STAFF REPORT FOR HEARINGS BODY REVIEW OF FILE NO. HBCU-13-04

APPLICANT: Pacific Connector Gas Pipeline, LP

REVIEWING BODY: Andrew Stamp, Hearings Officer will conduct the hearings and make a recommendation to The Board of Commissioners

STAFF CONTACT: Jill Rolfe, Planning Director

Staff has prepared this report by first explaining the applicant’s request and thus moving on to the basic findings, applicable criteria to be addressed, zoning, special considerations, history and background. Then staff sets out the criteria and findings as they connect through the ordinance to show why each criteria is relevant. Staff has made some suggested conditions of approval.

MAP NUMBER(S) / LEGAL DESCRIPTION / PROPERTY LOCATION / PROPERTY ACREAGE

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<tr>
<th>TOWNSHIP</th>
<th>RANGE</th>
<th>SECTION</th>
<th>TAX LOT</th>
<th>ACREAGE</th>
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Legend:
- FMU = FOREST MIXED USE
- EFU = EXCLUSIVE FARM USE
- 20-RS = 20-RURAL SHORELAND
- 20-CA = 20-CONSERVATION AQUATIC
- AOG = AREA OF OIL & GAS EXPLORATION LEASES
- ARC = ARCHAEOLOGICAL SITES
- FP = FLOODPLAIN
- WM = WET MEADOW WETLAND (E+ Estuary & B = Balance of County)
- BGR = BIG GAME RANGE (ELK & DEER) (P = IMPACTED AND P = PERIPHERAL)
- CSB = COASTAL SHORELANDS BOUNDARY - ESTUARINE
The applicant has requested approval for portions of a pipeline to supplement the already approved route. The request is to make sure both the original and the amended portions of the route have the appropriate land use approvals. The Federal Energy Regulatory Commission (FERC) will render a decision on which route is appropriate. FERC has jurisdiction over where to appropriately site the route, but due to federal consistency requirements all land use approvals must be obtained from the local government in order to start the project.

### APPLICABLE CRITERIA

<table>
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<tr>
<th>Coos County Zoning and Land Development Ordinance (LDO) and Coos County Comprehensive Plan (CCCP)</th>
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<tr>
<td>LDO § 4.8.300(F)</td>
<td>New distribution lines with rights-of-way 50-feet or less in width</td>
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<td>LDO § 4.8.600</td>
<td>Mandatory Siting Standards Required for Dwellings and Structures in the Forest Zone.</td>
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<td>LDO § 4.8.700</td>
<td>Fire Siting and Safety Standards</td>
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<td>LDO § 4.5.180</td>
<td>Riparian Protection Standards in the Coos Bay Estuary Management Plan</td>
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<td>LDO § 4.5.545</td>
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<td>LDO § 4.5.546(15)(a)</td>
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<td>LDO § 4.5.550</td>
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<td>LDO § 4.5.551(9)(a)</td>
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<td>Appendix 3 CBEMP</td>
<td>Policies #17, #18, #23, #28, #34, #14, #27, #22, #49, #50, #51</td>
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<td>LDO § 4.6.235</td>
<td>Sites within Special Flood Hazard Areas</td>
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<tr>
<td>Table 4.7a</td>
<td>Special Regualtory Consideration Prescribed by the Coos County Comprehensive Plan (Appendix I Balance or CCCP Volume I)</td>
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1 Board of Commissioners Final Decision and Order No. 10-08-045PL, dated September 8, 2010, as ratified by Final Decision and Order No. 12-03-018PL, dated March 13, 2012
A. **Zoning:** The current application for alternate portions of the pipeline crosses Forest Mixed Use (FMU), Exclusive Farm Use (EFU) and two Coos Bay Estuary Management Plan Segments Conservation Aquatic (20-CA) and Rural Shoreland (20-RS).

**SECTION 4.1.100 ESTABLISHMENT OF ZONING DISTRICTS**

This Ordinance shall divide the lands within the County into the following zoning districts for the following intended purposes:

**FOREST 4.1.100 (A)(3)**

The purpose of the "F" district is to designate forest lands and protect them for forest uses, except where findings establish that certain limited non-forest uses may be allowed. Some of the areas covered by the "F" zone are exclusive forest lands, while other areas include a combination of mixed farm and forest uses. Mixed farm-forest Areas “MU” areas include land which is currently or potentially in farm-forest use. Typically such lands are those with soil, aspect, topographic features and present ground cover that are best suited to a combination of forest and grazing uses. The areas generally occupy land on the periphery of large corporate and agency holdings and tent to form a buffer between more remote uplands and populated valleys. In addition, these “mixed use” areas contain ownership of smaller size than in prime forest areas. Some are generally marginal in terms of forest productivity, such as areas close to the ocean.

In certain areas of the County, these “mixed use” areas consist of extensive uplands where the lands are held predominantly by ranchers who manage their properties interchangeably between grazing and forestry depending on the economic base of each commodity at any given time. An essential management approach practiced by these ranchers is to maintain enough upland grazing acreage to sustain livestock during the winter months due to the flooding of lowland areas. Some intensive forest management is practiced on these lands, but not to the same extent as in “prime forest areas”, and grazing is in many places a co-dominant use. There are typically mixtures of farm and forest uses in these areas. Certain non-forest uses will be allowed in areas that meet the criteria of this classification as established in the zoning ordinance.

**EXCLUSIVE FARM USE 4.1.400(A)(1)**

The purpose of the "EFU" district is to preserve the integrity and encourage the conservation of agricultural lands within Coos County and thereby comply with the provisions of ORS 215; to minimize conflicts between agricultural practices and non-farm uses by limiting any development to uses distinguished as dependent upon or accessory to supporting agricultural or forestry production and which qualify such farm lands for special tax relief pursuant to the provisions of Oregon Revised Statutes. This zone is also for the cultivation and marketing of specialty crops, horticultural crops and other intensive farm uses.

**COOS BAY ESTUARY MANAGEMENT PLAN (CBEMP) ZONING DISTRICTS/USES AND ACTIVITIES/LAND DEVELOPMENT STANDARDS ARTICLE 4.5**

**SECTION 4.5.100 PURPOSE.** The purpose of this Article is to provide requirements pertaining to individual zoning districts in accordance with the Coos Bay Estuary Management Plan. Such requirements are intended to achieve the following objectives:

1. To encourage the most appropriate use of land and natural resources.
2. To facilitate the adequate and efficient provision of transportation, water, sewerage, schools, parks, and other public requirements.
3. To secure safety from flood or other natural hazard.

The land development standards of Table 4.5 shall govern all development within the Coos Bay Estuary
SECTION 4.5.150 HOW TO USE THIS ARTICLE.
This Article contains specific language that implements the Coos Bay Estuary Plan. The main purpose is to clearly stipulate where, and under what circumstances, development may occur.

Follow the steps below to determine whether or not a proposed use or activity is, or may be, allowed at any specific site within the Coos Bay Estuary Shoreland Boundary.
1. Locate the subject site on the General Index Map.
2. Note the General Location Index Map (i.e. Lower Bay, Upper Bay, etc.) which is referenced on the General Index Map and advance to the General Location Index Map.
3. Locate the subject site on the General Location Index Map. Note the numbers and abbreviated district designations (i.e. “UD”, “UW”, “CS”, etc.) for applicable zoning districts. (Note: management segments in the Plan are the same as zoning districts.)
4. Turn to the pages in the Ordinance which contain specific zoning district provisions which correspond to the map designations for the subject site.
5. For each applicable Shoreland or Aquatic District:
   a) Review the districts Management Objective. This narrative provides general policy guidance regarding uses and activities that are, or may be, allowed in the district.
   b) Review the district’s Uses, Activities, and Special Conditions Table to determine whether or not a proposed use or activity is allowable outright, allowable with conditions, or conditionally allowable subject to an Administrative or Hearings Body Conditional Use.

Symbols denote whether or not the specific use or activity listed in the tables is permitted outright, may be allowed subject to an Administrative Conditional Use, may be allowed subject to a Hearings Body conditional use, or prohibited in the specific district. The following symbols are pertinent:

P – means the use or activity is permitted outright subject only to the management objective.

S - indicates that the use or activity may be allowed subject to “Special Conditions” presented following the use and activity table. A few of the special conditions are non-discretionary, but most require local judgment and discretion and the development of findings to support any final decision about whether or not to allow the use or activity.

Some uses and activities may be identified as being subject to a special condition that is not discretionary or may not apply to a site-specific request. If such is the situation, the Planning Director shall make such determination and if “General Conditions” are not applicable regard the use or activity as permitted outright. Such determination shall consist of a statement of facts supporting the decision.

G - indicates the use or activity may be allowed subject to “General Conditions” presented following the use and activities table. “General Conditions” provide a convenient cross-reference to applicable Baywide Policies which may further limit or condition the uses and activities.

A few “General Conditions” may not apply to a site specific request. If such is the situation, the Planning Director shall make such determination and if “Special Conditions” are not applicable, regard the use or activity as permitted outright. Such determination shall consist of a statement of facts supporting the decision.

ACU - means the use or activity may be permitted as provided above or subject to “Special” or
“General” conditions pursuant to an Administrative Conditional Use.

HB - means the use or activity may be permitted except as provided above or subject to “Special” or General” conditions pursuant to a Hearings Body Conditional Use.

N - means the use or activity is prohibited.

N/A - means Not Applicable; the use or activity is not realistic considering the physical character of the district and therefore does not apply.

c) Review the designations which accompany each use and activity listed in the Table to determine what is allowed, what is not allowed and what conditions may apply. (The Table may list a use as conditionally allowable but a condition may negate the Table’s designation).

SECTION 4.5.175 SITE-SPECIFIC ZONING DISTRICTS. This Ordinance shall divide the lands affected by the Coos Bay Estuary Management Plan into specific zoning districts as identified in Sections 4.1.200. The following zoning districts delineate the appropriate requirements which shall apply to all lands within the individual districts.

A detailed “Uses and Activities” table follows the “Management Objectives” statement presented for each respective aquatic and shoreland district. The tables describe specific uses and activities deemed appropriate and inappropriate for each district. The Use and Activity tables for each district are subordinate to the “Management Objective” for the respective districts in that allowed uses and activities must be consistent with the respective districts’ “Management Objective” statements.

SECTION 4.5.180 RIPARIAN PROTECTION STANDARDS IN THE COOS BAY ESTUARY MANAGEMENT PLAN. The following standards shall govern riparian corridors within the Coos Bay Estuary Management Plan:

1. Riparian vegetation within 50 feet of an estuarine wetland, stream, lake or river, as identified on the Coastal Shoreland and Fish and Wildlife habitat inventory maps, shall be maintained except that:
   a) Trees certified by the Coos Soil and Water Conservation District, a port district or U.S. Soil Conservation Service posing an erosion or safety hazard may be removed to minimize said hazard; or
   b) riparian vegetation may be removed to provide direct access for a water-dependent use; or
   c) Riparian vegetation may be removed in order to allow establishment of authorized structural shoreline stabilization measures; or
   d) Riparian vegetation may be removed to facilitate stream or streambank clearance projects under a port district, ODFW, BLM, Soil & Water Conservation District, USFS stream enhancement plan; or
   e) Riparian vegetation may be removed 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; or
   f) Riparian vegetation may be removed in conjunction with existing agricultural operations (e.g., to site or maintain irrigation pumps, to limit encroaching brush, to allow harvesting farm crops customarily grown within riparian corridors, etc.) provided that such vegetation removal does not encroach further into the vegetation buffer except as needed to provide an access to the water for the minimum amount necessary to site or maintain irrigation pumps.

2. The 50’ riparian vegetation setback shall not apply in any instance where an existing structure was lawfully established and an addition or alteration to said structure is to be sited not closer to the estuarine wetland, stream, lake, or river than the existing structure and said addition or alteration represents not more than 100% of the size of the existing structure’s “footprint”.
CBEMP 20-RURAL SHORELANDS (20-RS)
SPECIFIC BOUNDARIES: This district consists of the majority of both shores of the Coos-Millicoma Rivers, plus Daniels and Lillian Creeks, from the mouth to above the heads-of-tide. The district does not include the Harbor Barge and Tug site, the barge site at the river forks or the log sorting sites at Allegany and Dellwood. Western Boundary - The north shore boundary begins at the eastern edge of the Christianson Ranch dike. The south shore boundary begins at the junction of East Catching Slough Road and Gunnell Road. Eastern Boundary - The district ends 1000-feet above heads-of-tide of the Coos and Millicoma Rivers.

SECTION 4.5.545 MANAGEMENT OBJECTIVE:
This district shall be managed for rural uses along with recreational access. Enhancement of riparian vegetation for water quality, bankline stabilization, and wildlife habitat shall be encouraged, particularly for purposes of salmonid protection. This district contains two designated mitigation sites, U-17(a) and (b), "medium" priority, which shall be protected as required by Policy #22.

