Thursday, November 13, 2014

Coos County Commissioners
Coos County Courthouse
250 N. Baxter Street
Coquille OR 97423

RE: AM-14-10 and AM-14-11 Coos County Zoning Ordinance

Please add this letter to the official public comments on the proposed zoning ordinance changes.

I feel I must remind you that all Ordinance changes need to be in compliance with the Comprehensive Plan, Statewide Planning Goals, Oregon Administrative Rules (OAR's), and Oregon Revised Statutes (ORS's), and therefore requires far more time to understand and review all these changes. More time should be given for public examination of these changes. Debate should be encouraged in the community as it would seem there are far reaching changes in these proposals.

Here is a list of the sections that concern me along with my comments:

1.1.100

Comment: There has been a lack of access for citizens to the Comprehensive Plan. This makes it difficult to determine that the current Ordinance proposed changes are in line with the County's Comprehensive Plan. Please add language that ensures the County's Comprehensive Plan is available online to the public.

1.3.225 (2)
Comments by Richard Krablin

Application AM-14-10 and AM-14-11
“Outside of the city limits” should be removed from this requirement. This singles out a large portion of Coos County residents who pay taxes into the county and who should have say as to whether violations are occurring within the county. The only requirement should be that the person owns property within the county – period. People living within the City limits who pay taxes into the county should have notification rights also concerning County matters. That has not been occurring to date, leaving out a large portion of the population.

1.3.225 (6)

The Hearings body should have the right to establish the time frame the property owner has to submit a plan for compliance and correction of a violation based on the individual circumstances. It should not be limited to only 15 days if more time may be needed. This could read that the Hearings body will determine how long the property owner has to submit a plan for compliance, which will not be less than 15 days. Perhaps a maximum date range could also be established. I suggest there should be more flexibility here, depending on the circumstances.

1.4.600

There needs to be a way for citizens to access the meeting notices, agendas and agenda packets on-line and also by e-mail notification. If you look at the current Planning Dept webpage there has been no notice of meetings or agendas for the Citizens Advisory Committee since March of 2014. By looking at this one could assume there had been no meetings. Yet here are all these code changes being pushed through with very little information that has been given to the general public prior to the scheduled hearings, particularly not in a format that is easily available and/or understood by the public. The County should make sure citizens can follow along with what is happening. This rule should require that the Coos County website information regarding the agendas of meetings shall be updated every business day.

In fact, the County could easily establish a contact email list of citizens who wish to be notified when matters that concern them arise. That way, a citizen interested in zoning issues would be automatically notified by fact of being registered with the county.

Comments by Richard Krablin
1.4.700

Ex parte conflicts and conflicts of interest should be required to be declared to prevent unknown bias influencing decisions. Currently the citizen advisory committee has two consultants that have been working with the Jordan Cove LNG export project, along with two known supporters of the project. This makes up a majority of the members and serves as a biasing influence in how the ordinance get changed. Since a many Coos County residents oppose the project, this is not a balanced representation of Coos County citizens. It shows favoritism and bias towards policies and changes in the code that would benefit the Jordan Cove project. Taking away the declaration of ex-parte contacts or conflict of interest as an agenda item is just another indication that the process favors doing what is best for a single corporation and perhaps not what is best for the public interest. While the Citizen Advisory Advisory Committee is not a quasi-decision making body, it should follow the guidelines of ORS 197.763 to increase the public's confidence that it uses a fair and open process to make its recommendations.

CHAPTER 2 - NEW DEFINITIONS

The above definition for Commercial Power Generating Facility would exempt the proposed Jordan Cove South Dunes 480 MW Power Plant. The definition should be revised to include any power generation facility that produces more power than is used by a typical single family household dwelling. Industrial power generation plants generally are polluting and should fall into a category where pollution and other matters are considered in accordance with surrounding properties. This should remain a requirement of the Comprehensive Plan and Coos County Zoning and Land Development Ordinance (CCZLDO).

