



# Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us



## NOTICE OF ADOPTED AMENDMENT

12/22/2008

TO: Subscribers to Notice of Adopted Plan  
or Land Use Regulation Amendments

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: Coos County Plan Amendment  
DLCD File Number 006-08

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A Copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

### Appeal Procedures\*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Friday, January 02, 2009

This amendment was submitted to DLCD for review prior to adoption. Pursuant to ORS 197.830(2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

**\*NOTE:** THE APPEAL DEADLINE IS BASED UPON THE DATE THE DECISION WAS MAILED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAT IT WAS MAILED TO DLCD. AS A RESULT, YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE DATE SPECIFIED.

Cc: Patty Evernden, Coos County  
Doug White, DLCD Community Services Specialist  
Dave Perry, DLCD Regional Representative

<paa> YA/l

# DLCD

## Notice of Adoption

In person  electronic  mailed

DATE  
STAMP

DEPT OF

DEC 15 2008

LAND CONSERVATION  
AND DEVELOPMENT

For DLCD Use Only

**THIS FORM MUST BE MAILED TO DLCD  
WITHIN 5 WORKING DAYS AFTER THE FINAL DECISION  
PER ORS 197.610, OAR CHAPTER 660 - DIVISION 18**

Jurisdiction: **Coos County 12/12/08**

Local file number: **AM-08-01**

Date of Adoption: **12/10/2008**

Date Mailed: **12/12/2008**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Yes** Date: 7/18/2008

Comprehensive Plan Text Amendment

Comprehensive Plan Map Amendment

Land Use Regulation Amendment

Zoning Map Amendment

New Land Use Regulation

Other:

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".

To delete the existing language in the Coos County Zoning and Land Development Ordinance Section 4.1.900(2) Split-zoning provisions, and replace it with new language in order to comply with ORS Chapter 215 and related OARs.

Does the Adoption differ from proposal? No, no explanation is necessary

Plan Map Changed from:

to:

Zone Map Changed from:

to:

Location:

Acres Involved:

Specify Density: Previous:

New:

Applicable statewide planning goals:

<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>	<b>7</b>	<b>8</b>	<b>9</b>	<b>10</b>	<b>11</b>	<b>12</b>	<b>13</b>	<b>14</b>	<b>15</b>	<b>16</b>	<b>17</b>	<b>18</b>	<b>19</b>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Was an Exception Adopted?  YES  NO

Did DLCD receive a Notice of Proposed Amendment...

45-days prior to first evidentiary hearing?

Yes  No

If no, do the statewide planning goals apply?

Yes  No

If no, did Emergency Circumstances require immediate adoption?

Yes  No

*DLCD # 006-08 (17028)*

DLCD file No. \_\_\_\_\_

Please list all affected State or Federal Agencies, Local Governments or Special Districts:

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Local Contact: **Patty Evernden, Planning Director**

Phone: (541) 396-3121 Extension: 210

Address: **Coos County Courthouse**

Fax Number: 541-396-2690

City: **Coquille, OR**

Zip: 97423-

E-mail Address: **pevernden@co.coos.or.us**

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## **ADOPTION SUBMITTAL REQUIREMENTS**

This form **must be mailed** to DLCD **within 5 working days after the final decision**  
per ORS 197.610, OAR Chapter 660 - Division 18.

1. Send this Form and **TWO Complete Copies** (documents and maps) of the Adopted Amendment to:

**ATTENTION: PLAN AMENDMENT SPECIALIST  
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT  
635 CAPITOL STREET NE, SUITE 150  
SALEM, OREGON 97301-2540**

2. Electronic Submittals: At least **one** hard copy must be sent by mail or in person, but you may also submit an electronic copy, by either email or FTP. You may connect to this address to FTP proposals and adoptions: **webserver.lcd.state.or.us**. To obtain our Username and password for FTP, call Mara Ulloa at 503-373-0050 extension 238, or by emailing **mara.ulloa@state.or.us**.
3. Please Note: Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the Notice of Adoption is sent to DLCD.
6. In addition to sending the Notice of Adoption to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
7. **Need More Copies?** You can now access these forms online at **http://www.lcd.state.or.us/**. Please print on **8-1/2x11 green paper only**. You may also call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518; or Email your request to **mara.ulloa@state.or.us** - ATTENTION: PLAN AMENDMENT SPECIALIST.

BEFORE THE BOARD OF COMMISSIONERS  
OF THE COUNTY OF COOS, OREGON

IN THE MATTER OF AMENDING THE COOS )  
COUNTY ZONING & LAND DEVELOPMENT ) FINAL DECISION AND  
ORDINANCE ) ORDINANCE 08-07-007PL  
(Section 4.1.900(2) Split Zoning) )

This matter came before the Coos County Board of Commissioners sitting for the transaction of business on the 21st of October, 2008, concerning amendment to the Coos County Zoning and Land Development Ordinance (CCZLDO).