CBEMP PLAN 20-CONSERVATION AQUATIC (20-CA)
SPECIFIC BOUNDARIES: This district extends from the banks to the shallow-draft channel on both sides of the Coos and Millicoma Rivers from River Mile 0 of the authorized channel to the heads-of-tide past Allegany and Dellwood. The district does not include the aquatic areas directly in front of the Harbor Barge and Tug facility, the barge site at the forks or the log sorting sites at Allegany and Dellwood. It does include the tidal portions of Lillian Creek and Daniels Creek

SECTION 4.5.550 MANAGEMENT OBJECTIVE: This aquatic district shall be managed to allow log transport while protecting fish habitat. Log storage shall be allowed in areas of this district which are near shoreland log sorting areas at Allegany, Shoreland District 20C, and Dellwood, Shoreland District 20D, as well as in areas for which valid log storage and handling leases exist from the Division of State Lands.

ARTICLE 4.6.200 OVERLAY ZONES: FLOODPLAIN
SECTION 4.6.200 Purpose. It is the purpose of this ordinance to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designated:
1. To protect human life and health;
2. To minimize expenditure of public money and costly flood control projects;
3. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
4. To minimize prolonged business interruptions;
5. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets, and bridges located in areas of special flood hazard;
6. To help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas;
7. To ensure that potential buyers are notified that property is in an area of special flood hazard; and
8. To ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

SECTION 4.7.100 Purpose: The purpose of this Article is to prescribe special regulations for the use and development of lands situated within resource or hazard areas identified on the Special Considerations Maps for Volume I (Balance of County), Volume II (Coos Bay Estuary Management Plan), and Volume III (Coquille River Estuary Management Plan) of the Comprehensive Plan.

The Coos Bay Estuary Management Plan (CBEMP) is broke up into zoning segments and
contains specific language that implements the Coos Bay Estuary Plan that clearly stipulate where, and under what circumstances, development may occur. This if further language that substantiate the CBEMP is a standalone document in § 4.7.115 states the Special Considerations Map is not a substitute for the detailed spatial information presented on the CCCP and CREMP inventory maps. The Special Considerations Map is merely an index guide designed as a zoning counter implementation tool that indicates when special policy considerations apply in general area, thereby requiring inspection of the detailed plan inventory maps. The Special Considerations Map must and shall at all times accurately reflect the detail presented on the inventory maps (but at a more general scale).

The Balance of County Zoning Districts are not segmented and; therefore, it would be impossible to say which specific special regulations might apply in the text due to the size of these zoning districts. No special consideration map is available for staff to use because it deteriorated and was discarded in the past. Staff reviews the inventory maps when a use or activity is proposed on a property to find out which special regulation(s) apply. The Special Considerations Maps were never meant to replace the detailed inventory map. If an inventory applies (Phenomenon) then table 4.7a provides the criteria that need to be addressed. The Special Regulatory Consideration Table refers you to the applicable Appendix, page and Strategy No.

B. **Background:** The applicant had applied to and received authorization from the Federal Energy Regulatory Commission (FERC) to construct, install, own, operate and maintain an interstate natural gas pipeline to transport natural gas from the Jordan Cove liquefied natural gas (LNG) terminal. The Coos County Board of Commissioner approved a conditional use application in March 2012 for the pipeline. Since that time the applicant has chose to change the request to allow for exportation and this triggered a new review through FERC.

The applicant has found it necessary to request approval to of two alternate segments of the pipeline alignment. The areas for review have been identified in the table below. The changes are necessary to: (1) avoid the Natural Resources Conservation Service’s (NRCS) Brunschmid Wetland Reserve Program Easement; and (2) minimize the Stock Slough crossings. The wetland easement was not raised in the first case and is not a county inventoried wetland or part of a county program.

The changes to the pipeline are minor at this time. The applicant showed that the applicable criteria could be met and the new segments cross the same type of zoning that the original segments crossed. There is no approved FERC order for this pipeline request yet and if FERC modifies the route the applicants may be required to go through additional land use reviews. FERC has jurisdiction over where to appropriately site the route, but due to federal consistency requirements all land use approvals must be obtained from the local government in order to start the project.

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<th><strong>II. FINDINGS TO THE APPLICABLE REVIEW CRITERIA</strong></th>
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<td><strong>LDO § 4.8.300(F)</strong></td>
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LDO § 4.9.450(C)  Additional Hearings Body Conditional Use and Review Criteria

LDO § 4.9.600  Siting Standards for Dwellings and Structures in EFU

LDO § 4.9.700  Development Standards

§ 4.8.300 Administrative Conditional Uses. The following uses and their accessory uses may be allowed as administrative conditional uses in the “Forest” zone subject to applicable requirements in Section 4.8.400 and applicable siting criteria set forth in this Article and elsewhere in this Ordinance. § 4.8.300(F) New electrical transmission lines with right-of-way widths of up to 100 feet as specified in ORS 772.210. New distribution lines (e.g., gas, oil, geothermal) with rights-of-way 50 feet or less in width.

FINDING: This is a distribution line as defined in [OAR 660-006-0025(4)(q)] for the purpose of transporting natural gas. The LDO lists this use as an administrative conditional use. However, because the pipeline crosses both Balance of County zoning districts and CBEMP districts which require a different review process, the application shall be reviewed under the higher review procedure which in this case requires a public hearing.

§ 4.9.450 Additional Hearings Body Conditional Uses and Review Criteria. The following uses and their accessory uses may be allowed as hearings body conditional uses in the “Exclusive Farm Use” zone and “Mixed Use” overlay subject to the corresponding review standard and development requirements in Sections 4.9.600 and 4.9.700. § 4.9.450 (C) Utility facilities necessary for public service, except for the purpose of generating power for public use by sale and transmission towers over 200 feet in height. A facility is necessary if it must be situated in an agricultural zone in order for the service to be provided.

FINDING: A utility facility is defined as a facility for the generation and distribution of a public or private service including but not limited to electricity, telephone, natural gas, water, sewage service, and other services providing for energy or communication needs; and may include the generation and distribution of power for public sale. This request meets the definition of a utility facility necessary for public service and necessary to be situated in the agricultural zone in order for the service to be provided. Therefore, according to the LDO this request requires a public hearing.

§ 4.8.400 Review Criteria for Conditional Uses in Section 4.8.300 and Section 4.8.350. A use authorized by Section 4.8.300 and Section 4.8.350 may be allowed provided the following requirements are met. These requirements are designed to make the use compatible with forest operations and agriculture and to conserve values found on forest lands.
A. The proposed use will not force a significant change in, or significantly increase the cost of, accepted farming or forest practices on agriculture or forest lands; and
B. The proposed use will not significantly increase fire hazard or significantly increase fire suppression costs or significantly increase risks to fire suppression personnel; and
C. All uses must comply with Section 4.8.600, Section 4.8.700 and Section 4.8.750.
D. A “Forest Management Covenant”, which recognized the right of adjacent and nearby landowners to conduct forest operations consistent with the Forest Practices Act and Rules, shall be recorded in the deed records of the County prior to any final County approval for uses authorized in Section 4.8.300 H, J, and Q and Section 4.8.350 D, J. and Q.

§ 4.9.400 Review Criteria for Conditional Uses in Section 4.9.300 and Section 4.9.350. A use authorized by Section 4.9.300 and Section 4.9.350 may be allowed provided the following requirements are met. Uses may be approved only where such uses: A. Will not force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use; and B. Will not significantly increase the cost of accepted farm or forest practices on lands devoted to farm or forest use.
FINDING: Due to the fact that the farm and forest criteria are similar they are reviewed in one section. This review is only for about 3.7 miles of pipeline of which 1.7 is FMU and 1.2 will be in EFU which is minimal in comparison to the entire project which was found to meet this criteria in the Board of Commissioners Final Decision and Order No. 10-08-045PL, dated September 8, 2010, as ratified by Final Decision and Order No. 12-03-018PL, dated March 13, 2012.

The applicant must show that the use will not force a significant change in, or significant increase in cost of accepted farming or forest practices on agricultural or forestlands. Accepted forest practices can best be defined as the propagation, management and harvesting of forest products, consistent with the Oregon Forest Practices Act; however, by inclusion of listed uses in LDO there are other uses that can co-exist with these practices such as a gas distribution line.

The prior Board adopted language that would mitigate for a loss of income and the current Board may choose to adopt the same method to mitigate the loss of income from forest practices.

The applicant submitted testimony in the prior review from an expert (see attached pages 97 and 98 of Final Decision of Coos County Board of Commissioners Order No. 10-08-045PL) that stated that incremental increase to cost to timber operator generally amount to a range of 1 to 2 percent and staff finds that analysis applies to this application as well. The applicant will include any loss of forest production as part of the compensation paid to landowners by the pipeline operator; therefore, alleviating any cost of the property owners.

In summary the applicant has shown that there will be no significant increased cost in accepted forest practices.

Accepted farm use can be defined as means of current employment of land for the primary purpose of obtaining a profit in money by raising, harvesting and selling crops or by the feeding, breeding, management and sale of, or the produce of, livestock, poultry, fur-bearing animals or honeybees or for dairying and the sale of dairy products or any other agricultural or horticultural use or animal husbandry of any combination thereof. “Farm use” includes the preparation and storage of the products raised on such land for human use and animal use and disposal by marketing or otherwise. However, by inclusion of listed uses in the LDO there are other uses that can co-exist with these practices.

The only impact will be at the time of construction and the property owners will be compensated for that loss. Once the construction is completed the property will be re-vegetated and can be utilized for pasture land. Therefore, there will be no significant impact to accepted farm and forest practices.

The applicant will not significantly increase fire hazard or significantly increase fire suppression costs or significantly increase risks to fire suppression personnel or equipment. The pipeline itself will be located underground and shall be maintained to conform with or exceed US Department of Transportation (DOT) requirements found in Title 49 Code of Federal Regulation (CFR), Part 192 Transportation of Natural and Other Gas by Pipeline: Minimum Safety Standards; 18 CFR §380.15, Site and Maintenance Requirements; and other applicable federal and state regulations. In the upland areas, vegetation within the permanent easement will periodically be maintained by mowing, cutting and trimming either by mechanical or hand methods. The permanent easement will be maintained in a condition where trees or shrubs greater than six feet tall will be controlled (cut or trimmed) within 15 feet either side of the centerline (for a total of 30 cleared feet). This will limit the overall fuel load within the corridor while discouraging the growth of “ladder fuels” that otherwise could allow fire to reach the lower limbs of mature trees.

In the prior decision the applicant was required at least six months prior to delivery of any gas to the Jordan Cove Energy Project (LNG) import terminal, to; (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, meet with local responders, including fire departments, to review plans, and communicate specifics about the pipeline. If requested, Pacific Connector will also participate in an emergency simulation exercises and provide feedback to the emergency responders.

The Board of Commissioners has already adopted the interpretation that the pipeline (distribution line) does not meet the definition of a structure which is a walled and roofed building including a gas or liquid storage tank that is principally above ground. This is a linear pipe that is completely located underground and the pipe is connected to a structure but cannot itself be defined as a structure. The Board made this interpretation in the Board of Commissioners Final Decision and Order No. 10-08-045PL, dated September 8, 2010, as ratified by Final Decision and Order No. 12-03-018PL, dated March 13, 2012. § 4.8.600, § 4.8.700, § 4.8.750, § 4.9.600 and §4.9.700 only applies to structures and are not relevant to this review. Therefore, all of the criteria have been satisfied.

<table>
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§ 4.5.545 Management Objective: This district shall be managed for rural uses along with recreational access. Enhancement of riparian vegetation for water quality, bankline stabilization, and wildlife habitat shall be encouraged, particularly for purposes of salmonid protection. This district contains two designated mitigation sites, U-17(a) and (b), "medium" priority, which shall be protected as required by Policy #22.

§ 4.5.546 Uses, Activities and Special Conditions. Table 20-RS 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 20-RS 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. (A) Uses: (15) Utilities (a) Low-intensity P-G

GENERAL CONDITIONS (the following conditions apply to all permitted uses and activities):

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.

The following conditions apply to all permitted uses
3. Where “agricultural lands” or “forest lands” occur within this district, as identified in the "Special Considerations Map", uses in these areas shall be limited to those permitted in Policies #28 and #34.
4. 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.
5. All permitted uses shall be consistent with the respective flood regulations of local governments, as required in Policy #27.
6. On designated mitigation/restoration sites, all uses/activities shall only be permitted subject to the conditions
7. In rural areas (outside of UGBs) utilities, public facilities and services shall only be provided subject to Policies #49, #50, and #51.

§ 4.5.550 Management Objective: This aquatic district shall be managed to allow log transport while protecting fish habitat. Log storage shall be allowed in areas of this district which are near shoreland log sorting areas at Allegany, Shoreland District 20C, and Dellwood, Shoreland District 20D, as well as in areas for which valid log storage and handling leases exist from the Division of State Lands.

§ 4.5.551 Uses, Activities and Special Conditions. Table 20-CA 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 20-CA 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. (A) Uses: (9) Utilities (a) Low-intensity P-G

GENERAL CONDITIONS:
1. All uses and activities: Inventoried resources requiring mandatory protection are subject to Policies #17 and #18.

