

## CHAPTER I GENERAL

### ARTICLE 1.1 INTRODUCTION

#### **SECTION 1.1.100 TITLE AND AUTHORITY:**

This Ordinance shall be known as the Coos County Zoning and Land Development Ordinance of 1985 and is enacted pursuant to the provisions of ORS 92.044, 92.046, 203.035, 203.065, 215.050 and 215.110 and the Coos County Comprehensive Plan. All provisions of this Ordinance shall remain in compliance with the Comprehensive Plan and State law.

#### **SECTION 1.1.200 PURPOSE:**

It is the purpose of this Ordinance to implement the Coos County Comprehensive Plan by:

1. Promoting the orderly growth of Coos County,
2. Protecting and enhancing the environment,
3. Conserving and stabilizing the value of property,
4. Reducing excessive traffic congestion,
5. Preventing overcrowding of land by establishing standards for proper density,
6. Providing adequate open space for light and air,
7. Conserving natural resources,
8. Encouraging the most appropriate use of land,
9. Preventing water and air pollution,
10. Facilitating fire and police protection,
11. Providing for community facilities,
12. Promoting and protecting the public health, safety, convenience and general welfare.

**SECTION 1.1.300 COMPLIANCE WITH COMPREHENSIVE PLAN AND ORDINANCE PROVISIONS:**

The Comprehensive Plan of Coos County is the basis for all land use development within Coos County. Should any conflicts arise between the Plan and this Ordinance, the provisions of the Plan will prevail.

It shall be unlawful for any person, firm, or corporation to cause, develop, permit, erect, construct, alter or use any building, structure or parcel of land contrary to the provisions of the district in which it is located. No permit for construction or alteration of any structure shall be issued unless the plans, specifications, and intended use of any structure or land conform in all respects with the provisions of this Ordinance, unless approval has been granted by the Hearings Body.

Any use permitted within a primary zone but specifically not permitted by an overlaying floating zone restriction (required by the Comprehensive Plan) shall not be permitted.

**SECTION 1.1.400 SEVERABILITY:**

If any section, paragraph, subdivision, clause, sentence or provision of this Ordinance shall be adjudged by any court of competent jurisdiction to be unconstitutional or invalid, such judgment shall not affect, impair, invalidate, or nullify the remainder of this Ordinance; the invalidation shall be confined to the section, paragraph, subdivision, clause, sentence, or provision immediately involved in the controversy in which such judgment or decree shall be rendered. The intent of the governing body shall be to enact the remainder of this Ordinance notwithstanding the parts so declared unconstitutional or invalid. Should any section, paragraph, subdivision, clause, sentence or provision of this Ordinance be declared unreasonable or inapplicable to a particular premises or to a particular use at any particular location, as outlined above, such declaration or judgment shall not affect, impair, invalidate or nullify such section, paragraph, subdivision, clause, sentence or provision as to any other premises or use.

**SECTION 1.1.500 BUILDING PERMIT ISSUANCE:**

Coos County recognizes the State of Oregon Building Codes Agency as the official building permit issuing and enforcing authority, responsible for receiving applications and examining the plans and specifications for proposed construction. A building permit shall not be issued unless such plans and specifications comply with the Coos County Zoning and Land Development Ordinance.

**SECTION 1.1.600 EFFECT OF AGREEMENTS BETWEEN PARTIES:**

It is not the intent of this Ordinance to interfere with, abrogate or annul any easement, covenant or other agreement between parties, provided that where this Ordinance imposes a greater restriction than that imposed by that agreement, the provisions of this Ordinance shall control.

**SECTION 1.1.700 INTERPRETATION:**

1. When in the administration of this Ordinance there is doubt regarding the intent of the Ordinance, the Planning Director, in consultation with County Counsel shall issue an interpretation to resolve the doubt. Any interpretation shall conform with the Oregon Revised Statutes and appropriate court cases. Such interpretation shall not have the effect of amending the provisions of this Ordinance.
2. The interpretation may be forwarded to the Board of Commissioners and the Hearings Body. The Board of Commissioners may request a recommendation of the Hearings Body whenever such an interpretation is of general public interest.
3. The Board of Commissioners shall initiate an ordinance amendment.

