



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

January 31, 2007



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 009-06

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. Copies of the adopted plan amendment are available for review at DLCD offices in Salem, the applicable field office, and at the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: February 14, 2007

This amendment was submitted to DLCD for review prior to adoption with less than the required 45-day notice. 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 THAN IT WAS MAILED TO DLCD. AS A RESULT YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE DATE SPECIFIED ABOVE.**

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

<paa> ya/

FORM 2

DLCD NOTICE OF ADOPTION

This form must be mailed to DLCD within 5 working days after the final decision per ORS 197.610, OAR Chapter 660 - Division 18
(See reverse side for submittal requirements)

DEPT OF LAND USE AND DEVELOPMENT
JAN 25 2007

Jurisdiction: Coos County Local File No. AM-06-10
(If no number, use none)
Date of Adoption: 1/23/07 Date Mailed: 1/24/07
(Must be filled in) (Date mailed or sent to DLCD)
Date the Notice of Proposed Amendment was mailed to DLCD: 11/20/06

- Comprehensive Plan Text Amendment
- Land Use Regulation Amendment
- New Land Use Regulation
- Comprehensive Plan Map Amendment
- Zoning Map Amendment
- Other: _____
(Please Specify Type of Action)

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

Amend the Coos County Zoning and Land Development Ordinance (CCZLDO) to add language based on ORS 215.215, to revise the family hardship dwelling requirements for proposed family hardships in non-resource land, and to clarify the timeline for review of application

Describe how the adopted amendment differs from the proposed amendment. If it is the same, write "Same". If you did not give notice for the proposed amendment, write "N/A".

Same

Plan Map Changed from : N/A to N/A
Zone Map Changed from: N/A to N/A
Location: N/A Acres Involved: N/A
Specify Density: Previous: _____ New: _____
Applicable Statewide Planning Goals: N/A
Was an Exception Adopted? Yes: _____ No: X

DLCD File No.: 009-06 (15697)

Did the Department of Land Conservation and Development **receive** a notice of Proposed Amendment **FORTY FIVE (45) days prior to the first evidentiary hearing**. Yes: X No:

If no, do the Statewide Planning Goals apply. Yes: No:

If no, did The Emergency Circumstances Require immediate adoption. Yes: No:

Affected State or Federal Agencies, Local Governments or Special Districts: N/A

Local Contact: Patty Evernden, Planning Director Area Code + Phone Number: 541-396-3121 ext 210

Address: Planning, Coos County Courthouse City: Coquille

Zip Code+4: 97423 Email Address: plansec@co.coos.or.us

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 (2) Copies 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. Submit **TWO (2) copies** the adopted material, if copies are bounded please submit **TWO (2) complete copies** of documents and maps.
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 ANotice of Adoption≅ is sent to DLCD.
6. In addition to sending the ANotice 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 copy this form on to 8-1/2x11 green paper only ; or call the DLCD Office at (503) 373-0050; or Fax your request to:(503) 378-5518; or Email your request to Larry.French@state.or.us - **ATTENTION: PLAN AMENDMENT SPECIALIST.**

1 BOARD OF COMMISSIONERS
2 COUNTY OF COOS
STATE OF OREGON

3 IN THE MATTER OF AMENDING)
4 THE COOS COUNTY ZONING AND)
LAND DEVELOPMENT ORDINANCE) ORDINANCE 06-11-010PL
5 (Text amendments))

6 WHEREAS, the Coos County Planning Director proposed amendment to the Coos
7 County Zoning and Land Development Ordinance (CCZLDO) relating to the item captioned
above for consideration by the Coos County Board of Commissioners.

8
9 WHEREAS, The Board of Commissioners, pursuant to the review authority granted in
10 Article 1.2 of the CCZLDO and ORS 215.223 conducted a public hearing on January 23,
2007, regarding the proposed text amendments, after required notice by publication, in
addition to posted notice; and

11
12 WHEREAS, after due consideration of the proposed amendments and the testimony
and evidence from those participating in the hearing, the Board of Commissioners
concluded by unanimous vote to approve the amendment; and

13
14 WHEREAS, the authority to implement legislative amendments to the county's
15 implementing ordinance resides solely with the Board of Commissioners, as specified Article
1.2 of the CCZLDO.

16
17 NOW, THEREFORE, based on the foregoing, the Board of Commissioners, finds that
18 this ordinance complies with the Statewide Planning Goals and the standards for legislative
amendments set forth in Chapter 215 of the Oregon Revised Statutes, the CCZLDO and the
Coos County Comprehensive Plan;

19
20 NOW, THEREFORE, based on the foregoing, the Board of Commissioners, hereby
ordain the following amendment to the text of the CCZLDO.

21 SECTION 1. TEXT AMENDMENT TO THE CCZLDO

22 **ONE:** Amend Article 4.9 Exclusive Farm Use Zone. Section 4.9.200 Uses Permitted Outright
23 by adding the following:

24 D. ~~RESERVED~~
*Reestablishment of nonfarm use pursuant to ORS 215.215,
25 of 2005 edition of the Oregon Revised Statutes, to its
26 previous nature and extent when the nonfarm use was
unintentionally destroyed.*

27 **TWO:** Amend family hardship dwelling provisions for residential zones as follows:
28

1 **SECTION 4.2.400. Rural Residential Zoning Districts including Rural Unincorporated**
2 Communities. The uses and activities regulated by the rural residential zoning districts are
 3 set forth below:

