Exhibit A:

**Exhibit A-1:** (HBCU-07-04) Coos County Land Use Approval for the Upland Facilities of the LNG Terminal – Conditions of Approval

**Exhibit A-2:** (HBCU-07-03) Coos County Land Use Approval for the Marine Facilities of the LNG Terminal – Conditions of Approval

**Exhibit A-3:** (ZON2007-00034) Mitigation Site Approval by the City of Coos Bay.

**Exhibit A-4:** (ACU-08-10/CL-08-01) Coos County Land Use Approval for stockpiling and sorting of sand final decision.

**Exhibit A-5:** (AM-09-03/RZ-09-02/HBCU-09-01) Coos County Rezoning for mitigation site final decision.

**Exhibit A-6:** (HBCU-10-01) Coos County Land Use Approval for Pacific Connector Gas Pipeline – Conditions of Approval

**Exhibit A-7:** (09445) Douglas County Land Use Approval for Pacific Connector Gas Pipeline – Conditions of Approval.

**Exhibit A-8:** (ABI-12-01) Coos County Boundary Interpretation for the Coos Bay Estuary Management Plan.

**Exhibit A-9:** (ACU-12-12/ABI-12-02) Coos County Boundary Interpretation for the Coos Bay Estuary Management Plan.

**Exhibit A-10:** (ACU-12-16/ACU-12-17/ACU-12-18) Coos County Permit Decision for fill in beach and dune areas.

Exhibit B: March 22, 2012, Coos County two page notice of a boundary interpretation for Weyerhaeuser (County File No. ABI-12-01) mailed out by Planning Director Patty Evernden.

Exhibit C: March 5, 2013, e-mail sent to Planning Director Jill Rolfe from Jody McCaffree, CALNG’s Representative, showing that the Federal Emergency Management Agency (FEMA) had not yet approved the new Flood Insurance Rate Maps (FIRMs) that are based on the new Lidar technology. Also an April 22, 2013, e-mail note from Jed Roberts, Flood Mapping Coordinator at the Oregon Department of Geology & Mineral Industries indicating the appeal period on the new FIRM Floodplain mapping would end on June 4, 2013.

Exhibit D: March 28, 2013, email from Planning Director Jill Rolfe that contains a March 26, 2013, City of Coos Bay press release about the Federal Emergency Management Agency (FEMA) public meeting on the FIRM maps that is to be held on April 8, 2013, at the Owen Building in Coos County.

Exhibit E: July 15, 2013, e-mail from Jed Roberts, Flood Mapping Coordinator at the Oregon Department of Geology & Mineral Industries indicating the lidar FEMA Flood plain maps are still not in effect.
**Exhibit F:** Copy of the current approved FEMA FIRM flood plain boundary map for Jordan Point on the North Spit along with a Site Plan Drawing from the December 2013 SP12-02 South Dune Power Plant Application that was included in our June 7, 2013, CALNG Brief - Exhibit 17.

**Exhibit G:** Copy of the January 23, 2013, email notice from FERC along with a site plan drawing that was uploaded to FERC by the Jordan Cove Energy Project on January 23rd that clearly shows the Jordan Cove proposed South Dunes Power Plant “Project” would extend beyond the IND zone and into the 7-D zone.

**Exhibit H:** March 4, 2013, e-mail notice from FERC and a copy of the Geotech Report dated November 29, 2012, that was uploaded to FERC by the Jordan Cove Energy Project along with a overlay site plan drawing that was also uploaded to FERC that shows even more clearly the Jordan Cove South Dunes Power Plant and Gas Liquefaction facility would impact the 7-D Zone.

**Exhibit I:** Copy of a site plan drawing that was completed by Black and Veatech on September 28, 2012, that also clearly shows that the South Dunes Power Plant and Gas Liquefaction facility project would impact the 7-D zone.

**Exhibit J:** An overlay made of maps from Exhibit 1 and Exhibit 2 of the Applicant’s 8/9/13 narrative that clearly shows the facility will extend into the 7-D zone.

**Exhibit K:** Chart from Jordan Cove’s May 2013 Resource Report #1 showing Estimated Evacuation and Dredged Material Volumes and Placement Locations for the JCEP LNG Terminal Project.

**Exhibit L:** City of North Bend Airport overlay zoning for the Southwest Oregon Regional Airport.

**Exhibit M:** Copy of Oregon’s Statewide Planning Goal 12 - Transportation

**Exhibit N:** Copy of Oregon Land Use Compatibility Guidebook (January 2003) for Airport Planning – The Oregon Model – Pages : Chapter 1-1 through 1-4

**Exhibit O:** Site –Specific Tsunami Modeling at the Jordan Cove LNG Facility – Final Report – November 29, 2012

**Exhibit P:** August 7, 2013, Article, “Jordan Cove Plans Safety Measures,” from the World Newspaper that shows the whole 500 acres site will be raised up 40-45 feet above its current level and that at the height of construction there would be 2,100 jobs.

**Exhibit Q:** Current Elevations on the North Spit property per Google Earth

**Exhibit R:** Article, “Ignore climate change and 100m people will die by 2030, shocking new report claims” by the Daily Mail Reporter / Published September 26, 2012
**Exhibit S:** Noise Modeling and Mitigation for Freeport LNG from their Open House Meeting – February 2, 2012.

**Exhibit T:** Jordan Cove LNG Hazard Zones of Concern from the former FERC Environmental Impact Statement. (Page 4.7-3).


**Exhibit V:** A list of National Transportation Safety Board (NTSB) Level Airplane Accidents that have occurred near the North Bend Airport.

**Exhibit W:** Distances from the end of the Southwest Regional Airport North/South runway to areas on Jordan Point property on North Spit.

**Exhibit X:** Current 2012 Tsunami Map of Jordan Cove Project Area

**Exhibit Y:** Details about the LNG Explosion in the Algeria Industrial Zone in 2004.

**Exhibit Z:** 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;
BEFORE THE BOARD OF COMMISSIONERS
OF THE COUNTY OF COOS, OREGON

In the Matter of a Conditional Use
HBCU-07-04 Applied for by Jordan Cove Energy Project, L.P. to allow an
Industrial & Port Facility (liquefied natural gas import terminal and associated
gas import terminal and associated facilities)

NOW BEFORE THE Board of Commissioners is the matter of Conditional Use Application #HBCU-07-04 for an industrial and port facility submitted by Jordan Cove Energy Project, L.P. on property described as T.25, R.13, S.00/04, tax lots 200/101 and 300;

AND IT APPEARING to the Board that the use is subject to administrative conditional use review by the Planning Director, and Pursuant to Section 1.3.980, the Board of Commissioners pre-empted the permit review process and appointed a hearings officer to hear and consider the application and provide a recommendation to the Board;

AND IT FURTHER APPEARING that the Board deliberated toward a decision on the record on November 7, 2007 and on that date reached a decision accepting the hearings officer's recommendation of approval, and directed staff to prepare draft conditions for further Board consideration;

AND IT FURTHER APPEARING that the Board continued the matter to November 26, 2007, to review and edit the proposed conditions of approval, and further continued the deliberation on the conditions to December 4, 2007, at which time the Board approved the final conditions of approval;

NOW, THEREFORE, IT IS HEREBY ORDERED that application # HBCU-07-04 for the industrial and port facility (liquefied natural gas import terminal and associated facilities) is APPROVED subject to the conditions listed in Exhibit "B". THE BOARD ADOPTS THE FINDINGS OF FACT AND CONCLUSIONS OF LAW ATTACHED AS EXHIBIT "A" WHICH ARE INCORPORATED HEREIN BY THIS REFERENCE.

ADOPTED this 5th day of December, 2007.

BOARD OF COMMISSIONERS

[Signatures]

ATTEST:

Recording Secretary

[Signatures]

APPROVED AS TO FORM:

[Signature]

Office Legal of County Counsel

FINAL DECISION AND ORDER 07-11-289PL
Page 1
The hearings officer's recommendation incorrectly states that the applicant may need to extend sewer and water from to the facility and that such extensions are prohibited under ORS 197.646(4) and OAR 66-011. However, based on the application materials and evidence in the record, the Board finds that the applicant does not propose to extend a sewer line and that sewage will be captured on site and removed. Also, with respect to extension of water, evidence in the record demonstrates that water service to the subject property already exists. The Board concludes that the statute and administrative rule referenced by the hearings officer do not apply and that no condition is necessary related to the extension of services.

D. Port Ordinance 129 and Sulfides

The hearings officer's decision incorrectly refers to "sulfites" rather than the sulfides that are regulated under Port Ordinance 129.

VI. CONCLUSION

The Board finds that JCEP has demonstrated compliance with all applicable standards and procedures as provided above, or that it is feasible to comply with all applicable standards and procedures subject to a condition of approval that all requisite state and federal permits be received, and that this conditional use permit is subject to such state and federal permits. Accordingly, the Board approves administrative conditional use approval for the proposed Industrial and Port Facilities use (marine cargo importation, processing, transshipment, and related energy generating facilities) in the 6-WD district. The Board also finds that JCEP has demonstrated that the activity of fill complies with the general conditions required in zoning district 6-WD and accordingly approves a county determination of consistency with those conditions for this activity.
CONDITIONS OF APPROVAL

1. Because the proposed LNG facility will need to utilize a deep-draft dock and moorage facility, this permit is subject to the applicant developing or obtaining the right to use a USACOE approved ship berth suitable for handling LNG vessels.

2. Prior to commencement of construction, the applicant must provide a plot plan showing the location of the proposed development relative to the boundary of the floodplain overlay zone established under Article 4.6, the areas subject to the 50-foot riparian protection standard of Section 4.5.180, and the minimum setback standards of the WD District in Table 4.5. The plot plan referenced in this condition shall not be interpreted to require site plan review under Article 5.6.

3. Any proposed development within the floodplain will require submittal of a floodplain application under Section 4.6.230 for review by the Coos County Planning Department, or for a related variance under Article 5.3.

4. The applicant shall adopt a resource identification and protection plan to address historic, cultural and archeological resources on the site. Those plans shall be coordinated with the affected tribes, and the State Office of Historic Preservation. Copies of the adopted plans (and any updates) shall be provided to the county. The applicant must coordinate with the Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians by providing notice 72 hours prior to ground disturbing activity.

5. The application does not anticipate the filling of wetlands on the site to develop the proposed LNG facility. However, all DSL/ACOE fill/removal permits ultimately needed for the project must be obtained prior to the issuance of development permits (including grading permits) for the site.

6. This conditional use permit is subject to all federal laws, regulations and permits for the siting and construction of LNG facilities. The applicant must obtain all necessary federal, state and local approvals for the facility prior to commencement of construction.

7. Prior to commencement of construction, the applicant must provide a plot plan to identify the location of a 50-foot setback from Henderson Marsh and from all on-site delineated wetlands to be preserved. Except for riparian vegetation associated with the wetlands to be filled in accordance with DSL/ACOE permits, no riparian vegetation may be removed from the setback, except as allowed by CCZLDO Section 4.5.180. The plot plan referenced in this condition shall not be interpreted to require site plan review under Article 5.6.

8. A parking plan shall be developed and approved by Coos County Highway Department for the period of construction as well as for the LNG facility once constructed. No parking shall be allowed along Transpacific Parkway and Jordan Cove Lane, except as approved by the County Roadmaster as part of an approved traffic management or parking plan, and shall include all requirements of other federal, state and local permits.

9. The applicant shall obtain appropriate DEQ permits for discharge into Coos Bay.
10. Prior to commencement of construction, the applicant shall provide the Planning Department with proof of compliance with any applicable requirements of the FAA, Oregon Department of Aviation, or Coos County Airport District.

11. The applicant and any successor owner or property operator shall not restrict access to and use of public land, roads, trails, shorelands and waterways. Applicant and its successors in interest shall not restrict access to and use of all waterways serving the proposed facility by commercial and sport-fishing and other vessels at all times during construction and operation of the LNG facility, except as temporarily necessary during periods when an LNG carrier is actively maneuvering to enter or leave the facility moorage, or when otherwise required by an authority having jurisdiction. Jurisdiction over access disputes under this section shall be the Board of Commissioners.

12. Jordan Cove shall coordinate procedures and shall, together with the Coast Guard, Coos County, state, county and local emergency planning groups, fire departments, state and local law enforcement, and appropriate Federal Agencies, develop an Emergency Response Plan (including evacuation plan).

The Emergency Response Plan shall be acceptable to the Coos County Board of Commissioners, and be filed with the Federal Energy Regulatory Commission (FERC) for review and approval by the Director of the Office of Energy Projects (OEP) prior to initial site preparation.

The Emergency Response Plan shall identify all project-specific security/emergency management costs that would be imposed on local agencies. In addition to the funding of direct transit-related security/emergency management costs, this comprehensive plan shall include funding for the capital and maintenance costs associated with any necessary security/emergency management equipment and personnel base. The Plan shall be filed with the FERC for review and written approval by the Director of OEP prior to initial site preparation.

Jordan Cove shall provide a copy of the approved Emergency Response Plan to Coos County, subject to execution by Coos County of any required non-disclosure agreement, including FERC’s required Critical Energy Infrastructure Information NDA.

Unless otherwise agreed by the county, all costs associated with emergency planning, emergency response training, equipment, materials and additional personnel requirements of the county and other local jurisdictions arising from the construction and operation of the LNG facility shall be paid for by the applicant, Jordan Cove, or its successors in interest. The applicant shall also be responsible for costs of coordinating and integrating said Plan with the Coos County Emergency Management Plan and its Annexes. Applicant and any successor owner or facility operator shall be responsible for and pay for all training, equipment, personnel and materials for public agencies as deemed prudent or necessary by the U. S. Coast Guard or other federal agency, or state or local law enforcement or safety agency, for protection of public health and safety. Such obligation includes training, equipment, materials and any additional personnel requirements that arise because of construction or operation of the LNG facilities. Additional personnel needs could include city and county law enforcement officers and local emergency responders; additional equipment could include an emergency response substation, boats and motor vehicles. Applicant and its successors shall ensure emergency response services on the same side of the
railroad tracks as the site at all times during the operational life of the facility to protect against any potential interruption in access to the site.

13. At least 90 days prior to the commencement of construction on the project, applicant shall submit an updated Traffic Impact Analysis (TIA) performed by an Oregon certified engineer with expertise in traffic and construction engineering and A/C (asphaltic concrete) analysis, and approved by the County Roadmaster. The TIA shall include an engineering and cost analysis of the impact of the project on existing road structure within the study area. The study area shall include at a minimum all of the study area included within the July 2006 TIA included in the record. The TIA shall specifically determine the proportionate impact of the project, both construction and operational phases, on existing roads in the study area, along with the current costs of such impact, and identify and recommend appropriate actions to mitigate impacts to the transportation system. The TIA shall also be based on data for peak usage of roads within the study area during the tourist season. The TIA shall be performed at the applicant’s expense by a contractor approved by the County, and the elements and methodology of the TIA shall be subject to the direction of the County Roadmaster consistent with County road standards and the applicable provisions of Chapter VII (Streets and Roads) of the CCZLDO. The Roadmaster’s determination of the scope, study area, analysis assumptions and methodology for the updated TIA shall be provided to the applicant in writing within 14 days of the applicant’s written request to the Roadmaster. For purposes of this condition, the Roadmaster’s written determination shall be treated as an administrative decision subject to a de novo appeal to the Board of Commissioners which shall, for purposes of this condition, act as the Hearings Body under the provisions of Section 5.8.200 of the CCZLDO.

14. Applicant shall bear the cost of the actions to mitigate the impacts of the project as identified in the updated TIA, which may consist of infrastructure improvements or traffic management measures prior to construction. Any infrastructure improvements required by this condition must be proportionate to the construction and operational impacts of the project. Applicant shall also bear the cost of engineering review by County of infrastructure improvements and traffic management measures, and shall deposit sufficient funds to cover such costs upon request by County. Prior to the commencement of construction, applicant shall complete a Performance Agreement with the County to complete required improvements and post securities to cover the cost of improvements. The form of agreement and amount of the securities are subject to the approval of the Roadmaster and the Board of Commissioners.

15. Applicant shall obtain a County road access permit to Transpacific Parkway and Jordan Cove Road prior to commencement of construction.

16. Prior to the issuance of a zoning compliance letter, Applicant or land owner shall sign a non-renunciation agreement binding on successors in title for the formation of a local improvement district, and file it with the County Clerk.

17. Prior to the commencement of construction, applicant shall prepare and submit to the county and the Oregon Department of Energy (ODOE) a Decommissioning Plan for the LNG facility, together with adequate financial assurances in the form of a cash deposit, which may be apportioned over the estimated life of the facility, a letter of credit, or other mutually acceptable form of financial assurance in favor of Coos County, in an amount equal to the current cost of
decommissioning and removal of the facility. The Decommissioning Plan shall provide for the method and timing of the removal of the facility, including the decommissioning and removal of the storage tanks. The Plan shall specify how the facility site will be restored to a non-hazardous condition following cessation of the facility operation. If the applicant, landowner, facility operator or any of their successors fail to comply with the Decommissioning Plan, County shall have the right to access said financial assurance to finance the costs associated with decommissioning of the facility.
BEFORE THE BOARD OF COMMISSIONERS
OF THE COUNTY OF COOS, OREGON

In the Matter of LUBA Remand of Jordan Cove Energy Project, L.P. Conditional Use HBCU-07-04 Authorizing an Industrial & Port Facility

FINAL DECISION AND ORDER
NO. 09-08-053PL

This matter came before the Coos County Board of Commissioners sitting for the transaction of business on the 19th of August, 2009, concerning the remand of the above matter on property legally described as Township 25, Range 13, Section 00/04, tax lots 200/101 and 300.

WHEREAS, the Board conducted a hearing to consider all of the issues remanded by LUBA on July 23, 2009; and,

WHEREAS, at the conclusion of the hearing the Board reached a decision, finding the applicant had addressed the remand issues with its proposed findings and the addition of three new conditions of approval. The Board hereby adopts the findings attached at Attachment “A,” and conditions 18, 19 and 20. All other findings and conditions of approval in Order No. 07-11-289PL adopted December 5, 2007, remain in full force and effect, except as modified herein.

ADOPTED this 19th day of August, 2009.

BOARD OF COMMISSIONERS

[Signatures of Commissioners]

ATTEST:
[Recording Secretary]

APPROVED AS TO FORM:
[Office of County Counsel]
Attachment "A"

within any of the county's shoreland zoning districts, and are only listed as regulated activities
within aquatic zoning districts. Therefore, Policy #25 is not applicable to this application.
Further, in its prior decision, the Board ensured that any waste or stormwater discharge will meet
state and federal water quality standards through the imposition of existing condition of approval
#9, which requires JCEP to "obtain appropriate DEQ permits for discharge into Coos Bay." The
Board notes that Policy #25 expressly provides that "this policy shall be implemented through
the conditional use process and through local review and comment on state and federal permit
applications. This strategy recognizes that Goal #16 provides for waste/storm water discharge;
and, recognizes the technical expertise of DEQ regarding resource capabilities."

Policy #48 addresses "weak foundation soils," and by its express terms does not impose any
requirements on the county, instead creating obligations on the State of Oregon Building Codes
Division that only apply, if at all, at the time an applicant seeks a building permit application
from that agency. Coos County does not administer its own building permit program, and relies
instead on the Oregon Building Codes Division pursuant to LDO 3.1.150. Policy #48 imposes
requirements on the State of Oregon Building Codes Division to "determine, based on field
investigations, whether safeguards are necessary to minimize potential risks" regarding areas that
include weak foundation soils. The Board finds that Policy #48 may be satisfied through the
 adoption of the following condition of approval:

"Condition 20: Prior to obtaining building permit approval from the State of Oregon
Building Codes Division, the applicant shall request review by the State of Oregon
Building Codes Division to determine whether safeguards are necessary to minimize
potential risks arising out of weak foundation soils."

At least one opponent contends that LUBA's remand regarding Policy #25 and #48 requires the
Board to consider issues related to earthquake and tsunami hazards and Goal 7. However, for the
reasons addressed above, and in its prior findings on seismic and tsunami issues, the Board finds
that those policies do not implicate earthquake and tsunami hazards. Further, all of the
opponents' issues concerning earthquake and tsunami hazards were previously raised and
resolved by LUBA and the Court of Appeals, and may not be raised again on remand.

IV. CONDITIONS OF APPROVAL

Consistent with the findings set forth above, the following conditions of approval are added to
the existing 17 conditions imposed by the Board in its decision adopted in Order No. 07-11-
289PL on December 6, 2007:

18. The proposed LNG facility use and related fill activity are prohibited within the
area identified as a freshwater wetland on the county's CBEMP inventory map of
shoreland values requiring mandatory protection (a portion of which is excerpted
in the map located at page 1402 of the LUBA record), or within 50 feet of any
area identified as a freshwater wetland on the CBEMP inventory map, unless and
until the CBEMP inventory map is amended to no longer identify a wetland in
that location.
19. At least 90 days prior to the issuance of a zoning compliance (verification) letter for building and/or septic permits under LDO 3.1.200, the County Planning Department shall make initial contact with the Tribe(s) regarding the determination of whether any archaeological sites exist within the area proposed for development, consistent with the provisions of LDO 3.2.700. Once the Tribe(s) have commented or failed to timely comment under the provisions of LDO 3.2.700, the county shall take one of the following actions: (1) if no adverse impacts to cultural, historical or archaeological resources on the site have been identified, the county may approve and issue the requested zoning compliance (verification) letter and related development proposal; (2) if the Tribe(s) and the applicant reach agreement regarding the measures needed to protect the identified resources, the development can be approved with any additional measures the county believes are necessary to protect those resources; or (3) if the county finds that there will be adverse impacts to identified CBEMP Policy #18 resources on the site and the applicant and Tribe(s) have not reached agreement regarding protection of such resources, then the County Board of Commissioners shall hold a quasi-judicial hearing to resolve the dispute. The hearing shall be a public hearing at which the governing body shall determine by preponderance of evidence whether the development project may be allowed to proceed, subject to any modifications deemed necessary by the governing body to protect the cultural, historical and archeological values of the site. For purposes of this condition, the public hearing shall be subject to the provisions of LDO 5.8.200 with the Board of Commissioners serving as the Hearings Body, and the related notice provisions of LDO 5.0.900(A).

20. Prior to obtaining building permit approval from the State of Oregon Building Codes Division, the applicant shall request review by the State of Oregon Building Codes Division to determine whether safeguards are necessary to minimize potential risks arising out of weak foundation soils.
Exhibit A-2
BEFORE THE BOARD OF COMMISSIONERS
OF THE COUNTY OF COOS, OREGON

In the Matter of a Conditional Use HBCU-07-03  )
Applied for by the Oregon International Port of  )
Coos Bay to allow an Industrial & Port Facility,  )
New & Maintenance Dredging, Shoreline  )
Stabilization, & Storm Water Discharge (Oregon  )
Gateway Marine Terminal)  )

NOW BEFORE THE Board of Commissioners is the matter of Conditional Use Application
#HBCU-07-03 for an industrial and port facility submitted by the Oregon International Port of
Coos Bay on shoreland sites as T.25, R.13, S.05/08, tax lot 200;

AND IT APPEARING to the Board that the use and activities are subject to administrative
conditional use review by the Planning Director, and Pursuant to Section 1.3.980, the Board of
Commissioners pre-empted the permit review process and appointed a hearings officer to hear
and consider the application and provide a recommendation to the Board;

AND IT FURTHER APPEARING that the Board deliberated toward a decision on the record on
December 4, 2007 and on that date reached a decision accepting the hearings officer’s findings in
part and staff’s recommendation of approval, and directed staff to prepare draft conditions for
further Board consideration;

AND IT FURTHER APPEARING that the Board approved the conditions on December 12,
2007, and continued the matter to December 19, 2007, to review the draft findings. At the
December 19, 2007, hearing the Board moved to continue the hearing to January 2, 2008, to
allow additional time to review the draft findings.

NOW, THEREFORE, IT IS HEREBY ORDERED that application # HBCU-07-03 for the
industrial and port facility (Oregon Gateway Marine Terminal) is APPROVED subject to the
conditions listed in Exhibit “B”. THE BOARD ADOPTS THE FINDINGS OF FACT AND
CONCLUSIONS OF LAW ATTACHED AS EXHIBIT “A” WHICH ARE INCORPORATED
HEREIN BY THIS REFERENCE.

ADOPTED this 2nd day of January, 2008.

BOARD OF COMMISSIONERS

[Signatures]
Commissioner
Commissioner

ATTEST:
[Signatures]
Recording Secretary

APPROVED AS TO FORM:
[Signature]
Office Legal of County Counsel
4. The hearings officer relied on speculative statements from project opponents that there will be "chemical and effluent discharges from the LNG vessels and the ships that might dock at the terminal." State and federal regulations prohibit such discharges. The Board must presume that the law will be followed unless there is substantial evidence in the record to show otherwise. In this case, the record contains no such evidence.

C General Errors not Related to the Recommendation for Denial.

1. ZLDO 4.5.221 Special Condition for Dredge Materials in 1-CS

The applicant proposes no dredged material disposal, or any other use or activity, in district 1-CS. Dredged material disposal is proposed at the Beachfront Nourishment DMD site adjacent to this district.

2. ZLDO 4.5.286 Special Conditions for Dredged Material Disposal and Fill

Policy #14 General Policy on Uses within Rural Coastal Shorelands

I. Coos County shall manage its rural areas within the "Coos Bay Coastal Shorelands Boundary" by allowing only the following uses in rural shoreland areas, as prescribed in the management units of this Plan, except for areas where mandatory protection is prescribed by LCDC Goal #17 and CBEMP Policies #17 and #18:

e. Water-dependent commercial and industrial uses, water-related uses, and other uses only upon a finding by the Board of Commissioners or its designee that such uses satisfy a need which cannot be accommodated on uplands or shorelands in urban and urbanizable areas or in rural areas built upon or irrevocably committed to non-resource use.

Policy #14 specifically only applies to "uses," while DMD and fill are identified as "activities" in the 7-D zoning district. Therefore, the hearings officer incorrectly applied Policy #14 to the proposed activities of DMD and fill.

VI. CONCLUSION

The Board finds that the Port has demonstrated compliance with all applicable standards and procedures as provided above, or that it is feasible to comply with applicable standards subject to a condition of approval that all requisite state and federal permits be received, and that this conditional use permit is subject to the applicant's ability to obtain such state and federal permits. Accordingly, the Board approves administrative conditional use approval for the proposed Industrial and Port Facilities use and associated activities in zoning districts 6-WD, 5-DA, 6-DA, and 7-D.

The Board also approves a determination of zoning consistency that the permitted activity of mitigation proposed by the Port at the Lyons Mitigation Site in district 30B-RS is consistent with the general conditions for that zoning district. Additionally, the Board approves a zoning
determination of consistency for DMD to be placed on the county-designated Beachfront DMD site and Offshore Site F, and for the fill and DMD to be placed in the Industrially zoned (IND) property where it is a permitted use.
CONDITIONS OF APPROVAL

1. By issuing this administrative conditional use permit and adopting the following conditions, the County does not intend to and it cannot be interpreted to waive any existing right, privilege or authority granted to local governments under the federal Coastal Management Act. This approval is granted for the uses proposed in the applicant's submittals and is subject to the conditions of approval set out herein. Any substantial change will require further review by the County.

2. The applicant shall provide the planning director with copies of all state and federal permits, certifications, notices to proceed or other authorizations issued to the applicant or its representatives in relation to the activities authorized by the County under this permit. Such permits includes, but are not limited to, those issued by:

   a. The Oregon Department of State Lands acting under the Oregon Fill/Removal Law, or as grantor of an easement to use and develop within navigable waterways of the State of Oregon.

   b. The U.S. Army Corps of Engineers acting under Section 10 of the Rivers and Harbors Act and Section 404 of the Clean Air Act.

   c. The Oregon Department of Environmental Quality, acting under Sections 401 and 402 of the Clean Water Act, and pursuant to state standards regulating noise.


All necessary federal, state and local permits must be obtained prior to commencement of construction.

3. The applicant and its tenants, permittees or agents are prohibited from placing any fill or other excavated materials in Henderson Marsh or in any other jurisdictional wetland in the course of developing the Marine Terminal without obtaining appropriate state, federal and local permits.

4. The applicant shall implement the portion of the Unanticipated Discovery Plan prepared by Byram Archaeological Consulting LLC associated with the Marine Terminal to avoid possible impacts to undiscovered archeological and cultural resources during construction authorized under this permit. The applicant, its tenants, permittees and agents shall also adhere to any and all conditions and limitations established by the State Historic Preservation Office to identify and protect cultural and archeological resources. The applicant must coordinate with the Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians by providing notice 72 hours prior to ground disturbing activity.

5. Unless allowed pursuant to CCZLDO 4.5.180(1), to avoid unacceptable adverse impacts to wetlands and riparian vegetation, the applicant shall establish a 50-foot setback from
the upland boundary of Henderson Marsh or any other jurisdictional wetland affected by
the development of the Marine Terminal, including any jurisdictional wetlands located
within management segment 7-D.

6. The applicant shall comply with applicable floodplain regulations, including certification
requirements at the time of construction.

7. Noise generated by the construction and operation of the Marine Terminal and its
tenants shall not exceed applicable state noise standards. In addition, the applicant
shall not drive piling between the hours 6 p.m. and 6 a.m. for the months November
through March and between the hours of 9 p.m. and 6 a.m. for the months of April
through October.

8. The applicant shall comply with all conditions, limitations and requirements of this permit
and in all other state, federal and local permits. If a conflict between conditions,
limitations and requirements occurs, the applicant has the responsibility to coordinate
among the affected agencies (including the County) to clarify the applicable
requirements.

9. A parking plan should be developed and approved by the Coos County Highway
Department.

10. The applicant shall comply with the applicable setback standards set out in CCZLDO
    4.5.100.

11. The applicant shall obtain appropriate DEQ permits for discharge into Coos Bay and for
    erosion control.

12. The applicant and any successor owner or property operator shall not restrict access to
    and uses of public land, roads, trails, shorelands and waterways. Applicant and its
    successors in interest shall not restrict access to and use of all waterways serving the
    proposed facility by commercial and sport-fishing and other vessels at all times during
    construction and operation of the Marine Terminal facility, except as temporarily
    necessary during periods when a ship is actively maneuvering to enter or leave the
    facility moorage, or when otherwise required by an authority having jurisdiction.
    Jurisdiction over access disputes under this section shall be with the Board of
    Commissioners.

13. At least 90 days prior to commencement of construction on the project, applicant shall
    submit an updated Traffic Impact Analysis (TIA) performed by an Oregon certified
    engineer with expertise in traffic and construction engineering and A/C (asphaltic
    concrete) analysis, and approved by the County Roadmaster. The TIA shall include an
    engineering and cost analysis of the impact of the project on existing road structure
    within the study area. The study area shall include at a minimum all of the study area
    included within the July 2006 TIA included in the record. The TIA shall specifically
determine the proportionate impact of the project, both construction and operational
phases, on existing roads in the study area, along with current costs of such impact, and identify and recommend appropriate actions to mitigate impacts to the transportation system. The TIA shall also be based on data for peak usage of roads within the study area during the tourist season. The TIA shall be performed at the applicant's expense by a contractor approved by the County, and the elements and methodology of the TIA shall be subject to the direction of the County Roadmaster consistent with the County road standards and the applicable provisions of Chapter VII (Streets and Roads) of the CCZLDO. The Roadmaster's determination of the scope, study area, analysis assumptions and methodology for the updated TIA shall be provided to the applicant in writing within 14 days of the applicant's written request to the Roadmaster. For purposes of this condition, the Roadmaster's written determination shall be treated as an administrative decision subject to a de novo appeal to the Board of Commissioners which shall, for purposes of this condition, act as the Hearings Body under the provisions of Section 5.8.200 of the CCZLDO.

14. Applicant shall bear the cost of the actions to mitigate the impacts of the project as identified in the updated TIA, which may consist of infrastructure improvements or traffic management measures prior to construction. Any infrastructure improvements required by this condition must be proportionate to the construction and operational impacts of the project. Applicant shall also bear the cost of engineering review by County of infrastructure improvements and traffic management measures, and shall deposit sufficient funds to cover such costs upon request by County. Prior to the commencement of construction, applicant complete a Performance Agreement with the County to complete required improvements and post securities to cover the cost of improvements. The form of agreement and amount of the securities are subject to the approval of the Roadmaster and the Board of Commissioners.

15. Applicant shall obtain a County road access permit prior to new access to Transpacific Parkway and Jordan Cove Road prior to commencement of construction.
Exhibit A-3
City of Coos Bay
Public Works & Development Dept.
500 Central Ave., Coos Bay, Oregon 97420 • Phone (541) 269-8918
Fax (541) 269-8916

RECEIVED
JUN 18 2007
PERKINS COIE

FINAL ORDER
NOTICE OF PLANNING COMMISSION DECISION AND ORDER

APPLICATION: Estuarine Activity #ZON2007-00034 - Mitigation

APPLICANT: Oregon International Port of Coos Bay
PO Box 1215, Coos Bay, OR 97420

OWNER: Oregon Department of State Lands
775 Summer Street NE, Salem, OR 97301

AGENT: Mark Whitlow, Perkins Coie
1120 NW Couch Street, 10th Floor
Portland, OR 97209-04128

LOCATION: T. 25, R. 13, S. 08: 700 feet and 1,200 feet south and southwest of the Airport runway, and 3,400 feet southwest of the runway.

ORDER: Approved on Tuesday, June 12, 2007
Planning Commission Final Vote:
Yea: Chairman Bruce Harlan, Commissioners Jim Berg, Chris Coles, Chris Hood, Rex Miller, and Steve Donovan
Nay: None Abstain: None

APPEAL PROVISIONS: See page 2.

DECISION CRITERIA AND THE ADOPTED FINDINGS OF FACT AND CONCLUSIONS:
See pages 3 - 5

FINAL ACTION
The Planning Commission verified that mitigation activity is allowed outright in aquatic unit 52-NA of the Coos Bay Estuary Management Plan, as consistent with the Management Objective of aquatic unit 52-NA and approved Estuarine Activity Application #ZON2007-00034, based on findings, conclusions and the applicant's submitted evidence, to allow approximately 1.15 acres of intended mitigation in aquatic unit 52-NA. The exact location for the eelgrass creation or enhancement is yet to be determined. Any mitigation activity to be performed is subject to approval of a Joint Permit Application by the DSL and USACE. The decision to approve will become final at 5:00 PM on July 2, 2007 unless an appeal is filed.
APPEAL PROVISION

A decision by the Planning Commission may be appealed to the Coos Bay City Council by an affected party. The party must file a letter of intent to appeal with the City Recorder, which includes the required fee, within fifteen (15) days from the date of the decision. A notice of appeal shall contain all of the following:

1. Identification of the decision to be reviewed.

2. Statement of the interest of the appellant and whether the appellant has "standing to appeal." An individual is said to have "standing to appeal" if the person:
   a. appeared before the Planning Commission orally or in writing, and
   b. the person's interests are adversely affected by the decision.

3. Reasons the appellant feels aggrieved by the decision, and how the Planning Commission erred in its decision.

The scope of the review shall be limited to the issues raised in the request for appeal. The Hearings Body will consider evidence in the record, evidence submitted at the appeal hearing which is relevant to the issues under review, and oral or written arguments submitted at the time of the appeal hearing addressing those issues.

Questions regarding the appeal procedure may be directed to the Public Works and Development Department, City Hall, 500 Central, Coos Bay, Oregon or phone (541) 269-8918.
DECISION CRITERIA, FINDINGS & CONCLUSIONS

Under Coos Bay Land Development Ordinance 5.10, Estuarine and Coastal Shoreland Uses and Activity, uses and activities permitted by the Coos Bay Estuary Management Plan (CBEMP) are subject to the relevant CBEMP management objectives and, where applicable, to general and special conditions and policies to comply with statewide planning goals. Compliance with the management objectives, conditions and policies must be verified.

The following is a list of the decision criteria applicable to the request. Each of the criteria is followed by findings or justification statements which may be adopted by the Planning Commission to support their conclusions.

Although each of the findings or justification statements specifically applies to at least one of the Decision Criteria any of the statements may be used to support the Commission’s final decision.

Based on their conclusions, the Commission must approve, approve with conditions, or deny the application. Conditions may be used by the Commission in order to address specific concerns about the request.

DESCRIPTION OF PROPOSED MITIGATION PROPOSED UNDER A JOINT PERMIT APPLICATION

The mitigation activity discussed below is conceptual in nature and is presented for informational purposes only. The proposed conceptual mitigation activity is subject to modification during the evaluation of the Joint Permit Application being reviewed by the Oregon Department of State Lands (DSL) and the U.S. Army Corps of Engineers (USACOE).

The Port proposes to establish a one-to-two acre mitigation site in CBEMP aquatic unit 52-NA located in the Lower Bay of the Coos Bay Estuary. The mitigation site is located due south to the west end of the airport runway adjacent to existing eelgrass beds that were established as part of the Airport’s mitigation associated with its runway extension in the 1980s. See Attachment A-11.

This site was selected by the Port’s environmental consultants in coordination with the Oregon Department of Fish & Wildlife (ODFW), the South Slough National Estuarine Reserve and the Coos Bay Watershed Council.

The mitigation area is situated in three (3) possible subareas so that a minimum of 1.15 total acres of low-to-high density eelgrass beds will ultimately be established. Generally, two subareas are inter-tidal sand bars, referred to as "islands" in the applicant's submitted information, located approximately 700 feet and 1,200 feet to the south and southwest of the airport runway. These areas are to be shaved down to a mean lower water elevation to connect with existing adjacent eelgrass habitat. The Port proposes to excavate, or shave the inter-tidal sand bar areas, the first year and allow the site to stabilize over one winter storm season. In the second year the site will be planted with eelgrass from an adjacent donor site. This is the same method that was used by the Airport for mitigation for the runway extension project conducted in the 1980s. All earthwork will take place during the in-water work period, which occurs between October 1st and February 15th.
The third possible subarea is located approximately 3,400 feet southwest of the runway in a deeper water area to be filled to the mean lower water elevation to connect with adjacent eelgrass habitat.

The purpose of the mitigation is to compensate for the loss of eelgrass beds expected to occur during dredging between a proposed multi-purpose marine shipping berth and the existing navigation channel.

All mitigation work will be done under a Joint Permit from DSL and USACOE.