FINDING: The pipeline is defined as a low-intensity facility, under the definition of utilities, pursuant to § 2.1.200. In 20-RS a low intensity utility is permitted subject to meeting the polices #17, #18, #23, #28, #34, #14, #27, #22, #49, #50, #51 found in Appendix 3 – Coos Bay Estuary Management Plan. The pipe will cross 20-CA in which the pipeline is also listed as a permitted use as a low-intensity utility subject to policies #17 and #18 found in Appendix 3 – Coos Bay Estuary Management Plan.

Appendix 3 CBEMP Policies #17, #18, #23, #28, #34, #14, #27, #22, #49, #50, #51

Appendix 3, Volume II – CBEMP Polices

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

Local governments shall 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 exceptions allow otherwise.

I. Local government shall protect: (a)”Major marshes” to include areas identified in the Goal #17, "Linkage Matrix", and the Shoreland Values Inventory map; and (b)”Significant wildlife habitats" to include those areas identified on the "Shoreland Values Inventory” map; and (c)“Coastal headlands”; and (d)“Exceptional aesthetic resources” where the quality is primarily derived from or related to the association with coastal water areas.

II. This strategy shall be implemented through: (a) Plan designations, and use and activity matrices set forth elsewhere in this Plan that limit uses in these special areas to those that are consistent with protection of natural values; and (b) Through use of the Special Considerations Map, which identified such special areas and restricts uses and activities therein to uses that are consistent with the protection of natural values. Such uses may include propagation and selective harvesting of forest products consistent with the Oregon Forest Practices Act, grazing, harvesting wild crops, and low-intensity water-dependent recreation. (c) Contacting Oregon Department of Fish and Wildlife for review and comment on the proposed development within the area of the 5b or 5c bird sites.

This strategy recognizes that special protective consideration must be given to key resources in coastal shorelands over and above the protection afforded such resources elsewhere in this Plan.

FINDING: Although the Linkage Matrix has identified that the 20-RS zoning district contains significant
wildlife habitat, the plan maps for the area where proposed alternate is located show no significant wildlife
habitat inventoried. Therefore, this criterion does not apply to the request.

#18 Protection of Historical, Cultural and Archaeological Sites

Local government shall provide protection to historical, cultural and archaeological sites and shall continue to
refrain from widespread dissemination of site-specific information about identified archaeological sites.
I. This strategy shall be implemented by requiring review of all development proposals involving a cultural,
archaeological or historical site, to determine whether the project as proposed would protect the cultural,
archaeological and historical values of the site.
II. The development proposal, when submitted shall include a Site Plan, showing, at a minimum, all areas
proposed for excavation, clearing and construction. Within three (3) working days of receipt of the
development proposal, the local government shall notify the Coquille Indian Tribe and Coos, Siuslaw, Lower
Umpqua Tribe(s) in writing, together with a copy of the Site Plan Application. The Tribe(s) shall have the
right to submit a written statement to the local government within thirty (30) days of receipt of such
notification, stating whether the project as proposed would protect the cultural, historical and archaeological
values of the site, or if not, whether the project could be modified by appropriate measures to protect those
values.
    "Appropriate measures" may include, but shall not be limited to the following:
    a. Retaining the prehistoric and/or historic structure in situ or moving it intact to another site; or
    b. Paving over the site without disturbance of any human remains or cultural objects upon the written
       consent of the Tribe(s); or
    c. Clustering development so as to avoid disturbing the site; or
    d. Setting the site aside for non-impacting activities, such as storage; or
    e. If permitted pursuant to the substantive and procedural requirements of ORS 97.750, contracting with a
       qualified archaeologist to excavate the site and remove any cultural objects and human remains,
       reintering the human remains at the developer's expense; or
    f. Using civil means to ensure adequate protection of the resources, such as acquisition of easements, public
dedications, or transfer of title.

If a previously unknown or unrecorded archaeological site is encountered in the development process, the
above measures shall still apply. Land development activities, which violate the intent of this strategy shall
be subject to penalties prescribed in ORS 97.990.

III. Upon receipt of the statement by the Tribe(s), or upon expiration of the Tribe(s) thirty day response
period, the local government shall conduct an administrative review of the Site Plan Application and shall:
    a. Approve the development proposal if no adverse impacts have been identified, as long as consistent with
       other portions of this plan, or
    b. Approve the development proposal subject to appropriate measures agreed upon by the landowner and
       the Tribe(s), as well as any additional measures deemed necessary by the local government to protect the
       cultural, historical and archaeological values of the site. If the property owner and the Tribe(s) can not agree
       on the appropriate measures, then the governing body 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.

IV. Through the "overlay concept" of this policy and the Special Considerations Map, unless an exception
has been taken, no uses other than propagation and selective harvesting of forest products consistent with the
Oregon Forest Practices Act, grazing, harvesting wild crops, and low intensity water-dependent recreation shall be allowed unless such uses are consistent with the protection of the cultural, historical and archaeological values, or unless appropriate measures have been taken to protect the historic and archaeological values of the site.

This strategy recognizes that protection of cultural, historical and archaeological sites is not only a community's social responsibility, it is also legally required by ORS 97.745. It also recognizes that cultural, historical and archaeological sites are non-renewable cultural resources.

FINDING: This area is in a potential archeological site. 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 for the 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 historical, cultural or archaeological 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

I. 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).

II. 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.

This strategy shall be implemented by Oregon Department of Transportation (ODOT) and local government where erosion threatens roads. Otherwise, individual landowners in cooperation with the Oregon International Port of Coos Bay, and Coos Soil and Water Conservation District, Watershed Councils, Division of State Lands and Oregon Department of Fish & Wildlife shall be responsible for bank protection.

This strategy recognizes that the banks of the estuary, particularly the Coos and Millicoma Rivers are
susceptible to erosion and have threatened valuable farm land, roads and other structures.

FINDING: Section 4.5.180 Riparian Protection Standards in the Coos Bay Estuary Management Plan requires riparian vegetation protection within 50-feet of an inventoried estuarine wetland, lake, or river with the following exception: (e) Riparian vegetation may be removed 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...The pipeline is a public utility project, and therefore is not subject to the 50-foot riparian vegetation protection. Riparian vegetation may be removed in order to site the pipeline pursuant to the exemption cited above, so long as it is the minimum necessary to accomplish the purpose. Also, the applicant must comply with all FERC requirements for wetland and water bodies protection and mitigation both during and after construction, and will restore riparian vegetation 25 feet from the streambanks on either side of water bodies on private lands where riparian vegetation existed prior to construction, consistent with the applicant’s erosion control and re-vegetation plan.

FINDING: This policy is implemented by using the statutory provisions governing uses in the EFU zones and plan map to identify EFU suitable areas. Portions of the properties have been identified as Agricultural Lands in the CBEMP. EFU uses may be impacted during the construction phase of the project. The applicant anticipates that construction (including restoration) will be complete in approximately 3 years. Farm use within the permanent and temporary rights-of-way will be able to resume after construction. Once the construction is completed the site will be re-vegetated and returned back to pasture land. The pipeline is a “utility facility necessary for public service,” which is a permitted use under the agricultural provisions of ORS 215.283(1)(c) and ORS 215.275(6). As explained in the EFU portion of the staff report “Farm use” includes the preparation and storage of the products raised on such land for human use and animal use and disposal by marketing or otherwise. However, by inclusion of listed uses in LDO there are other uses that can co-exist with these practices and that has clearly been identified by the LDO and ORS. The property will continued to be managed as agricultural land. Therefore, this criterion has been met.
Unless otherwise allowed through an Exception, Coos County shall manage all rural lands designated on the Special Considerations Map as "Forest Lands" within the Coastal Shorelands Boundary consistent with the "Forest Uses" requirements of LCDC Goal #4. Allowed uses are listed in Appendix 3 of the Zoning and Land Development Ordinance.

Where the County's Comprehensive Plan identified major marshes, significant wildlife habitat and riparian vegetation on coastal shorelands subject to forest operations governed by the Forest Practices Act, the Forest Practice program and rules of the Department of Forestry shall be carried out in such a manner as to protect and maintain the special shoreland values of the major marshes, significant wildlife habitat areas, and forest uses especially for natural shorelands and riparian vegetation.

This policy shall be implemented by using the Special Considerations Map (Policy #3) to identify "Forest Lands", and to abide by the prescriptive use and activity requirements of LCDC Goal #4 in lieu of other management alternatives otherwise allowed for properties within the "Forest Lands-Overlay" set forth on the Special Considerations Map, and except where otherwise allowed by Exception for needed housing and industrial sites.

This policy recognizes that the requirements of LCDC Goal #4 are equal and not subordinate to other management requirements of this Plan for "Forest Lands" located within the Coastal Shorelands Boundary.

FINDING: There are no identified Forest Lands within the portion of the CSB where the pipeline will be sited. Therefore, this criterion does not apply.

#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:
   a. Farm uses as provided in ORS 215.203;
   b. Propagation and harvesting of forest products;
   c. Private and public water-dependent recreation developments;
   d. Aquaculture;
   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.
   f. Single-family residences on lots, parcels, or units of land existing on January 1, 1977, when it is established that:
      1. The dwelling is in conjunction with a permitted farm or forest use, or
      2. The dwelling is in a documented "committed" area, or
      3. The dwelling has been justified through a goal exception; and
      4. Such uses do not conflict with the resource preservation and protection policies established elsewhere in this Plan;
   g. Any other uses, including non-farm uses and non-forest uses, provided that the Board of Commissioners or its designee determines that such uses satisfy a need which cannot be accommodated at other upland locations or in urban or urbanizable areas. In addition, the above uses shall only be permitted upon a finding that such uses do not otherwise conflict with the resource preservation and protection policies established elsewhere in this Plan.
This strategy recognizes (1) that Coos County's rural shorelands are a valuable resource and accordingly merit special consideration, and (2) that LCDC Goal #17 places strict limitations on land divisions within coastal shorelands. This strategy further recognizes that rural uses "a through "g" above, are allowed because of need and consistency findings documented in the "factual base" that supports this Plan.

**FINDING:** The Board of Commissioners has already found in Final Decision and Order No. 10-08-045PL, dated September 8, 2010 as ratified by Final Decision and Order No. 12-03-018PL, dated March 13, 2012 and previous Final Decision and Order Nos. 07-11-289PL and 07-12-309PL that “The proposed LNG terminal is an industrial and port facility that is water-dependent and consistent with the uses allowed in the 6-WD zoning district. The proposed use satisfied a need that cannot be accommodated on uplands or shorelands in urban and urbanizable areas or in other rural areas built upon or irrevocably committed to non-resource use.” The North Spit was determined to be the only site possible to accommodate the LNG facility. The pipeline cannot be located solely on the upland locations or urban or urbanizable areas because it must transport natural gas to the LNG terminal. This is a listed use in forest and farm and all of the resources identified in the CCCP will be protected. Therefore, these criteria have been met.

**#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:** Compliance with this criterion will be addressed under floodplain ordinance of § 4.6.230(4)

**Other Development.**

**#22 Mitigation Sites: Protection Against Pre-emptory Uses**

Consistent with permitted uses and activities:

~ "High Priority" designated mitigation sites shall be protected from any new uses or activities which could pre-empt their ultimate use for this purpose.

~ "Medium Priority" designated mitigation sites shall also be protected from uses which would pre-empt their ultimate use for this purpose.

However, repair of existing dikes or tidegates and improvement of existing drainage ditches is permitted, with the understanding that the permitting authority (Division of State Lands) overrides the provisions of Policy #38. Wetland restoration actions designed to answer specific research questions about wetland mitigation and/or restoration processes and techniques, may be permitted upon approval by Division of States Lands, and as prescribed by the uses and activities table in this Plan.

~ "Low Priority" designated mitigation sites are not permanently protected by the Plan. They are intended to be a supplementary inventory of potential sites that could be used at the initiative of the landowner. Pre-emptory uses shall be allowed on these sites, otherwise consistent with uses and activities permitted by the Plan. Any change in priority rating shall require a Plan Amendment.

Except as provided above for research of wetland restoration and mitigation processes and techniques, repair of existing dikes, tidegates and improvement of existing drainage ditches, "high" and "medium" priority mitigation sites shall be protected from uses and activities which would pre-empt their ultimate use for mitigation.

I. This policy shall be implemented by:

a. Designating "high" and "medium" priority mitigation sites on the Special Considerations Map; and
b. Implementing an administrative review process that allows uses otherwise permitted by this Plan but proposed within an area designated as a "high" or "medium" priority mitigation site only upon satisfying the following criteria:

1. The proposed use must not entail substantial structural or capital improvements (such as roads, permanent buildings or nontemporary water and sewer connections); and
2. The proposed use must not require any major alteration of the site that would affect drainage or reduce the usable volume of the site (such as extensive site grading/excavation or elevation from fill); and
3. The proposed use must not require site changes that would prevent the expeditious conversion of the site to estuarine habitat; or
4. For proposed wetland restoration research projects in "medium" priority mitigation sites the following must be submitted:
   i. A written approval of the project, from Division of States Lands, and
   ii. A description of the proposed research, resource enhancement and benefits expected to result from the restoration research project.

c. Local government's review and comment on state and federal waterway permit applications for dike/tidegate and drainage ditch actions.