**SECTION 1.1.750 CONSTRUCTION:**

The following rules of construction shall apply unless the context of a particular provision clearly indicates otherwise:

- Tense:** Words used in the present tense include the future and past tenses.
- Number:** Words used in the singular include the plural, and words used in the plural include the singular.
- Shall and May:** The word “shall” is mandatory; the word “may” is permissive.
- Gender:** The masculine shall include the feminine and neuter.
- Hearings Body:** The Hearings Body shall be synonymous with Hearings Officer or Planning Commission.
- Planning Director:** The word Planning Director shall include the Planning Director’s designee.
- Headings:** In the event there is any conflict or inconsistency between the heading of an article, section or paragraph of this Ordinance and the context thereof, the heading shall not be deemed to effect the scope, meaning or intent of such context.
- Zoning District:** The terms “zoning district”, “district” or “zone” are synonymous with “management unit”, “management segment” or “segment”.
- Lot:** The word “lot” is often used in conjunction with a substantive requirement, i.e., “minimum lot size”, “lot line”, etc. When used in such context, “lot” shall be interpreted to include “parcel” and “tract”.

### **SECTION 1.1.800 EXCLUSION FROM PERMIT REQUIREMENTS:**

The following uses and activities are permitted in each zoning district but are excluded from the requirement of obtaining a compliance determination or conditional use. Exclusion from the permit requirement does not exempt the use and/or activity from otherwise complying with all applicable development standards and special development considerations.

1. Landscaping outside the floodplain and not involving a structure or parking lot;
2. Any change or repair to a lawfully established building or other lawfully established structure that does not alter or expand the use thereof;
3. Accessory structures containing a lawfully established use which meet the building permit exemption requirements of the Oregon Department of Consumer and Business Services (State Building Codes). Accessory structures that are over the size for exemption will need a zoning compliance letter to obtain permits. Accessory structures must be subordinate in extent and use to the primary use.
4. Farm use or uses that do not include new structures are exempt from all land use requirements and include the following:
  - a. Direct sale of farm crops as described in ORS 215.203 when a building permit is not required;
  - b. Fences, chutes, corrals and round pens;
  - c. Watering structures; and
  - d. Stand-alone feeders.
5. Propagation or cutting of trees outside of a riparian area.
6. Establishment, construction, maintenance, preservation or termination of improvements and facilities in a public right-of-way together with piping and culverting, accessory drainage systems such as catch basins, and necessary accessory structures and easements. Although, said facilities within a floodplain or hazard area shall obtain a development permit.
7. The following structures if an accessory to a residential use as long as a building permit is not required:
  - a. Playground equipment and structures;
  - b. Stone or brick barbecues;
  - c. Clotheslines;
  - d. Tree houses, playhouses and storage sheds less than two hundred (200) square feet in area;
  - e. Arbors and trellises;
  - f. Domestic animal structures less than two hundred (200) square feet in area;
  - g. Basketball hoops, tetherball poles and other permanently mounted sports equipment;
  - h. Above-ground swimming pools, hot tubs and spas;
  - i. Temporary or portable sheds or carports.
8. Dwellings used as long term rentals for residential purposes excluding vacation rentals, hotels, motels and group cottages. The rental will be for long term residential use extending for a period of more than 30 days with the intent to establish residency and be occupied for living purposes.

9. The following excavations or fills, provided that no excavation or fill shall occur in the floodplain, hazard area or in an area specifically identified as a Goal 5 resource without first obtaining a development permit:
  - a. Excavations below finish grade for basements and footings of a building, retaining wall or other structure authorized by a valid development or building permit;
  - b. Cemetery graves that comply with ORS 692, are not used for commercial purposes and has 10 or fewer interments;
  - c. Excavations for wells, tunnels or utilities;
  - d. Excavations or fills for public projects conducted by or under contract of the county;
  - e. Exploratory excavations affecting or disturbing areas less than six thousand (6000) square feet in size, under the direction of soil engineers or engineering geologists;
  - f. Accepted farm practices, as defined in ORS 215.203, such as preparation of land for cultivation;
  - g. Emergency or routine repairs or maintenance of a lawfully established communication tower or antenna; or
  - h. Fills associated with public transportation improvements within a public right of way.
  
10. Transportation improvements required to fulfill a condition of approval made in a final land use approval by the Planning Director, Planning Commission or Board of Commissioners, adopted after the effective date of this ordinance (OR # 17-04-004PL, July 31, 2017). Conditions of approval shall be consistent with § 5.0.350.