**DECISION CRITERIA AND FINDINGS**

1. **The Coos Bay Land Development Ordinance (LDO) establishes an estuarine review procedure to verify allowed uses and activities within the aquatic areas of the CBEMP. The Plan lists mitigation as an allowed activity in aquatic unit 52-NA.**

   **FINDINGS:**

   A. Estuarine uses and activities are defined by the CBEMP. Allowable, conditional, and prohibited uses and activity within these areas shall be consistent with the Plan and shall be subject to the general and special conditions of the Plan, its policies, inventory document, and maps, in addition to development standards of the Coos Bay Land Development Ordinance.

   B. The CBEMP has been acknowledged by the State to be consistent with the Statewide Planning Goals, including Goal 16, Estuarine Resources. As verified in this application, the CBEMP identifies mitigation in the 52-NA unit as an allowed use ("A"), not subject to general or special conditions. Therefore, because the proposed mitigation is consistent with the CBEMP, which has already been acknowledged by the Land Conservation and Development Commission to be in compliance with Statewide Planning Goals, no further demonstration of compliance is required. Aquatic unit 52-NA is at Attachment B.

   C. A letter was received from the Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians dated April 19, 2007, stating there are no known cultural resources in the project area. Therefore, the Tribes have no objections to the proposed project. The Tribes' letter is at Attachment C.

   D. The activity proposed is mitigation intended to offset impact to the estuary from a development activity.
2. Mitigation is listed as an allowed activity in the Lower Bay aquatic unit 52-NA, subject only to the management objective of this unit and any applicable general and special conditions. The Management Objective is provided below. There are no general or special conditions.

Management Objective:

This aquatic unit contains extensive eelgrass beds with associated fish and waterfowl habitat, and shall accordingly be managed to maintain these resources in their natural condition in order to protect their productivity.

Dredging of a small channel on the north side of the proposed airport fill shall be necessary as a form of mitigation to maintain tidal currents.

FINDINGS:

A. Two areas where mitigation will take place are located approximately 700 feet and 1,200 feet to the south and southwest of the Airport runway. These areas, or islands, are to be shaved down to a mean lower water elevation to connect with existing adjacent eelgrass habitat. The Port proposes to excavate, or shave the inter-tidal sand bar areas, the first year and allow the site to stabilize over one winter storm season. In the second year the site will be planted with eelgrass from an adjacent donor site. This is the same method that was used by the Airport for mitigation for the runway extension project conducted in the 1980s. All earthwork will take place during the in-water work period, which occurs between October 1st and February 15th.

B. A third area where mitigation will take place is located approximately 3,400 feet southwest of the runway in a deeper water area to be filled to the mean lower water elevation to connect with adjacent eelgrass habitat.

C. A minimum of 1.15 total acres of low-to-high density eelgrass beds will be established by the mitigation.
EFFECTIVE DATE OF APPROVAL:
Unless a different time limit has been established by Commission action, approval shall be withdrawn if the authorized construction or use is not commenced within one year or is not pursued diligently to completion, or, if authorized occupancy or use has been discontinued for over 120 consecutive days.

The effective date of the permit may be delayed if substantive conditions are attached to the approval. The Commission may grant an extension of time for a period not to exceed one year if circumstances beyond the control of the applicant cause delays.

Laura Barron
Planning Administrator

DATE: June 15, 2007

Attachments: A - Applicant's submitted information
B - CBEMP Aquatic Unit 52-NA
C - Letter dated April 19, 2007, from Confederated Tribes

c: Jeffrey Bishop, Oregon International Port of Coos Bay
Mark Whittlow, Perkins Cole
Department of State Lands
South Slough National Estuarine Reserve
City of North Bend
Oregon Department of Fish and Wildlife
Coos County
Department of Environmental Quality
Jody McCaffree
US Army Corps of Engineers
US Fish & Wildlife Service
National Marine Fisheries Service
Dave Perry, DLCD
Camby Collier
David Lohman
Marcella Weaver
Dennis Phillips
Exhibit A-4
COOS COUNTY PLANNING DEPARTMENT
STAFF REPORT

FILE NO. : ACU-08-10/CL-08-01
DATE : May 9, 2008
SUBJECT : Request to list sand storage/sorting as a conditional use in the Coos Bay Estuary Management Plan (CBEMP) Segments 3-Water Dependent (3-WD) and 3-Non Water Dependent (3-NWD) zones. Also, conditional use application requesting approval of storage/sorting of sand in the 3-WD and 3-NWD zones.

APPLICANT : Oregon International Port of Coos Bay
Jeffrey Bishop, Executive Director
PO Box 1215
Coos Bay, Oregon 97420

STAFF CONTACT : Patty Evernden, Planning Director

I. APPLICABLE STANDARDS AND CRITERIA

Coos County Zoning & Land Development Ordinance (CCZLDO)
Section 3.2.400 Uses Not Listed
Section 4.5.241 Uses, Activities and Special Conditions for 3-WD
Section 4.5.242.02 Uses, Activities and Special Conditions for 3-NWD

II. DECISION

The submitted application is hereby approved subject to the requirements and conditions of approval set forth in this report. The decision is based upon the submitted application, supporting evidence, facts and findings to the criteria.

III. BASIC FINDINGS

A. LOCATION: Assessor’s map Nos. 25-13-18 identifies the property as tax lots 100 and 201.

B. ZONING: The property is zoned 3-WD and 3-NWD. The management objectives state:

3-WD: This shoreland district shall be managed to efficiently utilize the property for water-dependent or related commercial/industrial development. Development must be conducted in a manner that is consistent with the Plan’s general policy regarding beaches and dunes. Any area of disturbed snowy plover habitat shall be replaced elsewhere on the North Spit (see Districts #1CS and #2CS) such that: (1) sites created as habitat are made available before or concurrently with alteration of existing habitat, and (2) there is no net loss of habitat.

FINDING: There is no Snowy Plover habitat on this site. The proposed sand storage/sorting yard is water-dependent/related. The applicant has addressed Policy #30 regarding beaches and dunes.
3-NWD: This shoreland district shall be managed to efficiently utilize the property for non-water-dependent commercial/industrial development. Development must be conducted in a manner that is consistent with the Plan’s general policy regarding beaches and dunes.

FINDING: General policy 1 states that uses shall “normally” be non-water-dependent industrial. This policy allows consideration of water-dependent uses as well. The proposed use is interim and is consistent with the management objective.

C. SPECIAL CONSIDERATIONS: County inventoried special considerations applicable to the subject property are snowy plover, area of cultural interest, beach and dune.

FINDING: There is no plover habitat on the site. The Tribe was provided notice of the proposal on March 25, 2008 (see response to Policy #18 below). Beach and dune issues have been addressed under Policy #30.

D. SURROUNDING LAND USES: Southport Lumber is located north of the subject property. DB Western is located near the center of tax lot 100. Trans-Pacific Lane lies west of tax lot 200.

E. PROPOSAL: The applicant proposes to store and sort sand on approximately 90 acres of the subject property. The sand is the excavated and dredged sand from the Port’s previously approved conditional use authorizing the Marine Terminal. The sand will be hydraulically extracted and hydraulically dredged and transported by enclosed pipelines directly to the subject property. The sand will be de-watered, contoured into multiple hilllocks and planted with stabilizing vegetation. The stored sand will be sorted, marketed and shipped by the existing barge slip on land that is adjacent to the subject property.

Sand storage/sorting is not a listed use in the 3-WD and 3-NWD zones. Section 3.2.400 of the CCZLDO has provisions to list a use that may have been omitted. The applicant is requesting listing of the use based on the provisions of Section 3.2.400.

IV. CCZLDO REVIEW CRITERIA AND FINDINGS

Section 3.2.400(2) Uses Not Listed

To classify and add a new use or conditional use to the uses already listed within a zoning district without formal amendment to the text of this Ordinance, the Planning Director must find that the proposed use to be added is similar and not more obnoxious or detrimental to the public health, safety, and welfare as other uses listed in the respective zoning district.

FINDING: The proposal is to add sand storage/sorting as a conditional use in the 3-WD and 3-NWD zones. Both zones list log storage/sorting as a conditional use subject to General and Special conditions. The CCZLDO defines log storage/sorting yard (dry land) as:

“An area where logs are gathered from surrounding harvest areas and measured, sorted, and/or stored until ready for transfer to water storage areas or to market.”

The applicant submitted a detailed description of potential impacts from log storage/sorting operations and a sand storage operation. Taking into consideration unloading methods, equipment, storing methods
and yard operation, it would seem reasonable to conclude that sand storage/sorting is similar yet no more obnoxious or detrimental to the public health, safety, and welfare than log storage/sorting.

Therefore, staff finds that sand storage/sorting is similar and not more obnoxious or detrimental to the public health, safety, and welfare as log storage/sorting as listed in the 3-WD and 3-NWD zones.

Section 4.5.241 Uses, Activities and Special Conditions for 3-WD

#14 General Policy on Uses within Rural Coastal Shorelands

FINDING: Sand storage/sorting that will occur on the 3-WD zoned portion of the site, must be water-dependent. There is an existing barge slip and barge that will be used to transport the sand to market. Therefore, the use is consistent with this plan policy.

#20 Dredged Material Disposal Sites

FINDING: There is no inventoried DMD site on the subject property. The applicant correctly identifies that the site that had been inventoried was removed during periodic review. Therefore, the plan policy does not apply.

#27 Floodplain Protection within Coastal Shorelands

FINDING: The proposed storage/sorting area is outside of the floodplain. Therefore, this policy does not apply.

#30 Restricting Actions in Beach and Dune Areas with "Limited Development Suitability" and Special Consideration for Sensitive Beach and Dune Resources (moved from Policy #31)

FINDING: The applicant’s submitted report prepared by registered engineer, Ralph Dunham (application’s Exhibit “B”), adequately addresses the above criteria.

#17 Protection of "Major Marshes" and "Significant Wildlife Habitat" in Coastal Shorelands

FINDING: The applicant has noted that the proposed sand storage and sorting yard may impact a very small area (approximately .10 acres) of scrub-shrub wetlands that are not identified on the County’s Special Regulatory Considerations map. To the extent those unmapped wetlands are impacted, the application will comply with all applicable regulations of state and federal agencies having jurisdiction in order to be consistent with state and federal wetland permit requirements.

#18 Protection of Historical, Cultural and Archaeological Sites

FINDING: The subject property is located in an inventoried area of cultural sensitivity. Staff provided notice of the application to the Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians (Tribe) on March 25, 2008. The Tribe does not anticipate that cultural materials will be encountered. However, a condition will be imposed that should cultural resources be found, the applicant and/or developer must contact the Tribe.
**General Condition**
All permitted uses...must be consistent with a Snowy Plover habitat mitigation plan; see Management Objective.

FINDING: There are no plover sites in the proposed storage/sorting area. Therefore, this general condition does not apply. According to the Ellis Ecological report submitted by the applicant, sand storage could offer attractive nest sites to plovers. Therefore, measures will be taken to discourage plover habitation of the sand storage sites. These measures will include contour of the stored sand into multiple hillocks to eliminate flat surfaces.

**Special Condition**
Log storage and sorting yards shall be allowed, provided that: (i) such uses are conducted on an interim basis and do not pre-empt use of the property for more intense, water-dependent development, or (ii) such uses are accessory to a primary use involving waterborne shipment of logs.

FINDING: The sand will be excavated and dredged to develop the Port's approved Marine Terminal development. The intent is to barge sand for commercial sale. The use is interim and is water-dependent. Therefore, the proposal complies with this special condition.

#49  **Rural Residential Public Services**
FINDING: The use is industrial not rural residential, therefore, Policy #49 does not apply.

#50  **Rural Public Services**
FINDING: This policy does not apply.

#51  **Public Services Extension**
FINDING: This policy permits the extension of public services for development of designated industrial sites.

**Section 4.5.242.02 Uses, Activities and Special Conditions for 3-NWD**

General Conditions
Uses in this district shall normally be non-water-dependent industrial

FINDING: This general condition was broadly written to allow consideration of uses that are water-dependent. The proposal is a water-dependent use, however, it is an interim use related to development in the area of the Port's approved marine terminal. Therefore, the proposal is consistent with this condition.

All permitted uses and activities must be consistent with a snowy plover habitat mitigation plan; see management objective.

FINDING: See finding above.

#27  **Floodplain Protection within Coastal Shorelands** – See finding above

#50  **Rural Public Services** – See finding above
#51 Public Services Extension – See finding above

#17 Protection of "Major Marshes" and "Significant Wildlife Habitat" in Coastal Shorelands – See finding above

#18 Protection of Historical, Cultural and Archaeological Sites – See finding above

Special Condition
Log Storage and sorting yards shall be allowed, provided that: (i) such uses are conducted on an interim basis and do not pre-empt use of the property for more intense, non-water-dependent developments, or (ii) such uses are accessory to a primary use involving waterborne shipment of lots.

See finding under Special Condition under Section 4.5.241 above.

V. NOTICE OF APPEAL RIGHTS

This decision may be appealed to the Coos County Hearings Body pursuant to Article 5.8 of the CCZLDO within 15 days from the date of written notice. This means that appeals filed after 12:00 p.m. on May 27, 2008, are not timely and will not be considered. This decision will not be final until the period for filing an appeal has expired. Detailed information about the appeal process, filing fees and additional information may be obtained from the Planning Department upon request.

VI. REQUIREMENTS AND CONDITIONS OF APPROVAL

1. Any required erosion control and discharge permits must be obtained.

2. A minimum 50-foot setback shall be established and maintained from the freshwater wetlands and major marshes identified as Shoreland Values Requiring Protection on the CBEMP Special Regulatory Considerations map.

3. Compliance is required with applicable state and federal regulations regarding impacts to jurisdictional wetlands.

4. This conditional use permit is specific to the storage/sorting of sand excavated and dredged as a result of developing the Port’s approved Marine Terminal site. Therefore, sand to be stored/sorted is limited to sand excavated and dredged for the Marine Terminal project ONLY. Expansion of the use to allow material to be brought in from other projects or sites shall require conditional use approval.

5. If required to access the site, a County road access permit shall be obtained prior to construction of new access to Transpacific Lane (Parkway)

6. If parking is proposed or required to be provided on the site, a parking plan shall be submitted to the Coos County Highway Department for approval prior to commencement of construction.

7. The Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians must be contacted should cultural resources be encountered on the site.

C: File

ACU-08-10/CL-08-01
REVISED NOTICE OF PLANNING DIRECTOR'S DECISION

You have received this notice regarding decisions on the following land use applications because you are either an adjacent property owner, affected city, special district, hearings body member, or person who requested notice. Notice of these decisions was previously mailed to some parties on May 9, 2008. This revised notice is being mailed on May 23, 2008, to ensure that all necessary parties receive notice. The 15-day appeal period has been adjusted accordingly. The location of the property is shown on the attached vicinity map.

NOTICE IS HEREBY GIVEN that the Coos County Planning Director rendered the following decision(s) on MAY 9, 2008;

ITEM 1: APPROVED*, File# ACU-08-10 – A request for an administrative conditional use (ACU) to allow storage/sorting of sand in the Coos Bay Estuary Management Plan (CBEMP) segments 3-Water-Dependent Development Shorelands (3-WD) and 3-Non-Water-Dependent Shorelands (3-NWD). The subject property is identified as Township 25, Range 13, Section(s) 18, Tax lots 100 and 201. The applicant is Jeff Bishop, Executive Director, Oregon International Port of Coos Bay. The application meets the applicable criteria set forth in the Coos County Zoning and Land Development Ordinance (CCZLDO) Sections 4.5.241 Uses, Activities and Special Conditions in the 3-WD segment of the CBEMP and 4.5.242.02 Uses, Activities and Special Conditions in the 3-NWD segment of the CBEMP. The property is located west of the City of Coos Bay. The property is zoned Coos Bay Estuary Management Plan (CBEMP) 3-WD and 3-NWD, and contains approximately 206 acres.

ITEM 2: APPROVED*, File# CL-08-01 – Request for Planning Director use approval under CCZLDO 3.2.400 for a sand storage and sorting yard in the CBEMP segments 3-Water-Dependent Development Shorelands (3-WD) and 3 Non-Water-Dependent Shorelands (3-NWD). Pursuant to CCZLDO Section 3.2.400 "Uses Not Listed", the Planning Director may determine a proposed new use is similar and not more obnoxious or detrimental to the public health, safety, and welfare as other uses listed in the respective zoning district without amending the CCZLDO as described in CCZLDO Article 1.2. The Planning Director finds that the proposed use of a sand storage and sorting yard is similar in use to a log storage/sorting yard which is permitted subject to an administrative conditional use in both the 3-WD and 3-NWD zoning segments of the CBEMP listed in Sections 4.5.241 and 4.5.242.02 of the CCZLDO. Therefore, the sand storage/sorting yard is subject to the same provisions as the log storage/sorting yard within the 3-WD and the 3-NWD CBEMP segments.
*PLEASE NOTE – Decisions are subject to requirements and conditions stated in the staff report.

The application(s), all documents and evidence in the record, including the staff report, and the applicable criteria are available for inspection at the Planning Department, Coos County Courthouse Annex, 290 N. Central Blvd., Coquille, Oregon. You may purchase copies of these documents for a fee of 50 cents per page.

Pursuant to Article 5.8 of the CCZLDO, any person who is adversely affected or aggrieved by these decisions may appeal to the Coos County Hearings Body within 15 days of the date this notice of decision is mailed by filing a written “NOTICE OF APPEAL” and the required filing fee with the Planning Director. This means appeals filed after 12 noon on June 9, 2008, are not timely and will not be considered. These decisions will not be final until the period for filing an appeal has expired. These decisions cannot be appealed directly to the Land Use Board of Appeals under ORS.197.830. For detailed information about the appeal process, filing fees and additional information, please contact the Planning Department.

Additional information concerning the above-referenced item(s) may be obtained by contacting Jill Barzee, Administrative Aide, at (541) 396-3121 or 756-2020, extension 210.

COOS COUNTY PLANNING DEPARTMENT

Jill Barzee, Administrative Aide

Dated this 23rd day of May, 2008
File Number: ACU-08-10 / CL-08-01

Applicant: Oregon International Port of Coos Bay
PO Box 1215
Coos Bay, OR 97420

Location: T25 R13 Sec.18 TL's 100, 200

Proposal: Storage & sorting of dredged & excavated sand
Exhibit A-5
NOTICE OF ADOPTION

September 23, 2009

Re: Coos County Planning Department File No. AM-09-03/RZ-09-02/HBCU-09-01
Application submitted by the Oregon International Port of Coos Bay
County Ordinance No. 09-09-005PL
Township 25, Range 12, Section 06C/07, Tax Lots 100/799
Township 25, Range 13, Section 10D/12A Tax Lots 400/100

On September 23, 2009, the Coos County Board of Commissioners adopted the above-referenced ordinance approving the applications submitted by the Oregon International Port of Coos Bay.

The adoption ordinance may be appealed to the Land Use Board of Appeals (LUBA), pursuant to ORS 197.830 to 197.845, by filing a Notice of Intent to Appeal within 21 days of the date this notice was deposited in the mail, as indicated on the attached Certificate of Mailing. For more information on this process, contact LUBA by telephone at 503-373-1265, or in writing at 550 Capitol St. NE, Suite 235, Salem, Oregon 97301-2552.

If you have any questions pertaining to this notice or the adopted ordinance, please contact the Planning Department by telephone at (541) 396-3121 or 756-2020, extension 210, or visit the Planning Department at 225 North Adams Street, Coquille, Oregon, Monday through Friday, 8:00 AM - 5:00 PM (closed Noon - 1:00 PM).

COOS COUNTY PLANNING DEPARTMENT

Patty Everden, Planning Director

C: Mark Whitlow, Perkins Coie
   Mike Gaul, Oregon International Port of Coos Bay
   David Perry, DLCD (e-mailed and mailed)
   Participants (see attached list)
   John Rowe, Roadmaster (E-mail)
   Board of Commissioners (E-mail)
   Planning Commission
   File
BOARD OF COMMISSIONERS
COUNTY OF COOS
STATE OF OREGON

In the matter of Plan Amendment and
rezone, zoning boundary
interpretation and administrative
conditional use for active and
passive restoration in Coos Bay
Estuary Management Plan (CBEMP) 15-RS

ORDINANCE 09-09-005PL

This matter came before the Coos County Board of Commissioners sitting for
the transaction of business on the September 23, 2009, concerning amendments
to the Coos County Comprehensive Plan designation and Coos County Zoning &
Land Development Ordinance as well as an interpretation and administrative
condition use for active and passive restoration in the CBEMP zoning district
15-Rural Shoreland (15-RS). Specifically, the Board considered a plan
amendment and rezone of property described as Township 25 Range 12 Section
06C/07 Tax Lots 100/799 and Township 25 Range 13 Section 01D/12A Tax Lots
400/100 and identified as file nos. AM-09-03/RZ-09-02/HBCU-09-01.

WHEREAS, on June 12, 2009, Oregon International Port of Coos Bay filed an
application to amend the Coos County Comprehensive Plan Map and the Zoning
Map to rezone all of the Recreation (REC) zone and a portion of the Forest
(F) zone to Exclusive Farm Use (EFU). This proposal will also entail
amending the Coos County Comprehensive Plan designation from Recreation and
Forest to Agriculture. Also, requesting an Administrative Conditional Use
(ACU) application to allow for mitigation and restoration, both active and
passive, in the Coos Bay Estuary Management Plan (CBEMP) Segment 15-RS (Rural
Shorelands). The last request was for a related interpretation that the
existing boundaries of the Recreation Plan and Zoning districts do not extend
beyond the property boundary of the Kentuck Golf Course, and as necessary,
request for related reconciliation of district boundaries to conform with
property boundary of the Kentuck Golf Course;
WHEREAS, the application was considered by the Planning Commission at public
hearing on August 6, 2009, and deliberated on at the September 4, 2009, and
the Planning Commission unanimously recommended the Board of Commissioners
approve the proposal with conditions as follows:

1. The applicant shall not remove or modify the existing tidegate at the
   mouth of Kentuck Slough.

2. Breaching the East Bay road dike to allow tidal waters into the
   proposed mitigation site would be accomplished by construction of a
   bridge in lieu of construction of multiple culverts.

3. Any plan for future mitigation ("Future Mitigation") that would affect
   the eastern half of the existing golf course (otherwise described as
   the "front nine") will include the requirement that a berm or similar
   engineered structure, designed to prevent flooding or saltwater
   intrusion on adjacent land, be constructed between the area of Future
   Mitigation and adjacent land that is owned by or in which Lone Rock
   Timberland Co. or its successor holds a property interest. This
   condition shall not be mandatory if Lone Rock Timberland Co. or its
   successor waives the benefit of the condition in writing.

4. At least 90 days prior to the issuance of a 'zoning compliance letter'
   for building and/or septic permits under LDO 3.1.200, the County
   Planning Department shall make initial contact with the Tribe(s)
   regarding the determination of whether any archaeological sites exist
   within the area for proposed development, consistent with the
   provisions of LDO 3.2.700. Once the applicant’s plot plan has been
   submitted and the Tribe(s) have commented or failed to timely comment
   under the provisions of LDO 3.2.700, the County shall take one of the
   following actions: (1) if no adverse impacts to cultural, historical
   or archaeological resources on the site have been identified, the
   County may approve and issue the requested zoning compliance letter and
   related development proposal; (2) if the Tribe(s) and the applicant
reach agreement regarding the measures needed to protect the identified resources, the development can be approved with any additional measures the County believes are necessary to protect those resources; or (3) if the County finds that there will be adverse impacts to identified CBEMP Policy §18 resources on the site and the applicant and Tribe(s) have not reached agreement regarding protection of such resources, then the County Board of Commissioners shall hold a quasi-judicial hearing to resolve the dispute. The hearing shall be a public hearing at which the governing body shall determine by preponderance of evidence whether the development project may be allowed to proceed, subject to any modifications deemed necessary by the governing body to protect the cultural, historical and archaeological values of the site. For purposes of this condition, the public hearing shall be subject to the provisions of Section 5.8.200 of the CCZLDO with the Board of Commissioners serving as the Hearings Body.

5. Prior to commencing mitigation or restoration activities on the Property, the applicant shall obtain permits and approvals from all agencies with applicable regulatory jurisdiction.

WHEREAS, the Board of Commissioners held a de novo hearing on this matter on September 22, 2009, prior to reaching a decision. The Board moved to adopt the Planning Commission’s recommendations, including the conditions as listed in this ordinance and add additional conditions of approval as follows:

1. The design of the bridge shall incorporate sheet pile retaining walls to retain earth embankment at the bridge ends in order to limit future maintenance requirements.

2. The applicant shall maintain the tidegates and dikes within the mitigation project area. The applicant shall, at its own risk and expense, perform the maintenance described, and unless otherwise specified, furnish all labor, equipment, materials and permits required for the proper performance of such work. If the applicant fails to maintain the tidegates and/or dikes the County may perform any necessary maintenance and/or repairs and the landowner shall be liable for the costs associated with same.
3. The Oregon International Port of Coos Bay's Technical Advisory Committee ("TAC") shall review each step of this mitigation project for environmental impacts, and a copy of the TAC's meeting minutes or any subsequent reports shall be sent to the Planning Department for the file.

WHEREAS, all notices to interested property owners and interested parties have been provided pursuant to law; now therefore, THE BOARD OF COMMISSIONERS adopts the Findings and Conclusions in Attachment "A" subject to the conditions of approval described in this ordinance.

ADOPTED this 23rd day of September, 2009.

BOARD OF COMMISSIONERS

[Signatures]

COMMISSIONER

[Signature]

COMMISSIONER

[Signature]

COMMISSIONER

[Signature]

Recording Secretary

[Signature]

Office of Legal Counsel

Ordinance 09-09-005PL - 4
63023-0002.0003/LEGAL17011550.2
9/22/09 11:01 PM
Exhibit A-6
BOARD OF COMMISSIONERS  
COUNTY OF COOS  
STATE OF OREGON

IN THE MATTER OF CONSOLIDATED  
CONDITIONAL USE APPLICATIONS HBCU-  
10-01 SUBMITTED BY PACIFIC CONNECTOR  
GAS PIPELINE  

WHEREAS, on Pacific Connector Gas Pipeline filed consolidated permit applications to develop 49.72 miles of gas pipeline and associated facilities on property described in Exhibit "B" of this Order; and

WHEREAS, on March 2, 2010, pursuant to its authority under CCZLDO §5.0.600, the Board of Commissioners (Board) voted to: (1) call up the applications; and (2) appoint Andrew H. Stamp to serve as the Hearings Officer.

WHEREAS, on May 20, 2010, Hearings Officer Stamp conducted a public hearing on this matter and at the conclusion of the hearing the record was held open for 21 days to accept additional written evidence to rebut evidence presented at the hearing, followed by a 7-day period for accepting surrebuttal testimony, followed by a 7-day period for the applicant to submit final written argument.

WHEREAS, on July 16, 2010, Hearings Officer Stamp issued his Analysis, Conclusions and Recommendations to the Board to approve the applications subject to the imposition of conditions.

Order 10-08-045PL
WHEREAS, on August 3, 2010, at 1:30 p.m., the Board met to deliberate on the matter and made a tentative decision to accept the Hearings Officer's recommended approval subject to amended findings and conditions.

NOW, THEREFORE, the Board adopts the Findings of Fact; Conclusions of Law and Final Decision attached hereto labeled Exhibit "A" and incorporated into this order herein.

ADOPTED this 8th day of September 2010.

BOARD OF COMMISSIONERS

[Signatures]

COMMISSIONER

[Signatures]

COMMISSIONER

[Signatures]

COMMISSIONER

ATTEST:

[Signature]
Recording Secretary

APPROVED AS TO FORM:

[Signature]
Office of Legal Counsel
"Prior to issuance of a zoning compliance letter for the project, the applicant shall file a bond, surety, irrevocable letter of credit, cash or other security deposit agreement in the amount of 120% of the estimated cost of necessary improvements to bring County road facilities impacted by pipeline construction back to current or better condition. After five (5) years, the security shall either be forfeited to the County if the applicant does not complete required improvements or be refunded to the applicant if applicant has completed required improvements or there are no improvements to complete."

The Board finds that this modified condition addresses this issue.

III. CONCLUSION

For the above stated reasons, and after consideration of the applicable law and all argument and evidence in the record, the Board finds that the applicant has met its burden of proof to demonstrate that the applications satisfy all applicable approval standards and criteria, or that those standards or criteria can be satisfied through the imposition of conditions of approval. Accordingly, the Board hereby approves the application, subject to the following conditions of approval, which are authorized by Section 5.2.800 of the CCZLDO:

A. Staff Proposed Conditions Of Approval

1. Intentionally deleted.

2. To minimize impacts to wells and groundwater, the applicant must comply with the Groundwater Supply Monitoring and Mitigation Plan approved by the federal Office of Energy Projects within FERC, including without limitation, provisions requiring: (a) subject to landowner consent, testing and sampling groundwater supply wells for both yield and water quality; and (b) as needed, implementing site-specific measures to mitigate adverse impacts on the yield or quality of groundwater supply.

3. The facility will be designed, constructed, operated and maintained in accordance with U. S. Department of Transportation requirements.

4. The pipeline will be rerouted, where feasible, in order to avoid impacts to the property identified on Drawing No. 3430.33-X-9007. (MP 13.8 to MP 14.4). If requested, the applicant shall work with affected property owners within the pipeline's alignment to make "minor field realignments per landowner needs and requirements which do not affect other landowners or sensitive environmental areas such as wetlands" pursuant to FERC Order Condition #6 in order to avoid or minimize impacts to structures or the owner's use of the property."

5. The proceedings for the condemnation of such lands shall be the same as that provided in ORS chapter 35, provided that any award shall include, but shall not be limited to, damages
for destruction of forest growth, premature cutting of timber, diminution in value to remaining timber caused by increased harvesting costs, and loss of product value due to blow-downs. Whatever incremental costs and value losses to timber lands can be identified and demonstrated to result from the granting of the pipeline easement will be reflected in the company’s appraisal of damages payable to the owner. Therefore, the landowner should not experience any uncompensated logging or access costs. [See ORS 772.210(4) and Report entitled Forest Practices and Economic Issues related to Proposed Pacific Connector Gas Pipeline, by Dallas C. Hemphill, ACF, CF, PE., dated June 17, 2010, at p. 5.]

6. Pacific Connector shall not begin construction and/or use its proposed facilities, including related ancillary areas for staging, storage, temporary work areas, and new or to-be-improved access roads until:

Pacific Connector files with the Secretary remaining cultural resource survey reports and requested revisions, necessary site evaluation reports, and required avoidance/treatment plans;

Pacific Connector file with the Secretary comments on the reports and plans from [SHPO], appropriate land management agencies, and interested Indian tribes; The [AHP] has been afforded an opportunity to comment, and a Memorandum of Agreement has been executed; and

The Commission staff reviews and the Director of OEP approves the cultural resource reports and plans, and notifies Jordan Cove and Pacific Connector in writing that treatment plans/mitigation measures (including archaeological data recovery) may be implemented and/or construction may proceed.”

1. Pre-Construction

7. Intentionally deleted.

8. To protect residences and structures, evidence of compliance with FERC’s Certificate Order, Condition #43 must be provided prior to issuance of zoning clearance.

9. Coos River Highway is part of the State Highway system, under the authority and control of the Oregon Transportation Commission. Evidence that the applicant has the appropriate state authorization to cross Coos River Highway shall be provided to the Planning Department prior to zoning clearance authorizing construction activity.

10. Temporary closure of any county facility shall be coordinated with the County Roadmaster. Evidence of Roadmaster approval and coordination of any detour(s) shall be provided to the County Planning Department.

11. Each county facility crossing will require a utility permit from the County Road Department. Construction plan showing pullouts and permits for work within the right-of-way for monitoring sites will also require Roadmaster approval.
12. An analysis of construction impacts shall be provided to the County Roadmaster, which will include a pavement analysis. The analysis must identify the current condition of County facilities and include a determination of the project's impact to the system and the steps that will be necessary to bring back to current or better condition. Prior to issuance of a zoning compliance letter for the project, the applicant shall file a bond, surety, irrevocable letter of credit, cash or other security deposit agreement in the amount of 120% of the estimated cost of necessary improvements to bring County road facilities impacted by pipeline construction back to current or better condition. After five (5) years, the security shall either be forfeited to the County if the applicant does not complete required improvements or be refunded to the applicant if applicant has completed required improvements or there are no improvements to complete.

13. Should any part of the project involve permanent structural streambank stabilization (i.e., riprap), the applicant must contact the Planning Department for a determination of the appropriate review, if any.

14. All necessary federal, state and local permits must be obtained prior to commencement of construction, including any required NPDES 1200-e permits. Prior to the commencement of construction activities, Pacific Connector shall provide the County with a copy of the “Notice to Proceed” issued by FERC. [See Letter from Mark Whitlow, dated June 24, 2010, at p. 52.]

15. Floodplain certification is required for “other development” as provided in CCZLDO 4.6.230 occurring in a FEMA flood hazard area. The applicant must coordinate with the County Planning Department.

16. Intentionally deleted.

17. The pipeline operator shall maintain an emergency response plan in compliance with 49 CFR 192.615.

2. Construction

18. Riparian vegetation removal shall be the minimum necessary for construction and maintenance of the pipeline, and shall comply with all FERC requirements for wetland and waterbody protection and mitigation both during and after construction. The applicant shall restore riparian vegetation 25 feet from the streambanks on either side of waterbodies on private lands where riparian vegetation existed prior to construction, consistent with the applicant's ECRP.

19. Prior to construction, the applicant shall be required to undertake the sampling and analysis set forth in the Sediment Analysis Protocol (SAP) in order to ensure that there will be no adverse water quality impacts from digging the trench for the pipeline across Haynes Inlet.

3. Post-Construction

Final Decision of Coos County Board of Commissioners
20. Evidence shall be provided to demonstrate that all temporary construction and staging areas have been abandoned and that those areas that were forested prior to construction have been replanted, consistent with the requirements of this approval, the FERC Order, and the applicant's ECRP.

21. Evidence shall be provided to demonstrate that all temporary construction and staging areas have been abandoned and that those areas have been replanted, re-vegetated and restored to their pre-construction agricultural use, consistent with the requirements of this approval, the FERC Order, and the applicant's ECRP.

22. In order to minimize cost to forestry operations, the applicant agrees to accept requests from persons conducting commercial logging operations seeking permission to cross the pipeline at locations not pre-determined to be “hard crossing” locations. Permission shall be granted for a reasonable number of requests unless the proposed crossing locations cannot be accommodated due to technical or engineering feasibility-related reasons. Where feasible, the pipeline operator will design for off-highway loading at crossings, in order to permit the haulage of heavy equipment. If technically feasible, persons conducting commercial logging operations shall, upon written request, be allowed to access small isolated stands of timber by swinging logs over the pipeline with a shovel parked stationary over the pipeline, subject to the requirement that, if determined by the applicant to be necessary, the use of a mat or pad is used to protect the pipe. The pipeline operator will determine the need for additional fill or a structure at each proposed hard, and shall either install the crossing at its expense or reimburse the timber operator / landowner for the actual reasonable cost of installing the crossing. [See Report entitled Forest Practices and Economic Issues related to Proposed Pacific Connector Gas Pipeline, by Dallas C. Hemphill, ACF, CF, PE., dated June 17, 2010, at p. 1.]

23. The pipeline operator will conduct routine vegetation maintenance clearing on the 30-foot strip every 3-5 years. [See Report entitled Forest Practices and Economic Issues related to Proposed Pacific Connector Gas Pipeline, by Dallas C. Hemphill, ACF, CF, PE., dated June 17, 2010, at p. 5.]

24. In order to discourage ATV / OHV use of the pipeline corridor, the applicant shall work with landowners on a case-by-case basis to reduce ATV / OHV impacts via the use of dirt and rock berms, log barriers, fences, signs, and locked gates, and similar means. Such barriers placed in key locations (i.e. in locations where access to the pipeline would otherwise be convenient for the public) would be an effective means to deter ATV / OHV use.

B. **Applicant’s Proposed Conditions Of Approval**

1. **Environmental**

   1. Intentionally deleted.

   2. Intentionally deleted.
3. Intentionally deleted.

4. The applicant shall submit a final version of the Noxious Weed Plan to the county prior to construction in order to address concerns raised regarding invasive species in farm and forest lands.

5. The applicant shall employ weed control and monitoring methods consistent with the Weed Control and Monitoring sections of the ECRP. The applicant shall not use aerial herbicide applications.

6. Fill and removal activities in Coos Bay shall be conducted between October 1 and February 15, unless otherwise modified or agreed to by the Oregon Department of Fish and Wildlife.

7. The authorized work in Haynes Inlet shall be conducted in compliance with the required U.S. Army Corps of Engineers Section 404 Permit and OR DEQ's 401 Water Quality Certification and 402 NPDES permits, which will mandate turbidity standards, monitoring requirements, and reporting procedures.

8. Petroleum products, chemicals, fresh cement, sandblasted material and chipped paint or other deleterious waste materials shall not be allowed to enter waters of the state. No wood treated with leachable preservatives shall be placed in the waterway. Machinery refueling is to occur off-site or in a confined designated area to prevent spillage into waters of the state. Project-related spills into water of the state or onto land with a potential to enter waters of the state shall be reported to the Oregon Emergency Response System at 800-452-0311.

9. For dredging activity conducted by clamshell bucket, activity shall be positioned from a floating crane or top-of-bank position. In the closed position, the bucket shall be sealed so as to minimize sediment re-suspension.

10. If any archaeological resources and/or artifacts are uncovered during excavation, all construction activity shall immediately cease. The State Historic Preservation Office shall be contacted (phone: 503-986-0674).

11. When listed species are present, the permit holder must comply with the federal Endangered Species Act. If previously unknown listed species are encountered during the project, the permit holder shall contact the appropriate agency as soon as possible.

12. The permittee shall immediately report any fish that are observed to be entrained by operations in Coos Bay to the OR Department of Fish and Wildlife (ODFW) at (541) 888-5515.

13. Pacific Connector will comply with all federal and state requirements during the fire season that mandate the amount of water required on the right-of-way for adequate fire suppression during timber removal and construction activities.
2. **Safety**


15. The pipeline operator shall conduct public education in compliance with 49 CFR 192.616 to enable customers, the public, appropriate government organizations, and persons engaged in excavation related activities to recognize a gas pipeline emergency for the purpose of reporting it to the gas pipeline operator. Such public education shall include a "call before you dig" component.

16. The pipeline operator shall comply with any and all other applicable regulations pertaining to natural gas pipeline safety, regardless of whether such regulations are specifically listed in these conditions.