This policy recognizes that potential mitigation sites must be protected from pre-emptory uses. However, "low priority" sites are not necessarily appropriate for mitigation use and are furthermore in plentiful supply. It further recognizes, that future availability of "medium priority" sites will not be pre-empted by repair of existing dikes, tidegates and drainage ditches or otherwise allowed by this policy. This insures the continuation of agricultural production until such time as sites may be required for mitigation. This policy also recognizes that research activities designed to gain further understanding of wetland, restoration and mitigation processes and techniques are needed. The consideration of "medium priority" mitigation sites for this purpose will facilitate future identification and successful use of mitigation sites (OR 95-11-010PL 1/24/96).

FINDING: There are no mitigation sites identified along this area. Therefore, this criterion does not apply.

#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 proposal is not for public water or sewer; therefore, this criterion is not applicable.

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§ 4.6.210 Permitted Uses. In a district in which the /FP zone is combined, those uses permitted by the underlying district are permitted outright in the /FP FLOATING ZONE, subject to the provisions of this article.

§ 4.6.215 Conditional Uses. In a district with which the /FP is combined, those uses subject to the provisions of Article 5.2 (Conditional Uses) may be permitted in the /FP FLOATING ZONE, subject to the provisions of this article.

§ 4.6.230 Procedural Requirements for Development within Special Flood Hazard Areas. The following procedure and application requirements shall pertain to the following types of development:

4. Other Development. “Other development” includes mining, dredging, filling, grading, paving, excavation or drilling operations located within the area of a special flood hazard, but does not include such uses as normal agricultural operations, fill less than 12 cubic yards, fences, road and driveway maintenance, landscaping, gardening and similar uses which are excluded from definition because it is the County’s determination that such uses are not of the type and magnitude to affect potential water surface elevations.
or increase the level of insurable damages.

Review and authorization of a floodplain application must be obtained from the Coos County Planning Department before “other development” may occur. Such authorization by the Planning Department shall not be issued unless it is established, based on a licensed engineer’s certification that the “other development” shall not:

a. result in any increase in flood levels during the occurrence of the base flood discharge if the development will occur within a designated floodway; or,
b. result in a cumulative increase of more than one foot during the occurrence of the base flood discharge if the development will occur within a designated flood plain outside of a designated floodway.

§ 4.6.235 Sites within Special Flood Hazard Areas
1. If a proposed building site is in a special flood hazard area, all new construction and substantial improvements (including placement of prefabricated buildings and mobile homes), otherwise permitted by this Ordinance, shall:
   a. be designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement and shall be installed using methods and practices that minimize flood damage. Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors (Reference FEMA “Manufactured Home Installation in Flood Hazard Areas” guidebook for additional techniques);
   b. be constructed with materials and utility equipment resistant to flood damage;
   c. be constructed by methods and practices that minimize flood damage; and
   d. electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

FINDING: The overlay zone in this case will not prohibit the development but there are criteria under “other development” that needs to be addressed. The pipeline is considered as “other development” because it requires such activities as drilling, removing and filling and is not defined as a structure. The PCGP alternate alignments will be installed below existing grades and no permanent structures will be placed above existing grades within the floodplain. In addition, at the completion of the installation, all construction areas will be restored to their pre-construction grade and condition. The applicant will use installation methods and mitigation measures to avoid or minimize flotation, collapsing, or lateral movement. A floodplain application addressing the requirements of other development must be obtained from the Coos County Planning Department before the start of the project. Pursuant to § 4.6.285 the county may issue a permit on the condition that all applicable local permits are or will be obtained; therefore, this is a suggested condition of approval.

<table>
<thead>
<tr>
<th>Table 4.7a</th>
<th>Special Regulatory Consideration Prescribed by the Coos County Comprehensive Plan (Appendix I Balance of County)</th>
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</thead>
</table>

<table>
<thead>
<tr>
<th>TABLE 4.7a</th>
</tr>
</thead>
<tbody>
<tr>
<td>PHENOMENON</td>
</tr>
</tbody>
</table>
| 1. Mineral &Aggregate | 1a. Preserve these in their original character until mined  
 b. Agriculture & forestry uses are acceptable per | 1-12  
 1-12 | 1  
 1 |
zone and use district requirements.

<p>| | |</p>
<table>
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<tbody>
<tr>
<td>c.</td>
<td>Allow new conflicting uses within 500 ft. subject to ESEE findings through the conditional use process.</td>
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<tr>
<td></td>
<td>1-12</td>
</tr>
<tr>
<td>d.</td>
<td>Non-exploratory mining operations are conditional uses, where allowed</td>
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<td>1-13</td>
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<td>2</td>
</tr>
</tbody>
</table>

1. **Mineral & Aggregate – Appendix I, Pages12-13, Strategy Nos. 1 & 2**

**Plan Implementation Strategies**

1. Coos County shall manage its identified mineral and aggregate resources (except black sand prospects) in their original character until mined, except where conflicting uses are identified during implementation of the Plan, and such uses are justified based on consideration of the economic, social, environmental and energy consequences of the conflicting uses, or where existing uses have been grandfathered.

Conflicting uses include dwellings and any other structures within 500 feet of the resource site. Where no conflicts are identified, agriculture, forest or similar open space zoning shall be used to implement this strategy.

When a conflicting use is proposed at a given site, the decision about allowing development of the proposed use or the development or protection of the aggregate resource shall be made through a conditional use process where findings are developed which address the economic, environmental, social and energy consequences of allowing the proposed conflicting use, development of the aggregate resource, or both at the site. The following guidelines must be considered as part of the conditional use process:

- **Economic consequences:** payroll, jobs, taxes, economic opportunity costs associated with developing or not developing each conflicting use, and other pertinent factors.
- **Environmental consequences:** the impacts on air, land and water quality, and on adjacent farm and forest resources associated with developing each conflicting use, and other pertinent factors.
- **Social consequences:** the effect of the proposed uses on public service delivery, the general compatibility of the proposed uses with surrounding cultural land uses, and other pertinent factors.
- **Energy consequences:** the location of the proposed resource development site in relationship to market areas, and other pertinent factors.

The decision to allow one or both of the conflicting uses shall be supported by findings which demonstrate that the decision will foster maximum public gain. Reasonable conditions may be imposed on any authorized development to ensure compatibility. Such conditions may include screening, setbacks and similar measures.

2. Coos County shall regulate new recovery operations by designating such activities as conditional uses in appropriate zones, except where permitted outright in forest zones, to ensure compatibility with adjacent uses. Site restoration shall conform to the requirements of ORS 517.750 to 517.900, "Reclamation of Mining Lands".

This strategy recognizes that project review by the Hearings Body is necessary to minimize the adverse impacts that are typically associated with mining operations, and which often make such recovery activities incompatible with adjacent uses.

**FINDING:** There are no identified mineral or aggregate resources located on the properties. The proposal does not include any mining activities. Some of the properties do fall within an identified coal basin; however, pursuant to LDO Appendix I, Section 5.5 Mineral & Aggregate Resources Plan Implementation Strategies 4, Coos County recognizes the existence and extent of the coal deposits within the County. However, due to factors concerning the coal's quantity and quality, as well as subsurface location, the resource is not expected to be commercially extracted. Therefore, the resource is classified as a "5a" resource and will not be included as an identified Goal #5 resource. Permitted or conditionally permitted
uses shall not be considered conflicting with Coal resources within a given zone. Therefore, these strategies do not apply to this proposal.

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<tr>
<th>PHENOMENON</th>
<th>SPECIAL REGULATORY CONSIDERATIONS SUMMARY</th>
<th>Appendix I</th>
</tr>
</thead>
<tbody>
<tr>
<td>2. Water Resources</td>
<td>2a. Prohibits new residential and commercial developments in rural areas other than committed areas when evidence or irreversible degradation by new withdrawal or septic tanks has been submitted.</td>
<td>1-21</td>
</tr>
</tbody>
</table>

**TABLE 4.7a**

**2. Water Resources – Appendix I, Page 21, Strategy No. 1**

Plan Implementation Strategies

1. Coos County shall not permit further new residential and commercial development in rural areas where the Oregon State Water Resources Department (OSWRD), the Oregon State Environmental Quality commission (EQC), or the Oregon State Health Division (OSHD) has submitted compelling evidence to Coos County that water resources within that area would be irreversibly degraded by new consumptive withdrawal or by additional septic tank or other waste discharges.

Implementation measures in such areas may include a moratorium on construction permits for new residences or new commercial uses in the identified area. If an adequate solution to resolve the problem cannot be reached, such as extension of public water to the area in conformance with this plan, the County shall initiate a process to redesignate any undeveloped land within the area to a resource designation, and shall reallocate any other plan designations on such undeveloped land to other rural areas of the County on an acreage-by-acreage basis.

This strategy is based on the recognition that: (1) prediction of the maximum appropriate level of development requires detailed technical studies of each rural watershed; (2) that such information is not currently available; and (3) that reallocation of non-resource plan designations such as Rural Residential to other rural areas as an appropriate and efficient method of meeting development needs where the state agencies charged with monitoring water quality have submitted compelling evidence that irreversible water resource degradation will occur in specific rural areas.

**FINDING:** The properties are not located within an area where OSWRD, EQC or OSHD has submitted any evidence to Coos County that a water resource would be irreversibly degraded by new consumptive withdrawal or by additional septic tanks or other waste discharges. This strategy does not apply.

<table>
<thead>
<tr>
<th>PHENOMENON</th>
<th>SPECIAL REGULATORY CONSIDERATIONS SUMMARY</th>
<th>Appendix I</th>
</tr>
</thead>
</table>
| 3. Historical/ Archeological Sites & Structures | 3a. Manage these for their original resource value.  
b. Develop proposals in identified archaeological areas must have a “sign-off” by qualified person(s).  
c. Historical structures and sites can only be expanded, enlarged or modified if Coos County finds the proposal to be consistent with the original historical character of the structure or site. | 1-19       | 1  
|                              |                                                                                                           | 1-20       | 3  
|                              |                                                                                                           | 1-19       | 2  

**TABLE 4.7a**
Plan Implementation Strategies

1. Coos County shall manage its historical, cultural and archaeological areas, sites, structures and objects so as to preserve their original resource value.

This strategy recognizes that preservation of significant historical, cultural and archaeological resources is necessary to sustain the County's cultural heritage.

2. Coos County shall permit the expansion, enlargement or other modification of identified historical structures or sites provided that such expansion, enlargement or other modification is consistent with the original historical character of the structure or site;

This strategy shall be implemented by requiring Planning Director review of site and architectural plans to ensure that the proposed project is consistent with the original historical character of the site and structure.

This strategy recognizes that enlargement, expansion or modification of historical structures is not inconsistent with Coos County's historic preservation goal, provided the County finds that the proposed changes are consistent based on site and architectural standards. Further, this strategy recognizes (1) that the site and architectural modification may be necessary to preserve, protect or enhance the original historical character of the structure, and (2) that the historical value of many of the county's identified historical structures is often marginal and incidental to the structure's current use as private property.

3. Coos County shall continue to refrain from wide-spread dissemination site-specific inventory information concerning identified archaeological sites. Rather, Coos County shall manage development in these areas so as to preserve their value as archaeological resources.

This strategy shall be implemented by requiring development proposals to be accompanied by documentation that the proposed project would not adversely impact the historical and archaeological values of the project's site. "Sufficient documentation" shall be a letter from a qualified archaeologist/historian and/or a duly authorized representative of a local Indian tribe(s). The Coos County Planning Department shall develop and maintain a list of qualified archaeologists and historians. In cases where adverse impacts have been identified, then development shall only proceed if appropriate measures are taken to preserve the archaeological value of the site. "Appropriate measures" are deemed to be those, which do not compromise the integrity of remains, such as: (1) paving over the sites; (2) incorporating cluster-type housing design to avoid the sensitive areas; or (3) contracting with a qualified archaeologist to remove and re-inter the cultural remains or burial(s) at the developer's expense. If an archaeological site is encountered in the process of development, which previously had been unknown to exist, then, these three appropriate measures shall still apply. Land development activities found to violate the intent of this strategy shall be subject to penalties prescribed by ORS 97.745 (Source: Coos Bay Plan).

This strategy is based on the recognition that preservation of such archaeologically sensitive areas is not only a community's social responsibility but is also a legal responsibility pursuant to Goal #5 and ORS 97.745. It also recognizes that historical and archaeological sites are non-renewable, cultural resources (Source: Coos Bay Plan).

FINDING: There are no historical sites or structures identified on any of the properties affected by the two alternate segments. However, this area is in a potentially significant archeological site. Therefore, as a condition of approval the applicant is required to confer with the affected local tribes prior to the issuance of a zoning compliance letter. Staff recommends the applicant 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 for the 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 historical, cultural or archaeological 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).

