

Exhibit C:
Chapter III Revisions

CHAPTER III
ESTUARY ZONES

Coos Bay Estuary Management Plan & Coquille River Estuary Management Plan

ZONING TABLE

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ARTICLE 3.1 GENERAL INFORMATION

SECTION 3.1.100 ZONING DISTRICT MAPS:

The location and boundaries of the zoning districts are shown on the Coos County Zoning Map, Coquille River Estuary Zoning Map and the Coos Bay Estuary Zoning Map. [\(Note: management units in the Coos Bay Estuary Management Plan are the same as zoning districts.\)](#) 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 as being the official zoning map through adopted order or ordinance. All official records shall be kept by the Coos County Planning Department. Any changes to the zone maps by interpretation or rezone shall be filed with the County Clerk's office through an ordinance or order. A copy of the segment of the map that was interpreted or rezoned will be attached to the order or ordinance. Digitized maps are hereby adopted as part of the Coos County Comprehensive Plan and Coos County Zoning and Land Development Ordinance as the official maps. If there are any questions about a mapping error staff shall provide a copy of the original Mylar map for comparison. If the digital copy is found to be in error Planning Staff shall correct the error immediately.

SECTION 3.1.150 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 as may be required, the Planning Staff shall make the change and note it in the meta data. When

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changes are made to the digitized maps they shall be exported into a shape file with the date and title and stored in an archived file. If changes are needed to align with the Assessor's tax lot data that may be done without notice.

SECTION 3.1.200 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 lines;
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 3.1.250 COASTAL SHORELANDS BOUNDARY:

The Coastal Shoreland Boundary as it applies to the Coos Bay Estuary Management Plan and the Coquille River Estuary Management Plan is identified as that outer extent of the estuary zoning boundary.

SECTION 3.1.350 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 on the official map using the same process as Section 3.1.150.

SECTION 3.1.400 PROHIBITED USES:

Unless an exception is specifically listed in the Ordinance, any use not listed or specifically identified as not permitted are prohibited. However, 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.
 - a. Any decision to classify a use pursuant to this section shall be entered in a registry available to the public setting forth:
 - i. The street address or other easily understood geographic reference to the subject property;
 - ii. The date of the decision; and
 - iii. A description of the decision made.
4. New classified uses shall be subject to all other requirements of this Ordinance.
5. 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 3.1.450 SUPPLEMENTAL PROVISIONS THAT APPLY TO ALL ZONING LISTED IN ARTICLE 3.

1. Special Allowance for Accessory Housing within the Coquille River and Coos Bay Estuary Shoreland Boundaries. The dwelling is necessary for a watchman or caretaker that is needed to reside on-premise. That the primary purpose of the dwelling is not solely to provide rental housing. Dwellings may be allowed as an accessory use to any of the following legally established uses:
 - a. Agriculture, as otherwise consistent with CREMP Policy #42 and CBEMP Policy #28;
 - b. Airports;
 - c. Aquaculture;
 - d. Commercial;
 - e. Docks and moorage/marinas;
 - f. Industrial and port facilities;
 - g. Log storage and sorting yard;
 - h. Mining and mineral extraction;
 - i. Recreational uses;
 - j. Solid waste disposal;
 - k. Timber farming/harvesting, as otherwise consistent with CREMP Policy #42 and CBEMP Policy #28;
 - l. Utilities.
2. Accessory Structures are customarily accessory to a lawfully established principle use shall be allowed as set forth below:
 - a. An accessory structure may be located on the same lot, parcel or tract under the same ownership as the lot, parcel or tract that contains the principle use.
 - b. Any attached or detached accessory structure shall maintain the same setbacks established by the zoning district for the principle use.[OR 91-05-006PL 7/10/91]
3. Residential Care Home/Facility. Residential Care Home/Facility shall be allowed in any dwelling authorized by this Ordinance.
4. 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.
5. Accessory Uses. Uses customarily accessory to the lawfully established principal use shall be allowed in all cases unless specifically prohibited or restricted:
 - a. 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;
 - b. The use complies with the definition of “Accessory Structure or Use” pursuant to this Ordinance;
 - c. The noncontiguous lot, parcel or tract is in the “same ownership” as the lot, parcel or tract on which the principal use is located;

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- d. 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]

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ARTICLE 3.2 COOS BAY ESTUARY MANAGEMENT PLAN (CBEMP) ZONING DISTRICTS/USES AND ACTIVITIES/LAND DEVELOPMENT STANDARDS.

SECTION 3.2.100. PURPOSE.

The purpose of this Article is to provide requirements pertaining to individual zoning districts in accordance with the Coos Bay Estuary Management Plan.

Such requirements are intended to achieve the following objectives:

1. To encourage the most appropriate use of land and natural resources.
2. To facilitate the adequate and efficient provision of transportation, water, sewerage, schools, parks, and other public requirements.
3. To secure safety from flood or other natural hazard.

The land development standards of Table 3.2 shall govern all development within the Coos Bay Estuary Shoreland Districts.

