mining or similar use, shall as part of its regular operations cause emissions of smoke, dust or steam that could obscure visibility within airport approach surfaces." Any language after "surfaces" should be struck.

There is an additional comment it would be important for the Commissioners and Planning Commission to address regarding concerns that exist about certain FEMA flood plain maps. Congressman DeFazio advised that Congress had put a hold on the new LiDAR maps due to problems with accuracy especially in areas with significant underbrush. It seems important that the County create a process for citizens to file grievances when the maps are found to be in error since this can have a significant impact on property values.

SECTION 5.0.175 Application made by Transportation Agencies, Utilities or Entities

Please support the changes to this ordinance recommended by the Planning Commission adding the word "public" to designation of agencies (transportation, utility or entity) throughout this section.

3. This ordinance should remain as originally written. Proposed changes remove requirement that protects property owners from having pieces of their property divided and reduces the ability to protect and maintain property values. Conceivably someone could have a parcel divided by a proposed road and rather than the public entity having to compensate a property owner for the entire parcel which could be compromised by the project, the public entity could only be required to compensate the property owner for the exact portion needed for the project, dividing their property and leaving them with a useless or relatively "damaged" parcel.

4. Remove new language in this paragraph and keep it as originally written. The new language permits a project to begin prior to actual acquisition of the property required for the entire project. It seems to me that this interferes with the integrity of the approval process and there is no conceivable reason to change this ordinance.

SECTION 5.0.200 Application Completeness

This section makes it very difficult for the average community member to understand the application process and deadlines. Can alternate or explanatory language be included to improve readability and comprehension without extensive legalese? Perhaps a chart could be added showing timelines?
SECTION 5.0.250 Timetable for Final Decisions
6. Please keep #6 as it is currently written to maintain the integrity of this process. It is proposed to remove this paragraph in its entirety. I oppose this change because it would allow construction to begin prior to the completion of the approval/appeal process including the payment of all fees.

SECTION 5.5.550 Hearings Body Review of Administrative Decisions
Keep 15 day time limit or extend to 21 days.

SECTION 5.0.600 Board of Commissioners Review of Applications and Appeals
NOTE: #5 in this section is entirely new language and needs to be reviewed carefully!

5. This paragraph needs to describe the specific guidelines under which the Commissioners hire a hearings officer. Hearings officers and their subsequent recommendations can potentially move decisions on land use issues outside of local control and also create additional drain on the County budget. Therefore, the decision to use a hearings officer by the Commissioners should be limited to specific and clearly defined extenuating circumstances.

5b. and 5c. To promote public involvement, the Public should be given the same opportunity as the Planning Staff to respond to the recommendations of the hearings officer with suggested modifications.

SECTION 5.0.700 Expiration and Extension of Conditional Uses
While it is stated that this section is being moved to 5.2, it is stricken and does not appear in the draft of the document. This section needs to be retained in its entirety.

SECTION 5.0.900 Notice Requirements

Typo in 1c that makes it difficult to identify time frames

Also entirely new language in c.x. is a concern because previously it read that “all affected” property owners would be notified of a hearing. The proposed changes require notice in some circumstances only within 100 feet. It is suggested that with non-commercial ventures this may be an appropriate requirement, but for commercial ventures the impact may be much greater than within 100 feet of the enterprise. Recommend that the words “non-commercial applicants” be added to this section to differentiate between the extents of potential impacts.

Article 5.8 Appeal Requirements
SECTION 5.8.100 Appeals General
I oppose this change of the appeal period from 15 to 12 days and instead, request that the appeal period be extended to 21 days. Twelve days is insufficient time for this process.

SECTION 5.8.170 Appeal Procedures
This all new language for the appeal process is cumbersome. It does not meet one of the stated sections of Goal 1 in the Comprehensive Plan to make language and processes more understandable to the public. Additionally, the requirements set out in #5 and #6 require that any appellant must provide in advance of the appeal, all the specific details of
the appeal! This is onerous and interferes with, rather than facilitates, public involvement and the appeal process itself.

In #8g. If the appeal deadline falls on a weekend or holiday this section should allow that an appellant has until the close of business (5:00 pm) on the next County business day following the deadline date NOT 12:00 p.m. to submit all items.

5-8.400 Multiple Appeals
Typo in last sentence "If consolidation is granted (by) then a reduction of fee may be due to the parties when the final decision is rendered".

I also want to note the need to address concerns about certain FEMA flood plain maps and be certain that the County create a process for grievances due to inaccuracies with LIDAR maps especially in areas with significant underbrush.

In closing, I want to reiterate my deep concern about the tenor of many of these proposed changes and urge you to give them serious and measured review. I assure you that your decisions on these changes may be some of the most important of your terms in office and represent the greatest impact on the quality of life of your constituents for years to come.

Sincerely,

Beverly Segner
P.O. Box 191
Coos Bay OR 97420