DREDGING

Comments by Richard Knablin

Application AM-14-10 and AM-14-11
This definition does not include all dredging as that term is used throughout the Ordinance. For example Policy 2 of the CBEMP allows incidental dredging necessary for the installation of pipelines, cables and utility crossing. The definition should be amended to read: “DREDGING: The removal of sediment or other material from a stream, river, estuary or other aquatic area. Examples of dredging are: (1) Maintenance Dredging . . . .”

3.3.130 DEVELOPMENT AND USE STANDARDS
All these section use the term "ordinary high water mark," yet this term is not defined anywhere. This phrase, “ordinary high water mark” should be defined. These should be listed as 50’ from the FEMA 100/500 year flood plain map. Please tie this to the FEMA flood plain maps. Also, what about rising sea levels and how this plays into future development? Sea level rise should be taken into account and considered.

4.1.130

1. I oppose the proposed change to Section 4.1.130 that:
   a. deletes the word minor, and
   b. makes the change an administrative decision.

2. I want all changes to the Coastal Shorelands Boundary to automatically be subject to a public notice and review process pursuant to Chapter 5.

4.4.220

I object to this addition. It seems this proposed change is being tailored to address a specific project and piece of land already under discussion rather than meeting the overall intent of creating guidelines for planning in the future.

4.6.220

I have questions and object to proposed changes in this section and need additional time to review and respond after my questions are addressed.

Comments by Richard Knablin

Application AM-14-10 and AM-14-11
“Public service” in this section needs to be clarified and to read “public service for the citizens of Coos County”. As the people of Coos County are the ones being impacted, it should be clarified that they are the ones to be served by the utility. Further changes and clarification are also needed in this section regarding the following:

Are the transmission lines limited to electricity? Could these proposed changes regarding transmission lines be related to a gas pipeline? The use of transmission lines and associate transmission lines needs to be spelled out regarding what can and cannot be transmitted. In #5 under this section it states “if, after an evaluation, or reasonable alternative, the applicant demonstrated that the entire route of the associate transmission line meets two or more of the following (a-h), it can be approved. I think “two or more of the following” is insufficient for approval and recommend that the language should be changed to read “if all of the following are met then the application can be approved.”

Certainly if public safety or technical and engineering feasibility are compromised, it would be inappropriate to approve a project and this is what could happen if this section is to remain as currently written. More time is needed to carefully address the specific language for this important passage.

4.11.445

I object to #4 Industrial Emissions. The language is not strong enough and is not in keeping with language for other similar passages in this section. For example glare and outdoor lighting that impinge upon pilot’s visibility and vision are not permitted, without exception. There is no language elsewhere in this section that allows for exceptions based on mitigation. Industrial emissions should in fact have stricter guidelines because they are more capricious and less easy to manage. Passage should read as follows: “No new industrial, mining or similar use, or expansion of an existing industrial, mining or similar use, shall as part of its regular operations cause emissions of smoke, dust or steam that could obscure visibility within airport approach surfaces.” Any language after “surfaces” should be struck.

5.0.175
Comments by Richard Knablin
I support the Planning Commission in their request to add the word “public” before transportation, utility and entity above. The Jordan Cove/Pacific Connector project should not have the right of eminent domain in the Coastal Zone, overriding local citizen Coastal Zone input and the Natural Gas Act. Oregon Ballot measure 39, passed in the 2006 General Election, is a ballot measure that prohibits the government from condemning property from one private party (by eminent domain) on behalf of another private party. In addition as previously explained on Oct. 2nd, the Natural Gas Act does not give FERC preemptive power (Eminent Domain authority) over the Coastal Zone Management act which includes the land use processes in the Coastal Zone.

5.0.550

Twenty one (21) days is the norm for legal proceedings on land use issues to appellate courts in Oregon and should be the county’s timeline also. Even under expedited land division notice requirements appellants are given a minimum of 14 days from the date of mailing. See: ORS 197.375 The County should provide no less than 14 days.

6.3.125

The time limit of 12 days to appeal is too short. It should be changed to 21 days, just like all other Land use time limits at the state level. Note: the use of numbers with periods to designate paragraphs makes citing the paragraph confusing. Should it be 6.3.125.7 or 6.3.125 (?)? If the latter is the preferred citation, then the paragraph numbers should have parentheses around them.

Respectfully submitted,

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