17. The pipeline operator shall provide annual training opportunities to emergency response personnel, including fire personnel, associated with local fire departments and districts that may be involved in an emergency response to an incident on the Pacific Connector pipeline. The pipeline operator shall ensure that any public roads, bridges, private roads and driveways constructed in conjunction with the project provide adequate access for fire fighting equipment to access the pipeline and its ancillary facilities.

18. The pipeline operator shall respond to inquiries from the public regarding the location of the pipeline (i.e., so called "locate requests").

19. At least six (6) months' prior to delivery of any gas to the Jordan Cove Energy Project LNG import terminal, the applicant shall: (1) submit a project-specific Public Safety Response Manual to the County, and (2) in order to comply with federal safety regulations, coordinate with local emergency response groups. As detailed in Section 4.12.10 of the FEIS, Pacific Connector will meet with local responders, including fire departments, to review plans and communicate specifics about the pipeline. If requested, Pacific Connector will also participate in any emergency simulation exercises and provide feedback to the emergency responders.

3. **Landowner**

20. (a) This approval shall not become effective as to any affected property until the Applicant has acquired ownership of an easement or other interest in the property necessary for construction of the pipeline, and obtains either: (i) the signature of all owners of the property consenting to the application, or (ii) an order of a court in condemnation of the property interest required for the pipeline that operates to obviate the need for consent of owners of property other than the applicant. In the alternative, should this condition 20(a) be deemed insufficient on appeal to satisfy applicable code requirements, the applicant shall instead be subject to the alternative condition 20(b) immediately below.
20. (b) In the alternative to the above condition 20(a), in the event that condition 20(a) is deemed invalid on appeal, this approval shall not become effective as to any affected property until the applicant has acquired an ownership interest in the property and the signatures of all owners of the property consenting to the land use application for development of the pipeline, unless the signature requirement of CCZLDO 5.0.150 is preempted or otherwise invalid under another provision of law including without limitation federal statutes, regulations, or the United States Constitution.

21. The permanent pipeline right-of-way shall be no wider than 50 feet.

22. Intentionally deleted.

23. The applicant shall be responsible for restoring, as nearly as possible, to its former condition any agricultural land and associated improvements that are damaged or otherwise disturbed by the siting, maintenance, repair or reconstruction of the utility facility.

4. Historical, Cultural and Archaeological

24. At least 90 days prior to issuance of a zoning compliance letter under CCZLDO Section 3.1.200, the County Planning Department shall make initial contact with the affected Tribe(s) regarding the determination of whether any archaeological sites exist within the area proposed for development, consistent with the provisions of CCZLDO Section 3.2.700. Once the Tribe(s) have commented or failed to timely comment under the provisions of CCZLDO Section 3.2.700, the County shall take one of the following actions: (1) if no adverse impacts to cultural, historical or archaeological resources have been identified, the County may approve and issue the requested zoning compliance letter and related development proposal; (2) if the Tribe(s) and the applicant reach agreement regarding the measures needed to protect the identified resources, the development can be approved with any additional measures the County believes are necessary to protect those resources; or (3) if the County finds that there will be adverse impacts to identified CBEMP Policy #18 resources on the site and the applicant and the Tribe(s) have not reached agreement regarding protection of such resources, then the County Board of Commissioners shall hold a quasi-judicial hearing to resolve the dispute. The hearing shall be a public hearing at which the governing body shall determine by preponderance of evidence whether the development project may be allowed to proceed, subject to any modifications deemed necessary by the governing body to protect the cultural, historical and archaeological values of the site. For purposes of this condition, the public hearing shall be subject to the provisions of Section 5.8.200 of the CCZLDO with the Board of Commissioners serving as the Hearings Body.

5. Miscellaneous

25. The conditional use permits approved by this decision shall not be used for the export of liquefied natural gas.

Approved this 8th day of September, 2010.

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Appendix A. Discussion of Federal Preemption Issues.

The proposed pipeline is authorized pursuant to Section 7 of the Natural Gas Act. ("The Natural Gas Act" or "NGA"), 15 U.S.C. §§ 717 et seq. Section 7 of the NGA authorizes the FERC to issue "certificate[s] of public convenience and necessity" for the construction and operation of natural gas facilities for the transportation of gas in "interstate commerce." The standard for evaluating an application for a certificate of public convenience and necessity is stringent: the FERC must find that the proposed project is "necessary or desirable in the public interest." To find that an action is necessary or desirable, the FERC must determine that the applicant is willing and able to satisfy a panoply of requirements enumerated in section 7, and that the action "is or will be required by the present or future public convenience and necessity." This higher standard is consistent with the extraordinary power of eminent domain that accompanies a certificate of public convenience and necessity.

The Supreme Court has held that the Natural Gas Act "confers upon FERC exclusive jurisdiction over the transportation and sale of natural gas in interstate commerce for resale." *Schneiderwind v. ANR Pipeline Co.*, 485 U.S. 293, 108 S.Ct. 1145, 1151, 99 L.Ed.2d 316 (1988). This creates an issue of whether state or local laws that conflict with FERC approvals are preempted by federal law.

Zoning laws are an exercise of the state’s police power. Generally speaking, a state’s exercise of its police power is subject to the rule that such power cannot place "a substantial burden on interstate commerce. *Southern Pacific Co. v. State of Arizona*, 325 U.S. 761, 65 S.Ct. 1515, 89 L.Ed. 1915 (1945)." Courts have generally found attempts by state and local governments to stop federally authorized gas pipelines on zoning grounds to constitute a substantial and impermissible burden on interstate commerce *New York State Natural Gas Corp. v. Town of Elma*, 182 F.Supp. 1, 6 (W.D.N.Y.1960) (Operation of town zoning ordinance and building code so as to prevent natural gas company operating, in interstate commerce, a federally authorized pipeline, from construction of measuring and regulating station in connection with line at location which was reasonably necessary to accomplish purposes required was unconstitutional as an undue burden on interstate commerce); *Transcontinental Gas Pipe Line Corp. v. Milltown*, 93 F. Supp. 287, 295 (E.D. N.J. 1950). (Zoning authority was unreasonable, arbitrary and without foundation when it prevented interstate pipeline from going through the town.). *Kern River Gas Transmission Co. v. Clark County*, 757 F.Supp. 1110 (D.Nev.,1990); *FERC v. Public Service Commission*, 513 F.Supp. 653 (D.N.D.1981) (state regulation of pipeline route preempted). Some courts have even held that, in light of the federal grant of certificates of convenience and necessity and of the Congressional authorization for use of the eminent domain power to the party pipeline companies, state regulation could not thwart construction of necessary gas pipeline facilities. See *Transcontinental Gas PipeLine Corp. v. Hackensack Meadowlands Development Comm.*, 464 F.2d 1358 (3rd Cir.1972), cert. denied 409 U.S. 1118, 93 S.Ct. 909, 34 L.Ed.2d 701 (1973); *National Fuel Gas Supply Corp. v. Public Service Comm'n of State of N.Y.*, 109 P.U.R.4th 383, 894 F.2d 571 (C.A.2 N.Y.,1990).

Unlike the pipeline facility, which is authorized under Section 7 of the NGA, the proposed Jordan Cove LNG terminal itself is authorized pursuant to Section 3 of the Act. See e.g., *AES Sparrows Point LNG, LLC v. Smith*, 470 F.Supp.2d 586 (D.Md.,2007); *AES Sparrow*
Point LNG, LLC v. Smith, 527 F.3d 120 (DC Md. 2008); (LNG Terminals); Subject to the exceptions discussed below, FERC has exclusive authority under Section 3 of the Natural Gas Act to authorize the siting of LNG terminals. The authorization is conditioned on the applicant's satisfaction of other statutory requirements for various aspects of the project. For example, FERC requires a party seeking to construct an LNG terminal to first obtain authorization from FERC. 15 U.S.C. § 717b(a). In order to do so, applicants must comply with the NGA's requirements as well as complete FERC's extensive pre-filing process. See 18 C.F.R. § 157.21. FERC must then consult with the appropriate state agency on numerous state and local issues. See 15 U.S.C. § 717b-1(b). See also generally Jacob Dweck, David Wochner, & Michael Brooks, *Liquefied Natural Gas (LNG) Litigation after the Energy Policy Act of 2005: State Powers in LNG Terminal Siting*, 27 ENERGY L.J. 473 (2006) (describing the history of conflict between federal and state authorities over the siting of LNG terminals).

However, as mentioned above, FERC’s authority over LNG terminals is not absolute. The NGA contains a “savings clause” that provides that “nothing in the [NGA] affects the rights of States under” the Coastal Zone Management Act (“CZMA”) and [the Clean Water Act and the Clean Air Act]. 15 U.S.C. § 717b(d). Although the exception created by the Savings Clause seems to only apply to Certificates issued pursuant to Section 7 of the Act, it does reflect provisions of the CZMA that apply to Certificates issued under Section 7 of the NGA as well.

Thus, the federal preemption issue in this case is complicated by the fact that much of the County is subject to the CZMA and the Oregon Coastal Management Program (OCMP). The CZMA act states: “Each Federal agency conducting or supporting activities directly affecting the coastal zone shall conduct or support those activities in a manner which is, to the maximum extent practicable, consistent with approved state management programs.” 16 U.S.C. § 1456(c)(1). See also 15 CFR § 930.34 et seq. *Weaver’s Cove Energy, LLC v. Rhode Island Coastal Resources Management Council*, 589 F.3d 458 (D.C. R.I. 2009).

The U.S. Congress passed the federal CZMA in 1972 to address competing uses and resource impacts occurring in the nation’s coastal areas. The Act included several incentives to encourage coastal states to develop coastal management programs. One incentive was a legal authority called “federal consistency” that was granted to coastal states with federally approved coastal management programs. As relevant here, the federal consistency provisions of the CZMA require that any federal action occurring in or outside of Oregon’s coastal zone which affects coastal land or water uses or natural resources must be consistent with the Oregon Coastal Management Program. 16 U.S.C. § 1456(c)(3)(A). The federal consistency requirement is a

58 “[FERC] shall have the exclusive authority to approve or deny an application for the siting, construction, expansion, or operation of an LNG terminal.” 15 U.S.C. § 717b(e)(1). The pipeline, however, is apparently not part of a terminal.

59 Under Section 401 of the Clean Water Act, a certification of compliance with the state’s water quality standards is required from DEQ for any activity that may result in a discharge into navigable waters. If the 401 certification is denied, the LNG facility cannot be constructed. Similar permits are required from the U.S. Army Corps of Engineers and DEQ for discharge of dredged and fill material. Section 502 of the Clean Air Act, a permit is required for any person to operate a source of air pollution, as detailed in the Act.

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rather unique concept in that state programs for coastal management cannot generally be preempted by federal law.

Nonetheless, the exact degree of regulatory power the CZMA exclusion gives the state is somewhat unclear. As mentioned above, under Section 307(c) of the Coastal Zone Management Act, an applicant must certify that the proposed activity in a designated coastal zone complies with the enforceable policies of the affected state’s coastal zone management program. This applies to all Federal permits and authorizations, including FERC and the U.S. Army Corps of Engineers. If the state does not concur with the certification, FERC approval to construct may not generally be granted. Having said that, the State’s CZMA role is very limited. The Commission’s only responsibility under the CZMA is to withhold construction authorization for a project until the state finds that the project is consistent with the state’s NOAA-approved coastal zone management plan. In addition, there is also an appeals process established with the CZMA. On appeal, the Secretary of Commerce may determine that there are overriding national security interests that justify approval of the project over the state’s objection.61

It is unlikely that the applicant in this case would ever have to resort to an appeal to the Secretary, however, since the OCMP does not appear to prohibit the proposed use in any event. Oregon’s Coastal Management Program recognizes that water-dependant activities (such as LNG terminals) require priority consideration, and has set up management zones in areas that are suitable for such water-dependant uses. The proposed Jordan Cove LNG terminal is located in an area which the Comprehensive Plan deems suitable for such use. A pipeline itself is generally not a water-dependant use. However, in this case there is no feasible alternative that avoids a significant water crossing in the Coastal Zone.

Another key factor to consider is that Oregon’s Coastal Management Program does not have an “alternatives analysis” requirement for evaluating the route of an interstate natural gas pipeline, unless an exception to a Goal is required. The OCMP is implemented via the Statewide Planning Goals (specifically Goals 16-19), which, in turn, have been adopted into the County’s Comprehensive Plan. In this regard, the OCMP states:

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60 DLCD is the state of Oregon’s designated coastal management agency and is responsible for reviewing projects for consistency with the OCMP and issuing coastal management decisions. DLCD’s reviews involve consultation with local governments, state agencies, federal agencies, and other interested parties in determining project consistency with the OCMP. DLCD’s federal consistency decisions are called “coastal concurrences” [approvals] and “coastal objections” [denials]. Objections can be based on an inconsistency with coastal program policies or a lack of sufficient information to determine consistency. In the event of a formal DLCD objection, federal permits, licenses and financial assistance grants cannot be issued, and direct federal activities cannot proceed unless compliance with the OCMP is specifically prohibited by other federal law.

61 Under Section 307(c)(3)(A), the CZMA provides that the Secretary must override a state’s objection to a proposed project that requires a federal license or permit if the project is “necessary in the interest of national security.” 16 U.S.C. § 1456(c)(3)(A). A project is not “necessary in the interest of national security” unless a “national security interest would be significantly impaired were the activity not permitted to go forward as proposed.” 15 C.F.R. § 930.122.

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Coastal comprehensive plans have been especially considerate of the national needs for new facilities for energy development, fisheries, development, recreation, ports, and transportation. Major deep and shallow draft ports have identified shoreland areas for new port facilities to support energy resource transshipment, development of new fish processing facilities and areas for expanded marinas.

Even in the event that a pipeline would violate a comprehensive plan standard, the applicant could pursue an exception to a Statewide Planning Goal. As mentioned above, that process would trigger an alternatives analysis.

In addition to other considerations, Congress has also expressly pre-empted a state or local government's ability to regulate issues related to the safety of pipelines. The Natural Gas Pipeline Safety Act of 1968 originally directed the Secretary of Transportation to establish minimum federal safety standards for the design, installation, inspection, testing, construction, extension, operation, replacement, and maintenance of pipeline facilities used for the transportation of gas. The Act's text, its legislative history, administration implementation,

62 For example, 49 U.S.C. Chapter 601 sets out federal safety standards for gas pipelines. 49 U.S.C. § 60104(c) states: "Preemption: A State authority that has submitted a current certification under section 60105(a) of this title may adopt additional or more stringent safety standards for intrastate pipeline facilities and intrastate pipeline transportation only if those standards are compatible with the minimum standards prescribed under this chapter. A State authority may not adopt or continue in force safety standards for intrastate pipeline facilities or interstate pipeline transportation. Notwithstanding the preceding sentence, a State authority may enforce a requirement of a one-call notification program of the State if the program meets the requirements for one-call notification programs under this chapter or chapter 61.

Prior to 1994, there were two Acts controlling the area of interstate pipeline safety - the Natural Gas Pipeline Safety Act of 1968 (NGPSA) and the Hazardous Liquid Pipeline Safety Act of 1979 (HLPSA). The NGPSA and the HLPSA were combined and recodified without substantial change at 49 U.S.C. §§ 60101 to 60125 in 1994. See P.L. 103-272, 108 Stat. 1371 (July 5, 1994). The two similar provisions from each Act pertaining to preemption were consolidated into what is now 49 U.S.C. § 60104(c). Compare 49 U.S.C. § 60104(c) with 49 U.S.C. § 1672(a)(1) (NGPSA) and 49 U.S.C. § 2002(d) (HLPSA). Title 49 U.S.C. 1672(b) (1972) originally provided for the establishment of minimum federal safety standards for the transportation of gas. The section concluded:

'Any State agency ... may not adopt or continue in force after the minimum Federal safety standards referred to in this subsection become effective any such standard applicable to interstate transmission facilities.'

63 The relationship of Federal-State regulatory authority created by this bill differs as between local pipelines and interstate transmission lines. In the latter area, the lines of a single transmission company may traverse a number of States and uniformity of regulation is a desirable objective. For this reason, section 3 provides for a Federal preemption in the case of interstate transmission lines.' H.R.Rep.No.1390, 90th Cong., 2d Sess. (1968); 3 U.S.Code Cong. & Admin.News, 90th Cong., 2d Sess. pp. 3223, 3241 (1968).

64 In 1973, the Secretary of Transportation reported to Congress that the Department of Transportation through its Office of Pipeline Safety exercised exclusive authority for safety regulation of interstate gas transmission lines. See Federal-State Relations in Gas Pipeline Safety 3, 7, 10 (1973).
and judicial interpretation.\textsuperscript{65} attest to federal preemption of the field of safety with respect to the establishment and enforcement of standards regulating the interstate transmission of gas by pipeline. \textit{ANR Pipeline Co. v. Iowa State Commerce Commission}, 828 F.2d 465, 470 (8th Cir.1987) (Iowa may not impose its own safety standards on facilities). The constitutional basis of preemption is the commerce clause,\textsuperscript{66} and the supremacy clause.\textsuperscript{67}

In addition, FERC has ruled that state agencies could not use state law to “prohibit or unreasonably delay the construction or operation of [LNG] facilities approved by this Commission.” \textit{Weaver's Cove Energy, LLC}, 112 F.E.R.C. ¶61070, at ¶ 51,546, \textit{on rehearing}, 114 F.E.R.C. ¶61058, at 61185-6.

\textsuperscript{65} The 'Natural Gas Pipeline Safety Act of 1968', \ldots has entered the field of 'design, installation, inspection, testing, construction, extension, operation, replacement and maintenance of pipeline facilities.' \ldots As applied to interstate transmission pipelines, the Safety Act must prevail over and pre-empt any state (law), '\textit{United Gas Pipeline Co. v. Terrebonne Parish Police Jury}, 319 F.Supp. 1138, 1139 (E.D.La. (1970), aff'd 445 F.2d 301 (5th Cir. 1971). See also generally \textit{Northern Border Pipeline Co. v. Jackson County}, 512 F.Supp. 1261 (D.Minn.1981) (Natural Gas Pipeline Safety Act of 1968 barred a condition on a construction permit requiring that the gas line be buried a minimum of six feet); \textit{Williams Pipe Line Co. v. City of Mounds View}, 651 F Supp 551 (1987).

\textsuperscript{66} U.S.Const., art. I, 8.

\textsuperscript{67} U.S.Const., art VI.
BEFORE THE BOARD OF COMMISSIONERS
OF THE COUNTY OF COOS, OREGON

In the Matter of LUBA Remand of Pacific
Connector Gas Pipeline, L.P. REM-10-01
HBCU-10-01

) FINAL DECISION AND ORDER
) NO. 12-03-018PL
)

Whereas on September 8, 2010, the Coos County Board of Commissioners adopted Final
Decision and Order No. 10-08-045PL, approving Pacific Connector’s application in county file
#HBCU-10-01 to develop 49.72 miles of interstate natural gas pipeline and associated facilities
connecting the Jordan Cove LNG terminal to the pipeline segment in adjacent Douglas County.

Whereas the opponents appealed the County’s decision to the Land Use Board of
Appeals (“LUBA”). On March 29, 2010, LUBA remanded the decision for further consideration
of two issues: (1) a procedural issue related to property owner consents under LDO 5.0.150; and
(2) potential impacts to Olympia oysters in Haynes Inlet under the two applicable CBEMP
Management Objectives.

Whereas Pacific Connector submitted a written request for a remand hearing on May 12,
2011. On June 7, 2011, the Board concluded that no additional evidence was required to address
the issue regarding property owner consents. However, the Board determined that the Olympia
oyster issue could not be fully resolved without an evidentiary hearing, and appointed a hearings
officer to hold a de novo evidentiary hearing on remand, with the scope of the hearing limited to
the second issue identified by LUBA regarding potential impacts on Olympia oysters.

Whereas Hearings Officer Andrew Stamp conducted a public hearing on September 21,
2011, and held the record open for additional evidence and argument until December 15, 2011.
The hearings officer issued his decision on January 30, 2010, recommending that the Board
approve the application on remand with conditions, and rejecting the opponents’ arguments that
the applicable CBEMP Management Objectives were not satisfied.

Whereas the County Planning Director provided the Board with a staff report dated
February 15, 2012, which provides two substantive recommendations: (1) revised language for
Condition of Approval #20 regarding property owner consents under LDO 5.0.150, as required
by LUBA’s opinion under Assignment of Error Two; and (2) proposed findings addressing a
procedural issue identified by the hearings officer in his decision regarding authorization of
witnesses to testify under LDO 5.7.300(4).

Whereas on March 13, 2012, the Board met to review the hearings officer’s
recommendation “on the record,” without accepting additional evidence or argument from the
parties, and to deliberate regarding: (1) whether to accept, reject, or modify the hearings
officer’s recommendation, and (2) whether to accept, reject, or modify the revised findings and
conditions provided by staff.
WHEREAS, at the conclusion of the March 13, 2012 meeting the Board reached a
decision to adopt the hearings officer’s recommendation, with the modifications provided in the
February 15, 2012 staff report regarding compliance with LDO 5.7.300(4). The Board finds that
the applicant has addressed the remand issues and that all applicable approval criteria are met
with the suggested new conditions of approval. The Board finds that staff’s suggested revisions
to Condition 20 address Assignment of Error Two. The Board hereby adopts the hearings
officer’s recommendation, as modified and attached as Attachment “A,” as its own approval
findings, along with the attached conditions of approval. All other findings and conditions of
approval in Order No. 10-08-045PL adopted September 8, 2010, remain in full force and effect,
except as modified herein.

ADOPTED this 13th day of March, 2012.

BOARD OF COMMISSIONERS

Fred R. Messer
Commissioner

Cam Parry
Commissioner

Robert Logan
Commissioner

ATTEST:

Jill Ralph
Recording Secretary

APPROVED AS TO FORM:

Office of County Counsel

Final Decision & Order 12-03-018PL
FINDINGS OF FACT, CONCLUSIONS OF LAW, AND FINAL DECISION
OF THE COOS COUNTY BOARD OF COMMISSIONERS
ON REMAND FROM LUBA

PACIFIC CONNECTOR GAS PIPELINE PROPOSAL
COOS COUNTY, OREGON

FILE NO. REM-10-01
PCGP REMAND – CONDITIONS OF APPROVAL

Property Owner Signatures amended Condition 20

No. 20. This approval shall not become effective as to any affected property in Coos County until the Applicant has acquired ownership of an easement or other interest in all properties necessary for construction of the pipeline, and/or obtains the signatures of all owners of the affected property consenting to the application for development of the pipeline in Coos County. Prior to this decision becoming effective, the County shall provide notice and opportunity for a hearing regarding compliance with this condition of approval and the property owner signature requirement. County staff shall make an Administrative Decision addressing compliance with this condition of approval and LDO 5.0.150, as applied in this decision, for all properties where the pipeline will be located. The County shall provide notice of the Administrative Decision as provided in LDO 5.0.900(B) and shall also provide such notice to all persons requesting notice. For purposes of this condition, the public hearing shall be subject to the procedures of LDO 5.8.200 with the Board of Commissioners serving as the Hearings Body.

CONDITIONS ON REMAND

Oyster Mitigation Plan

No 1. The applicant shall comply with the terms and conditions of the applicant’s proposed Olympia oyster mitigation plan prepared by Bob Ellis of Ellis Ecological Services, Inc. dated October 7, 2011 (the “Mitigation Plan”), as supplemented and modified by the following mitigation measures:

a) The applicant’s compliance with the Mitigation Plan will be administered through permits pursuant to the Clean Water Act Section 404 by the Army Corps of Engineers (Corps), pursuant to Section 401 of the Clean Water Act by the Oregon Department of Environmental Quality (DEQ), and pursuant to Oregon’s Removal-Fill Law (ORS 196.795-990) by the Oregon Department of State Lands (DSL). These permitting agencies will be provided with copies of the Mitigation Plan, as modified by this condition, and approval of the permits issued by the Corps, DEQ and DSL may, as appropriate, incorporate the terms of the Mitigation Plan.

b) As part of the state permitting process for the pipeline discussed in subsection (a) above, the applicant shall consult with ODFW and OIMB on the specific details regarding how best to accomplish the actual amount and placement of Pacific oyster shells addressed in Section 4.2.1 of the Mitigation Plan in order to ensure success of the
project, including ideal depth and breadth of coverage of new hard substrate, specific methods for dispersal (e.g., bagged vs. loose), and best locations for placement of substrate within the pipeline right of way.

c) Unless modified under the direction of ODFW during the consultation described above, the applicant will establish appropriate baseline conditions for the Olympia oyster mitigation effort in Haynes Inlet using the following guidelines for a before-after control impact study design in order to ensure that any impacts to Olympia oysters are insignificant or de minimis:

i. The "Before" conditions shall be determined by field surveys of the distribution, abundance, status, and condition of existing Olympia oysters: (a) within the "Impact Area," i.e., the 250-foot pipeline right of way within the intertidal portion of Haynes Inlet; and (b) within an appropriate "Control Area" in another portion of Coos Bay that will not experience any influence from construction of the pipeline. The precise location of the Control Area will be selected in consultation with ODFW.

ii. The surveys of the Control and Impact Areas shall be conducted immediately prior to construction of the pipeline (Before), and repeated annually over a period of five years following construction of the pipeline (After) to encompass the lifespan of individual Olympia oysters.

d) Monitoring of the "Relocation Area" shall be undertaken as described in Section 4.3 of the Mitigation Plan.

No. 2. In-Water Work Periods

(a) If the applicant’s mitigation plan is approved by other regulatory agencies, the dispersal of Pacific oyster shells within the pipeline right of way will be effectuated either in late July or early August following the construction season.

(b) Based on the potential for the larval settlement peak in October, the applicant should not be allowed to conduct dredging operations between Milepost 2.6 to MP 3.2 during the month of October, unless otherwise modified or agreed to by the Oregon Department of Fish and Wildlife.

No. 3. Turbidity

The applicant must comply with all DEQ regulations and requirements regarding turbidity. The applicant shall employ turbidity curtains and/or other appropriate control measures to assure that turbidity does not exceed the levels specified in the applicant’s DEQ water quality permit.
Exhibit A-7
DOUGLAS COUNTY PLANNING COMMISSION
FINDINGS OF FACT AND DECISION

PACIFIC CONNECTOR GAS PIPELINE, request for a Conditional Use Permit & Utility Facility Necessary for Public Service to allow a new gas pipeline to be constructed in Douglas County's Coastal Zone Management Area (CZMA), the pipeline will enter Douglas County from Coos County and extend east for 7.31 miles, before exiting the CZMA. The properties involved are designated (TL) Timberlands, (FFT) Farm Forest Transitional and (AGG) Agriculture by the Douglas County Comprehensive Plan and are zoned (TR) Timberland Resource, (FF) Farm Forest and (FG) Exclusive Farm Use - Grazing, respectively. The properties are described as Tax Lot 100 in Section 00, Tax Lots 1700 & 2300 in Section 7, Tax Lot 500 in Section 8, Tax Lots 1000 & 1100 in Section 10, Tax Lots 100, 101, 303, 304, 307 & 900 in Section 16, Tax Lots 100, 200, 300 & 400 in Section 17 and Tax Lot 300 in Section 18 of T29S, R8W, W.M., and Tax Lots 400, 500, 600 & 700 in Section 00, Tax Lots 100 & 200 in Section 13 and Tax Lots 101 & 200 in Section 14 of T29S, R9W, W.M. Planning Department File No. 09-045.

The Planning Commission takes official notice of the following:


The records of the Planning Department of Douglas County concerning publication and mailing of notice.

I. INTRODUCTION

A. Procedural History

On June 5, 2009, Pacific Connector Gas Pipeline, LP (the "Applicant"), submitted a consolidated application for a Conditional Use Permit and Utility Facility Necessary for Public Service land use approvals to develop a 7.31-mile segment of the Pacific Connector Gas Pipeline ("PCGP") to the Douglas County Planning Department (the "Department"). The Department reviewed the application and found it to be complete on June 30, 2009. On July 6, 2009, the Applicant submitted an "Addendum to the Narrative in Support of the Application for the Pacific Connector Gas Pipeline." Pursuant to Douglas County Land Use Development Ordinance ("LUDO") § 2.065, on July 9th the Department mailed notice of the application and the first public hearing ("Notice of Public Hearing") to the following: the Applicant, all owners whose property would be crossed by the pipeline (the "Affected Properties"), all owners of property within 500 feet of the Affected Properties, service providers, governmental agencies, and the Douglas Planning Advisory Committee ("PAC"). The Department also published notice in a

1 The joint application was submitted in a binder entitled Douglas County Applications, Pacific Connector Gas Pipeline Project, dated June 2009. Hereinafter the application binder is referred to as the "Application Binder."
7. **Roads/open cut**

One project opponent claimed that the Douglas County Public Works Department does not permit open cutting of highways under its maintenance jurisdiction.\(^{323}\) The Applicant submitted a letter, dated November 17, 2008, from the Public Works Department to the Applicant that states that Douglas County does not permit open cutting of highways under its maintenance jurisdiction “unless boring attempts have failed or if we deem it to be unfeasible to bore.”\(^{324}\) The letter goes on to say that prior to commencement of the project the Applicant must submit an Application for Permit for each proposed crossing. Consistent with this letter, Condition of Approval 1 requires the Applicant to “provide the Planning Director with a copy of an approved Public Works utility permit for each County road crossing located within the 7.31 mile section of the pipeline in the CZMA.”

**III. CONDITIONS OF APPROVAL**

The final motion approved by the Commission at the July 30\(^{th}\) hearing approved the Applicant’s requested land use approval subject to amended conditions included in the Supplemental Staff Report and an additional condition prohibiting the use of the pipeline for the export of natural gas. Therefore the Commission adopts Conditions of Approval 1 through 11 included on pages 5 and 6 of the Supplemental Staff Report dated October 8, 2009 as the following post-construction Condition of Approval:

12. This Conditional Use Permit/Utility Facility authorization is limited to the import of natural gas only.

**IV. DECISION**

Based upon the Findings of Fact, the Commission finds that the proposed natural gas pipeline is consistent with all of the applicable approval criteria. Therefore, the Commission hereby approves the application for a Conditional Use Permit and a Utility Facility Necessary for Public Service to allow a new natural gas pipeline and associated accessory uses to be constructed, operated, and maintained through a 7.31 mile section of Douglas County within the CZMA, subject to the following conditions of approval:

**Pre-Construction Conditions:**

1. The applicant shall provide the Planning Department with a copy of an approved Public Works utility permit for each County road crossing located within the 7.31 mile section of pipeline in the CZMA.

2. The applicant shall provide the County with proof that FERC has issued a “Certificate of Public Convenience and Necessity” and a “Notice to Proceed” that includes the 7.31 miles of pipeline within the CZMA.


\(^{324}\) Application Binder, Conditional Use Permit Section.
3. The owner of the utility facility shall submit an agreement which establishes the utility facility as the responsible party for restoring to its former condition those agricultural lands and associated improvements that are damaged or otherwise disturbed by the siting (to include any temporary additional right-of-way easements and staging areas), maintenance, repair or reconstruction of the facility. The agreement shall apply to all those lands which are the subject of this request for a Utility Facility Necessary for Public Service.

4. Between Mile Post 49 and 52 of the pipeline, it travels through an agricultural area and in proximity to farm dwellings. In order to minimize the impact to farm dwellings and activities, pipeline construction activities shall be limited to the hours of 7:00 a.m. through 8:00 p.m., in this area.

5. The applicant shall provide an independent consulting engineer's, or independent consulting forester's pre-construction certification to identify those forested areas within any temporary additional right-of-way easements and staging areas.

6. Pursuant to LUDO §3.35.200.10, the applicant shall execute an agreement for improvements and performance bond to assure compliance with any conditions of this approval requiring post-construction certification.

7. After the appeal period has expired and the pre-construction performance conditions have been met, the applicant shall obtain a Planning Clearance Worksheet for the placement of the block valve.

Post Construction Conditions:

8. The permanent pipeline right-of-way shall be no wider than 50 feet at any point along the 7.31 miles of pipeline within the CZMA.

9. The applicant shall provide an independent consulting engineer's, or independent consulting forester's post-construction certification that all temporary additional right-of-way easements and staging areas created for the construction of the pipeline have been abandoned and those forested areas that existed prior to construction have been replanted and restored to timber production.

10. The applicant shall provide an independent consulting engineer's, or independent consulting forester's, post-construction certification that the 10 foot corridors on either side of the 50 foot wide permanent right-of-way easement, that were forested prior to construction, have been replanted and restored to timber production, leaving only an unplanted 30 foot wide corridor centered on the pipeline.

11. The consultant's certification of the restoration actions required in Condition Nos. 3, 9 and 10 shall also certify the actions are consistent with the applicant's Erosion Control & Revegetation Plan required by FERC.

12. This Conditional Use Permit/Utility Facility authorization is limited to the import of natural gas only.
Dated this 10th day of December, 2009.

DOUGLAS COUNTY PLANNING COMMISSION

By [Signature]
Chairman
Exhibit A-8
STAFF REPORT FOR ADMINISTRATIVE DECISION

APPLICANT: SHN ENGINEERING
Steve Donovan
275 Market Avenue
Coos Bay, OR 97420

OWNER: Weyerhaeuser NR Company
P.O. Box 9777
Federal Way, WA 98063-9777

REQUEST: Boundary Interpretations pursuant to Coos County Zoning and Land Development Ordinance (LDO) provisions identified below under Applicable Criteria

DECISION: Approved in part

STAFF CONTACT: Patty Evernden and Jill Rolfe

MAP NUMBER(S) / LEGAL DESCRIPTION

ASSESSOR’S MAPS: T.25, R.13, S. 3/4 TL 200/100

PROPERTY LOCATION

The subject property is located north of the City of North Bend off of Jordan Cove Road and the Trans-Pacific Parkway.

SPECIAL DISTRICTS

Coos Bay School District
Oregon International Port of Coos Bay
Coos Bay-North Bend Water Board
North Bay RFPD

APPLICABLE CRITERIA

<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
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</thead>
<tbody>
<tr>
<td>4.1.400</td>
<td>Interpretation of Zoning District Boundaries</td>
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<tr>
<td>4.1.450</td>
<td>Interpretation of Coastal Shorelands Boundary</td>
</tr>
<tr>
<td>4.6.205.d</td>
<td>Designation of Flood Areas</td>
</tr>
</tbody>
</table>
### APPLICABLE INVENTORIES

| Coastal Shoreland Boundary Inventory | Floodplain, Significant Wetland Wildlife Habitats |
| Beaches & Dunes                     | Wet Interdune                                    |
| Beaches & Dunes: Development Potential | Area of the wetland in the northwest corner may be unsuitable for development |
| Existing land Use                   | Paperboard Mill Non-Dependent/Non-Related Industrial Use |
| Shoreland Values                    | Freshwater Wetland, Archaeological Sites          |

### I. BASIC FINDINGS

**A. Lawfully Created Parcel:** The subject property was lawfully created prior to 1986 pursuant to LDO Section 3.3.800.

**B. Zoning:** Industrial (IND) and 7-Development Shorelands (7-D), 8-Water Dependent (8-WD), 8 Conservation Aquatic (8-CA)

**C. Site Description:** The property owner previously operated a liner board facility on the property. Existing structural development is in the northeast corner of the property west of the Coos Bay Rail Link in Section 3. This development includes a tank, building and sub-station. There are 2 areas shown as landfill areas, one is directly south of Transpacific Parkway and the other is located generally in the center of tax lot 100 in Section 4.

The application narrative identifies a wetland area in the southeast corner of the property consistent with the National Wetland Inventory.

The submitted plot plan also shows the area of Jordan Cove County Road that was vacated in 1997.

**D. Surrounding Land Uses:** The North Spit has a mix of industrial, recreational and natural areas. Roseburg Forest Products Chip Terminal lies to the west, the rail line and railroad bridge is located east of the property, and the Siuslaw National Forest borders the property to the north. Directly south are tidelands under the Oregon International Port of Coos Bay’s ownership.

### II. FINDINGS TO THE APPLICABLE REVIEW CRITERIA

**SECTION 4.1.400. Interpretation of Zoning District Boundaries.** Due to the transposition of boundary lines from the Comprehensive Plan Maps (scale: 2” = 1 mile) to the Official Zoning Maps (scale 1”=800’), zoning district boundaries were drawn to the nearest 10 acres. Whenever an uncertainty exists as to the boundary of a zone as shown on the official zoning map, the following rules of interpretation shall apply:

1. Boundaries indicated as approximately following the centerlines of streets, highways, or alleys shall be construed to follow such centerlines;

2. Boundaries indicated as approximately following platted or surveyed lines shall be construed to follow such plat or survey lines;
3. Boundaries indicated as approximately following city limits shall be construed to follow such city limits;
4. Boundaries indicated as following railroad lines or public utility easements shall be construed to follow such line;
5. Boundaries indicated as following the centerlines of streams, rivers, canals, or other bodies of water shall be construed to follow those centerlines;
6. Boundaries indicated as approximately following the shorelines of water bodies shall be construed to follow the mean high water line (MHWL) or the line of non-aquatic vegetation, whichever is higher;
7. Boundaries indicated as approximately following ridge tops and other topographical features shall be construed to follow those features;
8. Boundaries indicated as approximately parallel to, or as extensions of features indicated in subsections 1 through 7, shall be so construed;
9. Where a public street or alley is officially vacated, the zone requirements applicable to the property in which the vacated area becomes a part shall apply;
10. Boundaries not intended to follow the above-listed features shall indicate where possible distances to reference points and other lines so they can be located on the ground;
11. Where physical features existing on the ground are at variance with those shown on the official zoning map, or in other circumstances not covered by subsections 1 through 10 above, the Planning Director shall interpret the zone boundaries, and if need be, may refer the matter to the Hearings Body for its interpretation pursuant to Section 1.1.700 of this Ordinance.

**FINDING:** The 7-D zone is described as follows:

"Western boundary - the Roseburg Forest Products access road and a line extending to the north where the road curves to the east. Eastern boundary – the Southern Pacific Railroad line. Northern boundary - the inland limits of the 100-year floodplain (including freshwater wetlands associated with it)."

The CBEMP coastal shoreland boundary inventory map (Exhibit 2) shows that the 7-D zone is entirely within the 100-year floodplain. However, the floodplain is not accurately shown on the county’s inventory maps. The applicant relied on the base flood elevation of 12 which is determined on the FEMA Flood Insurance Rate Map (FIRM) and verified the inland extent of the floodplain which is depicted on applicant’s exhibit 4.

