

From: dh.oregonwild@gmail.com on behalf of [Doug Heiken](#)
To: [Planning Department](#)
Subject: AM-16-01 Ordinance amendment
Date: Friday, February 24, 2017 3:46:07 PM

FROM: Doug Heiken, Oregon Wild | PO Box 11648, Eugene, OR 97440 | 541-344-0675 | dh@oregonwild.org
TO: Planning@co.coos.or.us
DATE: 24 Feb 2017
RE: AM-16-01 Ordinance amendment - comments

Please accept the following comments from Oregon Wild regarding the proposed [AM-16-01 Ordinance amendment](#). Oregon Wild represents approximately 15,000 members and supporters who share our mission to protect and restore Oregon's wildlands, wildlife and waters as an enduring legacy.

Oregon Wild is writing to express our concerns that the proposed text changes under AM-16-01 are inconsistent with Statewide Planning Goal 7 because the draft ordinance fails to prohibit the placement of hazardous facilities in natural hazard areas where the risk to the public safety cannot be mitigated. Coos County must stop bending its rules to enable dangerous developments in high hazard areas.

Lawyers for Jordon Cove are making unsupported arguments that the new regulations apply only to dwelling units or other development providing overnight accommodations. This is an entirely fabricated reading of Goal 7. [Statewide Planning Goal 7](#) clearly requires that local governments adopt plans and policies "to reduce risk to people and property from natural hazards." This can only be interpreted to prohibit new large capital investments (i.e., "property" such as LNG facilities) in areas exposed to hazards such as tsunamis. Goal 7 uses the phrase "people and property" numerous times. There is every indication that the authors of the statewide planning goals meant Goal 7 to protect both humans and their property.

In fact, Goal 7 goes further and requires local government to prohibit certain types of development (e.g., "major structures") in identified hazard areas ("adopt ... implementing measures ... prohibiting the siting of essential facilities, major structures, hazardous facilities and special occupancy structures, as defined in the state building code (ORS 455.447(1) (a)(b)(c) and (e)), in identified hazard areas, where the risk to public safety cannot be mitigated, unless an essential facility is needed within a hazard area in order to provide essential emergency response services in a timely manner"). It is beyond question that Jordon Cover must be identified as a "hazard area" and that an LNG facility is a "major structure." Attempting to amend the ordinance to avoid these basic realities is a waste of everybody's time.

In the draft amended ordinance, the list of "prohibited uses" in the "tsunami overlay zone" does not include "major structures" such as major industrial developments, and LNG facilities (draft ordinance page 57, lines 5-42). This is a clear violation of Goal 7.

Furthermore, the "use exceptions" in the following subsection are not authorized by Goal 7 (draft ordinance page 57, line 43 to page 58, line 28). The only exceptions

Exhibit: 22
Date: 2-24-17

recognized in Goal 7 are related to emergency response services. The draft amended ordinance violates Goal 7 by allowing "schools" and "other uses."

The list of findings required before authorizing "other uses" completely fail to mitigate the hazard (on top of the fact that these other uses are simply not contemplated by Goal 7). (draft ordinance page 58, lines 5-25).

Goal 7 also says "Local governments should give special attention to emergency access when considering development in identified hazard areas." Trans Pacific Way is a serious access bottleneck, especially during a tsunami. This indicates that develop on the North Spit, Jordon Cove and other areas accessed by Trans Pacific Way should not be allowed since, this critical access road will be at risk during and after a tsunami. It is not enough to locate some emergency equipment west of Hwy 101 along Trans Pacific Lane or Jordon Cove Road. There is no way of knowing what equipment is needed, in what quantities, or if trained personnel will be available to operate the equipment. The lack of assured access from Hwy 101 after an earthquake/tsunami is a serious Goal 7 issue.

Sincerely,
/s/

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Oregon Wild's mission is to protect and restore Oregon's wildlands, wildlife, and waters as an enduring legacy for future generations.