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<thead>
<tr>
<th>PHENOMENON</th>
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<th>Appendix I</th>
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</table>
| 4. Beaches & Dunes | 4a. Permit development within “limited development suitability” only upon establishment of findings. Requires Administrative Conditional Use.  
b. Prohibits residential, commercial, or industrial development within areas “unsuitable for development”. Permit other developments only upon establishment of findings. Requires Administrative Conditional Use.  
c. Cooperation with agencies to regulate: destruction of vegetation, erosion shore structures and other developments, requires Administrative Conditional Use and agency comments. | 1-23 2  
1-24 3  
1-25 4 |

4. Beaches & Dunes Appendix I, Pages 23-25, Strategy Nos. 2, 3 & 4

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.

3. Coos County shall prohibit residential development and commercial and industrial buildings within areas designated as "Beach and Dune Areas Unsuitable for Development" on the Special considerations Map.

Further, Coos County shall permit other developments in these areas only:

a. When specific findings have been made that consider at least:

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

b. When it is demonstrated that the proposed development:

   i. is adequately protected from any geologic hazards, wind erosion, undercutting, ocean flooding and storm waves; or is of minimal value; and
   ii. is designed to minimize adverse environmental effects, and

c. When specific findings have been made, where breaching of foredunes is contemplated that:

   (1) The breaching and restoration is consistent with sound principles of conservation, and either
   (2) The breaching is necessary to replenish sand supply in interdune areas, or
   (3) The breaching is done on a temporary basis in an emergency (e.g., fire control, cleaning up oil spills, draining farm lands, and alleviating flood hazards).

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.

This policy shall be implemented through: (1) review of the Special Considerations Map when development is proposed in these areas, and (2) an Administrative conditional use process where findings are developed based upon a site investigation report submitted by the developer which addresses the considerations set forth above.
This policy recognizes that:

a. The Special Considerations Map category of "Beach and dune Areas Unsuitable for Development" includes the following dune forms:
   i. Active foredunes
   ii. Other foredunes which are conditionally stable and that are subject to ocean undercutting or wave overtopping, and
   iii. Interdune areas (deflation plains) that are 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

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 such areas.

4. Coos County shall cooperate with state and federal agencies in regulating the following actions in the beach and dune areas described in subparagraph (iii) of Policy #1: (1) destruction of desirable vegetation (including inadvertent destruction by moisture loss or root damage), (2) the exposure of stable and conditionally stable areas to erosion, (3) construction of shore structures which modify current air wave patterns leading to beach erosion, and (4) any other development actions with potential adverse impacts.

This strategy shall be implemented through the processes described in Policies #2 and #3 above and through review and comment by the county on state and federal permits in beach and dune areas.

This strategy recognizes that regulation of these actions is necessary to minimize potential erosion.

**FINDING:** The pipeline is not located on properties inventoried Beach and Dune Areas with Limited Development Suitability; therefore, these strategies do not apply.

**TABLE 4.7a**

<table>
<thead>
<tr>
<th>PHENOMENON</th>
<th>SPECIAL REGULATORY CONSIDERATIONS SUMMARY</th>
<th>Appendix I</th>
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<tbody>
<tr>
<td>5. Non-Estuarine Shoreland Boundary</td>
<td>5 a. Protection of major marshes (wetlands), habitats, headlands, aesthetics, historical and archaeological sites. &lt;br&gt;b. Specifies allowed uses within C.S.B. &lt;br&gt;c. Permits subdivision, major and minor partitions only upon findings. &lt;br&gt;d. Maintain, restore or enhance riparian vegetation as consistent with water dependent uses. Requires Administrative Conditional Use.</td>
<td>1-25 5 &lt;br&gt;1-26 7 &lt;br&gt;1-27 8 &lt;br&gt;1-28 11</td>
</tr>
</tbody>
</table>

5. **Non-Estuarine Shoreland Boundary Appendix I, Pages 25-28, Strategy Nos. 5, 7, 8 & 11**

5. Coos County shall provide special protection to major marshes, significant wildlife habitat, coastal headlands, exceptional aesthetic resources, and historic and archaeological sites located within the coastal Shorelands boundary of the ocean, coastal lakes and minor estuaries. Coos County shall consider: (a) "major marshes" to include certain extensive marshes associated with dune lakes in the Oregon Dunes.
National Recreation Area and wetlands associated with New River as identified in the Inventory text and maps, and on the Special Considerations Map; (b) "significant wildlife habitat" to include "sensitive big-game range", Snowy Plover nesting areas, Bald Eagle, and Osprey nesting areas, Salmonid spawning and rearing areas, and wetlands; (c) "coastal headlands" to include Yoakum Point, Gregory Point, Shore Acres, Cape Arago south to Three-Mile Creek, Five Mile Point, and Coquille Point; (d) "exceptional aesthetic resources" to include the coastal headlands identified above, and other areas identified in the Coastal Shorelands Inventory; and (e) "historical, cultural and archaeological sites" to include those identified in the Historical, Cultural and Archaeological Sites Inventory and Assessment.

This strategy shall be implemented through plan designations and ordinance measures that limit uses in these special areas to those uses that are consistent with protection of natural values, such as propagation and selective harvesting of forest products, grazing, harvesting wild crops, and low intensity water-dependent recreation.

This strategy recognizes that special protective consideration must be given to key resources in coastal shorelands over and above the protection afforded such resources elsewhere in this plan.

7. Coos County shall manage its rural areas within the "Coastal Shorelands Boundary" of the ocean, coastal lakes and minor estuaries through implementing ordinance measures that allow the following uses:
   a. farm uses as provided in ORS 215;
   b. propagation and harvesting of forest products consistent with the Oregon Forest Practices Act.
   c. private and public water dependent recreation developments;
   d. aquaculture;
   e. water-dependent commercial and industrial uses and water-related uses only upon finding by the Board of Commissioners that such uses satisfy a need, which cannot otherwise be accommodated on shorelands in urban and urbanizable areas;
   f. single family residences on existing lots, parcels, or units of land when compatible with the objectives and implementation standards of the Coastal Shorelands goal, and as otherwise permitted by the underlying zone;
   g. any other uses, provided that the Board of Commissioners determines that such uses: (1) satisfy a need which cannot be accommodated at other upland locations or in urban or urbanizable areas; (2) are compatible with the objectives of Statewide Planning Goal #17 to protect riparian vegetation and wildlife habitat; and (3) the "other" use complies with the implementation standard of the underlying zone designation.

In addition, the above uses shall only be permitted upon a finding that such uses do not otherwise conflict with the resource preservation and protection policies established elsewhere in this plan.

This strategy recognizes: (1) that Coos County's rural shorelands are a valuable resource and accordingly merit special consideration; and (2) that Statewide Planning Goal #17 places strict limitations on land divisions within coastal shorelands.

8. Coos County shall permit subdivisions and partitions within the "Coastal Shorelands Boundary" of the ocean, coastal lakes or minor estuaries in rural areas only upon finding by the governing body: (1) that such land divisions will not conflict with agriculture and forest policies and ordinance provisions of the Coos County Comprehensive Plan and would be compatible with the objectives of Statewide Planning Goal #17 to protect riparian vegetation and wildlife and either; (2) that the new land divisions fulfill a need that cannot otherwise be accommodated in other uplands or in urban and urbanizable areas; or, (3) that the new land divisions are in a documented area, "committed" area; or, (4) that the new land divisions have been justified through a goal exception.

This strategy shall be implemented through provisions in ordinance measures that require the above findings to be made prior to the approval of the preliminary plat of a subdivision or partition.
This strategy recognizes that Coos County's rural shorelands are a valuable resource and accordingly merit special consideration under Statewide Planning Goal #17.

11. Coos County shall maintain riparian vegetation within the shorelands of the ocean, coastal lakes, and minor estuaries, and when appropriate, restore or enhance it, as consistent with water-dependent uses.

Timber harvest, if permitted in the zoning ordinance, shall be regulated by the Oregon Forest Practices Act.

Where the County's Comprehensive Plan identifies riparian vegetation on lands in the coastal shorelands subject to forest operations governed by the FPA, the Act and Forest Practices Rules administered by the Department of Forestry will be used in such a manner as to maintain, and where appropriate, restore and enhance riparian vegetation.

This strategy shall be implemented by County review of and comment on state permit applications for waterfront development.

This strategy is based on the recognition that prohibiting excessive removal of vegetative cover is necessary to stabilize the shoreline and, for coastal lakes and minor estuaries, to maintain water quality and temperature necessary for the maintenance of fish habitat.

**FINDING:** There is no non-estuarine shorelands on the effected properties. The shoreland in this case is estuarine, as it is the boundary between the CBEMP and the Balance of County Zoning. Therefore, these strategies do not apply.

**TABLE 4.7a**

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<tr>
<th>PHENOMENON</th>
<th>SPECIAL REGULATORY CONSIDERATIONS SUMMARY</th>
<th>Appendix I</th>
</tr>
</thead>
</table>
| 6. Significant Wildlife Habitat I ORD 85-08-011L | 6a. Conserve riparian vegetation adjacent to salmonid spawning and rearing areas; density restriction in Big Game Range.  
b. Protect “wet meadows” for agricultural use  
c. Manage riparian vegetation and nonagricultural wetland areas so as to preserve their significant habitat value, and to protect their hydrologic and water quality benefits. 
d. Restrict conflicting uses on “5c” bird sites except as permitted with EESE balancing. 300 ft. setback from Bald Eagle nests. | Page 1-14  
Strategy No. 1 |

**6. Significant Wildlife Habitat I ORD 85-08-011L** – Appendix I, Pages 14-18, Strategy Nos. 1, 1a, 2 & 4:

**Plan Implementation Strategies**

1. Coos County shall consider as "5c" Goal #5 resources (pursuant to OAR 660-16-000) the following:
   - "Sensitive Big-game Range"
   - Bird Habitat Sites (listed in the following table)
   - Salmonid Spawning and Rearing Areas
Uses and activities deemed compatible with the objective of providing adequate protection for these resources are all uses and activities allowed, or conditionally allowed by the Zoning and Land Development Ordinance, except that special care must be taken when developing property adjacent to salmonid spawning and rearing areas so as to avoid to the greatest practical extent the unnecessary destruction of riparian vegetation that may exist along stream banks. The Oregon Forest Practices Act is deemed adequate protection against adverse impacts from timber management practices.

This policy shall be implemented by:

a. County reliance on the Oregon Forest Practices Act to ensure adequate protection of "significant fish and wildlife habitat" against possible adverse impacts from timber management practices; and
b. The Zoning and Land Development Ordinance shall provide for an adequate riparian vegetation protection setback, recognizing that "virtually all acknowledged counties have adopted a 50 foot or greater standard" (DLCD report on Coos County, November 28, 1984); and
c. Use of the "Special Considerations Map" to identify (by reference to the detail inventory map) salmonid spawning and rearing areas subject to special riparian vegetation protection; and
d. Stipulating on County Zoning Clearance Letters that removal of riparian vegetation in salmonid spawning and rearing areas shall be permitted only pursuant to the provisions of this policy.
e. Coos County shall adopt an appropriate structural setback along wetlands, streams, lakes and rivers as identified on the Coastal Shoreland and Fish and Wildlife Habitat inventory maps.

The Oregon Department of Fish and Wildlife and the Department of Forestry are working in conjunction with the requirements of this Plan and, are deemed adequate protection against adverse impacts from timber management practices.

1. a. County reliance on the Oregon Forest Practices Act to ensure adequate protection of "significant fish and wildlife habitat" against possible adverse impacts from timber management practices; and
2. Coos County shall manage its riparian vegetation and identified non-agricultural wetland areas so as to preserve their significant habitat value, as well as to protect their hydrologic and water quality benefits. Where such wetlands are identified as suitable for conversion to agricultural use, the economic, social, environmental and energy consequences shall be determined, and programs developed to retain wildlife values, as compatible with agricultural use. This strategy is subordinate to Strategy #4, below.

This strategy does not apply to forest management actions, which are regulated by the Forest Practices Act.

This strategy recognizes that protection of riparian vegetation and other wetland areas is essential to preserve the following qualities deriving from these areas:

<table>
<thead>
<tr>
<th>Natural Flood Control Flow Stabilization of Streams and Rivers</th>
<th>Environmental Diversity Habitat for Fish and Wildlife, Including Fish and Wildlife of Economic Concern</th>
</tr>
</thead>
<tbody>
<tr>
<td>Reduction of Sedimentation</td>
<td>Recreational Opportunities</td>
</tr>
<tr>
<td>Improved Water Quality</td>
<td>Recharge of Aquifers</td>
</tr>
</tbody>
</table>

4. Coos County shall protect for agricultural purposes those land areas currently in agricultural use but defined as "wet meadow" wetland areas by the U.S. Fish and Wildlife Service, and also cranberry bogs, associated sumps and other artificial water bodies.
Implementation shall occur through the placement of the plan designation "Agriculture" on such areas. This strategy recognizes:

a. That agriculture is an important sector of the local economy;
b. That some of the more productive lands in Coos County's limited supply of suitable agricultural lands are such seasonally flooded areas;
c. That designation of these areas for agricultural use is necessary to ensure the continuation of the existing commercial agricultural enterprise; and
d. That the present system of agricultural use in these areas represents a long-standing successful resolution of assumed conflicts between agricultural use and habitat preservation use, because the land is used agriculturally during months when the land is dry and therefore not suitable as wetland habitat, and provides habitat area for migratory wildfowl during the months when the land is flooded and therefore not suitable for most agricultural uses.