## **ARTICLE 1.2 PLANNING COMMISSIONS:**

The Planning Commission is a seven (7) member board appointed by the Board of Commissioners to actively participate in the County's planning program. The Planning Commission serves as a hearings body on land use matters, as well as reviewing and making recommendations to the Board of Commissioners on new or amended provisions of the Comprehensive Plan or Land Use and Development Ordinance.

Members represent various geographic areas of the County. The membership also represents a variety of occupations and interests. The term of appointment is four years. The Planning Commission meets regularly. Meetings are held on the first Thursday of the month, unless otherwise scheduled.

The Planning Commission is referred to as a Hearings Body in the Ordinance. Hearings held by the Planning Commission provide for an open public process which allows all parties to observe the land use decision making process. Decisions of the Planning Commission are appealable to the Coos County Board of Commissioners. Legal and procedural requirements for land use applications are set forth in the state statutes and local ordinances.

### **SECTION 1.2.120 TERM OF APPOINTMENT:**

1. The term of appointment to the Planning Commission shall be four (4) years from the date of appointment, except as otherwise provided for in this Article.
2. A commission member may be re-appointed by the Board of Commissioners for additional terms.
3. The chairperson shall be the presiding officer at all Planning Commission meetings.
4. The vice-chairperson shall be the presiding officer in the absence of the chairperson.
5. The Planning Staff shall prepare minutes and record the meeting.

### **SECTION 1.2.130 TENURE AND REMOVAL:**

1. Members shall serve for terms of four (4) years. The initial membership of the commission shall be staggered terms.
2. A member of the commission may be re-appointed by the Board of Commissioners to serve additional terms. The Planning Director or designee shall provide the Board of Commissioners with comments/recommendations of the re-appointment prior to the Board of Commissioners' decision.

3. Members of the commission may be removed by the Board of Commissioners, with or without cause.
4. A member may resign at any time by submitting such resignation in writing to the Board of Commissioners.
5. If a member of the commission fails to attend three (3) consecutive meetings and the absences are unexcused, that member will be automatically removed. The Board of Commissioners will advertise to replace that position.

**SECTION 1.2.400 FAILURE TO PRODUCE A PLANNING COMMISSION QUORUM:**

If in the event the Planning Commission or Hearings Body fails to produce a quorum for a zoning and land development hearing, the Planning Director shall have the authority to appoint the Planning Commissioners present as special Hearings Officers to hear the zoning and land development requests. All procedural requirements of this Ordinance shall be applicable to the hearings.

If in the event there are no Planning Commissioners present, the Planning Director shall have the authority to continue any scheduled hearing to a future specific time, place and date without additional written or published notice.

## **ARTICLE 1.3 ENFORCEMENT**

### **SECTION 1.3.100 ADMINISTRATION:**

It shall be the duty of the Planning Director or his/her authorized representative to enforce the provisions of this Ordinance pertaining to zoning, land use, the construction, erection, location or enlargement of any structure and land divisions within Coos County under the jurisdiction of this Ordinance.

### **SECTION 1.3.200 SITE PERMITS:**

1. No permit or verification letter shall be issued by the building official or the County Planning Department for the construction, erection, location, enlargement, or the change of the use of a building, structure, or lot that does not conform to the requirements of this Ordinance, unless otherwise permitted by this Ordinance.
2. A permit or verification letter may be issued (subject to #1 above) even though the permit or verification letter is based on a decision of the Planning Director, Hearings Body or Board of Commissioners. If the decision upon which the verification letter is based on is reversed on appeal, the verification letter shall be revoked without further action. The applicant therefore shall recognize and consent to the fact that any improvements made on the property to which the verification letter applies are made at the applicant's own risk, and shall agree that no attempt will be made to hold Coos County responsible in the event that removal of such improvements become necessary due to the revocation of the verification letter or permits.

### **SECTION 1.3.225 VIOLATION PROCESS:**

1. Violations may be reported by completing a violation form. The violation form must include the following information:
  - a. Provisions of the CCZLDO allegedly being violated;
  - b. Evidence of the alleged violation, such as written documentation or visual aids;
  - c. Address or legal description of the property containing the alleged violation; and
  - d. Contact information for the person(s) submitting the alleged violation form.
2. All violation forms are to be submitted to the Planning Department. Once the violation form has been received, the Planning Staff will review form and send a letter to the property owner where the alleged violation is occurring, informing them that a complaint has been filed. The property owner will have 45 days to respond from the date of the letter.