The 7-D description also identifies that the freshwater wetland in the northwest portion of the property is included within the zoning district.

**SECTION 4.1.450. Interpretation of Coastal Shorelands Boundary.** When a development action is proposed in the immediate vicinity of the Coastal Shorelands Boundary (CSB) and when such proposed development action relies on a precise interpretation of the CSB, the Planning Director shall establish the precise location of the CSB using the seven criteria specified in the Coastal Shorelands goal. Establishment of the exact location may require an on-site inspection. If the location of the CSB as shown on the Plan maps
or Coastal Shorelands Inventory map is subsequently found to be inaccurate or misleading, the Planning Director shall make the appropriate minor adjustments to the maps and provide a copy of any map revision to the County Clerk’s office.

FINDING: This provision allows an interpretation and “minor” adjustments as long as the resulting CSB is based on the seven factors of Oregon Statewide Planning Goal 17. The applicant is seeking the interpretation to make the property available for potential development.

The proposal is to scale back the northern boundary of 7-D to comply with the zones description. The applicant has determined the inland limit of the 100-year floodplain and has provided a revised map based on the determination at Exhibit 4. The 7-D zone boundary is also the CSB.

The proposed CSB zone would include lands within 50-feet of the estuary as required by Goal 17. The applicant notes that the 50-foot setback is further inland than the 100-year flood line at the southern tip of the property. This area also includes a delineated wetland that is not in the County’s inventory.

Goal 17 requires consideration of riparian resources as well as significant shoreland and wetland biological habitats. There are also freshwater wetlands in the northwest portion of the property that are shown in the county’s inventory, however, the applicant does not propose inclusion of these wetlands in the CSB or the CBEMP 7-D zone.

The subject property has been designated for industrial, non-water-dependent and non-water-related uses. Therefore, there are no water-dependent, water-related uses that should be considered for inclusion in the CSB.

The property is not located within an inventoried area of “exceptional aesthetic or scenic quality” or coastal headland that should be considered for inclusion in the CSB.

SECTION 4.6.205. Designation of Flood Areas.

d. The base contour maps (Flood Insurance Rate Maps and Flood Boundary—Floodway maps) showing areas of special flood hazard are not detailed enough to reflect all site conditions. Where the map information clearly does not reflect actual site conditions, the Planning Director, Hearings Body or Board of Commissioners may interpret the exact location of the special Flood Hazard Boundary and Floodway Boundary. This determination is subject to appeal subject to Article 5.8.

FINDING: This provision allows the county to consider actual site conditions when applying the floodplain regulations of the Ordinance. The applicant has provided accurate detail that identifies the 100-year floodplain boundary (Exhibit 4). This interpretation confirms the boundary description of the 7-D zone.

III. ANALYSIS

The applicant seeks interpretations that would allow correction of the location of the CSB, the northern boundary of the 7-D zone and the location of the 100-year floodplain.
Staff believes that in part, the proposal is reasonable and consistent with the factors of Goal 17 and the location of the floodplain and concurs with the applicant’s proposal. However, “Specific Boundaries” of the 7-D zone not only include the inland limit of the 100-year floodplain, but include the freshwater wetland and the wet interdune area in the northwest portion of the property. The County’s inventory map does not accurately identify the 100-year floodplain, however, the freshwater wetland in the northwest part of the property is in the County’s inventory as well as the National Wetland Inventory and should remain within the 7-D zone. Based on information provided by the application, the boundary from the freshwater wetlands in the northwest portion of the subject property should extend east of the current boundary of the delineated wetland and remain in the CSB and the 7-D zone.

Evidence relied on for this approval includes aerial photographs, U. S. Fish and Wildlife Service National Wetland Inventory, FEMA Maps, Planning Department records, and the applicants’ submitted evidence.

Please note, all applications are subject to review of all applicable review criteria in the Coos County Comprehensive Plan (CCCP), the Coos County Zoning and Land Development Ordinance (LDO), and all land use regulations. Please be aware the burden of proof rests with the applicant.

### IV. NOTIFICATION

The Planning Department mailed individual written notice of the decision to the owners of record of all property located within 500 feet of the subject property. Notice of Decision with a copy of the staff report was forwarded to Applicant(s), Owner(s) and Dave Perry, DLCD. Notice of Decision was also provided to the following: Coos County Planning Commission, the special districts identified above, Coos County Roadmaster, Coos County Assessor, Water Resource Department, Oregon Department of State Lands, and DEQ. In addition, notice of the decision was posted at the Coos County Courthouse, Coquille Annex and North Bend Annex. All notices were mailed and posted on **March 22, 2012**.

### V. NOTICE OF APPEAL RIGHTS

This decision may be appealed to the Coos County Hearings Body pursuant to Article 5.8 of the Coos County Zoning and Land Development Ordinance within 15 days from the date of written notice. This means that appeals must be received in the Planning Department by **5 p.m. on April 6, 2012**, in order to be considered. This decision will not be final until the period for filing an appeal has expired. Detailed information about the appeal process, filing fees and additional information will be provided by the Planning Department upon request. The decision is based upon the submitted application, supporting evidence, facts, and findings to the criteria.

### VI. CONDITIONS OF APPROVAL

1. **The applicant will provide a revised map and in hardcopy as well as a shapefile and map data that meets the boundaries of the 7-D zone.** The amended 7-D will include the freshwater wetlands located in the northwest corner of the subject property the line will be revised to extend the existing boundary east to the include all of the delineated wetland.
Exhibit A-9
STAFF REPORT FOR ADMINISTRATIVE DECISION

APPLICANT: Jordon Cove Energy Project, L.P.
Robert Braddock
125 Central Avenue Suite 380
Coos Bay, OR 97420

OWNERS: Fort Chicago Holdings II U.S. LLC
Attn: Elliott L. Trepper
125 Central Avenue, Suite 380
Coos Bay, OR 97420

REQUEST: Administrative Boundary Interpretation for the Coos Bay Estuary Management Plan. The interpretation is for the western boundary of 6-Water Dependent Development Shorelands (6-WD); the eastern boundary of 5-Water Dependent Shorelands (5-WD); and the eastern boundary of 5A-Natural Shorelands (5A-NS). A Request for an Administrative Conditional Use for fill within the 6-WD zoning district.

DECISION: Approved with Conditions

STAFF CONTACT: Jill Rolfe, Interim Planning Director

MAP NUMBER(S) / LEGAL DESCRIPTION

Township 25 Range 13 Sections 04/05 TL 101/100, 200

PROPERTY LOCATION

The subject property is located north of the City of North Bend off of Jordan Cove Road and the Trans-Pacific Parkway.

SPECIAL DISTRICTS

Coos Bay School District
Oregon International Port of Coos Bay

Coos Bay-North Bend Water Board
North Bay RFPD
**APPLICABLE CRITERIA**

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## 1. BASIC FINDINGS

**A. Lawfully Created Parcel:** The subject property was lawfully created in accordance with LDO Section 3.3.800.

**B. Zoning of Area to be filled:** Coos Bay Estuary Management Plan segment 6-Water Dependent Development Shorelands (6-WD).

**6-Water Dependent Development Shorelands (6-WD)**

The 6-WD describes the western boundary line as extending north from the western edge of the filled dredged material disposal site that borders on Henderson Marsh. The eastern boundary line is described as the Roseburg Forest Products access road, and a line extending to the north where the road curves to the east.

**§4.5.275. Management Objective:** This district shall be managed so as to protect the shoreline for water-dependent uses in support of the water-related and non-dependent, non-related industrial use of the area further inland. To assure that the district shoreline is protected for water-dependent uses while still allowing non-water-dependent uses of the inland portion of the property (outside of the Coastal Shoreland Boundary), any new proposed use of the property must be found by the Board of County Commissioners (or their designee) to be located in such a manner that it does not inhibit or preclude water-dependent uses of the shoreline. Further, use of wetlands in the district must be consistent with state and federal wetland permit requirements.

**C. Site Description:** The area in which the fill is proposed does not contain any development. This site was approved for a water-dependant upland terminal.

**D. Special Consideration and Applicable Inventories:**

| Coastal Shoreland Boundary Inventory | Floodplain, Significant Wetland Wildlife Habitats |
| Beaches & Dunes | Wet Deflation Plain |
| Shoreland Values | Freshwater Wetland, Archaeological Sites |

**E. Surrounding Land Uses:** The North Spit has a mix of industrial, recreational and natural areas.

## II. BACKGROUND

On July 25, 2012, a notice of decision was sent out for an Administrative Boundary Interpretation for the Coos Bay Estuary Management Plan segment 6-Water Dependent Development Shorelands (6-WD) and Administrative Conditional Use request for fill within the 6-WD zoning district. This decision was appealed on August 9, 2012 by Courtney Johnson, Crag Law Center Representing, Oregon Shores Conservation Coalition and Oregon Coast Alliance.
After reviewing the appeal a meeting was setup with the applicant’s attorney and the appellants’ attorney to see if a resolution could be reached. For the reasons discussed below a settlement agreement was reached to withdraw the original application and to reissue this revised decision.

The application requested an interpretation of the western boundary of 6-WD which states “western boundary line as extending north from the western edge of the filled dredged material disposal site that borders on Henderson Marsh”. Therefore, staff used the Mylar map of the filled area¹ as well as the other supporting CBEMP maps in the vicinity of Henderson Marsh. This was further compared to the latest aerial imagery and the CBEMP zone map. This information was then compared to the applicant’s wetland delineation of Henderson Marsh to ensure that the marsh was located within the correct zone district ensuring protection. Therefore, staff made the decision that the western boundary of 6-WD followed the fill area. The appellant raised the argument that was not consistent with the description of 5-WD and 5A-NS.

The applicant’s consultant pointed out that the language describing the specific boundaries in 5-WD was incorrect. Staff went to the original adopted 1982 Coos Bay Estuary Management Plan (recording number 82-3-271) and compared it to the word processed version confirming the error in the boundary description of 5-WD. When the plan was retyped it appears that the language for 3-WD was inserted resulting in an error in the text which caused confusion on the on the 5-WD eastern boundary line. The correct description for the 5-WD eastern boundary states “line extending north from the western edge of the dredged material disposal site.” The dredge material disposal site in the case is DMD site 4x² also referred to as Henderson Marsh.

The LDO §1.2.350 gives the Planning Director authority to correct mistakes without a formal amendment or application process. The boundary description was in error but there were no other errors with 5-WD and the rest of the text mirrored the language in the 1982 ordinance; this was a word processing error.

The appellants’ attorney raised an issue with the continuation of the boundary between 6-WD and 5A-NS. Staff did not take this boundary into consideration at the time of the interpretation simply because it was not part of the application. Staff has conceded that it seems reasonable that the entire western boundary of 6-WD should be reviewed in order to maintain consistency with boundary description in the adjacent zoning districts. After taking into consideration the boundary between 6-WD and 5A-NS the applicant and staff agree that the boundary line should move more to the east. Staff produced a corrected map for everyone to review and both the applicant and the appellants’ attorney agree on the boundary.

The other issues discussed at the mediation were the facts that the applicant incorrectly identified the map section and tax lots on the application and consent. Staff also misidentified the property in the original staff report. The applicant and staff agreed that this needed to be corrected. Since the meeting the application has provided the corrected consent and application cover pages.

The last issue discussed was how to proceed with after a resolution was reached an Staff explained that the decision could not be reconsidered because of deadlines but would have to be formally withdrawn and reissued with proper notice. Therefore, staff has agreed to withdraw the July 25, 2012, decision and reissue an amended staff report and decision correcting the property description and the map. The applicant and the appellants have agreed the appeal will be formally withdrawn upon the date of the new decision.

III. FINDINGS TO THE APPLICABLE REVIEW CRITERIA

Request for Administrative Boundary Interpretation for the Coos Bay Estuary Management Plan segments 6-Water Dependent Development Shorelands (6-WD) western boundary; the eastern boundary of 5-Water Dependent Shorelands (5-WD); and the eastern boundary of 5A- Natural Shorelands (5A-NS)

LDO SECTION 4.1.400. Interpretation of Zoning District Boundaries. Due to the transposition of boundary lines from the Comprehensive Plan Maps (scale: 2” = 1 mile) to the Official Zoning Maps (scale

¹ See attached copy of Coos County fill map of that area
² See attached copy of the DMD map
1”=800’), zoning district boundaries were drawn to the nearest 10 acres. Whenever an uncertainty exists as to the boundary of a zone as shown on the official zoning map, the following rules of interpretation shall apply:

1. Boundaries indicated as approximately following the centerlines of streets, highways, or alleys shall be construed to follow such centerlines;
2. Boundaries indicated as approximately following platted or surveyed lines shall be construed to follow such plat or survey lines;
3. Boundaries indicated as approximately following city limits shall be construed to follow such city limits;
4. Boundaries indicated as following railroad lines or public utility easements shall be construed to follow such line;
5. Boundaries indicated as following the centerlines of streams, rivers, canals, or other bodies of water shall be construed to follow those centerlines;
6. Boundaries indicated as approximately following the shorelines of water bodies shall be construed to follow the mean high water line (MHWL) or the line of non-aquatic vegetation, whichever is higher;
7. Boundaries indicated as approximately following ridge tops and other topographical features shall be construed to follow those features;
8. Boundaries indicated as approximately parallel to, or as extensions of features indicated in subsections 1 through 7, shall be so construed;
9. Where a public street or alley is officially vacated, the zone requirements applicable to the property in which the vacated area becomes a part shall apply;
10. Boundaries not intended to follow the above-listed features shall indicate where possible distances to reference points and other lines so they can be located on the ground;
11. Where physical features existing on the ground are at variance with those shown on the official zoning map, or in other circumstances not covered by subsections 1 through 10 above, the Planning Director shall interpret the zone boundaries, and if need be, may refer the matter to the Hearings Body for its interpretation pursuant to Section 1.1.700 of this Ordinance.

FINDING: After reviewing the zone boundary descriptions there are three key physical features referenced. The features consist of Henderson Marsh which is also Dredge Material Disposal Site #4x in 5-WD, the filled dredged material disposal site that borders on Henderson Marsh in 6-WD, and the northern extent of the privately-owned property in 5A-NS. Therefore, staff was able to make the determination that the physical features are at a variance with the western boundary of 6-Water Dependent Development Shorelands (6-WD), the eastern boundary of 5-Water Dependent Shorelands (5-WD), and the eastern boundary of 5A-Natural Shorelands (5A-NS). The two physical features as generally shown below in Figures 1 and 2 depict where the boundary should follow. Figure 3 is an aerial image of the current site.

![Figure 1](image1)
![Figure 2](image2)
![Figure 3](image3)

Please note that these maps were cropped for this report and are not to scale.

The filled area drawn on the comprehensive plan (Mylar) map is clearly identifiable on the aerial photo. This is the feature described in 6-WD western zone boundary which is described as a line extending north from the
western edge of the filled dredged material disposal site that borders on Henderson Marsh. The 5-WD eastern boundary is described as a line extending north from the western edge of the dredged material disposal site. When reading these two descriptions and overlaying these maps together it then becomes clear that the boundary description are intended to create a line that follows the filled dredged material disposal site as identified on the plan map shown in figure 1 above. However, there is an overlapping area in the features that has to be taken into consideration as well as the western boundary of 6-WD further extend north to border 5A-NS. The description of the eastern boundary of 5A-NS is a line extending north from the western edge of the dredged material disposal site on the eastern side of Henderson Marsh. Therefore, staff had to determine where the line extends from the western edge of the dredge material disposal site shown in Figure 2 to verify the line was consistent with all of the boundary descriptions.

The zone boundary line between 6-WD and 5-WD meanders until the two features overlap which creates the line that extends north from the western edge of Henderson Marsh. Otherwise the line would encroach into Henderson Marsh which is not provided for in any of the descriptions. That line then continues from the transportation corridor to the northern extent of the privately-owned property (Weyerhaeuser). This is the ending to the line description for the western boundary of 6-WD which was not considered in the original staff report.

To further support the conclusions of the 5-WD and 6-WD shared boundary SHN, Consulting Engineers & Geologists conducted a wetland delineation of Henderson Marsh in 2006 (SHN, 2006). A jurisdictional determination from the Oregon Department of State Lands (DSL) was issued on August 25, 2006 and amended on February 6, 2007 confirming the boundary of Henderson Marsh. This determination aided staff in mapping where the boundary of Henderson Marsh and the filled area is located on the ground. Therefore, the attached map is where the zone boundary is located and will be located from the date of this report.

Request for Administrative Conditional Use request for fill within the 6-WD zoning district.

SECTION 4.5.276 Uses, Activities and Special conditions. Table 6-WD sets forth the uses and activities which are permitted, which may be permitted as conditional uses, or which are prohibited in this zoning district. Table 6-WD also sets forth special conditions which may restrict certain uses or activities, or modify the manner in which certain uses or activities may occur. Reference to "policy numbers" refers to Plan Policies set forth in the Coos Bay Estuary Management Plan...

B. Activities – Fill P-G

The applicant is proposing to place fill in two locations within the 6-WD zoning. The fill is permitted outright subject to general conditions. The general conditions that apply to this activity are listed as follows:

1. Inventoried resources requiring mandatory protection in this district are subject to Policies#17 and #18.
2. All permitted uses and activities shall be consistent with Policy #23 requiring protection of riparian vegetation.
3. Uses in this district are only permitted as stated in Policy #14 "General Policy on Uses within Rural Coastal Shorelands". Except as permitted outright, or where findings are made in this Plan, uses are only allowed subject to the findings in this policy.
4. All permitted uses shall be consistent with the respective flood regulations of local governments, as required in Policy #27.
5. All permitted uses in dune areas shall be consistent with the requirements of Policy #30.
6. In rural areas (outside of UGBs) utilities, public facilities and services shall only be provided subject to Policies #49, #50, and #51.

The policies are found in Appendix 3 of the LDO.

Policy #17 Protection of "Major Marshes" and "Significant Wildlife Habitat" in Coastal Shorelands requires the local government to protect from development, major marshes and significant wildlife habitat, coastal headlands, and exceptional aesthetic resources located within the Coos Bay Coastal Shorelands Boundary, except where exception
allow otherwise. The local government shall protect major mashes, significant wildlife habitats, coastal headlands, and exceptional aesthetic resources.

**FINDING:** After review of the applicants proposed fill areas and the CBEMP Shoreland Values Requiring Mandatory Protect map staff is able to determine that the proposed fill will not be within a Major Marsh or Significant Wildlife Habitat.

Policy #18 Protection of Historical, Cultural and Archaeological Sites requires the local government to provide protection to historical, cultural and archaeological sites and shall continue to refrain from widespread dissemination of site-specific information about identified archaeological sites.

**FINDING:** This area is in a potentially significant archeological site. Therefore, as a condition of approval that applicant is required to confer with the affected local tribe prior to the issuance of a zoning compliance letter. The applicant will be required to comply with the procedures in the following condition:

- At least 90 days prior to the issuance of a zoning compliance (verification) letter for building and/or septic permits under LDO 3.1.200, the County Planning Department shall make initial, contact with the Tribe(s) regarding the determination of whether any archaeological sites exist within the area proposed for development, consistent with the provisions of LDO 3.2.700. Once the Tribe(s) have commented or failed to timely comment under the provisions of LDO 3.2.700, the county shall take one of the following actions: (1) if no adverse impacts to cultural, historical or archaeological resources on the site have been identified, the county may approve and issue the requested zoning compliance (verification) letter and related development proposal; (2) if the Tribe(s) and the applicant reach agreement regarding the measures needed to protect the identified resources, the development can be approved with any additional measures the county believes are necessary to protect those resources; or (3) if the county finds that there will be adverse impacts to identified CBEMP Policy #18 resources on the site and the applicant and Tribe(s) have not reached agreement regarding protection of such resources, then the County Board of Commissioners shall hold a quasi-judicial hearing to resolve the dispute. The hearing shall be a public hearing at which the governing body shall determine by preponderance of evidence whether the development project may be allowed to proceed, subject to any modifications deemed necessary by the governing body to protect the cultural, historical and archeological values of the site. For purposes of this condition, the public hearing shall be subject to the provisions of LDO 5.8.200 with the Board of Commissioners serving as the Hearings Body, and the related notice provisions, of LDO 5.0.900(A).

#23 Riparian Vegetation and Streambank Protection
The local government shall strive to maintain riparian vegetation within the shorelands of the estuary, and when appropriate, restore or enhance it, as consistent with water-dependent uses. Local government shall also encourage use of tax incentives to encourage maintenance of riparian vegetation, pursuant to ORS 308.792 - 308.803. Appropriate provisions for riparian vegetation are set forth in the CCZLDO Section 4.5.180 (OR 92-05-009PL).

The local government shall encourage streambank stabilization for the purpose of controlling streambank erosion along the estuary, subject to other policies concerning structural and non-structural stabilization measures.

**FINDING:** Chapter 4 Section 4.5.180 Riparian Protections Standards in CBEMP govern riparian corridors with the CBEMP. This provision allows for riparian vegetation to be removed providing direct access for water-dependent uses or in order to site or properly maintain public utilities and road right-of-ways, provided that the vegetation to be removed is the minimum necessary to accomplish the purpose. Fill requiring the removal of riparian vegetation within a riparian corridor protected by Section 4.5.180 will be accomplished in a way that minimizes the removal of riparian vegetation for the limited purposes allowed by Section 4.5.180(1). This will be a condition of approval.
#14 General Policy on Uses within Rural Coastal Shorelands
I. Coos County shall manage its rural areas within the "Coos Bay Coastal Shorelands Boundary" by allowing only the following uses in rural shoreline areas, as prescribed in the management units of this Plan, except for areas where mandatory protection is prescribed by LCDC Goal #17 and CBEMP Policies #17 and #18...

FINDING: The fill is a listed activity and not a use. Therefore, Policy 14 would not apply to this review. The fill will serve an already approved use and is not required to be readdressed.

#27 Floodplain Protection within Coastal Shorelands

The respective flood regulations of local government set forth requirements for uses and activities in identified flood areas; these shall be recognized as implementing ordinances of this Plan. This strategy recognizes the potential for property damage that could result from flooding of the estuary.

FINDING: The applicant has provided an elevation data to show the fill area will be located outside of the floodplain. The applicant's consultant has submitted a letter of map amendment to FEMA to have the area removed from the special flood hazard area. FEMA has released preliminary updated flood hazard maps which show that this area will be removed from the flood hazard area. The issuance of the letter of map amendment by FEMA will result in the same amendment being made to the County's Flood Hazard Area map.

#30 Restricting Actions in Beach and Dune Areas with "Limited Development Suitability" and Special Consideration for Sensitive Beach and Dune Resources (moved from Policy #31)
I. Coos County shall permit development within areas designated as "Beach and Dune Areas with Limited Development Suitability" on the Coos Bay Estuary Special Considerations Map only upon the establishment of findings that shall include at least:
   a. The type of use proposed and the adverse effects it might have on the site and adjacent areas;
   b. Temporary and permanent stabilization programs and the planned maintenance of new and existing vegetation;
   c. Methods for protecting the surrounding area from any adverse effects of the development; and
   d. Hazards to life, public and private property, and the natural environment which may be caused by the proposed use; and
   e. Whether drawdown of groundwater would lead to loss of stabilizing vegetation, loss of water quality, or intrusion of saltwater into water supplies.

Implementation shall occur through an administrative conditional use process which shall include submission of a site investigation report by the developer that addresses the five considerations above.

II. This policy recognizes that:
   a. The Special Considerations Map category of "Beach and Dune Areas with Limited Development Suitability" includes all dune forms except older stabilized dunes, active foredunes, conditionally stabilized foredunes that are subject to ocean undercutting or wave overtopping, and interdune areas (deflation plains) subject to ocean flooding;
   b. The measures prescribed in this policy are specifically required by LCDC Goal #18 for the above-referenced dune forms, and that
   c. It is important to ensure that development in sensitive beach and dune areas is compatible with, or can be made compatible with, the fragile and hazardous conditions common to beach and dune areas...

IV. Local government shall cooperate with state and federal agencies in regulating the following actions in beach and dune areas by sending notification of Administrative Conditional Use decision:
   a. Destruction of desirable vegetation (including inadvertent destruction by moisture loss or root damage),

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3 Special Flood Hazard Areas (SFHAs) Subject to Inundation by the 1% Annual Change Flood. The 1% annual chance flood (100-year flood), also known as the base flood, is the flood that has a 1% chance of being equaled or exceeded in any given year. Areas of Special Flood Hazard include Zones A, AE, AH, AO, AR, A99, V, and VE.
b. The exposure of stable and conditionally stable areas to erosion,
c. Construction of shore structures which modify current or wave patterns leading to beach erosion, and
d. Any other development actions with potential adverse impacts.

FINDING: This policy requires an administrative conditional use review. The applicants submitted the administrative conditional use application as required. The application was found to be complete on July 19, 2012. The applicants supplied Exhibit 1, a report dated June 29, 2012 by SHN Consulting to address the required site investigation report. In this case the activity is fill for which findings must address the potential adverse geologic effects that the fill may have on the site and surrounding areas.

The SHN Consulting report states that fill is needed in the area of an internal access road that will be sloped and have some areas that will need to be filled in order to raise the grade. The fill will consist of native soils from the sloping of higher areas. A private bridge will be used to span the pond that lies within the wet deflation plan to keep filling to a minimal and protect the wetland area. A wetland permit will be obtained to do the work within the wetland area.

The SHN Consulting report states that the other area that is designated to be filled is the referred to as a proposed fire suppression tank area. The majority of the fill in this area was previously permitted and is not changed by this application. The area of new proposed fill will only be in a small portion of the designated Beach and Dune Areas with Limited Development Suitability. Native soils will be used to bring this site up to grade for the tanks.

In areas where hardscape is not proposed (rocking, paving or structures) native vegetation will be utilized to ensure long term stabilization. The native vegetation will be more resilient in native soils and will be monitored to ensure success. It is crucial that stabilization be used both temporary and permanent. The applicant will be required to obtain state permits (Department of Environmental Quality) for erosion control. Careful construction methods along with the proposed stabilization will minimize or eliminate any potential impacts to surrounding areas. The sediment control plans developed in working with DEQ will be adhered to prior to the any ground disturbance.

The project will not cause hazards to life, public and private property or the natural environment. The fill is only proposed to be able to grade the site to allow for an internal access road and enhance fire protection on the site. The fill will not be placed on private property.

The fill areas are small and will not reduce groundwater levels, promote salt contamination or significantly affect surrounding vegetation. The only areas in which vegetation will be disturbed are in the proposed area and if those areas are disturbed the vegetation will be re-stabilized once the activity is completed.

The applicants will work with the state and federal permitting agencies. This will be a requirement of this decision.

#49 Rural Residential Public Services

Coos County shall provide opportunities to its citizens for a rural residential living experience, where the minimum rural public services necessary to support such development are defined as police (sheriff) protection, public education (but not necessarily a rural facility), and fire protection (either through membership in a rural fire protection district or through appropriate on-site fire precaution measures for each dwelling).

FINDING: No rural residential public services are requested by this application. Therefore, this criterion is not applicable.

#50 Rural Public Services
Coos County shall consider on-site wells and springs as the appropriate level of water service for farm and forest parcels in unincorporated areas and on-site DEQ-approved sewage disposal facilities as the appropriate sanitation method for such parcels, except as specifically provided otherwise by Public Facilities and Services Plan Policies #49, and #51. Further, Coos County shall consider the following facilities and services appropriate for all rural parcels: fire districts, school districts, road districts, telephone lines, electrical and gas lines, and similar, low-intensity facilities and services traditionally enjoyed by rural property owners.

This strategy recognizes that LCDC Goal #11 requires the County to limit rural facilities and services.

**FINDING:** There are no rural public services requested with this application. Therefore, this criterion is not applicable.

**#51 Public Services Extension**

I. Coos County shall permit the extension of existing public sewer and water systems to areas outside urban growth boundaries (UGBs) and unincorporated community boundaries (UCB’s) or the establishment of new water systems outside UGB’s and UCB’s where such service is solely for:

   a. development of designated industrial sites;
   b. development of "recreational" planned unit developments (PUDs);
   c. curing documented health hazards;
   d. providing domestic water to an approved exception for a rural residential area;
   e. development of “abandoned or diminished mill sites” as defined in ORS 197.719(1) and designated industrial land that is contiguous to the mill site.

II. This strategy shall be implemented by requiring:

   a. that those requesting service extensions pay for the costs of such extension; and
   b. that the services and facilities be extended solely for the purposes expressed above, and not for the purpose (expressed or implied) of justifying further expansion into other rural areas; and
   c. that the service provider is capable of extending services; and
   d. prohibiting hook-ups to sewer and water lines that pass through resource lands as allowed by "I, a through d" above; except, that hook-ups shall be allowed for uses covered under "II, a through d" above.
   e. That the service allowed by "e" above is authorized in accordance with ORS 197.719.

**FINDING:** The request at this time is for fill. Therefore, this criterion is not applicable.

### IV. ANALYSIS

Please note, all applications are subject to review of all applicable review criteria in the Coos County Comprehensive Plan (CCCP), the Coos County Zoning and Land Development Ordinance (LDO), and all land use regulations. Please be aware the burden of proof rests with the applicant.

### V. NOTIFICATION

The Planning Department mailed individual written notice of the decision to the owners of record of all property located as required in Section 5.0.900. Notice of Decision with a copy of the staff report was forwarded to Applicant(s), Owner(s) and Dave Perry, DLCD. Notice of Decision was also provided to the following: Coos County Planning Commission, the special districts identified above, Water Resource Department, Oregon Department of State Lands, and DEQ. In addition, notice of the decision was posted at the Coos County Courthouse, Coquille Annex and North Bend Annex. All notices were mailed and posted on September 17, 2012.
VI. NOTICE OF APPEAL RIGHTS

This decision may be appealed to the Coos County Hearings Body pursuant to Article 5.8 of the Coos County Zoning and Land Development Ordinance within 15 days from the date of written notice. This means that appeals must be received in the Planning Department by 5 p.m. on October 2, 2012, in order to be considered. This decision will not be final until the period for filing an appeal has expired. Detailed information about the appeal process, filing fees and additional information will be provided by the Planning Department upon request. The decision is based upon the submitted application, supporting evidence, facts, and findings to the criteria.

VII. CONDITIONS OF APPROVAL

1. At least 90 days prior to the issuance of a zoning compliance (verification) letter for building and/or septic permits under LDO 3.1.200, the County Planning Department shall make initial, contact with the Tribe(s) regarding the determination of whether any archaeological sites exist within the area proposed for development, consistent with the provisions of LDO 3.2.700. Once the Tribe(s) have commented or failed to timely comment under the provisions of LDO 3.2.700, the county shall take one of the following actions: (1) if no adverse impacts to cultural, historical or archaeological resources on the site have been identified, the county may approve and issue the requested zoning compliance (verification) letter and related development proposal; (2) if the Tribe(s) and the applicant reach agreement regarding the measures needed to protect the identified resources, the development can be approved with any additional measures the county believes are necessary to protect those resources; or (3) if the county finds that there will be adverse impacts to identified CBEMP Policy #18 resources on the site and the applicant and Tribe(s) have not reached agreement regarding protection of such resources, then the County Board of Commissioners shall hold a quasi-judicial hearing to resolve the dispute. The hearing shall be a public hearing at which the governing body shall determine by preponderance of evidence whether the development project may be allowed to proceed, subject to any modifications deemed necessary by the governing body to protect the cultural, historical and archeological values of the site. For purposes of this condition, the public hearing shall be subject to the provisions of LDO 5.8.200 with the Board of Commissioners serving as the Hearings Body, and the related notice provisions, of LDO 5.0.900(A).

2. If any of the proposed development will result in removal of riparian vegetation from riparian corridors protected by Section 4.5.180, it will be minimal and only for the purposes allowed by Section 4.5.180(1).

3. The applicant will comply with applicable state and federal regulations regarding impacts to jurisdictional wetlands.

4. In the event that the applicant desires to place fill in the areas approved by this application before the requested FEMA letter of amendment is issued or before some other flood hazard area map amendment is achieved to remove the areas of fill from the mapped flood hazard area, the applicant shall comply with the requirements of the floodplain overlay zone for "other development" prior to issuance of a zoning verification letter.
STAFF REPORT FOR ADMINISTRATIVE DECISION

APPLICANT: Steve Donovan, SHN Consulting Engineers & Geologist
275 Market Avenue
Coos Bay OR 97420

OWNER: Weyerhaeuser NR Company
PO Box 9777
Federal Way WA 98063-9777

REQUEST: A conditional use for fill in the Beach and Dune Areas with Limited Development Suitability located in the Industrial (IND) zone; and conditional use for fill and vegetative shoreline stabilization in the Coos Bay Estuary Management Plan (CBEMP) zoning designation 7-Development Shorelands (7-D).

DECISION: Approved with Conditions

STAFF CONTACT: Jill Rolfe, Interim Planning Director

MAP NUMBER(S) / LEGAL DESCRIPTION

ASSESSOR'S MAPS: Township 25 Range 13 Section 03/04 Tax Lots 200/100

PROPERTY LOCATION

The subject property is located north of the City of North Bend immediately east of Jordan Cove Road. The site was a mill site that has been demolished.

SPECIAL DISTRICTS

Coos Bay School District Coos Bay-North Bend Water Board
Oregon International Port of Coos Bay North Bay RFPD

APPLICABLE CRITERIA

Coos County Zoning and Land Development Ordinance (LDO) and Coos County Comprehensive Plan (CCCP)

Conditional use for fill in the Beach and Dune Areas with Limited Development Suitability located in the IND zone

LDO Section 4.2.600, Table 4.2e Commercial-Industrial Zoning Districts
LDO Article 4.7, Table 4.7a Phenomenon 4 Beaches & Dunes, 4a. limited development suitability
Appendix 1, Volume I, POLICIES 5.10 Dunes, Ocean and Coastal Lake Shorelands, Strategy 2
LDO Section 4.5.180 Riparian Protection Standards for CBEMP
### Conditional use for fill and vegetative shoreline stabilization in the Coos Bay Estuary Management Plan (CBEMP) zoning designation 7-D

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### I. BASIC FINDINGS

**A. Lawfully Created Parcel:** The subject property was lawfully created in accordance with LDO Section 3.3.800.

**B. Zoning:** Coos Bay Estuary Management Plan segment 7- Development Shorelands (7-D), and Industrial (IND).

7-Development Shorelands (7-D) Western boundary - the Roseburg Forest Products access road and a line extending to the north where the road curves to the east. Eastern boundary - the Southern Pacific Railroad line. Northern boundary - the inland limits of the 100-year floodplain (including freshwater wetlands associated with it).

**SECTION 4.5.285. Management Objective:** This shoreland district, which borders a natural aquatic area, shall be managed for industrial use. Continuation of and expansion of existing non-water-dependent/non-water-related industrial uses shall be allowed provided that this use does not adversely impact Natural Aquatic District #7. In addition, development shall not conflict with state and federal requirements for the wetlands located in the northwest portion of this district.

**ARTICLE 4.1. ZONING-GENERAL**

**Industrial** - The purpose of the “IND” district is to provide an adequate land base necessary to meet industrial growth needs and to encourage diversification of the area’s economy accordingly. The “IND” district may be located without respect to Urban Growth Boundaries, as consistent with the Comprehensive Plan. The “IND” designation is appropriate for industrial parcels that are needed for development prior to the year 2000, as consistent with the Comprehensive Plan.

**C. Site Description:** The site is a vacant mill site. Currently there is no development on the property.

**D. Surrounding Land Uses:** The North Spit has a mix of industrial, recreational and natural areas.

**E. Background:** The subject properties were part of a larger application in 2007 which included fill on the site as shown below in figure 1. Figure 1 also delineates the areas the applicant seeks to fill as part of the current application.

On March 22, 2012, an administrative boundary interpretation was approved for the northern boundary of 7-D, Coastal Shoreland Boundary and the Flood Hazard Boundary.
II. FINDINGS TO THE APPLICABLE REVIEW CRITERIA

The application request is for fill and vegetative shoreline stabilization. The applicant's map identifies five separate areas as identified on Figure 1 above. Fill area #1 will be used for an overpass of Jordan Cove Road to the east toward Jordan Point. The proposed fill area will encompass the existing utility corridor, along a narrow strip of land between an existing pond and the shore of Jordan Cove. The western end of the proposed alignment is within a Wet Deflation Plan (not subject to flooding); the eastern end extends beyond the area of special dune consideration. Proposed fill embankments will not encroach into 7-NA (Natural Aquatic) zoning areas but will extend into Proposed Fill Area #5 along the shore of Jordan Cove. This area will also require extended fill embankments beyond the road segment and non-structural geotechnical and vegetative methods will be required to stabilize the shoreline to maintain the narrow fill footprint.

Fill area #2 is located in the northwest corner of the subject properties and crosses the IND and 7-D zoning districts. This fill is proposed to fill in the top portion of the pond and lower portion of adjacent forested dune. This fill is not located within the Beach and Dunes Limited for Development Suitability area; however, fill within the 7-D zoning district does require a conditional use review.

Fill area #3 is located between Jordan Cove Road and the pond that is located in the IND zone. This fill area is located within the Beach and Dunes with Limited Suitability for Development area which requires a conditional use review.

Fill area #4 The IND zone of the Weyerhaeuser Mill Site will be filled to match the fill approved under the previous Coos County land use decision. The area is on the application described as Figure 1 "proposed Fill areas #4" and includes areas not previously addressed by prior land use actions. A portion of Area 4 crosses over into the 7-D zoning district which requires a condition use review.

Fill area #5 is in the 7-D zone and was not previously approved for fill under previous land use decisions. This area is subject to conditional use review.
A request for Administrative Conditional Use request for fill within the Beach and Dune Limited Development Suitability Area that lies within the IND zoning district (Area 3 on the Applicant’s map (Figure 1).

The applicant is requesting fill within the IND zoning district. Fill is defined as the placement by man of sand, sediment, or other material, usually in submerged lands or wetlands, to create new uplands or raise the elevation of land. Fill is the development occurring in the IND zone. To develop means to bring about growth or availability; to construct or alter a structure, to conduct a mining operation, to make a physical change in the use or appearance of land. In this case the fill is a development use which is defined as any man-made change to improved or unimproved real estate, including but not limited to building or other structures, mining, dredging, filling, grading, paving, excavation, drilling operations, or storage of equipment or materials located within the area of special flood hazard. Fill is a permitted use in LDO Section 4.2.600, Table 4.2e Commercial-Industrial Zoning Districts; however, a portion of this site is identified as a special consideration referred to as a Beaches & Dunes Limited Development Suitability Area.