WHEREAS, in a worksession on July 7, 2008, the Board of Commissioners, initiated an amendment to the CCZLDO related to the split-zoning provisions of § 4.1.900; and,

WHEREAS, in accordance with ORS 197.610, the required notice was sent to DLCD on July 18, 2008; and,

WHEREAS, the Planning Commission considered the proposed amendment at public hearing on September 4, 2008 and following deliberation, the Planning Commission recommended the Board of Commissioners approve the proposal; and,

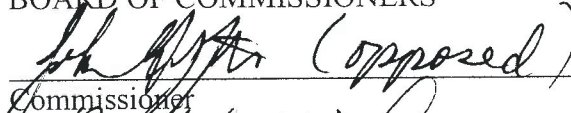
WHEREAS, the Board considered the recommendation from the Coos County Planning Commission and testimony presented by the parties on October 21, 2008 and continued the matter to November 25, 2008, and again continued the matter to December 10, 2008; and,

WHEREAS, on December 10, 2008, the Board accepted additional public testimony and conducted final deliberations;

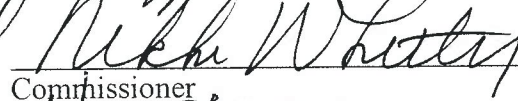
NOW, THEREFORE, the Board finds that the amendment is necessary to comply with ORS Chapter 215 and related OARs, and IT IS ORDERED that the amendments shown in Attachment "A" attached hereto are hereby adopted as amendments to the CCZLDO.

ADOPTED this 10th day of December, 2008.

BOARD OF COMMISSIONERS

 (opposed)

Commissioner



Commissioner

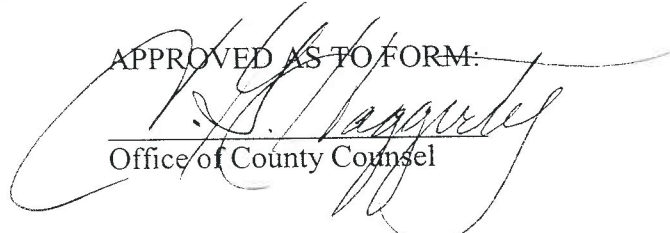


Commissioner

ATTEST:

  
Recording Secretary

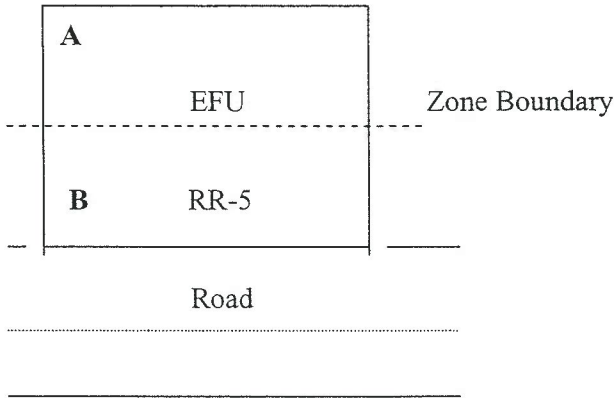
APPROVED AS TO FORM:

  
Office of County Counsel

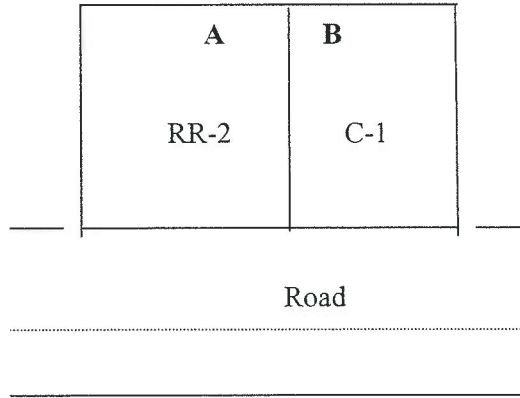
**SECTION 4.1.900. Split Zoning.** Split zoning occurs when a contiguous ownership is divided into two or more zoning districts.

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 subject to Section 3.3.100.

Example 1



Example 2



In the example above, "A" may be used for any use allowed by the applicable zoning district irrespective of portions "B". Likewise, portions "B" may be used for any use allowed by the applicable zoning district irrespective of portions "A".

2. ~~For the purpose of land division, the ownership of each portion of the total contiguous ownership within an individual zoning district may be transferred to another ownership, subject to:~~

~~A. A partition or subdivision submittal, and~~

~~B. Any required applicable findings, and~~

*Where a parcel is split-zoned with 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 discernable effect on farming or forestry practices on the adjacent resource land.*

~~C. In addition to any other required findings, lands subject to the A split-zoned parcel containing only resource zones may be partitioned EFU or F zones shall be subject to the provisions of this section only if finding is made that the division of resource land shall be appropriate for the continuation of the existing commercial resource enterprise of the area:~~

*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-92-07-012PL]



**Coos County Planning Department**

Coos County Courthouse Annex, Coquille, Oregon 97423

Mailing Address: Planning Department, Coos County Courthouse, Coquille, Oregon 97423

(541) 396-3121 Ext.210

FAX (541) 396-2690 / TDD (800) 735-2900

**PATTY EVERNDEN**

**PLANNING DIRECTOR**

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CERTIFIED MAIL 7007 0220 0000 0761 2927

December 12, 2008

Larry French  
Plan Amendment Specialist  
Dept. of Land Conservation & Development  
635 Capitol St. NE, Ste. 150  
Salem, Oregon 97301-2540

RE: Form 2, DLCD Notice of Adoption for AM-08-01

Dear Mr. French:

Enclosed please find the Form 2 Notice of Adoption with two (2) copies of the adopted Ordinance# 08-07-007PL.

If you have any questions, please do not hesitate to phone the Department at (541) 396-3121, extension 210.

Sincerely,

**COOS COUNTY PLANNING DEPARTMENT**

Jan Mollé, Planning Secretary

c: David Perry  
file