4 TABLE 4.2c

5 NOTE: U.C. - Unincorporated Communities

RURAL RESIDENTIAL USE	ZONE DISTRICT						
	RR-5	RR-2	RC - OUTSIDE U.C.	CREMP RR ZONE	CREMP RC ZONE OUTSIDE U.C.	RC INSIDE U.C.	CREMP RC ZONE INSIDE U.C.
family hardship dwelling	PAGU- 2	PAGU-2	PAGU-2	ACU- 53,54	ACU-54	PAGU-2	PAGU-54

10 **SECTION 4.2.500. Urban Residential Zoning Districts.**

11 The uses and activities regulated by the urban residential zoning districts are set forth
 12 below:

13 TABLE 4.2d

URBAN RESIDENTIAL USE	ZONE DISTRICT		
	UR-1	UR-2	UR-M
-h) family hardship	PAGU-2	PAGU-2	PAGU-2

16 **SECTION 4.2.600. Commercial-Industrial Zoning Districts.**

17 The uses and activities regulated by the commercial-industrial zoning districts are set forth
 18 below:

19 TABLE 4.2e

COMMERCIAL-INDUSTRIAL USE	ZONE DISTRICT				
	CD-5 / CD-10	C-1	IND	CREMP IND	AO
Family hardship dwelling	PAGU-2	N	N	N	N

22 **SECTION 4.2.700. Commercial-Industrial Zoning Districts within Rural Unincorporated**
23 Communities. The uses and activities regulated by the commercial-industrial zoning
 24 districts are set forth below:

25 TABLE 4.2f

RURAL UNINCORPORATED COMMUNITIES COMMERCIAL- INDUSTRIAL USE	ZONE DISTRICT				
	CD-5 / CD-10	C-1	IND	CREMP IND	AO
Family hardship dwelling	PAGU-2	N	N	N	N

1 **SECTION 4.2.800. Commercial-Industrial Zoning Districts within Urban Unincorporated**
 2 **Communities.**

3 The uses and activities regulated by the commercial-industrial zoning districts are set forth
 4 below:

TABLE 4.2g

URBAN UNINCORPORATED COMMUNITIES COMMERCIAL- INDUSTRIAL USE	ZONE DISTRICT				
	CD-5 / CD-10	C-1	IND	CREMP IND	AO
family hardship dwelling	PAGU-2	N	N	N	N

9 **THREE:** Amend Section 4.2.900 Review Standards and Special Development Conditions as
 10 follows:

- 11 2. Applicant must submit an application including the following information and **the use**
 12 **is** subject to the following condition:
- 13 a. certification from a qualified physician
 - 14 i. what the hardship is, and
 - 15 ii. that the person requiring the hardship dwelling must live close to someone due
 16 to the hardship.
 - 17 b. Must be a mobile home or recreational vehicle used temporarily during a family
 18 hardship condition relating to the aged, infirmed or persons incapable of
 19 maintaining a complete separate residence apart from their families, and must be
 removed upon termination of the hardship.

20 **FOUR:** Delete Section 6.1.350 Water Rights: Reporting and Recording. This Section shall
 21 be "Reserved".

22 ~~All persons offering for filing (with the County Clerk) an approved plan, plat, or replat
 23 of subdivisions or land partitions for land located outside the boundaries of an
 24 irrigation district, drainage district, water control district, or district improvement
 company must concurrently present to the Planning Department a "statement of
 water rights" to be filed with the County Clerk. [OR 92-07-012PL].~~

26 **SECTION 2. SEVERANCE CLAUSE**

27 Except as specifically amended by the provisions of this ordinance, the CCZLDO is hereby
 28 affirmed in all other respects.

1 SECTION 3. SAVINGS CLAUSE


2 Unless otherwise specified herein, the adoption of this Ordinance shall have no effect on
3 existing litigation and shall have no effect on any action or proceeding pending on the date
4 of adoption of this Ordinance.

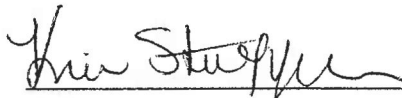
5 SECTION 4. EMERGENCY CLAUSE

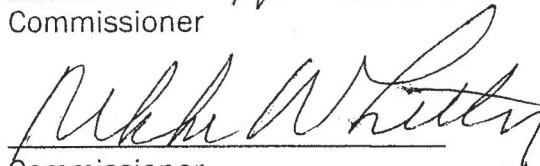
6 The Board of Commissioners for the County of Coos deems this Ordinance necessary for the
7 immediate preservation and protection of the public peace, safety, health and general
8 welfare for Coos County and declares an emergency exists, and this Ordinance shall be in
9 full force and effect upon its passage.

10 ADOPTED this 23 day of January, 2007.

11 BOARD OF COMMISSIONERS

12 
Commissioner

13 
Commissioner

14 
Commissioner

15 ATTEST:

16 
Recording Secretary

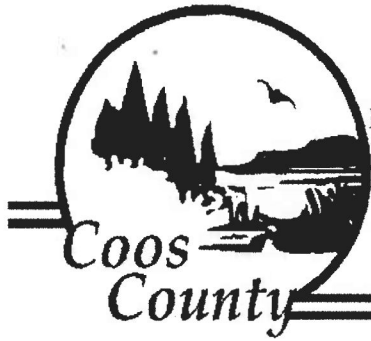
17 APPROVED AS TO FORM:

18 
Office of County Counsel

19 SIGNED this 23 day of January, 2007.

20 Emergency Adoption: January 23, 2007

21 Effective Date: January 23, 2007



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

CERTIFIED MAIL 7000 0520 0015 6889 94791530 0006 2168 1772

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-06-10, Coos County

Dear Mr. French:

Enclosed please find the Form 2 Green sheet with two (2) copies of the adopted Ordinance 06-11-010PL.

If you have any questions, or we can be of further service, 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