3. After the 45 days has expired, or a response letter from the property owner has been received, Planning Staff will issue a written determination of the alleged violation to all parties within 30 days.
4. The determination is appealable within 15 days of the date of the determination. Any appeal must be filed on the county appeal form with the appropriate fee as set forth in the fee schedule. A public hearing will be scheduled before the Planning Commission or Board of Commissioners within 45 days of receiving the appeal.
5. If the hearings body determines that a violation does in fact exist, the property owner will have 15 days to submit a plan for compliance. Compliance must be achieved within 60 days of the date of the final decision. If an application is required to correct the violation, it must be submitted to the Planning Department within 60 days of the final decision. Failure to comply with the deadlines will result in County enforcement pursuant to § 1.3.800.

### **SECTION 1.3.300 REVOCATION:**

1. Any permit or verification letter (also referred to as zoning compliance letter or zoning clearance letter) may be subject to revocation by the Planning Director if it is determined the application included false information, or if the standards or conditions governing the approval have not been met or maintained.
2. The revocation of any permit or verification letter by the Planning Director shall be subject to the following:
  - a. The Planning Director shall mail the property owner a written statement of the proposed revocation at least 30 days prior to the date of revocation. The notice shall contain a detailed statement identifying the specific reason(s) for revocation. The notice shall advise the property owner of the opportunity to respond to the Planning Director's statement in writing within 15 days from the date the notice is mailed by explaining or refuting the reason(s).
  - b. In the event the property owner submits a written explanation to the notice, the Planning Director shall thereupon give careful consideration to the response in conjunction with other relevant evidence, including other written comments received in response to landowner or agency notice, to determine whether revocation should occur.
  - c. At the conclusion of the Director's review, the Director shall enter findings of the decision and mail notice of the decision regarding revocation to the property owner and other parties to the action. The notice shall explain basic appeal rights.
  - d. No revocation shall be final until the appeal period for the decision to revoke has expired without appeal.

3. The Director's decision regarding the revocation of a permit or verification letter may be appealed pursuant to the procedures contained in Article 5.8 governing the appeal of administrative decisions. In the event of an appeal, any revocation shall be automatically stayed pending review.

**SECTION 1.3.800 VIOLATION OF ORDINANCE:**

A violation of this Ordinance may, at the discretion of the County, be rectified in either of the following ways:

1. The construction, erection, location, enlargement, or use, or change in use or uses of any structure or property in violation of this ordinance or those conditions and limitations approved pursuant to the provisions of this Ordinance shall be deemed a nuisance and may be enjoined, abated or removed as provided by ORS 215.185; or
2. Upon conviction as provided by ORS 203.065:
  - a. A fine of not more than \$100 for each day of violation where the offense is a continuing offense but such fine may not exceed \$2000.
  - b. A fine of not more than \$500 where the offense is not a continuing offense.

**SECTION 1.3.825 LATE APPLICATION FEE:**

In lieu of, or in addition to the penalty set forth in Section 1.3.800, when a violation of this Ordinance exists and a permit or verification letter is required in order to correct the violation or continuing violation the following late application fees shall apply:

- 1. If within 30 days of the County’s written notice to the owner of the property on which a violation exists, the property owner or his/her agent voluntarily attempts to correct the violation by application for any and all necessary permits or approvals the following late application fee shall apply:
  - a. Zoning clearance letter.....double fee
  - b. All other County application.....double fee

Late application fees, or portions thereof, may be waived by the Board of Commissioners. The payment of such double fee shall not relieve any person from complying with the requirements of this Ordinance, nor from any penalties prescribed. (Eff. 7/1/91)

**SECTION 1.3.900 FEES:**

- 1. For the purpose of covering the expenses involved in processing permits, land divisions and other applications and zoning authorizations, the Planning Department shall collect fees as established by the Board of Commissioners.
- 2. All fees are non-refundable except in cases when the processing was terminated prior to the incurring of any substantial administrative expenses. Refunds shall be made at the direction of the Board of Commissioners.
- 3. At the time of filing a partition or subdivision plat with the County Clerk, the applicant shall pay the plat checking fee of the County Surveyor (if applicable) as provided in ORS 92.100 or by the Board of Commissioners and the plat filing fee as provided in ORS 205.350.
- 4. Fees, or portions thereof, may be waived by the Board of Commissioners. (Eff. 7/1/91)