This map depicts the Beach and Dune Limited Development Suitability Area within the IND zone as green. This is the only area in the IND zone that is under review.

The orange color represents the Beach and Dune Limited Development Suitability area in the estuary zone. The only portion under review is zoning district 7-D.

LDO Article 4.7, Table 4.7a Phenomenon 4 Beaches & Dunes, 4a. Permit development within "limited development suitability" only upon establishment of findings. This requires an Administrative Conditional Use addressing Appendix 1, Volume I, Polices 5.10 Dunes, Ocean and Coastal Lake Shorelands, Strategy #2 (page 1-23).

5.10 DUNES, OCEAN AND COASTAL LAKE SHORELANDS

Strategy #2. Coos County shall permit development within areas designated as "Beach and Dune Areas with Limited Development Suitability" on the Special Considerations Map only upon the establishment of findings that consider at least:

a. the type of use proposed and the adverse effects it might have on the site and adjacent areas;
b. the need for temporary and permanent stabilization programs and the planned maintenance of new and existing vegetation;
c. the need for methods for protecting the surrounding area from any adverse effects of the development; and
d. hazards to life, public and private property, and the natural environment which may be caused by the proposed use.

Further Coos County shall cooperate with affected local, state and federal agencies to protect the groundwater from drawdown, which would lead to loss of stabilizing vegetation, loss of water quality, or intrusion of saltwater into water supplies.

Implementation shall occur through an Administrative Conditional Use process, which shall include submission of a site investigation report by the developer that addresses the five considerations above.
This policy recognizes that:

a. The Special Considerations Map Category of "Beach and Dune Areas with Limited Development Suitability" includes all dune forms except older stabilized dunes, active foredunes, conditionally stable foredunes that are subject to ocean undercutting or wave overtopping, and interdune areas (deflation plains) subject to ocean flooding.

b. The measures prescribed in this policy are specifically required by Statewide Planning Goal #18 for the above-referenced dune forms; and that this strategy recognizes that potential mitigation sites must be protected from pre-emptory uses.

Findings: This policy requires an administrative conditional use review. The applicants submitted the administrative conditional use application as required. The application was found to be complete on August 9, 2012. The applicants supplied Exhibit 1, a report dated August 9, 2012, by SHN Consulting to address the required site investigation report. In this case the proposed development is fill for which findings must address the potential adverse geologic effects that the fill may have on the site and surrounding areas.

The SHN Consulting report states that the majority of the fill in this area was previously permitted and is not changed by this application. The areas of new proposed fill within the IND zone will only be in a small portion of the designated Beach and Dune Areas with Limited Development Suitability. The proposal is to reuse on-site spoils as engineered fill to reduce the overall impact of the fill on the site.

In areas where hardscapes are not proposed (rocking, paving or structures) native vegetation will be utilized to ensure long term soil stabilization. The native vegetation will be more resilient in native soils and will be monitored to ensure success. It is crucial that soil stabilization used is both temporary and permanent. The applicant will be required to obtain state permits (Department of Environmental Quality) for erosion control. Careful construction methods along with the proposed stabilization will minimize or eliminate any potential impacts to surrounding areas. The sediment control plans developed in working with DEQ will be adhered to prior to the any ground disturbance.

The project will not cause hazards to life, public and private property or the natural environment. The fill is only proposed to be able to bring this section of the site to grade. The fill will not be placed on private property.

The fill areas are small and will not reduce groundwater levels, promote salt contamination or significantly affect surrounding vegetation. The only areas in which vegetation will be disturbed are in the proposed fill areas and if those areas are disturbed the vegetation will be re-stabilized once the activity is completed.

The applicants will work with the state and federal permitting agencies. This will be a requirement of this decision.

**Request for Administrative Conditional Use request for fill and vegetative shoreline stabilization within the 7-D zoning district.**

The applicant has requested fill within the 7-D zoning district. A small portion of the fill will be within the Beach and Dune area with Limited Suitability for Development within the CBEMP 7-D shown as Area #1 on the applicant's map. The fill requires conditional use review to address the General and applicable Special Considerations.

Pursuant to LDO Section 4.5.286(B)(5) fill is permitted subject to Policies 14, 17, 18, 23, 27, 30, 49, 50, and 51 and #5 under Special Conditions which states the wetland in the southeast portion of this district can be filled for a development project contingent upon satisfaction of the prescribed mitigation described in Shoreland District #5. However, special condition #5 does not apply because there will be no fill in the wetland in the southeast portion of this district.

Pursuant to LDO Section 4.5.286(B)(6)(a) Vegetative Shoreline Stabilization is permitted subject to General
Conditions. The General Conditions require Policies 14, 17, 18, 23, 27, 30, 49, 50 and 51 to be addressed and, because these are the same policies that need to be addressed under the General Conditions for fill, the findings will address both requests.

#14 General Policy on Uses within Rural Coastal Shorelands

1. Coos County shall manage its rural areas within the "Coos Bay Coastal Shorelands Boundary" by allowing only the following uses in rural shoreline areas, as prescribed in the management units of this Plan, except for areas where mandatory protection is prescribed by LCDC Goal #17 and CBEMP Policies #17 and #18...

FINDING: The fill is a listed activity and not a use. Therefore, Policy 14 would not apply to this review. Furthermore, the Board of Commissioner already concluded in Coos County Final Order No. 07-12-309PI that this property was suited for development. The Board found that the proposed site was irrevocably committed to non-resource uses. This was further substantiated by the inventories and factual base portion of the Coos County Comprehensive Plan at Volume II, Part 2, Section 5-82. The background report produced to support the CCP Volume II, Part 2, generally concluded that large vacant acreages of industrial lands with deep-draft channel frontage are in short supply. The North Spit is the only site available with sufficient size and necessary water-dependent characteristics suitable for future land needs for import and transshipment, with related processing facilities for energy resources.

Policy #17 Protection of "Major Marshes" and "Significant Wildlife Habitat" in Coastal Shorelands requires the local government to protect from development, major marshes and significant wildlife habitat, coastal headlands, and exceptional aesthetic resources located within the Coos Bay Coastal Shorelands Boundary, except where exception allow otherwise. The local government shall protect major marshes, significant wildlife habitats, coastal headlands, and exceptional aesthetic resources.

FINDING: After review of the applicant’s proposed fill and vegetative shoreline stabilization areas on the CBEMP Shoreland Values Requiring Mandatory Protect map staff is able to determine that the proposed areas will not be within a Major Marsh or Significant Wildlife Habitat.

Policy #18 Protection of Historical, Cultural and Archaeological Sites requires the local government to provide protection to historical, cultural and archaeological sites and shall continue to refrain from widespread dissemination of site-specific information about identified archaeological sites.

FINDING: This area is in a potentially significant archeological site. There is an archeological site in the southeast corner; therefore, as a condition of approval that applicant is required to confer with the affected local tribe(s) prior to the issuance of a zoning compliance letter. The applicant will be required to comply with the procedures in the following condition:

At least 90 days prior to the issuance of a zoning compliance (verification) letter for building and/or septic permits under LDO 3.1.200, the County Planning Department shall make initial contact with the Tribe(s) regarding the determination of whether any archaeological sites exist within the area proposed for development, consistent with the provisions of LDO 3.2.700. Once the Tribe(s) have commented or failed to timely comment under the provisions of LDO 3.2.700, the county shall take one of the following actions: (1) if no adverse impacts to cultural, historical or archaeological resources on the site have been identified, the county may approve and issue the requested zoning compliance (verification) letter and related development proposal; (2) if the Tribe(s) and the applicant reach agreement regarding the measures needed to protect the identified resources, the development can be approved with any additional measures the county believes are necessary to protect those resources; or (3) if the county finds that there will be adverse impacts to identified CBEMP Policy #18 resources on the site and the applicant and Tribe(s) have not reached agreement regarding protection of such resources, then the County Board of Commissioners shall hold a quasi-judicial hearing to

6
resolve the dispute. The hearing shall be a public hearing at which the governing body shall determine by preponderance of evidence whether the development project may be allowed to proceed, subject to any modifications deemed necessary by the governing body to protect the cultural, historical and archeological values of the site. For purposes of this condition, the public hearing shall be subject to the provisions of LDO 5.8.200 with the Board of Commissioners serving as the Hearings Body, and the related notice provisions, of LDO 5.0.900(A).

#23 Riparian Vegetation and Streambank Protection
The local government shall strive to maintain riparian vegetation within the shorelands of the estuary, and when appropriate, restore or enhance it, as consistent with water-dependent uses. Local government shall also encourage use of tax incentives to encourage maintenance of riparian vegetation, pursuant to ORS 308.792 - 308.803. Appropriate provisions for riparian vegetation are set forth in the CCZLDO Section 4.5.180 (OR 92-05-009PL).

The local government shall encourage streambank stabilization for the purpose of controlling streambank erosion along the estuary, subject to other policies concerning structural and non-structural stabilization measures.

FINDING: Chapter 4 Section 4.5.180 Riparian Protections Standards in CBEMP govern riparian corridors with the CBEMP. This Section establishes the protection of riparian vegetation within 50 feet of certain protected water resources, subject to exceptions. For the water resources protected by this section at the time of the proposed fill, the Applicant will adhere to the standards or vegetation will be removed as allowed by one or more of the stated exceptions to the riparian protection standards 4.5.180(1).

#27 Floodplain Protection within Coastal Shorelands

The respective flood regulations of local government set forth requirements for uses and activities in identified flood areas; these shall be recognized as implementing ordinances of this Plan. This strategy recognizes the potential for property damage that could result from flooding of the estuary.

FINDING: The applicant has provided elevation data that shows the majority of the fill area will be located outside of the floodplain. The only portion of the site that is within the flood hazard is in the southern area of 7-D; however, the development will have a minimal effect on the flood elevation as the raise would be less than 0.01 feet. As part of the conditions of approval a flood elevation certificate will be required prior to filling the southern portion of 7-D.

#30 Restricting Actions in Beach and Dune Areas with "Limited Development Suitability" and Special Consideration for Sensitive Beach and Dune Resources (moved from Policy #31)
I. Coos County shall permit development within areas designated as "Beach and Dune Areas with Limited Development Suitability" on the Coos Bay Estuary Special Considerations Map only upon the establishment of findings that shall include at least:
   a. The type of use proposed and the adverse effects it might have on the site and adjacent areas;
   b. Temporary and permanent stabilization programs and the planned maintenance of new and existing vegetation;
   c. Methods for protecting the surrounding area from any adverse effects of the development; and
   d. Hazards to life, public and private property, and the natural environment which may be caused by the proposed use; and
   e. Whether drawdown of groundwater would lead to loss of stabilizing vegetation, loss of water quality, or intrusion of saltwater into water supplies.

Implementation shall occur through an administrative conditional use process which shall include submission of a site investigation report by the developer that addresses the five considerations above.

II. This policy recognizes that:
a. The Special Considerations Map category of "Beach and Dune Areas with Limited Development Suitability" includes all dune forms except older stabilized dunes, active foredunes, conditionally stabilized foredunes that are subject to ocean undercutting or wave overtopping, and interdune areas (deflation plains) subject to ocean flooding;

b. The measures prescribed in this policy are specifically required by LCDC Goal #18 for the above-referenced dune forms, and that

c. It is important to ensure that development in sensitive beach and dune areas is compatible with, or can be made compatible with, the fragile and hazardous conditions common to beach and dune areas.

III. [...] not applicable

IV. Local government shall cooperate with state and federal agencies in regulating the following actions in beach and dune areas by sending notification of Administrative Conditional Use decision:

a. Destruction of desirable vegetation (including inadvertent destruction by moisture loss or root damage),

b. The exposure of stable and conditionally stable areas to erosion,

c. Construction of shore structures which modify current or wave patterns leading to beach erosion, and

d. Any other development actions with potential adverse impacts.

FINDING: This policy requires an administrative conditional use review which the applicant has applied for and complied with this requirement. The application was found to be complete on August 9, 2012. The applicant supplied Exhibit 1, a report dated August 9, 2012, by SHN Consulting to address the required site investigation report. In this case the proposal is for fill and stabilization for which findings must address the potential adverse geologic effects that the fill may have on the site and surrounding areas. There is only a small portion of the subject property that will be within the Beach and Dune Area identified as a portion of Area #1 on the applicant’s map. Native or reworked sand is highly susceptible to erosion by both wind and water. Short-term erosion control during construction and long-term stabilization of embankments will be required.

In areas where hardscape is not proposed (rocking, paving or structures) native vegetation will be utilized to ensure long term stabilization. The native vegetation will be more resilient in native soils and will be monitored to ensure success. It is crucial that stabilization used is both temporary and permanent. The applicant will be required to obtain state permits (Department of Environmental Quality) for erosion control. Careful construction methods along with the proposed stabilization will minimize or eliminate any potential impacts to surrounding areas. The sediment control plans developed in working with DEQ will be adhered to prior to the any ground disturbance.

The project will not cause hazards to life, public and private property or the natural environment. The fill will not be placed on private property.

The fill areas are small and will not reduce groundwater levels, promote salt contamination or significantly affect surrounding vegetation. The only areas in which vegetation will be disturbed are in the proposed fill areas and if those areas are disturbed the vegetation will be re-stabilized once the activity is completed. Vegetative shoreline stabilization and non-structural geotechnical methods will be utilized to ensure that fill will not encroach into 7-NA (Natural Aquatic).

The applicants will work with the state and federal permitting agencies. This will be a requirement of this decision.

#49 Rural Residential Public Services

Coos County shall provide opportunities to its citizens for a rural residential living experience, where the minimum rural public services necessary to support such development are defined as police (sheriff) protection, public education (but not necessarily a rural facility), and fire protection (either through membership in a rural fire protection district or through appropriate on-site fire precaution measures for each dwelling).
FINDING: No rural residential public services are requested by this application. Therefore, this criterion is not applicable.

#50 Rural Public Services
Coos County shall consider on-site wells and springs as the appropriate level of water service for farm and forest parcels in unincorporated areas and on-site DEQ-approved sewage disposal facilities as the appropriate sanitation method for such parcels, except as specifically provided otherwise by Public Facilities and Services Plan Policies #49, and #51. Further, Coos County shall consider the following facilities and services appropriate for all rural parcels: fire districts, school districts, road districts, telephone lines, electrical and gas lines, and similar, low-intensity facilities and services traditionally enjoyed by rural property owners.

This strategy recognizes that LCDC Goal #11 requires the County to limit rural facilities and services.

FINDING: There are no rural public services requested with this application. Therefore, this criterion is not applicable.

#51 Public Services Extension

I. Coos County shall permit the extension of existing public sewer and water systems to areas outside urban growth boundaries (UGBs) and unincorporated community boundaries (UCB’s) or the establishment of new water systems outside UGB’s and UCB’s where such service is solely for:

a. development of designated industrial sites;
b. development of "recreational" planned unit developments (PUDs);
c. curing documented health hazards;
d. providing domestic water to an approved exception for a rural residential area;
e. development of “abandoned or diminished mill sites” as defined in ORS 197.719(1) and designated industrial land that is contiguous to the mill site.

II. This strategy shall be implemented by requiring:

a. that those requesting service extensions pay for the costs of such extension; and
b. that the services and facilities be extended solely for the purposes expressed above, and not for the purpose (expressed or implied) of justifying further expansion into other rural areas; and
c. that the service provider is capable of extending services; and
d. prohibiting hook-ups to sewer and water lines that pass through resource lands as allowed by "I, a through d" above; except, that hook-ups shall be allowed for uses covered under "II, a through d" above.
e. That the service allowed by “e” above is authorized in accordance with ORS 197.719.

FINDING: The request at this time is for fill. Therefore, this criterion is not applicable.

III. ANALYSIS
Please note, all applications are subject to review of all applicable review criteria in the Coos County Comprehensive Plan (CCCP), the Coos County Zoning and Land Development Ordinance (LDO), and all land use regulations. Please be aware the burden of proof rests with the applicant.

IV. NOTIFICATION
The Planning Department mailed individual written notice of the decision to the owners of record of all property located as required in Section 5.0.900. Notice of Decision with a copy of the staff report was forwarded to
V. NOTICE OF APPEAL RIGHTS

This decision may be appealed to the Coos County Hearings Body pursuant to Article 5.8 of the Coos County Zoning and Land Development Ordinance within 15 days from the date of written notice. This means that appeals must be received in the Planning Department by **5 p.m. on October 19, 2012**, in order to be considered. This decision will not be final until the period for filing an appeal has expired. Detailed information about the appeal process, filing fees and additional information will be provided by the Planning Department upon request. The decision is based upon the submitted application, supporting evidence, facts, and findings to the criteria.

VI. CONDITIONS OF APPROVAL

1. At least 90 days prior to the issuance of a zoning compliance (verification) letter for building and/or septic permits under LDO 3.1.200, the County Planning Department shall make initial, contact with the Tribe(s) regarding the determination of whether any archaeological sites exist within the area proposed for development, consistent with the provisions of LDO 3.2.700. Once the Tribe(s) have commented or failed to timely comment under the provisions of LDO 3.2.700, the county shall take one of the following actions: (1) if no adverse impacts to cultural, historical or archaeological resources on the site have been identified, the county may approve and issue the requested zoning compliance (verification) letter and related development proposal; (2) if the Tribe(s) and the applicant reach agreement regarding the measures needed to protect the identified resources, the development can be approved with any additional measures the county believes are necessary to protect those resources; or (3) if the county finds that there will be adverse impacts to identified CBEMP Policy #18 resources on the site and the applicant and Tribe(s) have not reached agreement regarding protection of such resources, then the County Board of Commissioners shall hold a quasi-judicial hearing to resolve the dispute. The hearing shall be a public hearing at which the governing body shall determine by preponderance of evidence whether the development project may be allowed to proceed, subject to any modifications deemed necessary by the governing body to protect the cultural, historical and archeological values of the site. For purposes of this condition, the public hearing shall be subject to the provisions of LDO 5.8.200 with the Board of Commissioners serving as the Hearings Body, and the related notice provisions, of LDO 5.0.900(A).

2. If any of the proposed development will result in removal of riparian vegetation from riparian corridors protected by Section 4.5.180, it will be minimal and only for the purposes allowed by Section 4.5.180(1).

3. The applicant will comply with applicable state and federal regulations regarding impacts to jurisdictional wetlands.

4. A flood certification shall be completed and submitted for review prior to any fill within the flood hazard area of the 7-D zoning.
Exhibit B
NOTICE OF PLANNING DIRECTOR'S DECISION/PUBLIC NOTICE

This notice is to service as public notice and decision notice and if you have received this notice by mail it is because you are a participant, adjacent property owner, special district, agency with interest, or person with interest in regard to the following land use application. Please read all information carefully as this decision may affect you. (See the vicinity map on the reverse side for the location of the subject property).

NOTICE IS HEREBY GIVEN that the Coos County Planning Director rendered the following decision on MARCH 22, 2012:

APPROVED IN PART *, File No. ABI-12-01  A request for boundary interpretations pursuant to the Coos County Zoning and Land Development Ordinance (LDO). The subject property is identified as Township 25, Range 13, Sections 3/4 and Tax Lots 200/100. The owner is Weyerhaeuser NR Company and the applicant is SHN Engineering. The applicant is seeking interpretations based on the listed criteria as follows: LDO

- Section 4.1.400 Interpretation of Zoning District Boundaries Adjust and correct the exact location of the Northern boundary of the 7-D zone.
- Section 4.1.450 Interpretation of Coastal Shorelands Boundary Adjust the exact location of the Coastal Shorelands Boundary
- Section 4.6.205 (D) Designation of Flood Areas Adjust the exact location of the inland limit of the 100-year floodplain

The property owner previously operated a liner board facility on the property. Existing structural development is in the northeast corner of the property west of the Coos Bay Rail Link in Section 3. This development includes a tank, building and sub-station. The property is located within the Industrial (IND), 7-Development Shorelands (7-D), 8-Water Dependent (8-WD) and 8 Conservation Aquatic (8-CA) zoning districts.

*PLEASE NOTE – Decisions are subject to requirements and conditions stated in the staff report.

The application and all documents and evidence contained in the record, including the staff report and the applicable criteria, are available for inspection, at no cost, in the Planning Department located at 225 North Adams Street, Coquille, Oregon. Copies may be purchased at a cost of 50 cents per page.

Pursuant to Article 5.8 of the CCZLDO, this decision may be appealed to the Coos County Hearings Body within 15 days of the date notice of this decision is mailed, by filing a Notice of Appeal (NOA) with the Planning Department on the NOA form provided by the Department, along with the required filing fee. This means appeals must be received in the Planning Department by 5:00 p.m. on APRIL 6, 2012; otherwise, the appeal is not timely and will not be considered. Appeals should be submitted in the form of one (1) original and fourteen (14) copies. If copies are not provided, the Planning Department will make the copies at a cost of 50 cents per page billed to the submitter. The decision on this application will not be final until the period for filing an appeal has expired.

Pursuant to Oregon Revised Statutes (ORS) 197.830, the decision cannot be appealed directly to the Land Use Board of Appeals.

Further explanation concerning any information contained in this notice can be obtained by contacting the Planning Department at (541) 396-3121 or 766-2020, extension 210, or by visiting the Planning Department between the hours of 8:00 AM – 5:00 PM (closed noon – 1:00 PM), Monday through Friday.

COOS COUNTY PLANNING DEPARTMENT
Staff Contact: Jill Rolfe, Administrative Planner; Patty Evernden, Planning Director

POSTED & MAILED ON: MARCH 22, 2012
POST THROUGH: APRIL 6, 2012
COOS COUNTY PLANNING DEPARTMENT

Mailing Address: 250 N. Baxter, Coos County Courthouse, Coquille, Oregon 97423
Physical Address: 225 N. Adams, Coquille, Oregon
(541) 396-3121 Ext. 210
FAX (541) 756-8630 / TDD (800) 735-2900

Patty Evemden, Planning Director

File: ABI-12-01
Owner: Weyerhaeuser
Location: Township 25S Range 13W Sections 03/04 Tax Lots 200/100
Proposal: Boundary Interpretation

This map was generated by the Coos County Planning Department
Exhibit C
From: Jill Rolfe
To: Jody McCaffree
Sent: Tuesday, March 05, 2013 5:12 PM
Subject: RE: FEMA Floodplain Mapping

Jody,

This will be interesting for future comprehensive plan updates.

Thank you,

Jill Rolfe
Planning Director
Coos County Planning Department
225 N. Adams St.
Coquille OR 97423
250 N. Baxter (Mailing)
541-396-7770
planning@co.coos.or.us

From: Jody McCaffree [mailto:mccaffrees@frontier.com]
Sent: Tuesday, March 05, 2013 4:09 PM
To: Jill Rolfe
Subject: Fw: FEMA Floodplain Mapping

This information might be of interest to you....

Jody

----- Original Message ----- 
From: Jed Roberts
To: Jody McCaffree
Sent: Monday, February 25, 2013 9:51 AM
Subject: RE: FEMA Floodplain Mapping

Hello Jody,

Right now the preliminary Flood Insurance Study (FIS) and associated Flood Insurance Rate Maps (FIRMs) are awaiting the green light from FEMA to enter the 90-day appeal period. This has been held up for many months, I believe due to a long backlog for publishing in the Federal Register (initiation of the appeal period is required to be announced there).

Per existing technical guidelines for the National Flood Insurance Program (NFIP), tsunami inundation is not included in the FIS nor mapped on the FIRMs (and therefore not factored into V or VE zones). This is due to the fact that tsunamis are the result of large offshore earthquakes (e.g. Cascadia subduction zone
or otherwise), the frequency of which had previously been less well-known when compared to our knowledge of the frequency of winter storms that cause coastal flooding. Our understanding of the frequency of Cascadia events has come a long way in recent years (this is the basis of our new tsunami inundation maps). I hope that FEMA will soon include tsunami inundation on its FIRMs, especially since flood damage resulting from a tsunami would be covered by a NFIP policy.

Cheers,

Jed Roberts, CFM | Flood Mapping Coordinator
Oregon Department of Geology & Mineral Industries
800 NE Oregon Street, Suite 965
Portland, Oregon 97232-2162
Office: (971) 673-1546 | Mobile: (971) 400-6759
E-mail: jed.roberts@dogami.state.or.us
Web: www.oregongeology.org

From: Jody McCaffree [mailto:mccaffrees@frontier.com]
Sent: Monday, February 18, 2013 2:10 PM
To: Jed Roberts
Subject: FEMA Floodplain Mapping

Dear Mr. Roberts:

I talked with you a while back about the new preliminary FEMA LIDAR Floodplain maps. I am wondering where the process is on that currently and in particular in Coos County. DOGAMI last year completed new tsunami inundation mapping for our area and I am wondering how this might impact the FEMA Floodplain mapping and areas currently known as "V" zones.

Jody McCaffree
North Bend, OR
mccaffrees@frontier.com
(541) 756-0759
Jody,

Do you mean the deadline for the appeal period? It ends on June 4, 2013.

Cheers,

Jed Roberts, CFM | Flood Mapping Coordinator
Oregon Department of Geology & Mineral Industries
800 NE Oregon Street, Suite 965
Portland, Oregon 97232-2162
Office: (971) 673-1546 | Mobile: (971) 400-6759
E-mail: jed.roberts@dogami.state.or.us
Web: www.oregongeology.org

From: Jody McCaffree [mailto:mccaffrees@frontier.com]
Sent: Monday, April 22, 2013 9:13 AM
To: Jed Roberts
Subject: Re: FEMA Floodplain Mapping

Jed:

When is the deadline for the FIRM maps?

Jody
----- Original Message -----
From: Jed Roberts
To: Jody McCaffree
Sent: Monday, February 25, 2013 10:51 AM
Subject: RE: FEMA Floodplain Mapping

Hello Jody,

Right now the preliminary Flood Insurance Study (FIS) and associated Flood Insurance Rate Maps (FIRMs) are awaiting the green light from FEMA to enter the 90-day appeal period. This has been held up for many months, I believe due to a long backlog for publishing in the Federal Register (initiation of the appeal period is required to be announced there).

Per existing technical guidelines for the National Flood Insurance Program (NFIP), tsunami inundation is not included in the FIS nor mapped on the FIRMs (and therefore not factored into V or VE zones). This is due to the fact that tsunamis are the result of large offshore earthquakes (e.g. Cascadia subduction zone or otherwise), the frequency of which had previously been less well-known when compared to our knowledge of the frequency of winter storms that cause coastal flooding. Our understanding of the frequency of Cascadia events has come a long way in recent years (this is the basis of our new tsunami inundation maps). I hope that FEMA will soon include tsunami inundation on its FIRMs, especially since flood damage resulting from a tsunami would be covered by a NFIP policy.

Cheers,

Jed Roberts, CFM | Flood Mapping Coordinator
Oregon Department of Geology & Mineral Industries
800 NE Oregon Street, Suite 965
Portland, Oregon 97232-2162
Office: (971) 673-1546 | Mobile: (971) 400-6759
Exhibit D
FYI

Please send to anyone you think would be interested.

Thank you,

Jill Rolfe
Planning Director
Coos County Planning Department
225 N. Adams St.
Coquille OR 97423
250 N. Baxter (Mailing)
541-396-7770
planning@co.coos.or.us
PRESS RELEASE

The Federal Emergency Management Agency (FEMA) is proposing to update the Flood Insurance Rate Maps (FIRMs) countywide, including the cities of Coos Bay, North Bend, Bandon, Coquille, Myrtle Point, Lakeside and Powers. A FIRM is a FEMA prepared official map that displays the floodplains, more explicitly special flood hazard areas (SFHA) and risk premium zones. These maps are commonly used by local jurisdictions to aid in planning and mortgage lenders to determine if floodplain insurance is necessary. These maps are being updated to better define the SFHAs based on new technology and topographic information.

As a result of this update, many of the County’s waterways may experience a change with respect to the delineation of the SFHAs. There are three potential affects that these new maps could have on a property; the property or portions of has been removed from the floodplain, the property or portions of has been newly placed within a floodplain, or there is no change (i.e. the floodplain adjacent to the property did not experience a change due to this revision). If the property has a loan, and there are insurable structures located within the limits of the property, depending on the change that has occurred, it could affect whether or not your lender will require you to purchase floodplain insurance.

At this time, these FIRMS have not been formally adopted. They are currently under review and open to public comments. However, once they have been formally adopted, the only mechanism in which to update and/or change the maps will be a formal submittal to FEMA that may cost money and take time to process and approve.

On April 8, 2013 there will be an open house at the Owen Building, 201 N. Adams, Coquille, 6 to 8:00 p.m. Workstations will be set up for the public to review the proposed maps. The Oregon Department of Geology and Mineral Industries and Oregon Department of Land Conservation and Development will be available to answer questions and receive comments. The County and each city have the revised FIRMS available for review at their respective offices.

###
Exhibit E
Jody,

They are not in effect yet, but I heard all comments were addressed and FEMA Region X will be moving forward with issuance of the Letter of Final Determination (six months after which the maps will become effective).

Cheers,

Jed Roberts, CFM | Flood Mapping Coordinator
Oregon Department of Geology & Mineral Industries
800 NE Oregon Street, Suite 965
Portland, Oregon 97232-2162
Office: (971) 673-1546 | Mobile: (971) 400-6759
E-mail: jed.roberts@dogami.state.or.us
Web: www.oregongeology.org

Jed:

Can you tell me if the new lidar 100 year FEMA flood plain maps are now in effect or not? Just wondering what happened with the appeal period that ended on June 4, 2013.

Jody
Exhibit F
Coos County South Dunes Power Plant – (See June 7, 2013, CALNG Exhibit 17)  
http://www.co.coos.or.us/Portals/0/Planning/SP-12-02%20SHN/reconsideration%20application%20materials%2012-13-12.pdf

FEMA - FIRM on-Line Map No. 41011C0186D.  
Map of Jordan Point – Linked from Planning Dept Website on 8-10-2013  
https://msc.fema.gov/webapp/wcs/stores/servlet/MapSearchResult?storeId=10001&catalogId=1001&langId=-1&panelIDs=41011C0186D$&Type=pbp&nonprinted=&unmapped=
Exhibit G
On 1/23/2013, the following Filing was submitted to the Federal Energy Regulatory Commission (FERC), Washington D.C.:

Filer: Jordan Cove Energy Project, L.P.
Dickstein Shapiro LLP (as Agent)

Docket(s): PF12-7-000
Filing Type: Certificate of Compliance Report

To view the document for this Filing, click here
http://elibraryFERC.gov/idmws/file list.asp?accession_num=20130123-5073
January 23, 2013

Via Electronic Filing

Ms. Kimberly D. Bose, Secretary
Federal Energy Regulatory Commission
888 First Street, N.E., Room 1A
Washington, DC  20426

Re:  Jordan Cove Energy Project, L.P., Docket No. PF12-7-000
     Draft Resource Report 6

Dear Ms. Bose:

In accordance with the requirements of 18 C.F.R. §175.21(f)(5), Jordan Cove Energy Project, L.P. (JCEP) hereby submits for filing in the above-referenced pre-filing docket, Draft Resource Report 6. All information included in this filing is Public.

This filing is being made electronically. All parties are being served by email.

Separately, two paper copies of the filing are being provided for the Office of Energy Projects addressed to Paul Friedman and Terry Turpin respectively. One paper copy is being provided to John Scott at Tetra Tech, the third party environmental contractor for JCEP’s project. Finally, the Point of Contact for each of the nine cooperating agencies will be notified of the filing by email and will be provided a courtesy copy of the filing in the format preferred by the agency, all as indicated in the cc’s below.

If you have any questions about this filing, please contact me at webbb@dicksteinshapiro.com or 202-420-4782, or my colleague Joan Darby at darbyj@dicksteinshapiro.com or 202-420-2745.

Respectfully submitted,

/s/ Beth L. Webb

Attorney for
Jordan Cove Energy Project, L.P.

Los Angeles | New York | Orange County | Silicon Valley | Stamford | Washington, DC

DSMDB-3134753vl
Exhibit H
On 3/4/2013, the following Filing was submitted to the Federal Energy Regulatory Commission (FERC), Washington D.C.:

Filer: Jordan Cove Energy Project, L.P.
Dickstein Shapiro LLP (as Agent)

Docket(s): PF12-7-000
Filing Type: Supplemental/Additional Information

To view the document for this Filing, click here
March 4, 2013

Via Electronic Filing

Ms. Kimberly D. Bose, Secretary
Federal Energy Regulatory Commission
888 First Street, N.E., Room 1A
Washington, DC  20426

Re:  Jordan Cove Energy Project, L.P., Docket No. PF12-7-000
     Supplemental Geotechnical Information

Dear Ms. Bose:

Jordan Cove Energy Project, L.P. (JCEP) hereby submits, for filing in the above-referenced pre-filing docket, supplemental geotechnical information, specifically the November 2012 Mill Site Geotechnical Data Report. All information included in this filing is Public.

This filing is being made electronically. Separately, three paper copies of the filing are being provided for the Office of Energy Projects addressed to Paul Friedman, Terry Turpin and Jim Glaze, respectively. One paper copy is being provided to each of John Scott at Tetra Tech, the third party environmental contractor for JCEP’s project, and Bob Bachmar, FERC’s seismic consultant. Finally, the Point of Contact for each of the nine cooperating agencies will be
Ms. Kimberly D. Bose, Secretary  
March 4, 2013  
Page 2

notified of the filing by email and will be provided a courtesy copy of the filing in the format preferred by the agency, all as indicated in the cc’s below.

If you have any questions about this filing, please contact me at webbh@dicksteinshapiro.com or 202-420-4782, or my colleague Joan Darby at darbyj@dicksteinshapiro.com or 202-420-2745.

Respectfully submitted,

/s/ Beth L. Webb

Attorney for  
Jordan Cove Energy Project, L.P.

Enclosures

cc: Paul Friedman, FERC (CD & Paper)  
Terry Turpin, FERC (CD & Paper)  
James Glaze, FERC (CD & Paper)  
John Scott, Tetra Tech (CD & Paper)  
Bob Bachman (CD & Paper)  
Leslie Frewing, BLM (CD & Paper)  
Wes Yamamoto, FS (CD only)  
Kristen Hiatt, BOR (CD & Paper)  
Heidi Firstencel, COE (CD & Paper)  
Russ Berg, USCG (CD & Paper)  
Marc Talbert, DOE (CD & Paper)  
Teresa Kubo, EPA (CD only)  
Doug Young, FWS (CD & Paper)  
Thomas Finch, DOT (CD & Paper)
November 29, 2012

Jordan Cove Energy Project
Energy Projects Development LLC
125 Central Avenue, Suite 380
Coos Bay, OR 97420

Attention: Robert L. Braddock

SUBJECT: Mill Site Geotechnical Data Report
Jordan Cove LNG Facility
North Bend, Oregon

At your request, GRI has conducted a preliminary geotechnical investigation for the Jordan Cove liquefied natural gas (LNG) facility on the old Weyerhaeuser Mill Site on the North Spit in North Bend, Oregon. The site is located east of the Roseburg Forest Products site, which forms the east boundary of the proposed tank and slip locations. The general location of the site is shown on the Vicinity Map, Figure 1. The purpose of this investigation is to identify geologic and geotechnical considerations associated with the site development. This data report summarizes subsurface explorations and laboratory testing completed to date for this initial phase of the geotechnical investigation. The purpose of this data report is to disclose subsurface geotechnical conditions encountered during the initial investigation for preliminary design, and to evaluate locations where additional subsurface explorations are needed. A separate forthcoming geotechnical engineering report will include engineering recommendations for the proposed improvements.

SITE DESCRIPTION
Topography/Surface Conditions
The Mill Site lies on a small peninsula known as Jordan Point located at the east end of the North Spit on the northern shore of Coos Bay. The North Spit is a long, narrow northeast-southwest-trending peninsula that separates Coos Bay from the Pacific Ocean. Jordan Cove borders the southwestern shoreline of Jordan Point. The site is bordered by Trans Pacific Parkway and sand dunes on the north, the Coos Bay Rail Link on the east, Coos Bay (Jordan Cove) on the south, and sand dunes on the west near Jordan Cove Road and adjacent railroad. The site is accessed from paved roads along Jordan Cove Road in the northeastern portion of the site and by unimproved access roads in the west area of the site. Remnants of concrete foundations and building slabs from the former Weyerhaeuser Mill Site are visible at ground surface in the eastern interior portion of the site. Several paved parking areas and paved and unpaved access roads surround the former mill structures. An existing railroad parallels Jordan Cove Road along the northern and western areas of the site. A relatively short railroad spur extends onto the site west of the Coos Bay Rail Link. An above-ground storage tank and former guard shacks and small office structures are present in the northeastern portion of the site.

Existing landfills are located in the northern portion of the site between Jordan Cove Road and Trans Pacific Parkway and in the west-central area between the wetlands and two waste disposal ponds. The landfills
(Cells 1 through 3) and waste disposal ponds are described in further detail in our Joint Closure Work Plan report for the site (GRI, Sept. 2012).

The majority of the site is relatively flat and lies at about elevation 10 to 20 ft Mean Sea Level. The higher elevations of the Mill Site range between 40 to 45 ft and consist of natural sand dunes and other manmade fills between the east-west segment of Jordan Cove Road and Trans Pacific Parkway, and sand dunes adjacent to Jordan Cove Road in the western area of the site. Sparse low-lying vegetation and grasses cover areas beyond the limits of paved roads and former site structures in the eastern half of the site. The western area of the site has wetlands that are bordered by the unimproved access road in the south and by the east-west segment of Jordan Cove Road to the north. The wetlands are bordered by dense juvenile to mature evergreen and deciduous trees with dense underlying brush to the edge of the railroad on the western perimeter of the site.

**Geology**

The site lies on the eastern end of the North Spit along the north shore of Coos Bay. The North Spit is located at the southern edge of the Coos Bay dune sheet and is occupied by a series of sand dunes that reach heights of 100 to 150 ft. The Coos Bay and Florence dune sheets were deposited in the late Holocene epoch; however, late Pleistocene dune deposits are exposed east and south of the site (Peterson, et al., 2005). These dunes are composed of fine-grained, poorly graded sand of Recent age. The thickness of the dune sand deposits is not known with certainty, but likely extends to a depth of 100 ft or more in the vicinity of the site. The dune sand deposits are underlain by Eocene sandstone bedrock, mapped as Coaledo Formation. It has been reported that the majority of the level portion of the site has been filled with dredged sand fill; however, the chronology or method of filling is not clear.