TABLE 3.2
Brackets around numbers see "Footnotes"

LAND DEVELOPMENT STANDARDS								
DISTRICT DESIGNATION	MINIMUM LOT SIZE (10)							
	EFU (1)	FOREST LAND (2)	RURAL			UGB'S		
			RES	COM/IND	OTHER	RES	COM/IND	OTHER
NS	(3)	(3)	(3)	N/A	(3)	N/A	N/A	N/A
CS	(3)	(3)	(3)	N/A	(3)	(3)	N/A	(3)
RS	(3)	(3)	(3)	(3)	(3)	N/A	N/A	(3)
D	(3)	(3)	(4)	--	--	N/A	N/A	N/A
WD	(3)	(3)	(4)	--	--	N/A	N/A	N/A
UD	(3)	(3)	N/A	N/A	N/A	(3)	(3)	(3)
UW	(3)	(3)	N/A	N/A	N/A	(4)	--	--
NWD	(3)	(3)	N/A	N/A	N/A	N/A	N/A	N/A
UDS	(3)	(3)	N/A	N/A	N/A	(4)	--	--

TABLE 3.2
Brackets around numbers see "Footnotes"

LAND DEVELOPMENT STANDARDS						
DISTRICT DESIGNATION	MINIMUM LOT WIDTH & DEPTH				MIN. ST. FRONTAGE	
	RURAL		UGB'S		RURAL	UGB'S
	WIDTH	DEPTH	WIDTH	DEPTH		
NS	20'	--	N/A	N/A	20'	N/A
CS	20'	--	50'	50'	20'	50'
RS	20'	--	50'	50'	20'	50'
D	20'	--	50'	N/A	20'	N/A
WD	20'	--	N/A	N/A	20'	N/A
UD	N/A	N/A	N/A	50'	N/A	50'
UW	N/A	N/A	50'	50'	N/A	50'
NWD	20'	--	N/A	N/A	N/A	50'
UDS	N/A	N/A	50'	50'	N/A	50'

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Table 3.2
 Brackets around numbers see "Footnotes"

LAND DEVELOPMENT STANDARDS						
DISTRICT DESIGNATION	MINIMUM SETBACKS (9)					
	RURAL			UGB'S		
	FRONT	REAR	SIDE	FRONT	REAR	SIDE
NS	(5)	(5)	(5)	N/A	N/A	N/A
CS	(5)	(5)	(5)	20'	5'	(7)
RS	(5)	(5)	(5)	20'	20'	(7)
D	(5)	(5)	(5)	N/A	N/A	N/A
WD	(5)	(5)	(5)	N/A	N/A	N/A
UD	N/A	N/A	N/A	20'	5'	(7)
UW	N/A	N/A	N/A	5'	5'	5'
NWD	N/A	N/A	N/A	N/A	5'	5'
UDS	N/A	N/A	N/A	5'	5'	(5)

TABLE 3.2
Brackets around numbers see "Footnotes"

LAND DEVELOPMENT STANDARDS						
DISTRICT DESIGNATION	MAXIMUM BUILDING HEIGHT		OFFSTREET PARKING		Road Standards	
	RURAL	UGB'S	RURAL	UGB'S	RURAL	UGB'S
NS	--	N/A	(6)	N/A	(11)	(11)
CS	--	35'	(6)	(8)	(11)	(11)
RS	--	35'	(6)	(8)	(11)	(11)
D	--	N/A	(6)	N/A	(11)	(11)
WD	--	N/A	(6)	N/A	(11)	(11)
UD	N/A	--	N/A	(8)	(11)	(11)
UW	N/A	--	N/A	(8)	(11)	(11)
NWD	--	N/A	N/A	(8)	(11)	(11)
UDS	N/A	--	N/A	(8)	(11)	(11)

TABLE 3.2 FOOTNOTES

FOOTNOTES:

- (1) Exclusive Farm Use, per ~~Special Consideration Map~~ [Minimum Lot Size Unincorporated Areas \(Map 39\)](#)
- (2) Forest Lands, per ~~Special Consideration Map~~ [Minimum Lot Size Unincorporated Areas \(Map 39\)](#)
- (3) See Special ~~Considerat~~ [Minimum Lot Size Unincorporated Areas \(Map 39\)](#) ~~ions Map: Lot Size Overlay~~ to determine minimum lot size
- (4) Dwellings are allowed as accessory uses only; no minimum lot size required
- (5) 35 feet from the centerline of an adjacent right-of-way; or 5 feet from an adjacent right of-way boundary (whichever is greater) if no adjacent right-of-way.
- (6) See Chapter VII for rural off-street parking requirements
- (7) 5 feet; but 10 feet for corner lots
- (8) See Chapter VII for off-street parking requirements within UGB's
- (9) Setback requirements are also subject to the vision clearance requirements set forth in Chapter VII.
- (10) None required for dredged material disposal, mitigation or utilities
- (11) See Chapter VII for road standards and improvements.

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NOTE: N/A = means “not applicable”; the standard is not applicable because the respective zoning designation does not apply within either the respective rural or UGB area.

SECTION 3.2.150. HOW TO USE THIS ARTICLE.

1.