**SECTION 1.3.950. STORAGE AND TREATMENT OF OIL CONTAMINATED SOIL:**

Coos County recognizes that the Oregon Department of Environmental Quality (DEQ) is responsible for ensuring compliance with state and federal clean air and water quality statutes, including those pertaining to the storage and treatment of oil contaminated soil. Coos County does not regulate storage and treatment of oil contaminated soil except where such contaminated earth is processed as "contaminated soil land farming" and classified as a use that may be permitted in certain zoning districts.

Any decision by Coos County to allow "contaminated soil land farming" at a given location does not relieve DEQ of its duty to ensure that the proposed activity is environmentally safe. The County specifically defers to DEQ for the determination that use of any site for storage and treatment of oil contaminated soils is environmentally safe and that placement of oil contaminated soils on the site will result in no adverse environmental or health consequences to groundwater and nearby properties.

## **ARTICLE 1.4 CITIZEN INVOLVEMENT PROGRAM (Citizen Advisory Committee)**

### **SECTION 1.4.100 PURPOSE:**

The purpose of this Article is to provide direction to the “Citizen Advisory Committee” which is one of the components of the County’s Citizen Involvement Program. The intent of this Article is to clearly define the role and the procedures by which the public will be involved in the land use process.

1. To advise the Planning Department staff on revisions to the Plan and Zoning and Land Development Ordinance, which have been initiated by the Department at the direction of the Board of Commissioners; and
2. Will not advise or replace the role of the Planning Commission or Board of Commissioners.

### **SECTION 1.4.200 MEMBERSHIP:**

1. To be recognized by Coos County as a component of the Citizen Involvement Program. This committee shall serve as advisory only and shall consist of seven (7) members who represent the broad geographical area of Coos County; and
2. Members shall be representative of the diverse professional backgrounds and public interest of this County, which could include, but are not limited to the following:
  - a. Land Surveyors;
  - b. Business Owners;
  - c. Realtors;
  - d. Science Community;
  - e. Indian Tribes;
  - f. Educational Community;
  - g. Forestry;
  - h. Legal;
  - i. Land Use Consultants;
  - j. Agricultural;
  - k. Industry;
  - l. Public in general;
  - m. Civil Engineer; and
  - n. Title Company.
3. A member of the Citizen Advisory Committee shall be at least eighteen (18) years of age and a resident of Coos County, and
4. Shall serve without compensation.

#### **SECTION 1.4.300 TERM OF APPOINTMENT:**

1. The term of appointment to the Citizen Advisory Committee shall be three (3) years from the date of appointment, except as otherwise provided for in this Article.
2. A committee member may be re-appointed by the Board of Commissioners for additional terms.
3. The chairperson shall be the presiding officer at all Citizen Advisory Committee meetings.
4. The vice-chairperson shall be the presiding officer in the absence of the chairperson.
5. The secretary shall be responsible for the preparation of the committee minutes. If agreed upon by the Citizen Advisory Committee, the Planning Staff may present summary minutes. Summary minutes are not transcripts. Staff does not have the resources to transcribe minutes. The meetings will be recorded.

#### **SECTION 1.4.400 ORGANIZATION:**

1. The Citizen Advisory Committee shall hold meetings as determined by the Planning Department staff and follow the provisions of the Oregon Open Meetings Law (ORS 192.610-.685).
2. Members of the Citizen Advisory Committee shall hold elections at the formation meeting and again thereafter, at the first scheduled meeting of the calendar year. The committee shall designate a chairperson, vice-chairperson, and secretary whose terms shall be for one (1) year.

#### **SECTION 1.4.500 TENURE AND REMOVAL:**

1. Members shall serve for terms of three (3) years; provided, however, that the initial membership of the committee shall be staggered terms.
2. A member of the committee may be re-appointed by the Board of Commissioners to serve additional terms. The Planning Director or designee shall provide the Board of Commissioners with comments/recommendations of the re-appointment prior to the Board of Commissioners' decision.
3. Members of the committee may be removed by the Board of Commissioners, with or without cause.
4. A member may resign at any time by submitting such resignation in writing to the Board of Commissioners.

