May 1, 2013

Coos County Planning Commission

RE: Hearing on Changes to Coos County Zoning and Land Development Ordinance

Chapter 6 - Lots and Parcels: (County File No AM-14-07)
Chapter 7 - Transportation, Access and Parking: (County File No AM-14-06)
Chapter 8 - Surveying Standards: (County File No AM-14-03)

Dear Planning Commissioners:

The Coos County Zoning and Land Development Ordinance changes being proposed in tonight’s hearing involve text changes in Chapter’s 6, 7 and 8. There is no detailed explanation given as to why these sections of the Code are being changed so drastically. There is no way to know if these changes are in line with the Oregon Revised Statues (ORS) or the Oregon Administrative Rules (OAR). It would be difficult for a citizen such as myself to also know if the changes are in line with the Coos County Comprehensive Plan because the plan is not easily accessible unless someone has the time and money to come to the Planning Dept and view it. Despite being on the Citizen Advisory Committee I do not know if these changes are in line with the Comprehensive Plan, the OAR’s and/or the ORS’s.

Changes to the Coos County Zoning and Land Development Ordinance are a serious undertaking and should not be done lightly. There should have been a full public process where the drafts of these ordinance changes were made easily accessible to the public long before the official hearing was underway and where the public could comment and have a full understanding as to why these changes were occurring. Not everyone living in the county was sent a notification about this hearing. Several other zoning Ordinance changes should have occurred first before these that are being heard tonight as I have previously explained in prior Ordinance hearings.

The problem with not knowing the full and complete reasons for these changes is that problems can arise between State Law and the County Ordinance. This occurred last year when the Planning Department and the Coos County Commissioners eliminated an entire section of the Ordinance that had to do with Site Plan Review (5.6). The problem with the elimination of the entire Site Plan Section is that it left gaps and problems with the Coos County Ordinance and made the Ordinance out of line with State Law. Perhaps these current zoning Ordinance updates are correcting some of those gaps but they are not correcting the vital flaws that have to do with the Southwest Oregon Regional Airport and the fact that the County does not have an overlay zone for it. Updates to the Zoning Ordinance for Tsunami’s, Wildfires and the North Bend Southwest Oregon Regional Airport should have occurred first as explained in early testimony submitted in prior Land Use Ordinance hearings. (Attached).

Requiring 19 copies makes it impossible for citizens to be able to fully participate in this review.

Sincerely,

Jody McCaffree
March 6, 2014

Coos County Planning Commission  
Coos County Courthouse Annex  
225 N. Adams  
Coquille, Oregon 97423

RE: Coos County Zoning and Land Development Ordinance (CCZLDO) Article 4.6 Overlay Zones – Floodplain Revisions.

Dear Commissioners:

On Feb 4, 2014, I addressed the Coos County Board of Commissioner during their regular Commission meeting and requested that Coos County Zoning and Land Development Ordinance (CCZLDO) updates for Tsunami’s, Wildfires and the Southwest Oregon Regional Airport Surface Overlays and Hazards be made a top priority and be moved to the top of the list in the current Planning Zoning and Land Development Ordinance update process that was underway.

Before you tonight is an update request to change the Coos County Zoning and Land Development Ordinance ARTICLE 4.6 – OVERLAY ZONES for floodplain revisions “only.” This update does not include the much needed Overlays that are currently NOT found in the CCZLDO for the (North Bend) Southwest Oregon Regional Airport and the Tsunami Inundation Hazard Zones. This is despite references stating that the CCZLDO would be updated to include an Overlay for the Southwest Oregon Regional Airport in the Coos County Transportation plan¹ that was completed in March of 2011, and also despite Tsunami Inundation Hazards being listed in the Coos County Multi-jurisdictional Natural Hazards Mitigation Plan² published in May of 2010. Wildfires were also listed in the Coos County Multi-jurisdictional Natural Hazards Mitigation Plan and are also not being addressed in this CCZLDO update.

The county has an obligation and liability under the law to protect the public health, safety, convenience and general welfare of its citizens as required under the Coos County Comprehensive Plan and Zoning and Land Development Ordinance.

These updates to the Coos County Zoning and Land Development Ordinance for Tsunami’s, Wildfires and the Southwest Oregon Regional Airport zoning should have occurred long ago. Many attempts have been made by citizens and by various processes that should have resulted in the County updating its Zoning and Land Development Ordinance with respect to these issues but the county has not followed its own planning guidelines to do so. The county has an obligation to address these critical issues FIRST before other Planning updates that are currently being given precedence.