FINDING: The properties have Big Game but none of them are in the sensitive area; however, staff will send notice to Oregon Department of Fish and Wildlife (ODFW). There are no bird habitat sites or salmonid spawning and rearing areas. Riparian vegetation may be removed 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. These criteria have been addressed.

TABLE 4.7a

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<tbody>
<tr>
<td>7. Natural Hazards</td>
<td>7a. Comply with floodplain overlay zone set forth in this Ordinance.</td>
<td>1-29</td>
</tr>
<tr>
<td></td>
<td>b. Support structural protection measures for bankline stabilization projects requiring state and federal permits when the applicant establishes that non-structure measures either are not feasible or inadequate to provide the necessary degree of protection.</td>
<td>1-29</td>
</tr>
<tr>
<td></td>
<td>c. Issue zoning clearance letters in known areas potentially subjected to mass movement, including earth flow, slump topography, rockfall and debris flow pursuant to the provisions of natural hazards Strategy #6 in the Comp Plan.*</td>
<td>1-30</td>
</tr>
<tr>
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<td></td>
<td>6</td>
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<td></td>
<td>*Requires Administrative Conditional Use</td>
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</tbody>
</table>

7. Natural Hazards – Appendix I, Pages 29-30, Strategy Nos. 1, 5 & 6

Plan Implementation Strategies

1. Coos County shall regulate development in known areas potentially subject to natural disasters and hazards, so as to minimize possible risks to life and property. Coos County considers natural disasters and hazards to include stream and ocean flooding, wind hazards, wind erosion and deposition, *critical streambank erosion, mass movement (earthflow and slump topography), earthquakes and weak foundation soils.*

This strategy shall be implemented by enacting special protective measures through zoning and other implementing devices, designed to minimize risks to like and property.

* These hazards are addressed under policies for "Dunes and Ocean and Lake Shorelands."
This strategy recognizes that it is Coos County's responsibility: (1) to inform its citizens of potential risks associated with development in known hazard areas; and (2) to provide appropriate safeguards to minimize such potential risks.

5. Coos County shall promote protection of valued property from risks associated with critical streambank and ocean front erosion through necessary erosion-control stabilization measures, preferring nonstructural solutions where practical.

Coos County shall implement this strategy by making "Consistency Statements" required for State and Federal permits (necessary for structural streambank protection measures) that support structural protection measures when the applicant establishes that non-structure measures either are not feasible or inadequate to provide the necessary degree of protection.

This strategy recognizes the risks and loss of property from unabated critical streambank erosion, and also, that state and federal agencies regulate structural solutions.

6. Coos County shall permit the construction of new dwellings in known areas potentially subject to mass movement (earth flow/slump topography/rock fall/debris flow) only:

   a. if dwellings are otherwise allowed by this comprehensive plan; and
   b. after the property owner or developer files with the Planning Department a report certified by a qualified geologist or civil engineer stipulating:

      i. his/her professional qualifications to perform foundation engineering and soils analysis; and
      ii. that a dwelling can or cannot be safely constructed at the proposed site, and whether any special structural or siting measures should be imposed to safeguard the proposed building from unreasonable risk of damage to life or property.

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

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

FINDING: The only possible hazard on these properties is floodplain which has been addressed in this report. After reviewing all of the plan maps staff found that there are no identified hazards on these properties.

VI. SUGGESTED 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 for the 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 historical, cultural or archaeological 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 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. Prior to beginning construction, the applicant shall provide the County Planning Department with a licensed engineer’s certification that the “other development” shall not:
   a. result in any increase in flood levels during the occurrence of the base flood discharge if the development will occur within a designated floodway; or,
   b. result in a cumulative increase of more than one foot during the occurrence of the base flood discharge if the development will occur within a designated flood plain outside of a designated floodway.

Staff found that the applicant not only met the criteria but has exceeded the minimum applicable review criteria.

If you have any questions about this staff report please contacts me at 541-396-7770 or planning@co.coos.or.us.

Jill Rolfe
Coos County Planning Director

Attachments: “A” Pages 97 and 98 from Order No. 10-08-045PL
“B” Applicants Application
September 12, 2013

VIA EMAIL

Jill Rolfe, Planning Director
Coos County Planning Department
225 North Adams Street
Coquille, OR 97423

Re: Pacific Connector Gas Pipeline, LP;
File No. HBCU-13-04
Supplemental Application Narrative

Dear Jill:

I forward for filing Pacific Connector’s Supplemental Application Narrative which adds a reference to the special regulatory considerations prescribed by the Coos County Comprehensive Plan under Table 4.7a. It is not absolutely clear that Table 4.7a is directly applicable but, out of caution, we thought we should make reference to it. I would point out that the further analysis under Table 4.7a did not result in any different conclusion in that the alternate alignments do not impact any identified areas of special consideration referenced in Table 4.7a.

Following your review of the enclosed, please call with your questions or comments.

Thank you for your assistance in the matter.

Very truly yours,

Mark D. Whitlow

MDW/lc
Enclosure
cc: Pacific Connector Gas Pipeline (w/encl.)
SUPPLEMENTAL NARRATIVE IN SUPPORT OF LAND USE APPLICATION
FOR THE PACIFIC CONNECTOR GAS PIPELINE

SEPTEMBER 12, 2013

Applicant: Pacific Connector Gas Pipeline, LP
295 Chipeta Way
Salt Lake City, UT 84108
(801) 584-6564
Contact: Bob Peacock

Applicant’s Representatives: Edge Environmental, Inc.
405 Urban Street, Suite 310
Lakewood, CO 80228
(303) 988-8844
Contact: Carolyn Last

Perkins Coie LLP
1120 NW Couch Street, 10th Floor
Portland, OR 97209
(503) 727-2000
Contact: Mark D. Whitlow

Request: Approve alternate alignments for segments of the previously approved alignment for the Pacific Connector Gas Pipeline under Board of Commissioners Final Decision and Order No. 10-08-045PL dated September 8, 2010 and Board of Commissioners Final Decision and Order No. 12-03-018PL dated March 13, 2012.
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**FIGURES:**

Overview Sheet

Sheet 1 Brunschmid Route Adjustment

Sheet 2 Stock Slough Route Adjustment
SUPPLEMENTAL NARRATIVE IN SUPPORT OF LAND USE APPLICATION
FOR THE PACIFIC CONNECTOR GAS PIPELINE

I. INTRODUCTION

Pacific Connector Pipeline Company, LP ("Pacific Connector") submits this application requesting hearings body conditional use approval of alternate alignments for identified segments of the previously approved alignment for the Pacific Connector Gas Pipeline ("PCGP"). The previously approved PCGP alignment across 49.72 miles of Coos County ("County") under Final Decision and Order No. 10-08-045PL dated September 8, 2010 and Board of Commissioners Final Decision and Order No. 12-03-018PL dated March 13, 2012 ("Prior Decisions") will remain valid and unmodified. This application requests approval of two (2) minor alternate alignments for specific segments of the PCGP, which represent less than 2% of the total route through the County. ¹

As noted in the Prior Decisions, the pipeline's alignment requires approval by the Federal Energy Regulatory Commission ("FERC"). While this application proposes alternate segment alignments for County approval, FERC will make the ultimate selection of the pipeline's alignment. As a practical matter, even though Pacific Connector seeks approval for two (2) minor alternate alignments along the route previously approved by the Prior Decisions, only one continuous alignment for the entire pipeline will be constructed.

This application requests County approval of alternate segment alignments that would 1) allow the PCGP to avoid the Brunschmid Wetland Reserve and 2) to reduce the number of crossings of Stock Slough and the steep road cut crossing of Stock Slough Road. The PCGP alignment approved in the Prior Decisions crossed through five Coos County zoning designations and 14 zones within the CBEMP. The proposed PCGP alternate segment alignments affect only two Coos County zoning designations and two CBEMP zoning districts. Of the previously approved 49.72 miles of PCGP alignment approved in the Prior Decisions, the proposed alternate segment alignments affect only a small 2% of that total.

This narrative explains the reasons for these requested alternate segment alignment approvals and demonstrates how these alternate segment alignments satisfy the applicable provisions of the Coos County Zoning and Land Development Ordinance ("CCZLDO"), the Coos Bay Estuary Management Plan ("CBEMP"), and are consistent with the Prior Decisions.

¹ Since the PCGP alignment was approved in the Prior Decisions, Pacific Connector has conducted a detailed analysis of that alignment. In many instances, the approved PCGP alignment has moved in minor ways to conform to the surveyed centerline or to accommodate small project refinements, without changing the location of the alignment into different ownerships or into a different zone within the same ownership. Based upon consultation with Planning staff, those refinements to the approved alignment do not constitute alternate segments which need additional approval with respect to applicable review criteria.
A. Background and Planning History.

Pacific Connector has applied for authorization from the Federal Energy Regulatory Commission ("FERC") under Section 7e of the Natural Gas Act ("NGA") to construct, install, own, operate, and maintain an interstate natural gas pipeline to transport natural gas to the Jordan Cove LNG Terminal in Coos Bay from the existing interstate natural gas transmission pipeline near Malin, Oregon. The 36-inch diameter pipeline will be approximately 232 miles in length and will provide natural gas for liquefaction by Jordan Cove Energy Project LP to be marketed domestically and throughout the Pacific Rim. Through this application to Coos County, the applicant is seeking a determination from Coos County that the requested alternate alignments to a few segments of the previously approved 49.72-mile segment of the PCGP located within Coos County are consistent with all applicable Coos County land use regulations.\(^2\)

As discussed in the original application and recognized in the Prior Decisions, because of the linear nature of the proposed interstate gas pipeline, it will traverse numerous zoning districts within the County, with slightly different use descriptions between one zone and the other:

(a) within the Forest (F) zone, the pipeline use is characterized as a new gas distribution line with no greater than a 50-foot right of way;

(b) within the Agricultural (EFU) zone, the pipeline use is characterized as a utility facility necessary for public service; and

(c) within the Coos Bay Estuary Management Plan (CBEMP), the pipeline is characterized in the respective management units as a low intensity utility.

As established in the Prior Decisions, the subsurface nature of the proposed PCGP minimizes pipeline impacts following construction. Construction impacts will be minimized through appropriate methodologies and technologies. As was also established in the Prior Decisions, Pacific Connector proposes to utilize a standard 95-foot wide temporary construction easement, with a 50-foot permanent right-of-way and associated temporary extra work areas ("TEWAs"). Other forms of temporary construction areas will be utilized, all of which have been designed to disturb the minimum area necessary in order to safely construct the pipeline and minimize the total overall project disturbance.

B. Procedural Status.

As stated above, Pacific Connector previously received land use approval in the Prior Decisions from Coos County for the 49.72-mile segment of the PCGP located within Coos County.

\(^{2}\) By submitting this application, the applicant is seeking to comply with applicable land use regulations and the consistency requirements of the Coastal Zone Management Act. However, submittal of this application is not a waiver of any federal jurisdiction over the Coos County segment of the PCGP.
This application does not seek to modify or amend the Prior Decisions, but references will be made to them for a number of reasons including the characterization of the use in the various zoning districts, and regarding references to interpretations and findings in the Prior Decisions that are equally applicable to this application.

A pre-application conference was conducted with respect to this application on February 6, 2013. As stated above, this new application does not seek to modify or amend the PCGP alignment approved in the Prior Decisions, nor does it seek to modify or amend the related conditions. Accordingly, this application is not subject to the provisions of Section 5.0.350.

However, Pacific Connector has filed a separate application seeking to amend Miscellaneous Condition No. 25 to the Prior Decisions, which is subject to Section 5.0.350. Request is made to consolidate this application with Pacific Connector’s other application under the provisions of Section 5.0.400. Accordingly, the review requested by this application will be upgraded to that higher review procedure when consolidated with the other application under Section 5.0.400A.

Finally, the Prior Decisions determined that Section 5.0.150 requiring that a property owner or contract purchaser sign the application is merely a procedural requirement that can be deferred to a later stage in the approval process. Pacific Connector proposes to handle that procedural issue as it is being handled through Condition of Approval No. 20 to the County’s Final Decision and Order No. 12-03-018PL dated March 13, 2012. Pacific Connector requests that the same condition of approval be imposed by the County as part of the County’s approval of this application.

II. REQUESTED ALTERNATE ALIGNMENTS

As stated above, Pacific Connector requests approval of alternate segment alignments in two Coos County zoning designations: Forest (F) and Exclusive Farm Use (EFU), and two Coos Bay Estuary Management Plan (CBEMP) zoning districts: Rural Shorelands (20-RS) and Conservation Aquatic (20-CA). The alternate segment alignments proposed by this application will not introduce the PCGP into any zoning district beyond those previously subject to the approved alignment in the Prior Decisions, and will affect different ownerships only in relatively few instances. The two (2) proposed alternate segment alignments are described as follows:

1. Brunschmid Wetland Reserve – this alternate alignment will avoid the National Resources Conservation Service’s (NRCS’s) Brunschmid Wetland Reserve Program easement; and

2. Stock Slough – this minor alternate alignment will avoid multiple Stock Slough crossings and will avoid crossing the steep road cut of Stock Slough Road.