5. If a member of the committee fails to attend three (3) consecutive meetings, and those absences are unexcused, that member will be automatically removed. The Board of Commissioners shall advertise to replace that position.

**SECTION 1.4.600 DUTIES AND RESPONSIBILITIES:**

1. Shall co-operate with the Planning Department staff.
2. All committee meetings will be open to the public and all persons shall be permitted to attend any such meetings. Executive sessions shall not be conducted by the committee pursuant to ORS 192.660.
3. Notice of each committee meeting shall be posted at the Coos County Courthouse seven (7) days prior to the meeting, detailing the date, time, place of meeting and subject matter. The Board of Commissioners shall include the meeting on the weekly agendas that are posted on the Coos County website.
4. Decision and/or recommendations of the Citizen Advisory Committee shall be advisory only and shall be non-binding on the part of the Planning Department, Planning Commission, or other decision making board.
5. Members will treat each other with respect, will not monopolize meeting time, and will listen to and try to understand one another's view.
6. When a member cannot agree to an issue, the member shall indicate why they cannot agree and must propose alternatives that would result in obtaining their agreement or abstention.
7. The committee may meet to discuss land use in general, or to review or comment on plan amendments and/or zone changes initiated by the Planning Department staff; also, the committee may initiate the study and review of a plan amendment and/or zone change.
8. The committee as a whole shall not appeal any land use decisions at any level of government (i.e., Administrative, Planning Commission and Board of Commissioners). Individual members' rights as citizens are in no way affected by this clause.
9. Minutes of the committee comments and/or concerns will be forwarded to the Planning Department, who will forward copies to the Planning Commission and the Board of Commissioners.
10. In reviewing revisions to the plan and/or ordinance, the Committee must adequately reflect consideration of the following criteria:
  - a. The Oregon Revised Statutes (ORS) and Oregon Administrative Rules (OAR) as they relate to land use planning; and

- b. The Statewide Planning Goals and Guidelines for land use planning; and
  - c. The Coos County Comprehensive Plan, including its goals, policies and maps; and
  - d. Policy directives or interpretations as provided by the Board of Commissioners.
  - e. If a committee member disagrees with a proposed change, that member is responsible for providing adequate reasons and identifying specific language allowing staff to research the matter.
  - f. Members are responsible for reviewing the materials prior to the meeting to be able to review the material in a timely manner.
11. The minutes of the Committee meetings shall be the Committee's official report and/or comment. Minutes shall be kept on file in the Coos County Planning Department.

**SECTION 1.4.700 MEETINGS:**

1. Citizen Advisory Committee shall be open to the public and shall be properly noticed and agendized. Notification may include, but is not limited to, notification in newspapers, radio, TV, e-mail or other methods deemed suitable to provide adequate public knowledge of the meetings.
2. Decisions and/or recommendations shall be made using a consensus decision-making process.
3. If consensus cannot be obtained, the chairperson may call for a vote. The minutes shall clearly state that consensus on the subject was not reached, but that a vote was ultimately used to determine the recommendation or decision. If a vote is used, the minutes shall accurately reflect in detail why the members could not agree and the alternatives that were proposed.
4. A quorum shall:
  - a. Consist of four (4) members; and
  - b. Be present to conduct a meeting.
5. Planning Director or designee shall be present at all meetings.
6. Meetings shall follow this order:
  - a. Roll call and introductions;
  - b. Approval of previous meeting's minutes;
  - c. Communications to the committee;
  - d. Consideration of land use issues forwarded from the Planning Department, Planning Commission or Board of Commissioners;
  - e. May alter the order of business because of:



- i. Lengthy agendas,
    - ii. The need to consider special or expert testimony, and/or
    - iii. Conflicts with other public meetings;
  - f. Meetings shall not exceed duration of two (2) hours.
7. Minutes of the Citizen Advisory Committee should include:
- a. Type of meeting being held;
  - b. Date, time, and place of the meeting;
  - c. Committee members in attendance;
  - d. Member making the motion and who second the motion;
  - e. Summary of discussion and presentation;
  - f. Outcome of vote and the method of vote;
  - g. Signature of the chairperson and secretary upon approval of minutes; and
  - h. Any other information deemed appropriate for the discussions between the members.
8. Minutes of the committee meetings shall:
- a. Be signed by the chairperson and secretary or staff person that prepared the minutes,
  - b. Be given (upon adoption) to the Planning Department for:
    - i. Distribution to the Planning Commission and Board of Commissioners, and
    - ii. Storage.