¹ Coos County Transportation Plan – March 2011. Page 3-15; Figure 3-4; Page 3-16; Page 4-1; Figure 6-1. Page A-5; and Page A-12; http://www.co.coos.or.us/Portals/0/Planning/cctsp03-28-11.pdf
http://www.co.coos.or.us/Portals/0/Emergency%20Management/Coos%20County%20NHMP_Final_062110.pdf
Documentation supporting this can be found further below:

**TSUNAMIS and WILDFIRES**

Oregon Statewide Planning Goal #7, adopted on Sept 28, 2001, became effective on June 1, 2002, almost 12 years ago, and included Tsunamis and Wildfires as Natural Hazards. These Natural Hazards should have been added to the Coos County Ordinance during the required periodic review update.

A 2007 LUBA case No. 2007-260 against Coos County Board of Commissioners Final Decision and Order 07-11-289PL, dated December 5, 2007, should have prompted the Coos County Planning Department to revise the Coos County Zoning and Land Development Ordinance with respect to Statewide Planning Goal 7 and the tsunami hazard issue. The Oregon Land Conservation and Development Commission (LCDC) and Coos County were well aware of the tsunami issue not being listed as a natural hazard in the CCZLDO but despite our efforts in 2007/2008 no attempt was made by the LCDC or the County to update the CCZLDO.

The May 2010 Coos County Multi-jurisdictional Natural Hazards Mitigation Plan included Tsunami’s and Wildfires and BOTH of these hazards should have been incorporated into the Coos County Land Development ordinance long before now during a periodic review.

Tsunami Inundation maps were updated on Feb 11, 2012, by Oregon Department of Geology and Mineral Industries and filed with Coos County.

A 13 year comprehensive analysis of the Cascadia Subduction Zone off the Pacific Northwest coast completed on August 1, 2012, confirmed that our region has had numerous earthquakes over the past 10,000 years, and suggests that the southern Oregon coast may be most vulnerable based on recurrence frequency. Written by researchers at Oregon State University, and published online by the U.S. Geological Survey, the study concludes that there is a 40 percent chance of a major earthquake in the Coos Bay, Ore., region during the next 50 years. And that earthquake could approach the intensity of the Tohoku quake that devastated Japan in March of 2011. This would set off series of tsunamis that would inundate our coastal area, thus prompting the importance that this issue be addressed in the CCZLDO now rather than later.

**SOUTHWEST OREGON REGIONAL AIRPORT**

Statewide Planning Goal 12, ORS 836.600 et seq., the Oregon Transportation Plan, and the 2000 Oregon Aviation Plan have rules that outline the parameters for local governments to follow as a framework for airport planning. The county is currently not in line with those plans.

The March 2011 Coos County Transportation System Plan clearing instructs the Planning Dept to apply an overlay Airport Surfaces zone to the North Bend (Southwest Oregon Regional) Airport by amending the County Zoning and Land Development Ordinance as stated on page A-12:

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3 13-year Cascadia study complete -- and earthquake risk looms large - 08/01/2012

North Bend Municipal Airport Master Plan (2002)
The Oregon International Port of Coos Bay updated the master plan completed in 1997 to reflect changed circumstances and situations at the North Bend Municipal Airport. The Airport Master Plan includes the two-phase series of improvements including renovation of the existing terminal for general aviation use, runway improvements and construction of a new terminal facility which is planned for completion by 2011.

There is no reference to the North Bend Municipal Airport in the Coos County Comprehensive Plan. Coos County plans to apply an overlay Airport Surfaces zone to the airport by amending the County Zoning and Land Development Ordinance.

(Emphasis added)

The Coos County Comprehensive Plan “recognizes the county is responsible for identifying potential hazard areas, informing its citizens of risks associated with development in known hazard areas, and establishing a process involving expert opinion so as to provide appropriate safeguards against loss of life or property.”

In April of this last year a West Chemical and Fertilizer Company plant in West, Texas, (a small town of about 2,800 people 75 miles south of Dallas) blew up twenty minutes after the fire started. The explosion shook houses 50 miles away and was so powerful that the United States Geological Survey registered it as a 2.1-magnitude earthquake. It flattened homes within a five-block radius and destroyed a nursing home, an apartment complex, and a nearby middle school. According to the New York Times, the blast left a crater 93 feet wide and 10 feet deep, and the fire “burned with such intensity that railroad tracks were fused.” The blast killed at least 14 people, most of them firefighters and other first responders.4

A Dallas Morning News investigation in 2008 found that Dallas County residents were “at risk of a toxic disaster because outdated and haphazard zoning had allowed homes, apartments and schools to be built within blocks — in some cases even across the street — from sites that use dangerous chemicals.”5

With the extremely hazardous Jordan Cove LNG Export project proposing to build directly across from the North Bend Southwest Oregon Regional Airport in a tsunami inundation zone, there is no need to wait until a disaster occurs before we do something. These issues are LONG PAST DUE and need to be addressed NOW in the CCZLDO!

Sincerely,

Jody McCaffree

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