The site lies approximately 75 km due east of the deformation front of the Cascadia Subduction Zone, the active plate boundary along which the Juan de Fuca Plate is being subducted beneath the western edge of the North America Plate. This deformation front is characterized by a primarily eastward-dipping thrust fault and is complex in detail, distributed over many splay thrusts. A complete description of the regional and local geology is included in our site-specific seismic hazard report (GRI, 2007a).

**PROJECT DESCRIPTION**

The Mill site is the eastern property being developed as part of the proposed Jordan Cove Energy project. The marine access slip, tanks, and accompanying improvements will be located on the Ingram Yard site to the west; a series of geotechnical investigations have already been completed for the Ingram Yard site (GRI 2007b, 2007c). We understand the grades at the Mill Site will be raised to about elevation 40 ft by placing sand obtained from the proposed slip and large existing dune at the Ingram Yard site. The intent of the fill is to balance cuts and fills and raise the final grades of the site above the estimated elevation of the design-level tsunami wave. The final site elevation will be based on cut and fill considerations and the results of tsunami inundation mapping currently being completed. Review of existing grades indicates an average of 20 to 30 ft of fill will be required to bring the majority of the site to a design elevation of 40 ft.

A draft layout of the proposed facility is shown on the Site Plan, Figure 2. The majority of the plant will be constructed south of the east/west portion of Jordan Cove Road with parking areas added between Trans Pacific Parkway and Jordan Cove Rd. The structural loads of the facility are presently unknown; however, we have assumed maximum column loads will be on the order of 150 to 200 kips, and contact pressures
beneath equipment could approach 3 to 4 ksf. We also anticipate seismic design loads may control the
design of elevated structures. An emergency operations center will be constructed at a location yet to be
determined on the Mill Site.

A new utility corridor/access road will connect the facility with the LNG terminal site to the west and will
provide lifeline access route for emergency vehicles. The utility corridor/access road will require a bridge
over the north-south section of Jordan Cove Road and adjacent railroad. Current drawings provided by
David Evans and Associates, Inc. indicate the bridge will consist of a four-span structure with total length of
601 ft. The utility corridor/access road will also include a two-span bridge over the existing wetland
approximately 600 ft east of Jordan Cove Road; the bridge will have a total length of 290 ft. The western
end of the structure that extends over the wetland will transition to approximately 237 ft of anchored sheet
pile retaining wall along of the south edge of the utility access/corridor road to retain roadway fills from
encroaching onto wetlands and provide resistance to tsunami impact and scour protection. The east-west
section of railroad adjacent to Jordan Cove Road will be rerouted to the north to maintain access to the
Roseburg Forest Products site. Current plans for the new railroad alignment include a six-span bridge over
an existing wetland with total length of 268 ft between end bents.

This property has been owned and operated by Weyerhaeuser and has been listed by the Oregon
Department of Environmental Quality (DEQ) in the cleanup, leaking underground storage tank, hazardous
waste, and water discharge programs as described in further detail in our Joint Closure Work Plan report
(GRI, 2012). Portions of the site have received environmental closure, and others are still under regulatory
oversight and require periodic monitoring. Several landfills are located on the north portion of the site.

In addition to the landfills, two waste disposal ponds are located in the area of proposed structural fills.
The ponds will need to be mitigated to support loads imposed by the new fills and future improvements. If
possible, fill may also be placed over the existing landfills located between Jordan Cove Road and Trans
Pacific Parkway.

SUBSURFACE CONDITIONS

General

Subsurface materials and conditions at the Mill Site were evaluated in March and April 2012 with 12 deep
borings, designated B-1 through B-12. The borings were advanced to depths of about 36.5 to 181.5 ft.
Figure 2 shows the locations of all borings completed in the vicinity of the Mill Site and eastern area of the
utility corridor/access road. Logs of the borings and a discussion of the field exploration program
conducted for this investigation are provided in Appendix A. The terms used to describe the soil are
defined in Tables 1A and 2A.

The subsurface explorations indicate the site is typically mantled with relatively clean, fine-grained sand
that is underlain by weathered siltstone. Historical records indicate the upper 10 to 25 ft of the sand
deposit is likely fill, which is consistent with the range of fill thicknesses of 10 to 20 ft encountered during
our investigation. The sand typically contains a trace of silt and is brown near the ground surface and
transitions to gray below depths of 10 to 20 ft. The transition from fill to the underlying dune sand was
indiscernible in many of the explorations based on visual observations and comparison of grain size testing
results completed on samples of fill and native sand. However, relatively thin layers of organic silt or
sandy clay fill were encountered at a depth of about 10 ft in a borings B-3 and B-9; the organic silt material
is typically brown and contains some fine-grained sand and woody organics; the sandy clay is brown and contains woody organics and is high plasticity. A more detailed discussion of the materials disclosed by our explorations is provided below.

Soils
For the purpose of discussion, the soils and weathered rock disclosed by the borings have been grouped into the following categories based on their physical characteristics and engineering properties.

1. FILL
2. SAND
3. Weathered SILTSTONE

1. FILL. A 6-in.-thick layer of asphaltic-concrete pavement underlain by 12 in. of base course was encountered at the ground surface in borings B-1, B-2, B-4, B-5, B-9, B-10, and B-12. A dense, gravelly layer at the ground surface at a depth of about 1 ft in boring B-11 and may have been a former road surface. Beneath the pavement section and at the ground surface elsewhere on the site, the borings encountered sand fill. The majority of the fill consists of reworked dune sand. The sand fill is underlain by organic silty to clayey materials composed of possible wood waste fill in borings B-3 and B-9. As noted previously, we anticipate the upper 10 to 20 ft of soil at the site is likely fill. However, the contact between the fill and native sand is indiscernible at many locations, and it is possible the fill extends to a depth of up to 27 ft as noted on the logs.

The sand fill is typically brown near the ground surface and transitions to gray below depths of 10 to 20 ft. The sand fill is typically fine grained and contains a trace of silt. Silty sand fill was encountered in the upper 10 ft in boring B-3. Scattered fine gravel was encountered in the sand fill above a depth of 12.5 ft in boring B-1, above 15 ft in boring B-6, at 10 ft in boring B-10, and above 10 ft in boring B-12. The relative density of the sand fill ranges from very loose to very dense based on N-values ranging from 1 to 68 blows/ft. The zones of very loose to loose sand are generally located near the bottom of the fill layer near the contact with the native sand, and the majority of the sand fill is considered to be medium dense to dense. The natural moisture content of the sand and silty sand fill ranges from about 15 to 41% and is typically between about 20 and 25%. The results of grain size testing on samples of sand fill from borings B-8 and B-10 indicate a D50 grain size ranging between 0.20 and 0.30 mm. The USCS designation for the sand fill is SP; poorly graded, clean sand.

A layer of organic silt to sandy silt up to 5 ft thick was encountered at a depth of 10 ft in boring B-3, and a 1-ft-thick layer of silty clay was encountered at a depth of 10.5 ft in boring B-9. The silt and clay have some fine-grained sand and fine, woody organics. The natural moisture content of the organic silt and silty clay is 255% and 90%, respectively. The relative density of the organic silt and clay fill is very soft based on N-values of zero recorded in both of these layers. We have interpreted these organic silt and clay layers to be possible wood waste that was not stripped from the site prior to fill placement. Atterberg limits determinations for a sample of silty clay (possible wood waste) indicate the soil has a liquid limit (LL) of 108% and plasticity index (PI) of 70%.

Woody or other organic debris was also encountered in the fill above a depth of 20 ft in boring B-3, above 15 ft in boring B-6, above 20 ft in boring B-7, above 11.5 ft in boring B-9, at a depth of 2.5 ft in boring
B-10, between 10 and 20 ft in boring B-11, and from the ground surface to a depth of 10 ft in boring B-12. An 11-in.-thick layer of wood encountered at a depth of 5.6 ft in boring B-9 was interpreted to be a buried log.

2. **SAND.** Sand was encountered beneath the fill layer in all of the borings. The sand is typically gray to brownish gray and is primarily fine grained and contains a trace of silt. Scattered fine gravel was encountered within the sand unit between a depth of 20 and 40 ft in boring B-5, between 90 and 100 ft in boring B-6, and below a depth of 75 ft in boring B-10.

The relative density of the sand ranges from very loose to very dense based on N-values ranging from 2 to refusal, which is defined as more than 50 hammer blows for 6 in. of sampler penetration. The zones of very loose to medium dense sand are generally limited to the upper 40 ft of the soil profile, and the majority of the soil profile is considered to be dense to very dense. The natural moisture content of the sand ranges from about 18 to 29% and is typically between about 20 and 25%. Grain size analyses on samples of sand from borings B-1, B-3, B-5, B-7, and B-11 indicate a D₅₀ grain size ranging between 0.20 and 0.30 mm. The USCS designation for the sand is SP; poorly graded, clean sand to sand with trace silt. Sandy silt was encountered below a depth of 140 ft in boring B-6; the natural moisture content of the soil ranges from about 29 to 34%.

Woody or other organic debris was encountered in the sand above a depth of 20 ft in boring B-3, between 15 and 20 ft in boring B-4, between 110 and 120 ft and below 143 ft in boring B-6, below 55 ft in boring B-7, above 20 ft and at 55 ft in boring B-8, and between 15 and 20 ft in boring B-10. Scattered shell fragments were typically encountered in the sand below depths of 40 to 70 ft. Shell fragment are discontinuous and vary in size from coarse sand-size particles up to a diameter of ³/₄ in.

3. **Weathered SILTSTONE.** Weathered siltstone described as silt or clay in the boring logs was encountered below the dune sand in borings B-1 and B-11 at a depth of 136 and 71.5 ft, respectively; the borings were terminated in weathered siltstone at a depth of 151.5 and 76.5 ft, respectively. Fragments of the siltstone were encountered in boring B-6 in the silty sand below a depth of 140 ft. It should also be noted that boring B-9 was advanced to a depth of 181.5 ft, and no discrete siltstone layer was encountered, although drill cuttings from this boring were silty below a depth of 168 ft. The borings indicate the depth to siltstone is variable across the site.

The weathered siltstone is typically gray to dark grayish-brown and has a trace of fine-grained sand. In general, N-values in the weathered siltstone range from 79 blows/ft to refusal, indicating the relative density of the silt and clay is hard. The natural moisture content of the material typically ranges from about 19 to 33%. The USCS designation for the weathered siltstone varies from MH to CH; inorganic silt to high-plasticity clay.

**Groundwater**

The majority of the borings were completed using mud-rotary drilling techniques, which do not allow the measurement of groundwater levels. A vibrating-wire piezometer was installed at a depth of 49.6 ft in borings B-1 and B-2 to monitor groundwater levels and associated tide-induced groundwater fluctuations at the site. The piezometer is connected to a data logger system that allows automated readings. Installation of the piezometer is described in Appendix A.
The groundwater levels recorded in borings B-1 and B-2 between April and September 2012 are shown on Figure 3 with daily precipitation data obtained from the Coos Bay airport and NOAA tidal data recorded near Charleston, Oregon. The figure indicates seasonal groundwater levels fluctuated about 4 ft over this time, with groundwater levels varying between about elevations 4 and 8 ft in boring B-1 and 6 and 10 ft in boring B-2. The groundwater level is approximately 2 ft lower at the location of boring B-1 than at B-2.

LIMITATIONS
This geotechnical data report summarizes the results of subsurface explorations and laboratory testing completed for this phase of the geotechnical exploration program. The scope of this report is limited to the specific geotechnical project and location described herein, and our description of the project represents our current understanding of the significant aspects of the proposed LNG facility. The data provided in this report was obtained from the subsurface explorations made at the locations indicated on the Site Plan and from other sources of information as discussed in this report. In the performance of subsurface investigations, specific information is obtained at specific locations at specific times. However, it is acknowledged that variations in soil or rock conditions may exist between exploration locations, and this report does not necessarily reflect these potential variations.

Submitted for GRI,

George A. Freitag, CEG
Associate

Scott M. Schlechter, PE, GE
Associate

Christopher K. Ell, PE, GE
Senior Engineer

References
GRI, July 2, 2007 (Revised November 29, 2012), Task Order No. 5, Geotechnical Investigation, Proposed Jordan Cove LNG Facility, Coos County, Oregon.
________, July 2, 2007 (Revised November 29, 2012), Task Order No. 4A, Site-Specific Seismic Hazard Study, Proposed Jordan Cove LNG Facility, Coos County, Oregon.
________, August 10, 2007 (Revised November 29, 2012), Data Report for Phase II Geotechnical Investigation, Jordan Cove LNG Facility, North Bend, Oregon.

Exhibit I
Appendix A

Facility Description

PUBLIC
Exhibit J
Legend

- New IND Boundary per #ABI-12-01

Attachment B - New IND Boundary
Exhibit K
<table>
<thead>
<tr>
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Exhibit L
Chapter 18.56
NORTH BEND AIRPORT OVERLAY ZONING

Sections:
18.56.010 Short title.
18.56.020 Purpose.
18.56.030 Definitions.
18.56.040 Imaginary surface and noise impact boundary delineation.
18.56.050 Notice of land use, permit applications and overlay zone boundary or surface changes within overlay zone area.
18.56.060 Height limitations on allowed uses in underlying zones.
18.56.070 Procedures.
18.56.080 Land use compatibility requirements.
18.56.090 Water impoundments within approach surfaces and airport direct and secondary impact boundaries.
18.56.100 Wetland mitigation, creation, enhancement and restoration within approach surfaces and airport direct and secondary impact boundaries.
18.56.110 Nonconforming uses.
18.56.120 Appeals.
18.56.130 Penalties.
18.56.140 Severability.
18.56.150 Conflicting regulations.

18.56.010 Short title.
This chapter shall be known and cited and pleaded as the North Bend airport overlay zoning ordinance. (Ord. 1952 § 1(4), 2006)

18.56.020 Purpose.
The purpose of this overlay zone is to encourage and support the continued operation and vitality of the North Bend Airport by establishing compatibility and safety standards to promote air navigational safety at such airport and to reduce potential safety hazards for persons living, working or recreating near the airport. (Ord. 1952 § 1(4), 2006)

18.56.030 Definitions.
Except where the context indicates otherwise, the following words and phrases shall mean:
(1) "Airport" means the North Bend Municipal Airport.
(2) "Airport direct impact area" means the area located within 5,000 feet of an airport runway, excluding lands within the runway protection zone and approach surface.
(3) "Airport elevation." The most current and approved North Bend Municipal Airport master plan, airport layout plan, defines the highest point of the airport’s usable landing area. The 2002 Airport Layout Plan has established the airport elevation as 17.1 feet above mean sea level (reference datum is NAVD 88).
(4) “Airport imaginary surfaces” means imaginary areas in space and on the ground that are established in relation to the airport and its runways. Imaginary areas are defined by the primary surface, runway protection zone, approach surface, horizontal surface, conical surface and transitional surface.
(5) “Airport noise impact boundary” means areas located within 1,500 feet of an airport runway or within the most current, established noise contour boundaries exceeding 55 Ldn.
(6) “Airport secondary impact area” means the area located between 5,000 and 10,000 feet from the airport’s runways.
(7) “Airport sponsor” means the owner, manager, or other person or entity designated to represent the interests of the airport.
(8) “Approach surface” means a surface longitudinally centered on the extended runway center line and extending outward and upward from each end of the primary surface.
(a) The inner edge of the approach surface is the same width as the primary surface and it expands uniformly to a width of:
(i) Two thousand feet for a utility runway having a nonprecision instrument approach.
(ii) Three thousand five hundred feet for a nonprecision instrument runway, other than utility, having visibility minimums greater than three-quarters statute mile.
(iii) Four thousand feet for a nonprecision instrument runway, other than utility, having visibility minimums at or below three-quarters statute mile.
(iv) Sixteen thousand feet for precision instrument runways.
(b) The approach surface extends for a horizontal distance of:
(i) Five thousand feet at a slope of 20 feet outward for each foot upward (20:1) for all utility runways;
(ii) Ten thousand feet at a slope of 34 feet outward for each foot upward (34:1) for all
nonprecision instrument runways, other than utility; and

(iii) Ten thousand feet at a slope of 50 feet outward for each foot upward (50:1), with an additional 40,000 feet at a slope of 40 feet outward for each foot upward (40:1), for precision instrument runways.

(c) The outer width of an approach surface will be that width prescribed in this subsection for the most precise approach existing or planned for that runway end.

(9) “Conical surface” means a surface extending outward and upward from the periphery of the horizontal surface at a slope of 20:1 for a horizontal distance of 4,000 feet.

(10) “Department of Aviation” means the Oregon Department of Aviation, formerly the Aeronautics Division of the Oregon Department of Transportation.

(11) “FAA” means the Federal Aviation Administration.

(12) “FAA’s technical representative” means, as used in this chapter, the federal agency providing the FAA with expertise on wildlife and bird strike hazards as they relate to airports. This may include, but is not limited to, the USDA-APHIS-Wildlife Services.

(13) “Height” means the highest point of a structure or tree, plant or other object of natural growth, measured from mean sea level (reference datum is NAVD 88).

(14) “Horizontal surface” means a horizontal plane 150 feet above the established airport elevation, the perimeter of which is constructed by swinging arcs of specified radii from the center of each end of the primary surface of each runway of each airport and connecting the adjacent arcs by lines tangent to those arcs. The radius of each arc is:

(a) Five thousand feet for all runways designated as utility.

(b) Ten thousand feet for all other runways.

(c) The radius of the arc specified for each end of a runway will have the same arithmetical value. That value will be the highest determined for either end of the runway. When a 5,000-foot arc is encompassed by tangents connecting two adjacent 10,000-foot arcs, the 5,000-foot arc shall be disregarded on the construction of the perimeter of the horizontal surface.

(15) “Nonprecision instrument runway” means a runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area type navigation equipment, for which a straight-in nonprecision instrument approach has been approved, or planned, and for which no precision approach facilities are planned or indicated on an FAA-approved airport layout plan or FAA planning document.

(16) “Obstruction” means any structure or tree, plant or other object of natural growth that penetrates an airport imaginary surface.

(17) “Other than utility runway” means a runway that is constructed for and intended to be used by turbine-driven aircraft or by propeller-driven aircraft exceeding 12,500 pounds gross weight.

(18) “Precision instrument runway” means a runway having an existing instrument approach procedure utilizing air navigation facilities that provide both horizontal and vertical guidance, such as an instrument landing system (ILS) or precision approach radar (PAR). It also means a runway for which a precision approach system is planned and is so indicated by an FAA-approved airport layout plan or other FAA planning document.

(19) “Primary surface” means a surface longitudinally centered on a runway. When a runway has a specially prepared hard surface, the primary surface extends 200 feet beyond each end of that runway. When the runway has no specially prepared hard surface, or planned hard surface, the primary surface ends at each end of that runway. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway center line. The width of the primary surface is:

(a) Five hundred feet for utility runways having nonprecision instrument approaches;

(b) Five hundred feet for other than utility runways having nonprecision instrument approaches with visibility minimums greater than three-quarters statute mile; and

(c) One thousand feet for nonprecision instrument runways with visibility minimums at or below three-quarters statute mile, and for precision instrument runways.

(20) “Public assembly facility” means a permanent or temporary structure or facility, place or activity where concentrations of people gather in reasonably close quarters for purposes such as deliberation, education, worship, shopping, employment, entertainment, recreation, sporting events, or similar activities. Public assembly facilities include, but are not limited to, schools, churches, conference or convention facilities,
employment and shopping centers, arenas, athletic fields, stadiums, clubhouses, museums, and similar facilities and places, but do not include parks, golf courses or similar facilities unless used in a manner where people are concentrated in reasonably close quarters. Public assembly facilities also do not include air shows, structures or uses approved by the FAA in an adopted airport master plan, or places where people congregate for short periods of time such as parking lots or bus stops.

(21) “Runway” means a defined area on the airport prepared for landing and takeoff of aircraft.

(22) “Runway protection zone (RPZ)” means an area off the runway end used to enhance the protection of people and property on the ground. The RPZ is trapezoidal in shape and centered about the extended runway center line. The inner width of the RPZ is the same as the width of the primary surface. The outer width of the RPZ is a function of the type of aircraft and specified approach visibility minimum associated with the runway end. The RPZ extends from each end of the primary surface for a horizontal distance of:

(a) One thousand feet for utility runways.
(b) One thousand seven hundred feet for other than utility runways having nonprecision instrument approaches.
(c) Two thousand five hundred feet for precision instrument runways.

(23) “Significant,” as it relates to bird strike hazards, means a level of increased flight activity by birds across an approach surface or runway that is more than incidental or occasional, considering the existing ambient level of flight activity by birds in the vicinity.

(24) “Structure” means any constructed or erected object which requires location on the ground or is attached to something located on the ground. Structures include but are not limited to buildings, decks, fences, signs, towers, cranes, flagpoles, antennas, smokestacks, earth formations and overhead transmission lines. Structures do not include paved areas.

(25) “Transitional surface” means those surfaces that extend upward and outward at 90-degree angles to the runway center line and the runway center line extended at a slope of seven feet horizontally for each foot vertically (7:1) from the sides of the primary and approach surfaces to the point of intersection with the horizontal and conical surfaces. Transitional surfaces, for those portions of the precision approach surfaces which project through and beyond the limits of the conical surface, extend a distance of 5,000 feet measured horizontally from the edge of the approach surface and at a 90-degree angle to the extended runway center line.

(26) “Utility runway” means a runway that is constructed for and intended to be used by propeller-driven aircraft of 12,500 pounds maximum gross weight or less.

(27) “Visual runway” means a runway intended solely for the operation of aircraft using visual approach procedures, where no straight-in instrument approach procedures or instrument designations have been approved or planned, or are indicated on an FAA-approved airport layout plan or any other FAA planning document.

(28) “Water impoundment” includes wastewater-treatment-related ponds, surface mining ponds, detention and retention ponds, artificial lakes and ponds, and similar water features. A new water impoundment includes an expansion of an existing water impoundment except where such expansion was previously authorized by land use action approved prior to the effective date of the ordinance codified in this chapter.

### Table: Runway Type

<table>
<thead>
<tr>
<th>Runway</th>
<th>Type of Runway</th>
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<tr>
<td>R/W 4</td>
<td>Precision Instrument</td>
</tr>
<tr>
<td>R/W 22</td>
<td>Nonprecision Instrument</td>
</tr>
<tr>
<td>R/W 13</td>
<td>Visual, Other Than Utility</td>
</tr>
<tr>
<td>R/W 31</td>
<td>Visual, Other Than Utility</td>
</tr>
<tr>
<td>R/W 16</td>
<td>Utility</td>
</tr>
<tr>
<td>R/W 34</td>
<td>Utility</td>
</tr>
</tbody>
</table>

(Ord. 1952 § 1(4), 2006)

18.56.040 Imaginary surface and noise impact boundary delineation.

The airport elevation, the airport noise impact boundary, and the location and dimensions of the runway, primary surface, runway protection zone, approach surface, horizontal surface, conical surface and transitional surface is delineated for the airport by the most current and approved North Bend Municipal Airport master plan and airport layout plan, and the airport master plan along with the associated maps and documents are made part of the official zoning map of the city of North Bend. All lands, waters and airspace, or portions thereof, that are located within these boundaries or
surfaces shall be subject to the requirements of this overlay zone. (Ord. 1952 § 1(4), 2006)

18.56.050 Notice of land use, permit applications and overlay zone boundary or surface changes within overlay zone area.

Except as otherwise provided herein, written notice of applications for land use or limited land use decisions, including comprehensive plan or zoning amendments, in an area within this overlay zone, shall be provided to the airport sponsor and the Department of Aviation in the same manner as notice is provided to property owners entitled by law to written notice of land use or limited land use applications.

(1) Notice shall be provided to the airport sponsor and the Department of Aviation when the property, or a portion thereof, that is subject to the land use or limited land use application is located within 10,000 feet of the sides or ends of a runway.

(2) Notice of land use and limited land use applications shall be provided within the following timelines:

(a) Notice of land use or limited land use applications involving public hearings shall be provided prior to the public hearing at the same time that written notice of such applications is provided to property owners entitled to such notice.

(b) Notice of land use or limited land use applications not involving public hearings shall be provided at least 20 days prior to entry of the initial decision on the land use or limited land use application.

(3) Notice of the decision on a land use or limited land use application shall be provided to the airport sponsor and the Department of Aviation within the same timelines that such notice is provided to parties to land use or limited land use proceeding.

(4) Notices required under subsections (1) through (3) of this section need not be provided to the airport sponsor or the Department of Aviation where the land use or limited land use application meets all of the following criteria:

(a) Would only allow structures of less than 35 feet in height;

(b) Involves property located entirely outside the approach surface;

(c) Does not involve industrial, mining or similar uses that emit smoke, dust or steam; sanitary landfills or water impoundments; or radio, radiotelephone, television or similar transmission facilities or electrical transmission lines; and

(d) Does not involve wetland mitigation, enhancement, restoration or creation.

(5) Changes that affect the overlay zone boundaries or surfaces defined by this rule, which are proposed by the airport, shall be subject to city of North Bend review, modification and approval as part of the planning process outlined in this rule. Written notice of proposed changes that affect the overlay zone boundaries or surfaces shall be provided to the city of North Bend by the airport in the same manner as notice is provided to property owners entitled by law to written notice of land use or limited land use applications. (Ord. 1952 § 1(4), 2006)

18.56.060 Height limitations on allowed uses in underlying zones.

All uses permitted by the underlying zone shall comply with the height limitations in this section. When height limitations of the underlying zone are more restrictive than those of this overlay zone, the underlying zone height limitations shall control.

(1) Except as provided in subsections (2) and (3) of this section, no structure or tree, plant or other object of natural growth shall penetrate an airport imaginary surface.

(2) For areas within airport imaginary surfaces but outside the approach and transition surfaces, where the terrain is at higher elevations than the airport runway surfaces such that existing structures and permitted development penetrate or would penetrate the airport imaginary surfaces, a local government may authorize structures up to 35 feet in height.

(3) Other height exceptions or variances may be permitted when supported in writing by the airport sponsor, the Department of Aviation and the FAA. Applications for height variances shall follow the procedures for other variances and shall be subject to such conditions and terms as recommended by the Department of Aviation and the FAA. (Ord. 1952 § 1(4), 2006)

18.56.070 Procedures.

An applicant seeking a land use or limited land use approval in an area within this overlay zone shall provide the following information in addition to any other information required in the permit application:

(1) A map or drawing showing the location of the property in relation to the airport imaginary
surfaces. The airport authority shall provide the applicant with appropriate base maps upon which to locate the property.

(2) Elevation profiles and a site plan, both drawn to scale, including the location and height of all existing and proposed structures, measured in feet above mean sea level (reference datum NAVD 88).

(3) If a height variance is requested, letters of support from the airport sponsor, the Department of Aviation and the FAA. (Ord. 1952 § 1(4), 2006)

18.56.080 Land use compatibility requirements.

Applications for land use or building permits for properties within the boundaries of this overlay zone shall comply with the requirements of this section as provided herein:

(1) Noise. Within airport noise impact boundaries, land uses shall be established consistent with the levels identified in OAR 660, Division 13, Exhibit 5. A declaration of anticipated noise levels shall be attached to any subdivision or partition approval or other land use approval or building permit affecting land within airport noise impact boundaries. In areas where the noise level is anticipated to be at or above 55 Ldn, prior to issuance of a building permit for construction of a noise-sensitive land use (real property normally used for sleeping or as a school, church, hospital, public library or similar use), the permit applicant shall be required to demonstrate that a noise abatement strategy will be incorporated into the building design that will achieve an indoor noise level equal to or less than 55 Ldn.

(2) Outdoor Lighting. No new or expanded industrial, commercial or recreational use shall project lighting directly onto an existing runway or taxiway or into existing airport approach surfaces except where necessary for safe and convenient air travel. Lighting for these uses shall incorporate shielding in their designs to reflect light away from airport approach surfaces. No use shall imitate airport lighting or impede the ability of pilots to distinguish between airport lighting and other lighting.

(3) Glare. No glare-producing material, including but not limited to unpainted metal or reflective glass, shall be used on the exterior of structures located within an approach surface or on nearby lands where glare could impede a pilot’s vision.

(4) Industrial Emissions. 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, except upon demonstration, supported by substantial evidence, that mitigation measures imposed as approval conditions will reduce the potential for safety risk or incompatibility with airport operations to an insignificant level. The review authority shall impose such conditions as necessary to ensure that the use does not obscure visibility.

(5) Landfills. No new sanitary landfills shall be permitted within 10,000 feet of any airport runway. Expansions of existing landfill facilities within these distances shall be permitted only upon demonstration that the landfills are designed and will operate so as not to increase the likelihood of bird/aircraft collisions. Timely notice of any proposed expansion shall be provided to the airport sponsor, the Department of Aviation and the FAA, and any approval shall be accompanied by such conditions as are necessary to ensure that an increase in bird/aircraft collisions is not likely to result.

(6) Communications Facilities and Electrical Interference. Proposals for the location of new or expanded radio, radiotelephone, television transmission facilities and electrical transmission lines within this overlay zone shall be coordinated with the Department of Aviation and the FAA prior to approval.

(7) Use Prohibitions in RPZ. Notwithstanding the underlying zoning, the following uses are prohibited in the RPZ:

(a) New residential development.

(b) Public assembly facilities. (Ord. 1952 § 1(4), 2006)

18.56.090 Water impoundments within approach surfaces and airport direct and secondary impact boundaries.

(1) Any use or activity that would result in the establishment or expansion of a water impoundment shall comply with the requirements of this section.

(2) No new or expanded water impoundments of one-quarter acre in size or larger are permitted:

(a) Within an approach surface and within 5,000 feet from the end of a runway; or

(b) On land owned by the airport sponsor that is necessary for airport operations. (Ord. 1952 § 1(4), 2006)
18.56.100 Wetland mitigation, creation, enhancement and restoration within approach surfaces and airport direct and secondary impact boundaries.

(1) Notwithstanding the requirements of NBCC 18.56.090, wetland mitigation, creation, enhancement or restoration projects located within areas regulated under NBCC 18.56.090 shall be allowed upon demonstration of compliance with the requirements of this section.

(2) Wetland mitigation, creation, enhancement or restoration projects existing or approved on the effective date of the ordinance codified in this chapter and located within areas regulated under NBCC 18.56.090 are recognized as lawfully existing uses.

(3) To help avoid increasing safety hazards to air navigation near public use airports, the establishment of wetland mitigation banks in the vicinity of such airports but outside approach surfaces and areas regulated under NBCC 18.56.090 is encouraged.

(4) Applications to expand wetland mitigation projects in existence as of the effective date of the ordinance codified in this chapter, and new wetland mitigation projects, that are proposed within areas regulated under NBCC 18.56.090 shall be considered utilizing the review process applied to applications for conditional use permits and shall be permitted upon demonstration that:

(a) It is not practicable to provide off-site mitigation; or

(b) The affected wetlands provide unique ecological functions, such as critical habitat for threatened or endangered species or ground water discharge, and the area proposed for mitigation is located outside an approach surface.

(5) Wetland mitigation permitted under subsection (4) of this section shall be designed and located to avoid creating a wildlife hazard or increasing hazardous movements of birds across runways or approach surfaces.

(6) Applications to create, enhance or restore wetlands that are proposed to be located within approach surfaces or within areas regulated under NBCC 18.56.090, and that would result in the creation of a new water impoundment or the expansion of an existing water impoundment, shall be considered utilizing the review process applied to applications for conditional use permits and shall be permitted upon demonstration that:

(a) The affected wetlands provide unique ecological functions, such as critical habitat for threatened or endangered species or ground water discharge; and

(b) The wetland creation, enhancement or restoration is designed and will be maintained in perpetuity in a manner that will not increase in hazardous movements of birds feeding, watering or roosting in areas across runways or approach surfaces.

(7) Proposals for new or expanded wetland mitigation, creation, enhancement or restoration projects regulated under this section shall be coordinated with the airport sponsor, the Department of Aviation, the FAA and FAA's technical representative, the Oregon Department of Fish and Wildlife (ODFW), the Oregon Division of State Lands (DSL), the U.S. Fish and Wildlife Service (USFWS), and the U.S. Army Corps of Engineers (Corps) as part of the permit application.

(8) A decision approving an application under this section shall require, as conditions of approval, measures and conditions deemed appropriate and necessary to prevent in perpetuity an increase in hazardous bird movements across runways and approach surfaces. (Ord. 1952 § 1(4), 2006)

18.56.110 Nonconforming uses.

(1) These regulations shall not be construed to require the removal, lowering or alteration of any structure existing at the time the ordinance codified in this chapter is adopted and not conforming to these regulations. These regulations shall not require any change in the construction, alteration or intended use of any structure, the construction or alteration of which was begun prior to the effective date of the ordinance codified in this chapter.

(2) Notwithstanding subsection (1) of this section, the owner of any existing structure that has an adverse effect on air navigational safety as determined by the Department of Aviation shall install or allow the installation of obstruction markers as deemed necessary by the Department of Aviation, so that the structures become more visible to pilots.

(3) No land use or limited land use approval or other permit shall be granted that would allow a nonconforming use or structure to become a greater hazard to air navigation than it was on the effective date of this overlay zone.

(4) If a nonconforming structure or a structure containing a nonconforming use is destroyed by any cause to an extent exceeding 80 percent of the fair market value as indicated by the records of the
county assessor, a future structure or use shall conform to this chapter. (Ord. 1952 § 1(4), 2006)

18.56.120 Appeals.
(1) Administrative decisions are appealable to the planning commission. Decisions of the commission are appealable to the city council. Decisions of the city council are appealable to the Oregon Land Use Board of Appeals.
(a) All appeals shall be filed with the city planning commission within 10 days of the date that notice of the decision is mailed to the parties of record.
(b) Appeals must be submitted on appeal forms provided by the city and clearly identify the issues of appeal, the party status of the appellant, the applicable review criteria and include the appropriate appeal fee.
(c) Failure to raise an issue either orally or in writing at a public hearing concerning the matter precludes appeal based on that issue.
(2) Procedures for appeals to the city council shall be the same as those for appeals of planning commission decisions. (Ord. 1952 § 1(4), 2006)

18.56.130 Penalties.
Violation of, or failure to comply with, any provision of this chapter is punishable upon conviction by a fine not to exceed $300.00, and each day that such violation shall continue and persist after due notice thereof shall constitute a separate and distinct violation of this chapter. (Ord. 1952 § 1(4), 2006)

18.56.140 Severability.
If any clause, sentence, paragraph, section or portion of this chapter, for any reason, shall be adjudged invalid by a court of competent jurisdiction, such judgment shall not affect, impair or invalidate the remaining provisions of this chapter. (Ord. 1952 § 1(4), 2006)

18.56.150 Conflicting regulations.
Where there exists a conflict between any of the regulations or limitations prescribed in this chapter, and any other regulations applicable to the same area, whether the conflict be with respect to the height of structures or trees, the use of land or any other matter, the more stringent limitation or requirement shall govern and prevail. (Ord. 1952 § 1(4), 2006)

Chapter 18.60

CONDITIONAL USES

Sections:
18.60.010 Authorization to grant or deny conditional uses.
18.60.020 Application for a conditional use.
18.60.030 Hearing on conditional use.
18.60.040 Notices.
18.60.045 Hearing procedures.
18.60.050 Decisions.
18.60.060 Standards governing conditional uses.

18.60.010 Authorization to grant or deny conditional uses.

Uses designated in this title as conditional uses may be permitted, enlarged, or otherwise altered upon authorization by the planning commission in accordance with the standards and procedures set forth in this chapter. Conditional uses are those which may be found appropriate, desirable, convenient, or necessary in the applicable district subject to the following standards:
(1) The use is found to be compatible with adjacent uses or may be made compatible through the imposition of conditions; and
(2) The location, size, and design are consistent with existing adjacent uses or other uses allowed outright in the same zone district; and
(3) The use will not have a significant traffic impact compared to existing adjacent uses or other uses allowed outright in the same zone district; and
(4) The use complies with other applicable development standards in the same zone district.
Conditions may include increasing the required lot size or yard dimensions, limiting the height of buildings, controlling the location and number of vehicle access points, increasing the street width, increasing the number of off-street parking and loading spaces required, limiting the number, size, and location of signs, and requiring screening and landscaping to protect adjacent property. In the case of a use existing prior to the effective date of this title and which is classified in this title as a conditional use, any change in use or in lot area or in any alteration of the structure shall conform with the requirements dealing with conditional uses. (Ord. 1952 § 1(4), 2006)

18.60.020 Application for a conditional use.

A property owner or his authorized agent may initiate a request for a conditional use or the modi-
Exhibit M
To provide and encourage a safe, convenient and economic transportation system.

A transportation plan shall (1) consider all modes of transportation including mass transit, air, water, pipeline, rail, highway, bicycle and pedestrian; (2) be based upon an inventory of local, regional and state transportation needs; (3) consider the differences in social consequences that would result from utilizing differing combinations of transportation modes; (4) avoid principal reliance upon any one mode of transportation; (5) minimize adverse social, economic and environmental impacts and costs; (6) conserve energy; (7) meet the needs of the transportation disadvantaged by improving transportation services; (8) facilitate the flow of goods and services so as to strengthen the local and regional economy; and (9) conform with local and regional comprehensive land use plans.

Each plan shall include a provision for transportation as a key facility.

Transportation -- refers to the movement of people and goods.

Transportation Facility -- refers to any physical facility that moves or assists in the movement of people and goods excluding electricity, sewage and water.

Transportation System -- refers to one or more transportation facilities that are planned, developed, operated and maintained in a coordinated manner to supply continuity of movement between modes, and within and between geographic and jurisdictional areas.

Mass Transit -- refers to any form of passenger transportation which carries members of the public on a regular and continuing basis.

Transportation Disadvantaged -- refers to those individuals who have difficulty in obtaining transportation because of their age, income, physical or mental disability.

GUIDELINES

A. PLANNING

1. All current area-wide transportation studies and plans should be revised in coordination with local and regional comprehensive plans and submitted to local and regional agencies for review and approval.

2. Transportation systems, to the fullest extent possible, should be planned to utilize existing facilities and rights-of-way within the state provided that such use is not inconsistent with the environmental, energy, land-use, economic or social policies of the state.

3. No major transportation facility should be planned or developed outside urban boundaries on Class I and II agricultural land, as defined by the U.S. Soil Conservation Service unless no feasible alternative exists.

4. Major transportation facilities should avoid dividing existing economic farm units and urban social units unless no feasible alternative exists.