The remainder of this section summarizes the applicable approval criteria and Pacific Connector’s responses for the requested alternate segment alignments. The proposed alternate segment alignments are shown in attached Sheets 1 and 2, which will be referenced in the following sections.
A. Balance of County Zoning Districts

1. Exclusive Farm Use Zone.

The Prior Decisions approved the PCGP to cross approximately 3.72 miles of properties zoned Exclusive Farm Use (EFU), all of which are privately owned. During the FERC review process, Pacific Connector has determined that alternate alignments are needed, two of which will cross EFU zoned parcels. See Sheets 1 and 2.

As demonstrated below, Pacific Connector’s requested approval for alternate alignments for segments of the approved PCGP alignment in the EFU zone is consistent with the requirements of ORS Chapter 215, OAR 660, Division 33, and the applicable approval criteria of the CCZLDO.

CCZLDO Section 4.9.450 Hearings Body Conditional Uses

The following uses and their accessory uses may be allowed as hearings body conditional uses in the "Exclusive Farm Use" zone and the "Mixed Use" overlay subject to the corresponding review standard and development requirements in Section 4.9.600 and 4.9.700.

C. Utility facilities necessary for public service, except for the purpose of generating power for public use by sale and transmission towers over 200 feet in height. A facility is necessary if it must be situated in an agricultural zone in order for the service to be provided.

By following the steps outlined above, the applicant and planning staff determined that the uses allowed in both of the zones, subject only to General Conditions. As determined in the Prior Decisions, CCZLDO Section 4.9.450 is more or less a direct codification of ORS 215.283(1)(c).3 Accordingly, under state law, utility facilities sited on EFU lands are subject only to ORS 215.275, as well as the administrative rules adopted by LCDC. See Final Decision and Order, No. 10-08-045PL, page 116.

As determined in the initial Prior Decisions, the PCGP is a utility facility under CCZLDO Section 4.9.450.C. that, due to its linear nature and the points of connection it must make, it is necessary for some segments of the PCGP to be situated in agricultural land, in satisfaction of this review criterion and the companion criterion of ORS 215.275(1). Final Decision and Order, No. 10-08-045PL, pp. 115-23. The same is true of the selection of alternate segment alignments. As recognized in the Prior Decisions, ORS 215.275(6) exempts interstate natural gas pipelines from the provisions of ORS 215.275(2)-(5) and OAR 660-33-0130 has a similar exemption.

3 ORS 215.283(1) provides, in relevant part:
(i) the following uses may be established in any area zoned for Exclusive Farm Use: * * * *
(ii) utility facilities necessary for public service, including wetland waste treatment systems but not including commercial facilities for the purpose of generating electrical power for public use by sale or transmission towers over 200 feet in height. A utility facility necessary for public service may be established as provided in ORS 215.275.
As referenced above, the reasons for the requested alternate segment alignments affecting EFU lands are as follows:

1. Brunschmid Wetland Reserve – This proposed alternate segment alignment would avoid an approved mitigation site on the north side of the Coos River (e.g., the Brunschmid Wetland Reserve Project, which has an easement held by the USDA Farm Services Agency). The amount of EFU land affected by the alternate alignment is only 525.78 feet more than the amount affected by the PCGP alignment previously approved in the Prior Decisions. See Sheet 1; Resource Report 2, Table 10.6-2. The alternate alignment affects EFU land as it crosses Vogel Creek and Lillian Creek in order to minimize effects on these water bodies by crossing in a perpendicular manner. See Resource Report 2, Appendices 2C and 2G for a detailed description of water body crossing methods.

2. Stock Slough alternate alignment – The proposed alternate segment alignment is only 1,500 feet longer than the corresponding approved segment. In order to avoid multiple crossings, the Stock Slough alternate alignment crosses a slightly greater area of EFU land, for an increase in only 2,787 feet of EFU land crossed. It avoids crossing Stock Slough Road (County Road 54) in an area of a steep road cut as the alignment descends a steep ridge slope. Further, the route modification avoids two crossings of Stock Slough in the tight meandering bends which were crossed immediately below Stock Slough Road and adjacent to a residence. See Sheet 2.

In sum, the PCGP is a locationally dependent linear facility and the proposed alternate alignments must cross EFU land in order to achieve a reasonably direct route and to avoid the Brunschmid Wetland Reserve, to avoid multiple crossings of Stock Slough and to avoid the steep road cut crossing of Stock Slough Road. It is important to note that placing the pipeline under EFU land does not take cropland out of production. The pipeline easement agreement allows full use of the landowner’s property by the landowner for crop production once the pipeline is constructed.

**CCZLDO Section 4.9.600  Siting Standards for Dwellings and Structures in the EFU Zone**

The siting criteria of this section apply to dwellings and structures within the EFU zone. No dwellings are proposed and, under the County’s prior interpretation in the Prior Decisions, a subsurface interstate gas pipeline is not a "structure," so the provisions of this code section are not applicable to the proposed PCGP alternate segment alignments or its necessary components. See Final Decision and Order, No. 10-08-045PL, pp. 108-12.

**CCZLDO Section 4.9.700**

As stated above, the proposed alternate segment alignments in the EFU zone subsurface and do not constitute a "structure" as above described. Accordingly, Section 4.9.700 which is applicable to "all dwellings and structures" does not apply to this application.
2. Forest Zone.

The Prior Decisions approved the PCGP alignment to cross approximately 39.47 miles of Forest-zoned lands within Coos County, 10.76 miles of which are on BLM-managed lands, with the remaining segments located on privately owned lands.

The proposed alternate alignment segments affecting Forest-zoned land that are different than any Forest-zoned land affected by the PCGP alignment previously approved by the Prior Decisions are the Brunschmid Wetland Reserve and Stock Slough alternate alignments. The Mill Site alternate alignment does not affect Forest-zoned land. As discussed above, the changes in alignment within the Forest zone, as shown on Sheets 1 and 2, are occasioned by the need to avoid the Brunschmid Wetland Reserve Program (WRP) easement and the need to avoid multiple Stock Slough crossings and the steep road cut crossing of Stock Slough Road. The alternate segment alignments cross other ownerships of Forest-zoned land than the previously approved PCGP alignment did. Otherwise, the applicable review criteria for the proposed PCGP alternate segment alignment in the Forest-zoned land are the same as for the approved PCGP alignment in the Prior Decisions.

CCZLDO Section 4.8.300 Administrative Conditional Uses

The following uses and their accessory uses may be allowed as administrative conditional uses in the "Forest" zone subject to applicable requirements in Section 4.8.400 and applicable siting criteria set forth in this Article and elsewhere in this Ordinance.

F. New electrical transmission lines with right-of-way widths of up to 100 feet as specified in ORS 772.210. New distribution lines (e.g. gas, oil, geothermal) with right-of-way 50 feet or less in width.

The PCGP is a new gas line with a permanent easement width of 50 feet. Therefore, the PCGP and its associated facilities are classified as an administrative conditional use within the Forest zone. See Final Decision and Order, No. 10-08-045PL, p. 87.

As detailed below, the proposed PCGP alternate segment alignment in the F zone satisfies all of the applicable review criteria for a Hearings Body conditional use in the F zone.

CCZLDO Section 4.8.400 Review Criteria for Conditional Uses in Section 4.8.300 and Section 4.8.350

A use authorized by Section 4.8.300 and Section 4.8.350 may be allowed provided the following requirements are met. These requirements are designed to make the use compatible with forest operations and agriculture and to conserve values found on forest lands.

A. The proposed use will not force a significant change in, or significantly increase the cost of, accepted farming or forest practices on agriculture or forest lands; and
As detailed in the Prior Decisions, this criterion is limited to regulation of “significant” impacts and cost increases. The criterion does not require that there be no impacts on farming and forest practices. Final Decision and Order, No. 10-08-045PL, p. 91. As explained in the Prior Decisions, accepted forest practices in the vicinity of the pipeline corridor include timber production and harvesting, hauling harvested timber, logging road construction and maintenance, application of chemicals, and disposal of slash. The pipeline project will have effects on the timbered areas located in the Forest zone both during and after construction in the form of a cleared corridor. In the Prior Decisions, the Board found that the PCGP’s limited impacts will not force a “significant” change in the accepted forest practices in the vicinity of the pipeline. Final Decision and Order, No. 10-08-045PL, p. 94. For the same reasons discussed in the Prior Decisions, the proposed alternate segment alignments for the subsurface interstate gas pipeline and its associated facilities in the F zone will not force a significant change in, or significantly increase the cost of, accepted farming or forest practices on agricultural or forest lands. As with the original PCGP alignment, the remaining 20 feet of permanent right-of-way for the alternate segment alignments, as well as the temporary construction areas, will be replanted in a manner consistent with Pacific Connector's Erosion Control and Revegetation Plan (“ECRP”). Both during and following construction, forestry activities will be able to continue on the forest lands nearby or adjoining the PCGP.

CCZLDO Section 4.8.600  Mandatory Siting Standards Required for Dwellings and Structures in the Forest Zone

The following siting criteria shall apply to all dwellings, including replacement dwellings, and structures in the Forest and Forest Mixed Use zones.

No dwellings are proposed by this application. As detailed in the EFU section above, the Board previously determined that the PCGP is not a "structure" as that term is defined in CCZLDO Section 2.1.200 because the PCGP will be located under, rather than on top of, the land which it crosses. Final Decision and Order, No. 10-08-045PL, pp. 108-12. Consequently, the sitting standards at CCZLDO Section 4.8.600 are not applicable to the proposed subsurface PCGP alternate segment alignment or its necessary components or associated facilities in the F zone.

CCZLDO Section 4.8.700  Fire Siting Safety Standards

All new dwellings and permanent structures and replacement dwellings and structures shall, at a minimum, meet the following standards.

As discussed above, the PCGP is neither a structure nor a dwelling. Consequently, the fire sitting and safety standards of this Section are not applicable to this application.

CCZLDO Section 4.8.750  Development Standards

All development and structures approved pursuant to Article 4.8 shall be sited in accordance with this Section.

A. Minimum Lot Size:
The proposed PCGP alternate segment alignment in the F zone will not require or create any land divisions. Consequently, the minimum lot size standard is not applicable.

B. Setbacks: All buildings or structures with the exception of fences shall be set back a minimum of thirty-five (35) feet from any road right-of-way centerline or five (5) feet from any right-of-way line, whichever is greater.

The PCGP is a linear, underground utility facility that crosses several property lines, but is not a building or structure. Final Decision and Order, No. 10-08-045PL, pp. 108-12. Consequently, the setback standard is not applicable to the proposed PCGP alternate segment alignment in the F zone.

C. Structure Height:

D. Lot Coverage:

There are no requirements for either of these standards in the F zone.

E. Fences, Hedges and Walls: No requirement, except for vision clearance provisions in Section 3.3.400 and Fire Siting and Safety Standards in Section 4.7.700.

The PCGP is not a hedge, fence or wall, and therefore this standard does not apply to the proposed PCGP alternate segment alignment in the F zone or its necessary components.

F. Off-Street Parking and Loading: See Chapter X.

The off-street parking and loading standards are not applicable to the proposed PCGP alternate segment alignment use in the F zone.

G. Minimum Road Frontage/Lot Width: 20 feet.

The proposed PCGP alternate segment alignment in the F zone will not impact the existing configuration of the parcels it crosses. Therefore, this standard is not applicable.

H. Minimizing Impacts:

This standard only applies to dwellings within the F zone. No dwellings are proposed by this application. Therefore, this standard is not applicable to the proposed PCGP alternate segment alignment application in the F zone.

I. Riparian Vegetation Protection.

1. Riparian vegetation within 50 feet of a wetland, stream, lake or river, as identified on the Coastal Shoreland and Fish and Wildlife habitat inventory maps shall be maintained except that:
e. Riparian vegetation may be removed in order to site or properly maintain public utilities and road rights-of-way; or

The PCGP is a public utility project within the state of Oregon. Therefore, the proposed PCGP alternate segment alignment in the F zone is not subject to the 50-foot riparian protection vegetation zone, and riparian vegetation may be removed in order to site the PCGP pursuant to the exemption cited above. Nonetheless, the proposed PCGP alternate segment alignment in the F zone will comply with all FERC requirements for wetland and waterbody protection and mitigation both during and after construction.

For the reasons set forth above, the proposed PCGP alternate segment alignment should be approved as a conditional use within the F zone.