This Plan contains specific language that regulates future natural, conservation, and development uses and activities that are, or may be, allowed at various Coos Bay aquatic and shoreland areas. As previously stated, the Plan's main purpose is to clearly stipulate where, and under what circumstances, development may occur -- thereby creating both predictability and certainty that required development permits will be issued if proposed actions are consistent with the provisions of this Plan.

Follow the steps below to determine whether or not a proposed use or activity is, or may be allowed at any specific site:

1. Locate the subject site on the Plan Map, which is attached.
2. Note on the Plan Map whether the subject property is contained within an aquatic management unit, a shoreland unit, or both. Note the numbers and abbreviated unit designations (i.e., "UD", "UW", "CA", etc.) for applicable management units.
3. Turn to the pages in the Plan document which contain specific plan provisions for each of the aquatic and shoreland management units. Find the pages that correspond to the map designations for the subject site.
4. For each applicable aquatic and/or shoreland management unit:
 - a. Review the unit's overall designation (i.e., Conservation Aquatic [CA], Urban Development [UD], etc.) to determine the general level of development allowed in the unit. Section 3.5 explains the meaning of these aquatic and shoreland designations.
 - b. Review the unit's management objective. This narrative provides general policy guidance regarding natural, conservation, and development uses and activities that are, or may be, allowed in the unit. All uses and activities allowed in the unit are consistent with the unit's management objective.
 - c. Review the unit's Uses and Activities Matrix to determine whether or not a proposed use or activity is allowable, subject to prescribed development standards (when applicable), or whether the proposed use or activity may be conditionally allowed subject to discretionary approval by local government, and possibly subject to special development conditions as denoted by an "*" symbol described below.
 - d. Review the designations which accompany each "use" and "activity" listed in the matrix to determine what is allowed, what is not allowed, and what "Special Conditions" apply.

"A" means "Allowed". The proposed use or activity will be allowed outright following a ministerial review by Planning Staff.

"*" means "Special Conditions" apply to the proposed use or activity, which may be allowed; in some cases, as discretionary decision by local government is required, as stated in the special condition narrative.

"N" means "Not Allowed". The proposed use or activity is prohibited in the unit.

"N/A" means "Not Applicable". The use or activity is not realistic considering the physical character of the unit and therefore does not apply.

In addition, "General Conditions" provide a convenient cross-reference to applicable Policies which may further limit or condition allowed uses and activities in shoreland areas.

Review the definitions, bay-wide policies, and standards set forth in Volume II, Part 1, Section 3 of this Plan, as the site-specific use and activity policies are subordinate with these.

SECTION 3.2.175. SITE-SPECIFIC ZONING DISTRICTS.

This Ordinance shall divide the lands affected by the Coos Bay Estuary Management Plan into specific zoning [districts identified as management units](#) as identified in [Volume III, Part I of the Coos Bay Estuary Management Plan \(Portion of the Coos County Comprehensive Plan\)](#). The following zoning districts delineate the appropriate requirements which shall apply to all lands within the individual districts.

A detailed “Uses and Activities” table follows the “Management Objectives” statement presented for each respective aquatic and shoreland [unit](#). The tables describe specific uses and activities deemed appropriate and inappropriate for each district. The Use and Activity tables for each district are subordinate to the “Management Objective” for the respective districts in that allowed uses and activities must be consistent with the respective districts’ “Management Objective” statements.

SECTION 3.2.180. RIPARIAN PROTECTION STANDARDS IN THE COOS BAY ESTUARY MANAGEMENT PLAN.

The following standards shall govern riparian corridors within the Coos Bay Estuary Management Plan:

1. Riparian vegetation within 50 feet of an estuarine wetland, stream, lake or river, as identified on the Coastal Shoreland and Fish and Wildlife habitat inventory maps, shall be maintained except that:
 - a) Trees certified as posing an erosion or safety hazard. Property owner is responsible for ensuring compliance with all local, state and federal agencies for the removal of the tree.
 - b) Riparian vegetation may be removed to provide direct access for a water-dependent use; or
 - c) Riparian vegetation may be removed in order to allow establishment of authorized structural shoreline stabilization measures; or
 - d) Riparian vegetation may be removed to facilitate stream or streambank clearance projects under a port district, ODFW, BLM, Soil & Water Conservation District, USFS stream enhancement plan; or
 - e) Riparian vegetation may be removed in order to site or properly maintain public utilities and road right-of-ways, provided that the vegetation to be removed is the minimum necessary to accomplish the purpose; or
 - f) Riparian vegetation may be removed in conjunction with existing agricultural operations (e.g., to site or maintain irrigation pumps, to limit encroaching brush, to allow harvesting farm crops customarily grown within riparian corridors, etc.) provided that such vegetation removal does not encroach further into the vegetation buffer except as needed to provide an access to the water for the minimum amount necessary to site or maintain irrigation pumps.
2. The 50' riparian vegetation setback shall not apply in any instance where an existing structure was lawfully established and an addition or alteration to said structure is to be sited not closer to the estuarine wetland, stream, lake, or river than the existing

structure and said addition or alteration represents not more than 100% of the size of the existing structure's "footprint".(ORD 92-05-009PL)

3. The 50' measurement shall be taken from the ordinary high water mark using a right angle from the ordinary high water mark.

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