5. Population densities and peak hour travel patterns of existing and planned developments should be considered in the choice of transportation modes for trips taken by persons. While high density developments with concentrated trip origins and destinations should be designed to be principally served by mass transit,
low-density developments with dispersed origins and destinations should be principally served by the auto.

6. Plans providing for a transportation system should consider as a major determinant the carrying capacity of the air, land and water resources of the planning area. The land conservation and development actions provided for by such plans should not exceed the carrying capacity of such resources.

B. IMPLEMENTATION

1. The number and location of major transportation facilities should conform to applicable state or local land use plans and policies designed to direct urban expansion to areas identified as necessary and suitable for urban development. The planning and development of transportation facilities in rural areas should discourage urban growth while providing transportation service necessary to sustain rural and recreational uses in those areas so designated in the comprehensive plan.

2. Plans for new or for the improvement of major transportation facilities should identify the positive and negative impacts on: (1) local land use patterns, (2) environmental quality, (3) energy use and resources, (4) existing transportation systems and (5) fiscal resources in a manner sufficient to enable local governments to rationally consider the issues posed by the construction and operation of such facilities.

3. Lands adjacent to major mass transit stations, freeway interchanges, and other major air, land and water terminals should be managed and controlled so as to be consistent with and supportive of the land use and development patterns identified in the comprehensive plan of the jurisdiction within which the facilities are located.

4. Plans should provide for a detailed management program to assign respective implementation roles and responsibilities to those governmental bodies operating in the planning area and having interests in carrying out the goal.
Exhibit N
1.0 Airport Planning – The Oregon Model

Oregon's planning system is predicated on conformance with the nineteen statewide planning goals. Requirements for meeting these goals are elaborated in applicable state statutes and administrative rules, and must be embodied in local comprehensive plans adopted by each county and city. Each of these local plans must be acknowledged by the state Land Conservation and Development Commission (LCDC) as in fact conforming to the goals, statutes, and rules. For a complete discussion of the federal and state regulations related to airport compatible land use planning, please refer to Chapter 5 of this document.

The following presents the means and requirements for local governments and those interested in Oregon aviation to comply with airport land use compatibility. This document provides a tool to assist local governments, planners, airport administrators, and citizens wishing to update the aviation transportation element of their comprehensive plan. Specifically, the document outlines the steps necessary to (1) review existing documents, issues, and policies related to airport planning, (2) integrate them into local comprehensive plan transportation elements, transportation system plans, airport master plans, and local ordinances and implementing regulations, and (3) provide supporting information regarding the rules, regulations and land use issues. The intention of this guide is to provide the information necessary for local jurisdictions and affected airports to conform to statewide planning goals, statutes, and rules applicable to airport planning.

Chapter 1 provides a "hands-on" approach to the assessment of a community comprehensive plan with regards to airport-related land use issues. The first section of Chapter 1 introduces the issues and requirements associated with airport planning, and presents a brief overview of applicable statewide regulations. The second section of Chapter 1 provides a questionnaire communities can use to review their comprehensive plan for compliance with statewide airport planning regulations. Chapter 1 should be used by land use planners as a checklist when updating their community comprehensive plan to ensure adequate implementation of airport-related land use issues. Chapters 2 - 7 should be used as reference data once a community begins the process of updating their comprehensive plan or as a community faces issues or questions regarding airport compatible land use issues.

1.1 Planning for Airport Land Use Compatibility

Since 1974, Oregon's Land Use Planning Act, embodied in Oregon Revised Statutes (ORS Chapter 197), has required all cities and counties to develop and adopt comprehensive plans. These plans must be updated through a process known as periodic review (ORS 197.682-650) to ensure that the plan continues to meet applicable statutes, administrative rules, and current laws and policies of the state of Oregon.

Periodic review ensures that a municipality's comprehensive plan remains in compliance with state provisions for "needed housing, employment, transportation and public facilities and services." In this way, the state ensures that city and county comprehensive plans are updated in response to changes in local conditions as well as changes in state land use policy. Through the periodic review process, local governments work with the state Department of Land Conservation and Development (DLCD) to update certain comprehensive plan elements (e.g., transportation plans) and/or regulations (e.g., airport compatibility zoning/ordinances). For communities that have not updated their comprehensive plan since implementation of the Airport Planning Rule (APR), this section outlines the steps planners and airport operators should undertake to ensure that policy changes for airports statewide are addressed through the periodic review process.
process, or otherwise, through updates of local plans and land use regulations. The steps outlined below will also be useful for communities wishing to expand or update the transportation element of their comprehensive plan through the creation of a specific transportation plan, or for communities wishing to create a master plan for an airport within their jurisdictional boundary.

1.2 How do the statewide goals and rules fit together with the local planning process?

The following summaries outline the primary state regulations governing aviation-related land use issues and comprehensive plan reviews. Additional discussion of each of these elements can be found in Chapter 4 and Chapter 5.

1.2a. Statewide Planning Goals
Statewide Planning Goal 12 is the goal directly applicable to airport planning in the context of periodic review. Goal 12 specifically promotes safe, convenient, and economic statewide transportation networks, including passenger and airfreight transportation. In order to comply with Goal 12 and the APR, city and county comprehensive plans must include a transportation element that addresses state requirements for airport planning and compatibility with surrounding land uses. An excerpt of the OAR that implements Goal 12 (OAR Chapter 660, Division 12, Transportation Planning) is found in Appendix C.

1.2b. Transportation Planning Rule (TPR)
The Statewide Transportation Planning Rule (TPR) also contains language that is applicable to local airport planning. In short, the TPR contains planning requirements for local governments to develop a Transportation System Plan (TSP) as a refinement to the comprehensive plan (refer to OAR Chapter 660, Division 12). In general, TSPs are required to plan for all modes of transportation needed by a given jurisdiction (multi-modal ground, air, and water transportation system needs). With specific regard to aviation and airport planning, TSPs are required to contain elements intended to preserve local components of the state’s public use aviation system. To accomplish this, the TPR requires local jurisdictions to adopt land use regulations for land uses within airport noise corridors and FAR Part 77 imaginary surfaces, and to restrict physical hazards to air navigation. Since publication of the 1994 Oregon Airport Land Use Compatibility Guidebook, changes to the TPR provide (1) additional protection for public airports from incompatible land uses, and (2) streamline approval processes for certain types of airport expansions and modifications on rural lands surrounding airports.

1.2c. Oregon Transportation Plan (OTP)
The Transportation Commission adopted the Oregon Transportation Plan (OTP) to guide and coordinate transportation activities and to ensure transportation planning utilizes the potential of all modes of transportation. The OTP is the statewide transportation system plan under Goal 12 and the TPR. The OTP includes a policy element and a system element. (Source: ODOT Development Review Guidelines, Pg. 5)

1.2d. 2000 Oregon Aviation Plan (OAP)
In accordance with OAR Chapter 660, Division 13, Section 030(1), the Oregon Department of Transportation (ODOT) has prepared and adopted the 2000 Oregon Aviation Plan (OAP) as part of the State Transportation System Plan in accordance with ORS 184.618 and the State Agency Coordination Program approved under ORS 197.160. The purpose of the state OAP is to provide state policy guidance and a framework for planning and operation of a convenient and economic system of airports, and for land use planning to reduce risks to aircraft operations and nearby land uses. The OAP encourages and supports the continued operation and vitality of Oregon’s airports.

Chapter 1-2
1.2e. Airport Planning Rule (APR)
The Airport Planning Rule (APR) further refines the provisions for local government airport regulation contained in Goal 12 and the Transportation Planning Rule. Specifically, the APR establishes a series of local government requirements and rules pertaining to aviation facility planning. These rules are intended to promote a convenient and economic system of airports in the state and for land use planning to reduce risks to aircraft operations and nearby land uses. The APR serves as the state regulatory basis for ensuring that local government airport planning conforms to the hierarchy of state plans and statutory requirements (i.e., Goal 12, ORS 836.300 et seq., Oregon Transportation Plan, 2000 Oregon Aviation Plan). These rules outline the parameters for local governments to follow as a framework for airport planning. Exhibit 1-1 provides a graphic representation of the relationships between federal and state agencies, as well as rules and regulations related to airport planning and land use compatibility issues.

1.3 How does your community meet the current statewide goals and rules for airport planning?

Understanding how your community meets the current statewide goals and rules for airport planning is essential to the development of a successful land use plan. The discussion that follows outlines various questions that can be used as a guide to assist you in your review of community and airport-related planning issues. These questions are not meant to be an exhaustive list of issues to be addressed by every community with an airport. Rather, they should be used as thought-provoking questions, which should lead you in a review of your current community plans. These questions serve as a checklist of the most important issues related to airport facilities in Oregon. This list highlights the primary areas of emphasis based on airport size and type. However, it should be recognized that additional regulations might apply to specific airports based on various conditions. Various regulations are based upon the type of ownership and type of airport use. The number of based aircraft is also a consideration which, when combined with ownership and use, creates a complex set of criteria for regulations. Oregon Department of Aviation should be contacted if you have more site-specific issues that should be discussed.
Exhibit 1-1: Relationship Between the Statewide Land Use Program and Airports

Oregon Statewide Land Use Program (19 Goals)
(ORS 197)

Goal 12: Transportation
(OAR 660-0015)

Transportation Planning Rule (TPR)
(OAR 660-0012)

Airport Planning Rule (APR)
(OAR 660-013)

Oregon Transportation Plan
(OAR 660-012-0015(1))

Oregon Aviation Plan
(OAR 660-013-030)

Federal Aviation Administration (FAA)

Local Comprehensive Plan
Implements Statewide Planning Goals

Transportation System Plan
Refines Transportation Element of Comp Plan

Airport Master Plan
Refines Aviation Element of Transportation Plan

Oregon Revised Statutes
Oregon Administrative Rules
Exhibit O
Final Report

Site-Specific Tsunami Modeling at the Jordan Cove LNG Facility
Coos County, Using New Cascadia Sources

Prepared by
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Center for Coastal Margin Observation & Prediction (CMOP)
Oregon Health & Science University
November 29, 2012

Summary
In 2008, the Center for Coastal Margin Observation & Prediction (CMOP) conducted a site-specific tsunami hazard study (Zhang 2008) for the proposed Liquefied Natural Gas (LNG) Terminal site located east of Henderson Marsh on the North Spit in Coos County, Oregon, across the Coos River shipping channel from the regional airport in North Bend (Fig. 1). Since then, revised Cascadia Subduction Zone (CSZ) sources have been developed by Oregon Department of Geology and Mineral Industries (DOGAMI); the hydrodynamic model has been further developed, validated and certified by National Tsunami Hazard Mitigation Program (NTHMP 2012); and the proposed site topography has been modified. This report summarizes the results of a new tsunami modeling study incorporating these changes. This study has focused on the three largest tsunami scenarios considered in the most recent DOGAMI study. Similar to the previous study, the maximum tsunami wave height occurs near the western boundary of the Terminal site.

Project Overview
The purpose of this investigation is to conduct site-specific tsunami modeling for the proposed Jordan Cove Energy LNG Terminal in Coos County, Oregon, using Oregon Health & Science University’s (OHSU) SELFE hydrodynamic model (Zhang and Baptista, 2008a, b), and new CSZ sources. The goal of the modeling study is to provide criteria for the design of mitigation measures to limit the impact of a tsunami on the site and terminal.

Accurate digital elevation model (DEM) of the site and surroundings has been obtained by CMOP through the NTHMP funded mapping and modeling project for Oregon coast as well as a high-resolution LiDAR survey conducted in February 2008 and made available by GRI. The SELFE hydrodynamic model has been rigorously benchmarked and certified by NTHMP as a tsunami inundation model (NTHMP, 2012). The source model for the CSZ (Hyndman and Wang, 1995) is based on Okada’s (1985) point source model, but is well constrained by geophysical evidence found in the offshore turbidities (Goldfinger, et al., 2012) and onshore sediment cores (Witter, et al., 2011). The concept of multi-deterministic approach adopted here has been expounded by Priest, et al. (2010).
Method

The project utilized the DEM information from the NTHMP southern Oregon coast project CMOP completed jointly with DOGAMI, with emphasis near the proposed site. Development of the LNG Terminal DEM included the following major landscape modifications: (1) dredging for an access channel and slip in the southern part of the site with docks on the north and east sides; (2) regrading the northern part of the site (up to the railway) and constructing a berm around the proposed location of the two LNG tanks; (3) building a power plant to the east of the site; and (4) constructing a road that links the main site and the power plant site. An iterative process was completed to evaluate site grades relative to the estimated tsunami runup elevation. The proposed site topography at the time of report publication can be seen on Fig. 2. Modifications to the existing topography were then incorporated into a new DEM as the “modified” landscape.

![Google map of Coos Bay, OR. Red box indicates the approximate location of the project site.](image)

Five of the 15 standard CSZ sources (XXL1, XL1, L1, M1, SM1) explain the overall variability well, and according to Witter, et al. (2011), M1 and L1 account for 80 to 85% of the variability and can be used for land use planning and revision of building code. To be conservative, this scope of work has focused on the L1 scenario, which is the largest event recommended for use in the building code, and the two larger, less likely, XL1 and XXL1 events. A typical seafloor vertical deformation for the largest XXL1 event is shown on Fig. 3. During the largest
earthquake event, the site is assumed to subside up to about 12 ft. Table 1 summarizes information for the final simulations conducted. It should be mentioned that the source scenarios considered here include extreme local events with a return interval of 1,200 years.

The hydrodynamic model used in this project is SELF-E (Zhang and Baptista, 2008a, b). Originally developed as an open-source, three-dimensional (3D), unstructured-grid, baroclinic circulation model, SELF-E has been rigorously benchmarked and applied to other field tsunami events (e.g., Zhang, et al., 2011). It has also been certified by NTHMP as an inundation model (NTHMP, 2012). The model uses a semi-implicit finite-element/finite-volume approach, coupled with Eulerian-Lagrangian method for advection, and is very efficient, accurate, and robust for a variety of estuary and coastal applications. The use of unstructured grids in the model allows maximum flexibility in resolving complex geometry and bathymetry commonly found in the bays and estuaries. The model has also been fully parallelized using domain decomposition and MPI. Although the model is fully 3D, the 2D configuration of the model is typically used for tsunami applications to maximize efficiency. As of this writing, the SELF-E user community (http://www.stccmop.org/CORIE/modeling/selfe/) has more than 100 registered user groups around the world.

With the LiDAR data collected in 2008 and during the NTHMP south coast project, we are able to construct a high-resolution unstructured grid, with higher resolution (2 to 5 m) near the project site; the final grid consists of approximately 3.14 million nodes and approximately 6.25 million triangular elements to resolve major features in Coos Bay and around the project site (Fig. 4). Note that this grid is much larger than that used in the previous LNG project site study or in the NTHMP south coast project. A 2-hour simulation was carried out for each scenario and landscape shown in Table 1, as the maximum waves reach the site approximately 20 to 30 min. after the earthquake (cf. Fig. 8). With 312 CPUs of NASA’s Pleiades cluster, each simulation run took merely 25 min. to complete. The earthquake was modeled as a 10-sec seafloor deformation sequence, resulting in an initial surface slope and acceleration field that drives the subsequent fluid motion. Tides were not explicitly modeled in the simulation; the vertical datum used in the simulations is NAVD88, and the initial tidal elevation is conservatively set at local MHHW (NOAA’s Charleston gauge) to represent the most conservative scenario.
Figure 2 Modified landscape near the LNG terminal. Negative values correspond to dry land. The numbers (60', 46', 40', 46') are raised ground elevations relative to NAVD88. Four stations in the turning harbor are used to examine the elevation and velocity time series. (cf. Fig. 8). Points A, B, C represent locations discussed in Table 2.

Figure 3 Seafloor deformation field for XXL1 near the project site. Subsidence of about 12 ft (3.7 m) is estimated at the site for this event.
Figure 4 Computational grid (entire grid, Coos Bay portion, and zoom-in of the modified landscape in the project site) utilized in the project.

**Results and Discussion**

A final set of six runs was completed for this project, corresponding to different source models and landscapes (Table 1). The total simulated time for each run was 2 hours after the earthquake, which is found sufficient to capture the maximum wave activity (cf. Fig. 8); this assumption was also confirmed through 8-hour simulations (not shown here). The first wave arrives at the project site approximately 20 min after the earthquake, followed by a larger second wave 10 min later (cf. Fig. 8). These findings are consistent with those in the NTHMP project as well.

<table>
<thead>
<tr>
<th>Run ID</th>
<th>Source Model</th>
<th>Return Interval (years)</th>
<th>Estimated Slip (m)</th>
<th>Landscape</th>
</tr>
</thead>
<tbody>
<tr>
<td>RUN1-XXL1</td>
<td>XXL1</td>
<td>1,200</td>
<td>36</td>
<td>Existing</td>
</tr>
<tr>
<td>RUN2-XXL1</td>
<td>XXL1</td>
<td>1,200</td>
<td>36</td>
<td>Modified</td>
</tr>
<tr>
<td>RUN1-XL1</td>
<td>XL1</td>
<td>1,200</td>
<td>33</td>
<td>Existing</td>
</tr>
<tr>
<td>RUN2-XL1</td>
<td>XL1</td>
<td>1,200</td>
<td>33</td>
<td>Modified</td>
</tr>
<tr>
<td>RUN1-L1</td>
<td>L1</td>
<td>800</td>
<td>22</td>
<td>Existing</td>
</tr>
<tr>
<td>RUN2-L1</td>
<td>L1</td>
<td>800</td>
<td>22</td>
<td>Modified</td>
</tr>
</tbody>
</table>

The maximum inundation extents predicted for the existing and modified landscapes show differences mainly near the project site (Fig. 5).

To reflect the variation in runup elevation for the L1, XL1, and XXL1 events, the elevations are tabulated for the three representative site locations shown on Figure 2. Table 2 shows assumed subsidence, runup elevations, and equivalent NAVD runup elevation. The equivalent NAVD runup elevation is calculated by adding the assumed subsidence to the estimated runup elevation. The table indicates there is a significant increase in both assumed subsidence and estimated runup elevation from the L1 to the XL1 and XXL1 events.
Table 2 Variation in Runup Elevations

<table>
<thead>
<tr>
<th>Site Location</th>
<th>Point Location</th>
<th>Event</th>
<th>Runup (ft)</th>
<th>Subsidence (ft)</th>
<th>Equivalent NAVD Elevation (ft) of Runup Considering Subsidence</th>
</tr>
</thead>
<tbody>
<tr>
<td>West Side of Tanks</td>
<td>A</td>
<td>XXL1</td>
<td>49.22</td>
<td>13.45</td>
<td>62.67</td>
</tr>
<tr>
<td></td>
<td></td>
<td>XL1</td>
<td>41.08</td>
<td>12.24</td>
<td>53.32</td>
</tr>
<tr>
<td></td>
<td></td>
<td>L1</td>
<td>19.03</td>
<td>7.78</td>
<td>26.81</td>
</tr>
<tr>
<td>North Side of Slip</td>
<td>B</td>
<td>XXL1</td>
<td>35.76</td>
<td>13.12</td>
<td>48.89</td>
</tr>
<tr>
<td></td>
<td></td>
<td>XL1</td>
<td>32.81</td>
<td>12.04</td>
<td>44.85</td>
</tr>
<tr>
<td></td>
<td></td>
<td>L1</td>
<td>20.67</td>
<td>7.64</td>
<td>28.32</td>
</tr>
<tr>
<td>South Side of Power Plant</td>
<td>C</td>
<td>XXL1</td>
<td>21.79</td>
<td>12.21</td>
<td>33.99</td>
</tr>
<tr>
<td></td>
<td></td>
<td>XL1</td>
<td>19.69</td>
<td>11.16</td>
<td>30.84</td>
</tr>
<tr>
<td></td>
<td></td>
<td>L1</td>
<td>16.27</td>
<td>7.09</td>
<td>23.36</td>
</tr>
</tbody>
</table>

On the existing “unmodified” landscape, the waves are generally able to advance farther into Henderson Marsh area. Other small differences exist due to wave reflections by the site development (Fig. 5). The tsunami inundation to existing Bay improvements is very similar with or without the modified landscapes (Fig. 5). The changes in the maximum wave activity due to the modification to the landscape are mainly local (Fig. 5 and 6). The differences in the wave heights near the airport are less than 1 m in general, and the landscape modification has caused slightly larger waves at some spots and smaller waves at others. The differences are generally larger for larger scenarios due to stronger wave interactions.

The wave-generated currents are largely consistent with the wave heights (Fig. 7). The strongest currents are found near the western wall of the berm (over 10 m/s). Currents of 10 m/s are also found near the main channel, the airport runway, and the barrier dunes separating the site from the Pacific Ocean, on either landscapes. However, currents are greatly attenuated in the turning harbor and the east site (Fig. 7b). Again, the influence of the landscape modification appears to be mostly near the site, although it actually slightly reduces the velocity in the shipping channel (Fig. 7ab).

Finally, the time series of elevations and velocities at four locations in the turning harbor are shown on Fig. 8. Compared with the results of the previous LNG project study, the wave heights and currents are stronger. Also Fig. 8a indicates that the second wave, which arrives approximately 30 min after the earthquake with an amplitude of approximately 10 m, is larger than the first; this is especially true for the smaller L1 scenario. The wave heights for the XXL1 and XL1 scenarios are quite comparable.

On the other hand, the induced currents are strongest during the first wave (Fig. 8bc). Also, the contrast between Fig. 8b,c indicates (1) during XXL1 and XL1 events, the west and north stations mainly experience eastward flow (5 m/s), whereas the two east stations experience southward flow (5 m/s); therefore the main wave comes from the west (overland) and curves around in the turning harbor generating a localized circulation; (2) during the L1 event, the
western barrier of the harbor is barely overtopped (Figs. 5 and 6), and the main flow comes in from the shipping channel with a northward direction. In any case, the combination of the large wave heights and strong currents near the western wall/barrier calls for special attention to the construction there to withstand the largest waves.

Fig. 5 Comparison of the maximum inundation lines between existing and modified landscapes for two scenarios: (a) XXL1 and (b) L1. The results for XL1 are similar to (a). The rectangular boxes indicate approximate location of the project site.
Fig. 6 Maximum elevations for each scenario on the (a) existing and (b) modified landscapes. The rectangular boxes indicate approximate location of the project site.

Fig. 7 Maximum velocities for each scenario on (a) existing and (b) modified landscapes. The rectangular boxes indicate approximate location of the project site.
Fig. 8 Time history of (a) elevations; (b) u-velocity (positive eastward); (c) v-velocity (positive northward) at the four slip locations shown on Fig. 2, for the modified landscape.

Conclusions and Remaining Uncertainties

We have conducted a site-specific tsunami hazard study for the proposed LNG terminal facility near Jordan Cove, Coos Bay, OR, using state-of-the-art geological and hydrodynamic modeling tools. The modeling considered the three largest tsunami and subsidence scenarios considered by DOGAMI in their most recent study (2012) for pre- and post-construction site topography and bathymetry. The site-specific modeling included an iterative process to evaluate proposed site grades relative to the tsunami events. The study indicates peak runup values will occur on the west side of the proposed berm surrounding the LNG tanks. The currently proposed site topography exceeds the design level tsunami event.

During the largest estimated XXL1 scenario, strong currents (up to 20 m/s) are also expected at the site, with or without modification to the landscape. Subsidence estimates and wave heights are significantly less for the smaller, more likely, earthquake scenarios. The tsunami inundation to existing Bay improvements is very similar with or without modifications to the landscape.

As in the case for all tsunami inundation studies, the accuracy of the model results is largely constrained by the uncertainties in the source models. While we have a high degree of confidence in our sources, active research is still on-going to better represent the CSZ sources, given the fact that details matter enormously during such near-field events.
The hydrodynamic model used in this project assumes the structures (jetties, barriers, dunes, etc.) are immobile throughout the tsunami event, which may not be true especially during larger earthquakes. The impact of tsunami wave forces on these structures can be estimated via momentum fluxes using the wave surface elevations and flow velocities presented in this report.

Acknowledgements

Some simulations in this report were carried out with support from NASA’s SGI/ICE/Pleiades cluster through a joint project with California Department of Water Resources.

References


Zhang, Y. (2008) Site-Specific Tsunami Modeling at the Jordan Cove LNG Facility Coos County, Oregon, Final Report to GRI.


Exhibit P
Jordon Cove plans safety measures

**THE WORLD**

NORTH BEND — Standing on the future site of the Jordan Cove Energy Project, its director of public affairs explained where various parts of the plant would lie. He described the extensive safety measures the company is taking.

The director, Michael Hinrichs, provided a tour Tuesday morning to Ray Bucheger, a lobbyist, Rep. Caddy McKeown, Rosie Shatkin, advisor for Sen. Arnie Roblan and Chuck Deister, advisor for Jordan Cove Energy Project. He described the extensive safety measures the company is taking.

Hinrichs said the project was taking precautions to ensure the public’s best interests were met. He said he was aware of the environmental groups’ concerns about safety and impact.

“When our permits get approved, we can say with confidence that all precautions have been taken,” Hinrichs said.

From right to left: Michael Hinrichs, Chuck Deister, Ray Bucheger and Rep. Caddy McKeown tour the Jordan Cove Energy Project site on the North Spit Tuesday morning. Hinrichs, director of public affairs for the project, hopes construction will begin in 2014. The first step is to raise the whole 500-acre property 40 to 45 feet above its current level. He expects it will take up to a year to complete that portion. At the height of construction there will be 2,100 jobs.

Workers with Geotechnical Resources, Inc. in Portland drill 80 feet down on the North Spit to get samples of the dirt at the Jordan Cove Energy Project site on Tuesday. Michael Hinrichs, director of public affairs for the project, said the site has a lot of sand, which is good for construction.
Current Elevations on North Spit Property - per Google Earth
Exhibit R
Ignore climate change and 100m people will die by 2030, shocking new report claims

By Daily Mail Reporter / Published September 26, 2012 |

More than 100 million people will die and global economic growth will be cut by 3.2 percent of gross domestic product (GDP) by 2030 if the world fails to tackle climate change, a report commissioned by 20 governments has claimed.

As global average temperatures rise due to greenhouse gas emissions, the effects on the planet, such as melting ice caps, extreme weather, drought and rising sea levels, will threaten populations and livelihoods, said the report conducted by humanitarian organization DARA.

It calculated that five million deaths occur each year from air pollution, hunger and disease as a result of climate change and carbon-intensive economies, and that toll would likely rise to six million a year by 2030 if current patterns of fossil fuel use continue.

More than 90 percent of those deaths will occur in developing countries, said the report that calculated the human and economic impact of climate change on 184 countries in 2010 and 2030.

It was commissioned by the Climate Vulnerable Forum, a partnership of 20 developing countries threatened by climate change.

'A combined climate-carbon crisis is estimated to claim 100 million lives between now and the end of the next decade,' the report said.

It said the effects of climate change had lowered global output by 1.6 percent of world GDP, or by about $1.2 trillion a year, and losses could double to 3.2 percent of global GDP by 2030 if global temperatures are allowed to rise, surpassing 10 percent before 2100.

It estimated the cost of moving the world to a low-carbon economy at about 0.5 percent of GDP this decade.

British economist Nicholas Stern told Reuters earlier this year investment equivalent to 2 percent of global GDP was needed to limit, prevent and adapt to climate change.

His report on the economics of climate change in 2006 said an average global temperature rise of 2-3 degrees Celsius in the next 50 years could reduce global consumption per head by up to 20 percent.

Temperatures have already risen by about 0.8 degrees Celsius above pre-industrial times.
Almost 200 nations agreed in 2010 to limit the global average temperature rise to below 2C (3.6 Fahrenheit) to avoid dangerous impacts from climate change.

But climate scientists have warned that the chance of limiting the rise to below 2C is getting smaller as global greenhouse gas emissions rise due to burning fossil fuels.

The world's poorest nations are the most vulnerable as they face increased risk of drought, water shortages, crop failure, poverty and disease.

On average, they could see an 11 percent loss in GDP by 2030 due to climate change, DARA said.

'One degree Celsius rise in temperature is associated with 10 percent productivity loss in farming.

'For us, it means losing about 4 million metric tonnes of food grain, amounting to about $2.5 billion.

'That is about 2 percent of our GDP,' Bangladesh's Prime Minister Sheikh Hasina said in response to the report.

'Adding up the damages to property and other losses, we are faced with a total loss of about 3-4 percent of GDP.'

Even the biggest and most rapidly developing economies will not escape unscathed.

The United States and China could see a 2.1 percent reduction in their respective GDPs by 2030, while India could experience a more than 5 percent loss.

(The full report is available at the link above)
Exhibit S
Freeport LNG is currently working to reduce anticipated noise generated by the proposed facilities.

- The maps on the display on noise assessments show the beginnings of that process.
- This is an iterative process including engineering design, modeling, and mitigation measures.
- The sound levels depicted on the maps are a baseline assuming bare piping and equipment.
- From these data our engineers can shift equipment, add insulation, and other features to reduce the noise levels.
- Once complete, our noise consultants will re-model and determine how the sound isopleths change. We are utilizing the FERC standard of 55 dBA (Ldn) at the nearest noise sensitive areas (NSAs).
- If the sound levels are above the standard, engineering will re-address equipment positions, insulation, or other applicable mitigation measures.
## Noise Sources and Their Effects

<table>
<thead>
<tr>
<th>Noise Source</th>
<th>Decibel Level</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jet take-off (at 25 meters)</td>
<td>150</td>
<td>Eardrum rupture</td>
</tr>
<tr>
<td>Aircraft carrier deck</td>
<td>140</td>
<td></td>
</tr>
<tr>
<td>Military jet aircraft take-off from aircraft carrier with afterburner at 50 ft (130 dB).</td>
<td>130</td>
<td></td>
</tr>
<tr>
<td>Thunderclap, chain saw. Oxygen torch (121 dB).</td>
<td>120</td>
<td>Painful. 32 times as loud as 70 dB.</td>
</tr>
<tr>
<td>Steel mill, auto horn at 1 meter. Turbo-fan aircraft at takeoff power at 200 ft (118 dB). Riveting machine (110 dB); live rock music (108 - 114 dB).</td>
<td>110</td>
<td>Average human pain threshold. 16 times as loud as 70 dB.</td>
</tr>
<tr>
<td>Jet take-off (at 305 meters), use of outboard motor, power lawn mower, motorcycle, farm tractor, jackhammer, garbage truck. Boeing 707 or DC-8 aircraft at one nautical mile (6080 ft) before landing (106 dB); jet flyover at 1000 feet (103 dB); Bell J-2A helicopter at 100 ft (100 dB).</td>
<td>100</td>
<td>8 times as loud as 70 dB. Serious damage possible in 8 hr exposure</td>
</tr>
<tr>
<td>Boeing 737 or DC-9 aircraft at one nautical mile (6080 ft) before landing (97 dB); power mower (96 dB); motorcycle at 25 ft (90 dB). Newspaper press (97 dB).</td>
<td>90</td>
<td>4 times as loud as 70 dB. Likely damage 8 hr exp</td>
</tr>
<tr>
<td>Garbage disposal, dishwasher, average factory, freight train (at 15 meters). Car wash at 20 ft (89 dB); propeller plane flyover at 1000 ft (88 dB); diesel truck 40 mph at 50 ft (84 dB); diesel train at 45 mph at 100 ft (83 dB). Food blender (88 dB); milling machine (85 dB); garbage disposal (80 dB).</td>
<td>80</td>
<td>2 times as loud as 70 dB. Possible damage in 8 h exposure.</td>
</tr>
<tr>
<td>Passenger car at 65 mph at 25 ft (77 dB); freeway at 50 ft from pavement edge 10 a.m. (76 dB). Living room music (76 dB); radio or TV-audio, vacuum cleaner (70 dB).</td>
<td>70</td>
<td>Arbitrary base of comparison. Upper 70s are annoyingly loud to some people.</td>
</tr>
<tr>
<td>Conversation in restaurant, office, background music, Air conditioning unit at 100 ft</td>
<td>60</td>
<td>Half as loud as 70 dB. Fairly quiet</td>
</tr>
<tr>
<td>Quiet suburb, conversation at home. Large electrical transformers at 100 ft</td>
<td>50</td>
<td>One-fourth as loud as 70 dB.</td>
</tr>
<tr>
<td>Library, bird calls (44 dB); lowest limit of urban ambient sound</td>
<td>40</td>
<td>One-eighth as loud as 70 dB.</td>
</tr>
<tr>
<td>Quiet rural area</td>
<td>30</td>
<td>One-sixteenth as loud as 70 dB. Very Quiet</td>
</tr>
<tr>
<td>Whisper, rustling leaves</td>
<td>20</td>
<td>Barely audible</td>
</tr>
<tr>
<td>Breathing</td>
<td>10</td>
<td></td>
</tr>
</tbody>
</table>

Exhibit T
Jordan Cove LNG Tanker Hazard Zones (FEIS Page 4.7-3)
No one is expected to survive in Zone 1 (yellow) - Structures will self-ignite in this zone just from the heat. People in Zone 2 (green) will be at risk of receiving 2nd degree burns in 30 seconds on exposed skin. People in Zone 3 are still at risk of burns if they don't seek shelter but exposure time is longer than in Zone 2. Map does not include the hazard zones for the South Dunes Power Plant.
Exhibit U
Appendix A

OAR 660-013

Airport Planning
The Oregon Administrative Rules contain OARs filed through August 15, 2002

LAND CONSERVATION AND DEVELOPMENT DEPARTMENT

DIVISION 13

AIRPORT PLANNING

660-013-0010

Purpose and Policy

(1) This division implements ORS 836.600 through 836.630 and Statewide Planning Goal 12 (Transportation). The policy of the State of Oregon is to encourage and support the continued operation and vitality of Oregon's airports. These rules are intended to promote a convenient and economic system of airports in the state and for land use planning to reduce risks to aircraft operations and nearby land uses.

(2) Ensuring the vitality and continued operation of Oregon's system of airports is linked to the vitality of the local economy where the airports are located. This division recognizes the interdependence between transportation systems and the communities on which they depend.

Stat. Auth.: ORS 183 & ORS 197
Stats. Implemented: ORS 836.600 - ORS 836.635 & 1997 OL, Ch. 859
Hist.: LCDC 6-1996, f. & cert. ef. 12-23-96; LCDD 3-1996, f. & cert. ef. 2-12-99

660-013-0020

Definitions

For purposes of this division, the definitions in ORS Chapter 197 apply unless the context requires otherwise. In addition, the following definitions apply:

(1) "Airport" means the strip of land used for taking off and landing aircraft, together with all adjacent land used in connection with the aircraft landing or taking off from the strip of land, including but not limited to land used for existing airport uses.

(2) "Aircraft" means helicopters and airplanes, but not hot air balloons or ultralights.

(3) "Airport Uses" means those uses described in OAR 660-013-0100.

(4) "Non Towered Airport" means an airport without an existing or approved control tower on June 5, 1995.

(5) "Public Assembly Uses" means a structure or outdoor facility where concentrations of people gather for purposes such as deliberation, education, worship, shopping, business, entertainment, amusement, sporting events, or similar activities, excluding air shows. Public Assembly Uses does not include places where people congregate for short periods of time such as parking lots and bus stops or uses approved by the FAA in an adopted airport master plan.
(6) "Sponsor" means the owner, manager, other person, or entity designated to represent the interests of an airport.

Stat. Auth.: ORS 183 & ORS 197  
Stats. Implemented: ORS 836.600 - ORS 836.635 & 1997 OL, Ch. 859  
Hist.: LCDC 6-1996, f. & cert. ef. 12-23-96; LCDD 3-1999, f. & cert. ef. 2-12-99

660-013-0030

Preparation and Coordination of Aviation Plans

(1) The Oregon Department of Transportation (ODOT) shall prepare and adopt a state Aviation System Plan (state ASP) as part of the State Transportation System Plan in accordance with ORS 184.618 and the State Agency Coordination Program approved under ORS 197.180. ODOT shall coordinate the preparation, adoption, and amendment of land use planning elements of the state ASP with local governments and airport sponsors. The purpose of the state ASP is to provide state policy guidance and a framework for planning and operation of a convenient and economic system of airports, and for land use planning to reduce risks to aircraft operations and nearby land uses. The state ASP shall encourage and support the continued operation and vitality of Oregon's airports.

(2) A city or county with planning authority for one or more airports, or areas within safety zones or compatibility zones described in this division, shall adopt comprehensive plan and land use regulations for airports consistent with the requirements of this division and ORS 836.600 through 836.630. Local comprehensive plan and land use regulation requirements shall be coordinated with acknowledged transportation system plans for the city, county, and Metropolitan Planning Organization (MPO) required by OAR 660, Division 12. Local comprehensive plan and land use regulation requirements shall be consistent with adopted elements of the state ASP and shall be coordinated with affected state and federal agencies, local governments, airport sponsors, and special districts. If a state ASP has not yet been adopted, the city or county shall coordinate the preparation of the local comprehensive plan and land use regulation requirements with ODOT. Local comprehensive plan and land use regulation requirements shall encourage and support the continued operation and vitality of airports consistent with the requirements of ORS 836.600 through 836.630.

Stat. Auth.: ORS 183 & ORS 197  
Stats. Implemented: ORS 836.600 - ORS 836.630 & 1997 OL, Ch. 859  
Hist.: LCDC 6-1996, f. & cert. ef. 12-23-96; LCDD 3-1999, f. & cert. ef. 2-12-99

660-013-0040

Aviation Facility Planning Requirements

A local government shall adopt comprehensive plan and land use regulation requirements for each state or local aviation facility subject to the requirements of ORS 836.610(1). Planning requirements for airports identified in ORS 836.610(1) shall include:

(1) A map, adopted by the local government, showing the location of the airport boundary. The airport boundary shall include the following areas, but does not necessarily include all land within the airport ownership:
(a) Existing and planned runways, taxiways, aircraft storage (excluding aircraft storage accessory to residential airpark type development), maintenance, sales, and repair facilities;

(b) Areas needed for existing and planned airport operations; and

(c) Areas at non-towered airports needed for existing and planned airport uses that:

   (A) Require a location on or adjacent to the airport property;

   (B) Are compatible with existing and planned land uses surrounding the airport; and

   (C) Are otherwise consistent with provisions of the acknowledged comprehensive plan, land use regulations, and any applicable statewide planning goals.

(d) "Compatible," as used in this rule, is not intended as an absolute term meaning no interference or adverse impacts of any type with surrounding land uses.