**SECTION 1.4.800 PLANNING DIRECTOR OR DESIGNEE RESPONSIBILITIES FOR CITIZEN PARTICIPATION AND COORDINATION:**

- 1. The Planning Director or designee shall be responsible for assuring that the citizen involvement provisions are implemented.
- 2. The Planning Director or designee shall provide such information to the Citizen Advisory Committee as necessary, in order to identify and comprehend planning and plan implementation issues. All planning or plan implementation information supplied by the Planning Department shall be in a simplified and understandable form.
- 3. The Planning Director or designee shall:
  - a. Act as liaison between the Citizen Advisory Committee, Citizens of Coos County, Planning Commission and the Board of Commissioners; and
  - b. Respond to citizen comments on planning or plan implementation issues directly, or by referring the same to the appropriate agency for response.

4. The Planning Director or designee shall make available to the Citizen Advisory Committee, copy(ies) of all proposed amendments to Coos County's Comprehensive Plan or Implementing Ordinance, or any studies, reports or background information necessary to understand the proposal(s), at least ten (10) days prior to the scheduled meeting date. (OR-01-01-001PL 8/1/01)

## ARTICLE 1.5 GENERAL INFORMATION FOR ZONE MAPS, SPECIAL DEVELOPMENT CONSIDERATIONS AND OVERLAYS:

### **SECTION 1.5.100 ZONING DISTRICT MAPS:**

The location and boundaries of the zoning districts are shown on the three sets of maps titled: Coos County Zoning Map (also referred to as Balance of County), 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 were certified by the Board of Commissioners through adoption of Ordinance number 85-03-004PL dated April 4, 1985 and filed at the Coos County Clerk on April 5, 1985 (Clerk's file number 85-7-1769 through 87-7-2221A). All official records shall be kept by the Coos County Planning Department. Any changes to the zone maps by interpretation or zone change 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.

The original maps that were adopted in 1985 have been digitized maps and are hereby adopted as part of the Coos County Comprehensive Plan and Coos County Zoning and Land Development Ordinance as the official zone 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. The 1985 Mylar maps shall never be destroyed as they are the official historical documents until such time new inventory maps are adopted.

### **SECTION 1.5.200 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 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 1.5.300 INTERPRETATION OF ZONING DISTRICT BOUNDARIES:**

If an interpretation of the zoning district boundary is required, the official Mylar maps that were adopted as part of the 1986<sup>1</sup> Comprehensive Plan shall be used. 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

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<sup>1</sup> The official zone maps state Coos County Zoning Map, Date of Adoption Jan. 1983 (The official date of adoption of the zoning maps including the special development consideration maps was April 4, 1985)

refer the matter to the Hearings Body for its interpretation pursuant to Section 1.1.700 of this Ordinance.

**SECTION 1.5.400 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 17. 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 adjustments to the maps and provide a copy of any map revision will be filed with the County Clerk's office. All interpretations shall be processed as an administrative decision.

**SECTION 1.5.500 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.
2. If a zoning error is found, such as unzoned or overlapping zoning the Planning Director shall issue an interpretation to the Board of Commissioners.
3. The Board of Commissioners shall initiate an ordinance amendment.
4. The amendment process in Article 5.1 shall be followed.
5. 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 1.5.100 of this Ordinance.

**SECTION 1.5.600 SPECIAL DEVELOPMENT CONSIDERATIONS AND OVERLAYS:**

Special development considerations and overlays are listed in Article 4.11. The special development considerations are map overlays that show areas of concern such as hazards or protected sites. These maps have been digitized to allow for layers to be applied to the property. The original historical Mylar map shall be used to determine if an error in exists. Each development consideration may further restrict a use. Staff will look at maps to determine if there are mapped special developed considerations that apply. If applicable the applicant must address the development consideration prior to receiving a zoning compliance letter.

Development considerations play a very important role in determining where development should be allowed. In the Estuary Plans the development considerations, also referred to as inventoried areas, have been incorporated into the site specific zoning. In the Balance of County

the development considerations were applied as a broad area and the maps have to be examined in order to determine how the inventory applies to the specific site.

**SECTION 1.5.700 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.
2. When a parcel is split-zoned contains 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 discernible 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]