(2) A map or description of the location of existing and planned runways, taxiways, aprons, tiedown areas, and navigational aids;

(3) A map or description of the general location of existing and planned buildings and facilities;

(4) A projection of aeronautical facility and service needs;

(5) Provisions for airport uses not currently located at the airport or expansion of existing airport uses:

   (a) Based on the projected needs for such uses over the planning period;

   (b) Based on economic and use forecasts supported by market data;

   (c) When such uses can be supported by adequate types and levels of public facilities and services and transportation facilities or systems authorized by applicable statewide planning goals;

   (d) When such uses can be sited in a manner that does not create a hazard for aircraft operations; and

   (e) When the uses can be sited in a manner that is:

      (A) Compatible with existing and planned land uses surrounding the airport; and

      (B) Consistent with applicable provisions of the acknowledged comprehensive plan, land use regulations, and any applicable statewide planning goals.

(6) When compatibility issues arise, the decision maker shall take reasonable steps to eliminate or minimize the incompatibility through location, design, or conditions. A decision on compatibility pursuant to this rule shall further the policy in ORS 836.600.
(7) A description of the types and levels of public facilities and services necessary to support development located at or planned for the airport including transportation facilities and services. Provision of public facilities and services and transportation facilities or systems shall be consistent with applicable state and local planning requirements.

(8) Maps delineating the location of safety zones, compatibility zones, and existing noise impact boundaries that are identified pursuant to OAR 340, Division 35.

(9) Local government shall request the airport sponsor to provide the economic and use forecast information required by this rule. The economic and use forecast information submitted by the sponsor shall be subject to local government review, modification and approval as part of the planning process outlined in this rule. Where the sponsor declines to provide such information, the local government may limit the airport boundary to areas currently devoted to airport uses described in OAR 660-013-0100.

Stat. Auth.: ORS 183 & 197
Stats. Implemented: ORS 836.600 - ORS 836.630 & 1997 OL, Ch. 859
Hist.: LCDC 6-1996, f. & cert. ef. 12-23-96; LCDD 3-1999, f. & cert. ef. 2-12-99

660-013-0050

Implementation of Local Airport Planning

A local government with planning responsibility for one or more airports or areas within safety zones or compatibility zones described in this division or subject to requirements identified in ORS 836.608 shall adopt land use regulations to carry out the requirements of this division, or applicable requirements of ORS 836.608, consistent with the applicable elements of the adopted state ASP and applicable statewide planning requirements.

Stat. Auth.: ORS 183 & ORS 197
Stats. Implemented: ORS 836.600 - ORS 836.630 & 1997 OL, Ch. 859
Hist.: LCDC 6-1996, f. & cert. ef. 12-23-96; LCDD 3-1999, f. & cert. ef. 2-12-99

660-013-0070

Local Government Safety Zones for Imaginary Surfaces

(1) A local government shall adopt an Airport Safety Overlay Zone to promote aviation safety by prohibiting structures, trees, and other objects of natural growth from penetrating airport imaginary surfaces.

(a) The overlay zone for public use airports shall be based on Exhibit 1 (See page A-13) incorporated herein by reference.

(b) The overlay zone for airports described in ORS 836.608(2) shall be based on Exhibit 2 (See page A-17) incorporated herein by reference.

(c) The overlay zone for heliports shall be based on Exhibit 3 (See page A-19) incorporated herein by reference.

(2) For areas in the safety overlay zone, but outside the approach and transition surface, where the terrain is at higher elevations than the airport runway surface such that existing structures and planned development

Appendix A - 4
exceed the height requirements of this rule, a local government may authorize structures up to 35 feet in height. A local government may adopt other height exceptions or approve a height variance when supported by the airport sponsor, ODOT Aeronautics Division, and the FAA.

Stat. Auth.: ORS 183
Stats. Implemented: ORS 836.600 - ORS 836.630 & 1997 OL, Ch. 859
Hist.: LCDC 6-1996, f. & cert. ef. 12-23-96; LCDD 3-1999, f. & cert. ef. 2-12-99

660-013-0080

Local Government Land Use Compatibility Requirements For Public Use Airports

(1) A local government shall adopt airport compatibility requirements for each public use airport identified in ORS 836.610(1). The requirements shall:

(a) Prohibit new residential development and public assembly uses within the Runway Protection Zone (RPZ) identified in Exhibit 4 (See page A-21);

(b) Limit the establishment of uses identified in Exhibit 5 within a noise impact boundary that has been identified pursuant to OAR 340, Division 35 consistent with the levels identified in Exhibit 5 (See page A-23);

(c) Prohibit the siting of new industrial uses and the expansion of existing industrial uses where either, as a part of regular operations, would cause emissions of smoke, dust, or steam that would obscure visibility within airport approach corridors;

(d) Limit outdoor lighting for new industrial, commercial, or recreational uses or the expansion of such uses to prevent light from projecting directly onto an existing runway or taxiway or into existing airport approach corridors except where necessary for safe and convenient air travel;

(e) Coordinate the review of all radio, radiotelephone, and television transmission facilities and electrical transmission lines with ODOT Aeronautics Division;

(f) Regulate water impoundments consistent with the requirements of ORS 836.623(2) through (6); and

(g) Prohibit the establishment of new landfills near airports, consistent with Department of Environmental Quality (DEQ) rules.

(2) A local government may adopt more stringent regulations than the minimum requirements in section (1)(a) through (e) and (g) based on the requirements of ORS 836.623(1)

Stat. Auth.: ORS 183 & ORS 197
Stats. Implemented: ORS 836.600 - ORS 836.630 & 1997 OL, Ch. 859
Hist.: LCDC 6-1996, f. & cert. ef. 12-23-96; LCDD 3-1998, f. & cert. ef. 2-12-99
660-013-0100

Airport Uses at Non-Towered Airports

Local government shall adopt land use regulations for areas within the airport boundary of non-towered airports identified in ORS 836.610(1) that authorize the following uses and activities:

(1) Customary and usual aviation-related activities including but not limited to takeoffs, landings, aircraft hangars, tiedowns, construction and maintenance of airport facilities, fixed-base operator facilities, a residence for an airport caretaker or security officer, and other activities incidental to the normal operation of an airport. Residential, commercial, industrial, manufacturing, and other uses, except as provided in this rule, are not customary and usual aviation-related activities and may only be authorized pursuant to OAR 660-013-0110.

(2) Emergency Medical Flight Services, including activities, aircraft, accessory structures, and other facilities necessary to support emergency transportation for medical purposes. "Emergency Medical Flight Services" does not include hospitals, medical offices, medical labs, medical equipment sales, and similar uses.

(3) Law Enforcement and Firefighting Activities, including aircraft and ground based activities, facilities and accessory structures necessary to support federal, state or local law enforcement and land management agencies engaged in law enforcement or firefighting activities. These activities include transport of personnel, aerial observation, and transport of equipment, water, fire retardant and supplies.

(4) Flight Instruction, including activities, facilities, and accessory structures located at airport sites that provide education and training directly related to aeronautical activities. "Flight Instruction" does not include schools for flight attendants, ticket agents, or similar personnel.

(5) Aircraft Service, Maintenance and Training, including activities, facilities, and accessory structures provided to teach aircraft service and maintenance skills, maintain, service and repair aircraft and aircraft components, but not including activities, structures, and facilities for the manufacturing of aircraft for sale to the public or the manufacturing of aircraft related products for sale to the public. "Aircraft Service, Maintenance and Training" includes the construction of aircraft and aircraft components for personal use. The assembly of aircraft and aircraft components is allowed as part of servicing, maintaining, or repairing aircraft and aircraft components.

(6) Aircraft Rental, including activities, facilities, and accessory structures that support the provision of aircraft for rent or lease to the public.

(7) Aircraft Sales and the sale of aeronautical equipment and supplies, including activities, facilities, and accessory structures for the storage, display, demonstration and sale of aircraft and aeronautical equipment and supplies to the public.

(8) Aeronautic Recreational and Sporting Activities, including activities, facilities and accessory structures at airports that support recreational use of aircraft and sporting activities that require the use of aircraft or other devices used and intended for use in flight. Aeronautic Recreation and
Sporting Activities on airport property shall be subject to approval of the airport sponsor. Aeronautic recreation and sporting activities include but are not limited to: fly-ins; glider flights; hot air ballooning; ultralight aircraft flights; displays of aircraft; aeronautic flight skills contests; gyrocopter flights; flights carrying parachutists; and parachute drops onto an airport. As used in this rule, parachuting and parachute drops includes all forms of skydiving. Parachuting businesses may be allowed only where they have secured approval to use a drop zone that is at least 10 contiguous acres. A local government may establish a larger size for the required drop zone where evidence of missed landings and dropped equipment supports the need for the larger area. The configuration of 10 acre minimum drop zone shall roughly approximate a square or circle and may contain structures, trees, or other obstacles if the remainder of the drop zone provides adequate areas for parachutists to safely land.

(9) Crop Dusting Activities, including activities, facilities and structures accessory to crop dusting operations. These include, but are not limited to: aerial application of chemicals, seed, fertilizer, pesticide, defoliant and other activities and chemicals used in a commercial agricultural, forestry or rangeland management setting.

(10) Agricultural and Forestry Activities, including activities, facilities and accessory structures that qualify as a "farm use" as defined in ORS 215.203 or "farming practice" as defined in ORS 30.930.

(11) Air passenger and air freight services and facilities at public use airports at levels consistent with the classification and needs identified in the state ASP.

Stat. Auth.: ORS 183 & ORS 197
Stats. Implemented: ORS 836.600 - ORS 836.630 & 1997 OL, Ch. 859
Hist.: LCDC 6-1996, f. & cert. ef. 12-23-96; LCDD 3-1999, f. & cert. ef. 2-12-99

660-013-0110

Other Uses Within the Airport Boundary

Notwithstanding the provisions of OAR 660-013-0100, a local government may authorize commercial, industrial, manufacturing and other uses in addition to those listed in OAR 660-013-0100 within the airport boundary where such uses are consistent with applicable provisions of the acknowledged comprehensive plan, statewide planning goals and LCDC administrative rules and where the uses do not create a safety hazard or otherwise limit approved airport uses.

Stat. Auth.: ORS 183 & ORS 197
Stats. Implemented: ORG 930.600 - ORG 930.630 & 1997 OL, Ch. 859
Hist.: LCDC 6-1996, f. & cert. ef. 12-23-96; LCDD 3-1999, f. & cert. ef. 2-12-99

660-013-0140

Safe Harbors

A "safe harbor" is a course of action that satisfies certain requirements of this division. Local governments may follow safe harbor requirements rather than addressing certain requirements in these rules. The following are considered to be "safe harbors":

Appendix A - 7
(1) Portions of existing acknowledged comprehensive plans, land use regulations, Airport Master Plans and Airport Layout Plans adopted or otherwise approved by the local government as mandatory standards or requirements shall be considered adequate to meet requirements of these rules for the subject areas of rule requirements addressed by such plans and elements, unless such provisions are contrary to provisions of ORS 836.600 through 836.630. To the extent these documents do not contain specific provisions related to requirements of this division, the documents can not be considered as a safe harbor. The adequacy of existing provisions shall be evaluated based on the specificity of the documents and relationship to requirements of these rules;

(2) This division does not require elimination of existing or allowed airport related uses authorized by an acknowledged comprehensive plan and land use regulations; and

(3) Notwithstanding the safe harbor provisions of this rule, land use regulations applicable to non-towered airports shall authorize airport uses required by this division.

Stat. Auth.: ORS 183 & ORS 197
Stats. Implemented: ORS 836.600 - ORS 836.630 & 1997 OL, Ch. 859
Hist.: LCDC 6-1996, f. & cert. ef. 12-23-96; LCDD 3-1999, f. & cert. ef. 2-12-99

660-013-0155

Planning Requirements for Small Airports

(1) Airports described in ORS 836.608(2) shall be subject to the planning and zoning requirements described in ORS 836.608(2) through (6) and (8).

(2) The provisions of OAR 660-013-0100 shall be used in conjunction with ORS 836.608 to determine appropriate types of uses authorized within airport boundaries for airports described in 836.608(2).

(3) The provisions of OAR 660-013-0070(1)(b) shall be used to protect approach corridors at airports described in ORS 836.608(2).

(4) Airport boundaries for airports described in ORS 836.608(2) shall be adopted by local government pursuant to the requirements in ORS 836.608(2).

Stat. Auth.: ORS 183 & ORS 197
Stats. Implemented: ORS 836.600 - ORS 836.630 & 1997 OL, Ch. 859
Hist.: LCDD 3-1999, f. & cert. ef. 2-12-99

660-013-0160

Applicability

This division applies as follows:

(1) Local government plans and land use regulations shall be updated to conform to this division at periodic review, except for provisions of Chapter 859, OR Laws 1997 that became effective on passage. Prior to the adoption of the list of airports required by ORS 836.610(3), a local government shall be required to include a periodic review work task to comply with this division. However, the periodic review work task shall not
begin prior to the Department of Transportation's adoption of the list of airports required by ORS 836.610(3). For airports affecting more than one local government, applicable requirements of this division shall be included in a coordinated work program developed for all affected local governments concurrent with the timing of periodic review for the jurisdiction with the most land area devoted to airport uses.

(2) Amendments to plan and land use regulations may be accomplished through plan amendment requirements of ORS 197.610 to 197.625 in advance of periodic review where such amendments include coordination with and adoption by all local governments with responsibility for areas of the airport subject to the requirements of this division.

(3) Compliance with the requirements of this division shall be deemed to satisfy the requirements of Statewide Planning Goal 12 (Transportation) and OAR 660, Division 12 related Airport Planning.

(4) Uses authorized by this division shall comply with all applicable requirements of other laws.

(5) Notwithstanding the provisions of OAR 660-013-0140 amendments to acknowledged comprehensive plans and land use regulations, including map amendments and zone changes, require full compliance with the provisions of this division, except where the requirements of the new regulation or designation are the same as the requirements they replace.

Stat. Auth.: ORS 183 & ORS 197
Stats. Implemented: ORS 836.600 - ORS 836.630 & 1997 OL, Ch. 859
Hist.: LCDC 6-1996, f. & cert. ef. 12-23-96; LCDD 3-1996, f. & cert. ef. 2-12-99

The official copy of an Oregon Administrative Rule is contained in the Administrative Order filed at the Archives Division, 800 Summer St. NE, Salem, Oregon 97310. Any discrepancies with the published version are satisfied in favor of the Administrative Order. The Oregon Administrative Rules and the Oregon Bulletin are copyrighted by the Oregon Secretary of State.
Exhibit V
Examples of National Transportation Safety Board (NTSB) Level
Airplane Accidents near the North Bend Airport
(Does not include all incidents)

http://airplane-accidents.findthedata.org/l/1307/WPR11TA083
NTSB Identification: WPR11TA083
Accident occurred Friday, December 31, 2010 in Reedsport, OR
Probable Cause Approval Date: 11/29/2011
Aircraft: Quest Kodiak 100, registration: N702FW
Injuries: 3 Uninjured.

http://airplane-accidents.findthedata.org/l/2904/WPR10LA149
NTSB Identification: WPR10LA149
Accident occurred Sunday, February 28, 2010 in North Bend, OR
Aircraft: SCHAFER STARDUSTER SA-300, registration: N105NL
Injuries: 1 Minor.

http://airplane-accidents.findthedata.org/l/8956/SEA07LA025
NTSB Identification: SEA07LA025.
Accident occurred Saturday, December 02, 2006 in North Bend, OR
Aircraft: Holloway RV6A, registration: N914C
Injuries: 2 Fatal.

http://airplane-accidents.findthedata.org/l/8917/SEA07FA031
NTSB Identification: SEA07FA031.
Accident occurred Tuesday, December 12, 2006 in Bandon, OR
Probable Cause Approval Date: 11/29/2007
Aircraft: Piper PA-28-140, registration: N5618U
Injuries: 1 Fatal.

http://airplane-accidents.findthedata.org/l/12431/SEA05LA058
NTSB Identification: SEA05LA058.
Accident occurred Thursday, March 10, 2005 in Coos Bay, OR
Probable Cause Approval Date: 09/13/2005
Aircraft: Rotorway Exec 162F, registration: N20539
Injuries: 1 Minor.

http://airplane-accidents.findthedata.org/l/14947/SEA04LA013
NTSB Identification: SEA04LA013.
Accident occurred Monday, October 27, 2003 in Bandon, OR
Probable Cause Approval Date: 03/02/2004
Aircraft: Cessna 172M, registration: N80628
Injuries: 1 Uninjured.
http://airplane-accidents.findthedata.org/l/15808/SEA03LA115
NTSB Identification: SEA03LA115.
**Accident occurred Sunday, June 22, 2003 in Bandon, OR**
Probable Cause Approval Date: 04/28/2004
Aircraft: Cessna 182C, registration: N8762T
Injuries: 1 Uninjured.

http://airplane-accidents.findthedata.org/l/16224/SEA03LA064
NTSB Identification: SEA03LA064.
**Accident occurred Saturday, April 19, 2003 in Coos Bay, OR**
Probable Cause Approval Date: 11/25/2003
Aircraft: Cessna 150, registration: N7057F
Injuries: 2 Serious.

NTSB Identification: SEA01LA056
**Event Date: 2/24/2001 in North Bend, OR**
Aircraft: Piper PA-28-181, registration N8133C
Injuries: Nonfatal

NTSB Identification: SEA99FA041
**Event Date: 3/8/1999 in North Bend, OR**
Aircraft: Cessna 421B, registration N41096
Injuries: 2 Fatal

http://airplane-accidents.findthedata.org/l/33343/SEA95FA111
NTSB Identification: SEA95FA111.
**Event Date: June 01, 1995 in North Bend, OR**
Aircraft: AERO COMMANDER 680, registration: N6877S
Injuries: 3 Fatal.

http://www.aircraftone.com/aircraft/accidents/20001211X13652.asp
NTSB Identification: SEA94FA018
**Event Date: Friday, October 22, 1993 15:01 PDT in North Bend, OR**
Aircraft: CESSNA 172K, registration N79405
Injuries: 1 Fatal

NTSB Identification: SEA93LA062
**Event Date: 2/4/1993 in North Bend, OR**
Aircraft: CESSNA 185E, registration N5849J
Injuries: Nonfatal
NTSB Identification: SEA90FA064
The docket is stored on NTSB microfiche number 41920.

**Event Date: Wednesday, April 11, 1990 in North Bend, OR**
Probable Cause Approval Date: 09/21/1992
Aircraft: CESSNA 182M, registration N71779
Injuries: 3 Fatal.

NTSB Identification: SEA87FA060
**Event Date: 2/20/1987 in North Bend, OR**
Aircraft: CESSNA 182, registration N3266Y
Injuries: 2 Fatal

NTSB Identification: SEA86LA017
**Event Date: 10/28/1985 in North Bend, OR**
Aircraft: CESSNA 172, registration N8316B
Injuries: Nonfatal

NTSB Identification: SEA84FA123
**Event Date: 6/4/1984 in North Bend, OR**
Aircraft: PIPER PA-34-200, registration N1067U
Injuries: 1 Fatal

NTSB Identification: SEA83LYK02
**Event Date: 4/17/1983 in North Bend, OR**
Aircraft: CESSNA 210L, registration N30784
Injuries: Nonfatal
Exhibit W
Distances from Southwest Oregon Regional Airport Runways

.9 miles from end of North / South runway

.83 miles from end of North / South runway
.9 miles from end of North / South runway

Airplane Hill approximately 1.46 miles from end of North / South runway. Hill approximately 100 – 120 feet in height. Named Airplane Hill because an airplane crashed into it.
Exhibit X
Current 2012 Tsunami Map of Jordan Cove Project area
Orange – Distant Tsunami evacuation zone
Yellow – Local Cascadia Earthquake and Tsunami evacuation zone
Exhibit Y
The Following from – http://timrileylaw.com/LNG.htm

January 19, 2004

LNG BLAST

LNG Explosion In Algeria Industrial Zone
Port was designed to load only small LNG Tankers for short distances
Death Toll Currently: 27
Workers Injured: 74
Blast Felt Miles Away
Facility Destroyed
Fires Raged For 8 Hours
Property Damage: Approx. $ 1 Billion
Cause: Initially: "Defective Boiler" Which Had Earlier Received "Superficial Repairs"
Cause: Currently: Liquefied Natural Gas Leak in Pipe

SEE NEWS STORY EXCERPTS ABOUT THE ACCIDENT FURTHER BELOW

BBC NEWS

Four killed in Algeria gas blast
Full Story: http://news.bbc.co.uk/1/hi/world/africa/3411651.stm

ABSTRACTS:
An explosion at a natural gas complex in Algeria has killed at least four people and injured about 60 others. The blast took place at a state-owned liquefied natural gas unit in the industrial zone of the northeastern coastal town of Skikda.
"We're still fighting the fires but we have yet to determine the cause of the explosion," a civil defense official in Skikda told Reuters news agency.
One witness told Reuters the explosion was felt miles away. © BBC MMIV
At least 27 dead in Algeria blast, refinery shut
January 20, 2004
By Zohra Bensemra
Full Story:

SKIKDA, Algeria (Reuters) - At least 27 workers died when a gas plant blew up...
The powerful blast and consequent fires devastated...
It was the worst LNG accident since 1975 when about 40 people died in an explosion in Staten Island, U.S., according to Andrew Flower, an independent gas consultant...

Algerian gas plant explosion kills 27, injures 72
21 January 2004 0044 hrs (SST)

ALGIERS : At least 27 people were killed and 72 injured when a huge explosion, apparently caused by a defective boiler, ripped through a liquefied natural gas plant ...

He said specialists had filed a report "more than a year ago" indicating that the boiler in question was defective. "Superficial repairs" had been carried out on the boiler, he said.

A woman living close to the plant, about 10 kilometres (six miles) outside Skikda, said: "There was a heavy blast and everything started to shake and the windows of my apartment were blown out."

Speaking haltingly, she said the complex was engulfed in smoke and flames. "We all ran out, we helped the handicapped and the old people," she said, adding: "Many of them were in shock and the children were crying."

... fire at the plant had been brought under control early Tuesday after raging for almost eight hours. (Emphasis added)

More bodies found at LNG blast scene
At least 27 dead at facility similar to terminals proposed for Mobile Bay
Searchers discovered 10 more bodies at a liquefied natural gas complex in Algeria leveled by an explosion, raising the death toll to at least 27... Seventy-four people were injured... dozen workers were believed missing...

**Information available from the Halliburton Co. of Texas shows that the oil construction giant had in recent years revamped the Algerian facility to the latest performance standards...**

Industry officials and some government officials have said that such facilities have a spotless safety record, could not explode, and would pose little risk to surrounding communities. But in recent months, the Mobile Register has reported that government officials have sometimes used faulty studies to make their case to the public...

LNG industry officials maintained that the accident in Algeria should not affect how the public perceives LNG terminals in the United States.

"I would not make a direct link between the accident and any U.S. site, Mobile included," said ExxonMobil spokesman Bob Davis in Houston. "As tragic as the Algerian accident is, I don't think it negates the outstanding 40-year safety record of LNG in the world."

Davis said that the Algerian facility is "one of the oldest LNG facilities in the world, vintage 1970s. I think certainly from our point of view, the technology on these facilities has advanced substantially in that 30-year period."

**But a Halliburton Co. Web site states that its engineering branch, KBR, updated the entire Skikda terminal as recently as 1999. The Web site touts the project as a model of modern American workmanship.**

"Halliburton Company is pleased to announce that its recently completed Liquefied Natural Gas Revamp Project at Skikda, Algeria, has passed all its performance tests," reads the company press release announcing the project's completion. "KBR's work included extensive revamp of the three LNG trains and associated utilities and auxiliaries and a complete revamp of the complex's electrical power and control systems. ... Over 9,000,000 construction man-hours were expended."

Lyons said the reports he read Tuesday claim a high-pressure boiler in need of maintenance was the cause of the accident.

"They wouldn't have high-pressure boilers at an LNG receiving terminal. I don't see any parallel in any respect to what is being contemplated anywhere along the Gulf Coast as far as LNG receiving terminals," Lyons said.

Register research, however, indicates that most existing LNG receiving terminals employ numerous boilers, many of them generating high pressure. For instance, a newly proposed LNG terminal in Freeport, Texas, would use six high-pressure vaporizers connected to 12 boilers, according to documents posted on a U.S. Environmental Protection Agency Web site.

Most LNG tankers are also powered by steam turbine engines that require large high-pressure boilers. Scientists say that an accident or terrorist attack involving a tanker could produce a fire that is much larger than an LNG fire on land... (Emphasis added)
UpstreamOnline.com
February 3, 2004
Industry opponents have a field day
By Dann Rodgers

Opponents of LNG import projects in the US have wasted no time in pointing to last week's tragedy in Algeria as highlighting safety concerns about such facilities

"The Algerian explosion destroyed more than an LNG facility -- it destroyed the industry myth that LNG is safe," said consumer protection advocate Tim Riley, who hosts the website TimRileyLaw.com that documents what he sees as the dangers of the fuel.

"Quite simply, LNG is too damn dangerous and the energy industry has always known it. The American communities facing LNG proposals have listened to the LNG 'safety spin' but have now heard the explosive truth, galvanizing opposition.

"The blast was felt around the world and serves as a wake-up call to private investors, financial institutions and insurance carriers who would risk major losses from another inevitable LNG disaster," Riley declared.

In Weaver's Cove, Massachusetts, Mayor Edward Lambert opposes a local LNG import terminal proposal precisely because of the Algerian disaster.

"This speaks to the credibility of those people who are running around saying how safe this stuff is, saying it doesn't explode. It clearly points to the safety concerns that these terminals don't belong in populated areas."

Local Fire Chief Ed Dawson noted that fires at LNG import terminals are rare but that the Algerian situation illustrates the danger they present. "The chances of it happening here are very remote. But the reality of it is we just had an incident in Algeria. The devastation speaks for itself." (Emphasis added)

April 14, 2004
Report sheds new light on LNG blast in Algeria
Document suggests that deadly explosion was caused by gas vapor, not boiler
By BEN RAINES

“A newly released document provides important insights into the chain of events that led to the January explosion of a liquefied natural gas facility in the African nation of Algeria.”
“Several scientists who specialize in LNG research said the document indicates that a similar accident could occur at LNG plants like those proposed for Mobile Bay and elsewhere in the United States.”

“Initial reports blamed a faulty steam boiler for the massive explosion and fire at the government-owned Skikda, Algeria, plant. Those reports were incorrect, according to the new document presented by Sonatrach, owner of the destroyed LNG plant.”

“A PowerPoint display titled "‘The Incident at the Skikda Plant: Description and Preliminary Conclusions’ indicates, instead, that a large amount of liquid gas escaped from a pipe and formed a cloud of highly flammable and explosive vapor that hovered over the facility. The cloud exploded after coming into contact with a flame source.”

“Most of the 27 people who died were killed by the force of the blast, according to the report. The report lists a "‘few casualties by fire,’ though the fire burned for eight hours.”

“But several scientists who examined the new report told the Mobile Register that the type of accident described in it could occur at an LNG facility in this country, regardless of the type or number of boilers present. Almost any source of ignition, from a cigarette lighter to a pilot light, could have ignited a vapor cloud.”

“‘I think this tells us that dealing with LNG is a tricky and dangerous business,’ said James Fay, professor emeritus at the Massachusetts Institute of Technology and one of the nation's leading LNG scientists. ‘It was apparently a very large gas leak that went on for a while before the explosion. That certainly doesn't give you a lot of faith in their gas detection equipment, with all this gas leaking out. I guess this means sometimes that equipment doesn't work.’"

"The fact that there was a vapor cloud is huge," said Bill Powers, an engineer based in California who has studied LNG terminals, sifting issues for both onshore and offshore proposals. "We don't know if it was an LNG vapor cloud or an LPG cloud or a mix of both, but, either way, it means it is the kind of accident that could happen here.”

“Powers also felt it was noteworthy that Halliburton had conducted a major renovation of the Skikda plant in 1999, updating all of the key safety equipment and computer systems.”

“A Halliburton Co. Web site touts the revamped LNG terminal as a model of modern American workmanship.”

“Halliburton Company is pleased to announce that its recently completed Liquefied Natural Gas Revamp Project at Skikda, Algeria, has passed all its performance tests," reads the company news release announcing the project's completion. "KBR's work included extensive revamp of the three LNG trains and associated utilities and auxiliaries and a complete revamp of the complex's electrical power and control systems. ... Over 9,000,000 construction man-hours were expended.""

“The three separate LNG regasification plants or "trains" that were revamped by Halliburton were destroyed in the explosion.”

“Powers said Halliburton's engineers had missed a weak link in their safety planning for the facility.”

Exhibit Z
Curry Public Transit operates a bus service serving Coos County from Brookings to the Bay area on Monday, Wednesday, and Friday.

Greyhound operates commercial bus service seven days/week on Highway 101, stopping in Brookings, Coos Bay and Reedsport. Ticket service is provided in Coos Bay.

Air Facilities

Table 3-11 lists the public use airports operating in Coos County and general locations are shown in Figure 3-4. In addition to the four public airports, there are six privately-owned airfields/air strips and two private helipads operating in Coos County.

Table 3-11. Coos County Airports

<table>
<thead>
<tr>
<th>Name</th>
<th>Category</th>
<th>Category Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Southwest Oregon Regional Airport</td>
<td>1</td>
<td>Commercial Service Airport(^1)</td>
</tr>
<tr>
<td>Bandon State Airport</td>
<td>4</td>
<td>Community General Aviation Airport(^2)</td>
</tr>
<tr>
<td>Lakeside State Airport</td>
<td>5</td>
<td>Low Activity General Aviation Airports(^3)</td>
</tr>
<tr>
<td>Powers Airport</td>
<td>5</td>
<td>Low Activity General Aviation Airports(^3)</td>
</tr>
</tbody>
</table>

Notes:
1. Category 1 - Commercial Service Airports - Accommodate scheduled major/national or regional/commuter commercial air carrier service.
2. Category 4 - Community General Aviation Airports - Accommodate general aviation users and local business activities.
3. Category 5 - Low Activity General Aviation Airports - Accommodate limited general aviation use in smaller communities and remote areas of Oregon.

Source: ODOT, 2000

Southwest Oregon Regional Airport

The Southwest Oregon Regional Airport (SWORA), located in North Bend, is operated by the Coos County Airport District, which is governed by a Board of five Commissioners elected county-wide. The airport terminal is approximately 1 mile from US 101. The airport has three asphalt runways, one of which is no longer in use, and two main parallel taxiways.

Commercial air service is currently provided by United Express. Direct connections to Portland, Oregon and San Francisco, California are available. Two outbound flights to each of these cities and two inbound flights from each of these cities are scheduled each day.

SWORA has one fixed base operator providing general aviation services. Coos Aviation operates from a hangar and buildings at the north end of the airport. They provide maintenance space, ground handling equipment, fuel service, as well as on-site amenities for visitors.

The United State Coast Guard runs helicopter operations out of SWORA. They have their own building and apron south of the terminal building.

Air cargo services are also available at SWORA. FedEx operates out of a hanger northwest of the terminal building. Other cargo services are provided by United Express and AmeriFlight, Inc.
According to the 2002 North Bend Municipal Airport Master Plan (note: "North Bend Municipal Airport" is the former name of the SWORA), annual passenger and cargo flights are projected to increase from 39,016 (year 2000) to 58,100 by 2020.

**Bandon State Airport**

Bandon State Airport is owned and operated by the Oregon Department of Aviation. It is located about two miles southeast of Bandon. The airport is usable from dawn to dusk and is attended from 7 a.m. to 6 p.m. Fuel is available along with major airframe and power plant repair service. The runway is 3,600 by 60 feet, surfaced by asphalt in good condition.

**Lakeside State Airport**

Lakeside State Airport is owned and operated by the City of Lakeside. It is located northwest of Lakeside. The airport is unattended and no airport services are available. The turf runway 2,150 by 100 feet and is in good condition.

**Powers Airport**

Powers Airport is owned and operated by the Port of Coquille River, based in Myrtle Point. It is located about 1 mile southwest of Powers. The airport is unattended and no airport services are available. The turf runway 2,500 by 60 feet and is in good condition.

**Water Facilities**

The Port of Coos Bay is the primary center of maritime commerce for Oregon’s South Coast and is home to Oregon’s largest coastal deep-draft harbor. An average of 2.5 million tons of cargo moves through the Port of Coos Bay each year. Inbound and outbound cargo is moved through Coos Bay’s 15-mile channel, which features six marine terminals, seven deep-draft berths and several barge facilities. The channel is identified in Figure 3-4.

The Port of Bandon, also within Coos County, serves communities (Bandon, Parkersburg, Prosper, and Riverton) along the Lower Coquille River. In recent years, this port has focused on accommodating tourism and recreational sport fishing, although it still supports commercial activities.

The Port of Coquille, positioned on the Coquille River, has historically been used for the shipment of raw timber. Currently the Port is primarily utilized for recreational activities, such as fishing and boating.

**Rail Facilities**

The rail system plays a critical role in the movement of goods within Coos County. In general, goods arrive at port facilities by rail and are loaded onto ships for export. Imported goods are received by ships and unloaded onto trucks and train cars to be distributed domestically. Currently there are no locations within Coos County served by passenger rail service.
4. EXISTING TRANSPORTATION SYSTEM DEFICIENCIES

Chapter 4 contains an analysis of current operating conditions for the transportation system. This evaluation focuses primarily on the street system but does identify gaps in the bicycle and pedestrian system as well. Census data were examined to determine travel mode distributions.

Traffic Volumes

Traffic volume data in Coos County was obtained from a number of ODOT sources and supplemented with turning movement and road tube traffic counts collected in early 2009.

Average Daily Traffic

Average daily traffic (ADT) volumes reflect the annual average of daily traffic volumes on roadways throughout the year. They do not reflect seasonal fluctuations or special events. The ADT represents the typical volume of traffic in all lanes passing a given roadway location in both directions over a 24-hour period.

The ADT volumes for Coos County were developed from ODOT’s Traffic Volume Tables, data from ODOT’s automated traffic recorders\(^4\) (ATRs), and 24-hour counts collected on some county roads. All volumes have been estimated for an existing year condition of 2008. At some locations, this involved growing available data from earlier years to 2008 based on general growth rates calculated from five-year trends around Coos County.

Figure 4-1 illustrates ADT volumes at key locations on state highways and major county roads.

County Roads

The 2008 ADT volumes on selected roadways in Coos County were estimated from turning movement data collected at various key intersections around the county. These volumes are presented in Figure 4-1.

Some of the most heavily used county roads with ADT volumes between 1,000 and 2,500 vehicles per day include:

- East Bay Drive
- Olive Barber Road
- Wildwood Road
- Coos-Sumner Lane
- Seven Devils Road
- Jordan Cove Road
- North Bay Road
- Coos River Road

The ADT volumes estimated for other roadways around the county were under 1000 vehicles per day.

\(^4\) Automatic traffic recorders are permanent electronic counting sites located on the state highway system. The recorders count vehicles continuously throughout the year, enabling ODOT to provide information about hourly, monthly, and yearly trends as well as a breakdown of vehicles by type (cars, trucks, buses, motorcycles, etc.).
Appendix Table 1. Oregon Transportation Safety Action Plan - The Nine Key Actions

<table>
<thead>
<tr>
<th>Number</th>
<th>OTSAP Action</th>
<th>Significant Factor in Fetal Crashes</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Traffic law enforcement strategy</td>
<td>Speed, Occupant Protection, DUII</td>
</tr>
<tr>
<td>2</td>
<td>Traffic law enforcement training</td>
<td>Speed, Occupant Protection, DUII</td>
</tr>
<tr>
<td>4</td>
<td>Judicial training</td>
<td>Speed, Occupant Protection, DUII</td>
</tr>
<tr>
<td>8</td>
<td>Transportation safety public information/education program</td>
<td>Speed, Occupant Protection, DUII</td>
</tr>
<tr>
<td>10</td>
<td>Expand driver education in Oregon</td>
<td>Speed, Occupant Protection, DUII, Young Drivers</td>
</tr>
<tr>
<td>16</td>
<td>Improve ODOT ability to allocate resources to the highest priority safety needs</td>
<td>Single Vehicle Run-off, Speed, DUII, Rural Roads</td>
</tr>
<tr>
<td>26</td>
<td>Develop an effective and integrated EMS system</td>
<td>Post crash medical care - availability and location</td>
</tr>
<tr>
<td>37</td>
<td>Revise driving under the influence of intoxicants (DUII) statutes</td>
<td>DUII</td>
</tr>
<tr>
<td>50</td>
<td>Continue public education efforts aimed at increasing proper use of safety belts and child restraint systems</td>
<td>Occupant Protection</td>
</tr>
</tbody>
</table>

Source: ODOT, 2004

Over the past two decades, there has been a dramatic decrease in transportation related deaths and injuries. This is in great part due to the tougher laws and more effective programs which serve as the foundation of the OTSAP.


The Oregon Aviation Plan further refines the goals and policies of the OTP through a set of policies and investment strategies for Oregon’s public-use aviation system for the next 20 years. Appendix Table 2 lists the public use airports operating in Coos County. In addition to the four public airports, there are six privately-owned airfields/airstrips and two private helipads operating in Coos County.

Appendix Table 2. Coos County Airports

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Source: ODOT, 2000
contains an inventory of the existing walkway and bikeway systems in the City’s urban area. The Plan’s recommended implementation measures include bicycle and pedestrian ordinances, coordination and program support, potential sources of funding, and a list of projects to add to the capital improvements list.

City of North Bend Transportation System Plan (2004)

This Transportation System Plan (TSP) is a multi-modal plan that addresses improvement to existing roadways, new pedestrian and bicycle facilities, improvement in public transit service, and other modes (including air, rail, water and pipeline). The plan also includes a transportation improvement program, as well as changes to the City’s codes and standards to implement the TSP recommendations.

Major components of the City of North Bend TSP include:

- Modifications to the street functional classification system to reflect current street function and development patterns.
- Modifications to the city street standards, also including access spacing criteria.
- Signal system and intersection improvements, to increase capacity in the roadway system where traffic congestion will become substantial during the next 20 years.
- Expansion of the City’s system of pedestrian and bicycle facilities, with the objective of sidewalks or pathways for pedestrians on all collector and arterial streets, and bike lanes or bikeways on major collectors and arterials.
- Street improvement projects mitigating existing and predicted safety, capacity, circulation and other deficiencies.

The TSP identifies 44 transportation improvements to be implemented over the 20-year planning horizon.

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.

Other Regional Area Planning Documents

The combined plan for the OR 38 and OR 42 corridors was the only regional document reviewed.