B. Special Regulatory Considerations Prescribed by the Coos County Comprehensive Plan – Table 4.7a

The CCZLDO provides special regulations for the use and development of land situated within resource or hazard areas identified on the Special Considerations Maps for the Balance of County as set forth on Table 4.7a of the CCZLDO. The following sections identify the special regulatory considerations prescribed by the Coos County Comprehensive Plan for each protected resource (Phenomenon) listed in the left-hand column of Table 4.7a, which indicates, by reference to APPENDIX I, the applicable Strategies which apply to the applicable special regulatory considerations regarding each of the stated Phenomenon.

Mineral and Aggregate

Considerations:

1a. Preserve these in their original character until mined.

1b. Agriculture and forestry uses are acceptable per zone and use district requirements

1c. Allow new conflicting uses within 500 ft. subject to ESEE findings through the conditional use process.

Strategy No. 1:
Coos County shall manage its identified mineral and aggregate resources (except black sand prospects) in their original character until mined, except where conflicting uses are identified during implementation of the Plan, and such uses are justified based on consideration of the economic, social, environmental, and energy consequences of the conflicting uses, or where existing uses have been grandfathered.

Conflicting uses include dwellings and any other structure within 500 feet of the resource site. Where no conflicts are identified, agriculture, forest, or similar open space zoning shall be used to implement this strategy.
When a conflicting use is proposed at a given site, the decision about allowing development of the proposed use or the development or protection of the aggregate resource shall be made through a conditional use process where findings are developed which address the economic, environmental, social, and energy consequences of allowing the proposed conflicting use, development of the aggregate resource, or both at the site. The following guidelines must be considered as part of the conditional use process:

**Consideration 1d:**
Non-exploratory mining operations are conditional uses, where allowed.

The pipeline is not located within 500 feet of any mapped resource sites, with the exception of coal basin areas surrounding two ownerships within the Stock Slough area. However, under the provisions of Strategy 1, the mapped coal basin is described as commercially unviable and, accordingly, not designated as a Goal 5 resource. There is no conflicting use. This strategy is satisfied.

**Strategy No. 2:**
Coos County shall regulate new recovery operations by designating such activities as conditional use in appropriate zones, except where permitted outright in forest zones, to ensure compatibility with adjacent uses.

Site restoration shall conform to the requirements of ORS 517.750 to 517.900, "Reclamation of Mining Lands.

This strategy recognizes that project review by the Hearings Body is necessary to minimize the adverse impacts that are typically associated with mining operations, and which often make such recovery activities incompatible with adjacent uses.

The proposed PCGP alternate segment alignments are not a mining operation. Therefore, this strategy is not applicable.

**Water Resources**

**Consideration 2a:**
Prohibits new residential and commercial development in rural areas other than committed areas when evidence or irreversible degradation by new withdrawal or septic tanks has been submitted.

**Strategy No. 1:**
Coos County shall not permit further new residential and commercial development in rural areas where the Oregon State Water Resources Department (OSWRD), the Oregon State Environmental Quality commission (EQC), or the Oregon State Health Division (OSH) has submitted compelling evidence to Coos County that water resources within that area would be irreversibly degraded by new consumptive withdrawal or by additional septic tank or other waste discharges.
The proposed PCGP alternate segment alignments are neither a residential nor commercial development. Therefore, this strategy is not applicable.

Historical/Archeological Sites and Structures

Consideration 3a:
Manage these for their original resource value.

Strategy No. 1:
Coos County shall manage its historical, cultural and archeological areas, sites, structures and objects so as to preserve their original resource value.

This strategy recognizes that preservation of significant historical, cultural and archeological resources is necessary to sustain the County’s cultural heritage.

Pacific Connector will utilize several steps to ensure appropriate identification and preservation of historical and archaeological resources prior to and during the construction of the PCGP Project as directed by FERC and Oregon SHPO.

Pacific Connector has consulted with the Confederated Tribes of the Coos, Lower Umpqua, and Siuslaw Indians and the Coquille Indian Tribe regarding cultural resources issues throughout the life of the project. Throughout all of the archaeological and historical studies necessary, Pacific Connector will continue to consult with appropriate tribes, Oregon SHPO and the FERC regarding the proposed alternate segment alignments, to ensure their continuing cooperation and concurrence.

Pacific Connector proposes that Condition No. 24 to the Prior Decisions be imposed as a condition of approval to this application, with appropriate revisions to reflect the different areas of the County where the condition will apply.

Consideration 3b:
Develop proposals in identified archeological areas must have a “sign-off” by qualified person(s).

Strategy No. 3:
Coos County shall continue to refrain from wide-spread dissemination site-specific inventory information concerning identified archeological sites. Rather Coos County shall manage development in these areas so as to preserve their value as archeological resources.

This strategy shall be implemented by requiring development proposals to be accompanied by documentation that the proposed project would not adversely impact the historical and archaeological values of the project’s site. "Sufficient documentation" shall be a letter from a qualified archaeologist/historian and/or a duly authorized representative of a local Indian tribe(s). The Coos County Planning Department shall develop and maintain a list of qualified archaeologists and historians. In cases where adverse impacts have been identified, then development shall only proceed if appropriate measures are taken to preserve the
archaeological value of the site. "Appropriate measures" are deemed to be those, which do not compromise the integrity of remains, such as: (1) paving over the sites; (2) incorporating cluster-type housing design to avoid the sensitive areas; or (3) contracting with a qualified archaeologist to remove and re-inter the cultural remains or burial(s) at the developer's expense. If an archaeological site is encountered in the process of development, which previously had been unknown to exist, then, these three appropriate measures shall still apply. Land development activities found to violate the intent of this strategy shall be subject to penalties prescribed by ORS 97.745.

This strategy is based on the recognition that preservation of such archaeologically sensitive areas is not only a community's social responsibility but is also a legal responsibility pursuant to Goal #5 and ORS 97.745. It also recognizes that historical and archaeological sites are non-renewable, cultural resources.

Pacific Connector proposes that a condition similar to Condition No. 24 to the Prior Decisions be imposed as a condition of approval to the application.

Consideration 3c:
Historical structures and sites can only be expanded, enlarged or modified if Coos County finds the proposal to be consistent with the original historical character of the structure or site.

Strategy No. 2:
Coos County shall permit the expansion, enlargement or other modification of identified historical structures or sites provided that such expansion, enlargement or other modification is consistent with the original historical character of the structure or site;

This strategy shall be implemented by requiring Planning Director review of site and architectural plans to ensure that the proposed project is consistent with the original historical character of the site and structure.

The proposed alternate alignments for the pipeline will not involve the expansion, enlargement, or modification of any historical structures or sites. Therefore, neither Consideration 3c nor the corresponding Comprehensive Plan Strategy No. 2 is applicable to this application.

Beaches and Dunes

Considerations:
4a. Permit development within “limited development suitability” only upon establishment of findings. Requires Administrative Conditional Use.

4b. Prohibits residential, commercial, or industrial development within areas “unsuitable for development.” Permit other development only upon establishment of findings. Requires Administrative Conditional Use

4c. Cooperation with agencies to regulate: destruction of vegetation, erosion shore structures and other developments, requires Administrative Conditional Use and agency comments.
The proposed alternate segment alignments to the approved pipeline will not cross through any beach or dune areas outside of the CBEMP districts; therefore these considerations and the corresponding strategies are not applicable.

Non-Estuarine Shorelands Boundary

Consideration 5a:
Protection of major marshes (wetlands), habitats, headlands, aesthetics, historical and archeological sites.

Strategy No. 5:
Coos County shall provide special protection to major marshes, significant wildlife habitat, coastal headlands, exceptional aesthetic resources, and historic and archeological sites located within the coastal Shorelands boundary of the ocean, coastal lakes and minor estuaries. Coos County shall consider: (a) “major marshes” to include certain extensive marshes associated with dune lakes in the Oregon Dunes National Recreation Area and wetlands associated with New River as identified in the Inventory text and maps, and on the Special Considerations Map; (b) “significant wildlife habitat” to include “sensitive big-game range,” Snowy Plover nesting areas, Bald Eagle, and Osprey nesting areas, Salmonid spawning and rearing areas, and wetlands; (c) “coastal headlands” to include Yoakum Point, Gregory Point, Shore Acres, Cape Arago south to Three-Mile Creek, Five Mile Point, and Coquille Point; (d) “exceptional aesthetic resources” to include the coastal headlands identified above, and other areas identified in the Coastal Shorelands Inventory; and (e) “historical, cultural and archeological sites” to include those identified in the Historical, Cultural and Archeological Sites Inventory and Assessment.

This strategy shall be implemented through plan designations and ordinance measures that limit uses in these special areas to those uses that are consistent with protection of natural values, such as propagation and selective harvesting of forest products, grazing, harvesting wild crops, and low intensity water-dependent recreation.

This strategy recognizes that special protective consideration must be given to key resources in coastal shorelands over and above the protections afforded such resources elsewhere in this plan.

The proposed alternate segment alignments do not cross through any coastal shorelands areas outside of the CBEMP. Therefore, this strategy does not apply.

Consideration 5b:
Specifies allowed uses within C.S.B.

Strategy No. 7:
Coos County shall manage its rural areas within the “Coastal Shorelands Boundary” of the ocean, coastal lakes and minor estuaries through implementing ordinance measures that allow the following uses:
a. farm uses as provided in ORS 215;
b. propagation and harvesting of forest products consistent with the Oregon Forest Practices Act.
c. private and public water dependent recreation developments;
d. aquaculture;
e. water-dependent commercial and industrial uses and water-related uses only upon finding by the Board of Commissioners that such uses satisfy a need, which cannot otherwise be accommodated on shorelands in urban and urbanizable areas;
f. single family residences on existing lots, parcels, or units of land when compatible with the objectives and implementation standards of the Coastal Shorelands goal, and as otherwise permitted by the underlying zone;
g. any other uses, provided that the Board of Commissioners determines that such uses: (1) satisfy a need which cannot be accommodated at other upland locations or in urban or urbanizable areas; (2) are compatible with the objectives of Statewide Planning Goal #17 to protect riparian vegetation and wildlife habitat; and (3) the "other" use complies with the implementation standard of the underlying zone designation.

In addition, the above uses shall only be permitted upon a finding that such uses do not otherwise conflict with the resource preservation and protection policies established elsewhere in this plan.

This strategy recognizes: (1) that Coos County's rural shorelands are a valuable resource and accordingly merit special consideration; and (2) that Statewide Planning Goal #17 places strict limitations on land divisions within coastal shorelands.

The proposed alternate segment alignments do not cross through any coastal shorelands areas outside of the CBEMP. Therefore, this strategy does not apply.

Consideration 5c:
Permits subdivision, major and minor partitions only upon findings.

Strategy No. 8:
Coos County shall permit subdivisions and partitions within the "Coastal Shorelands Boundary" of the ocean, coastal lakes or minor estuaries in rural areas only upon finding by the governing body: (1) that such land divisions will not conflict with agriculture and forest policies and ordinance provisions of the Coos County Comprehensive Plan and would be compatible with the objectives of Statewide Planning Goal #17 to protect riparian vegetation and wildlife and either; (2) that the new land divisions fulfill a need that cannot otherwise be accommodated in other uplands or in urban and urbanizable areas; or, (3) that the new land divisions are in a documented area, "committed" area; or, (4) that the new land divisions have been justified through a goal exception.

This strategy shall be implemented through provisions in ordinance measures that require the above findings to be made prior to the approval of the preliminary plat of a subdivision or partition.
This strategy recognizes that Coos County's rural shorelands are a valuable resource and accordingly merit special consideration under Statewide Planning Goal #17.

The proposed alternate segment alignments will not require or result in a subdivision or partition. Therefore, this strategy is not applicable.

**Consideration 5d:**
Maintain, restore or enhance riparian vegetation as consistent with water dependent uses. Requires Administrative Conditional Use.

**Strategy No. 11:**
Coos County shall maintain riparian vegetation within the shorelands of the ocean, coastal lakes, and minor estuaries, and when appropriate, restore or enhance it, as consistent with water-dependent uses.

Timber harvest, if permitted in the zoning ordinance, shall be regulated by the Oregon Forest Practices Act.

Where the County's Comprehensive Plan identifies riparian vegetation on lands in the coastal shorelands subject to forest operations governed by the FPA, the Act and Forest Practices Rules administered by the Department of Forestry will be used in such a manner as to maintain, and where appropriate, restore and enhance riparian vegetation.

This strategy shall be implemented by County review of and comment on state permit applications for waterfront development.

This strategy is based on the recognition that prohibiting excessive removal of vegetative cover is necessary to stabilize the shoreline and, for coastal lakes and minor estuaries, to maintain water quality and temperature necessary for the maintenance of fish habitat.

The proposed alternate segment alignments do not cross through any coastal shorelands areas outside of the CBEMP. Therefore, this strategy does not apply.

**Significant Wildlife Habitat**

**Consideration 6a:**
Conserve riparian vegetation adjacent to salmonid spawning and rearing areas: density restriction in Big Game Range.

**Strategy No. 1:**
Coos County shall consider as "5c" Goal #5 resources (pursuant to OAR 660-16-000) the following:

- "Sensitive Big-game Range"
- Bird Habitat Sites (listed in the following table)
• Salmonid Spawning and Rearing Areas

Uses and activities deemed compatible with the objective of providing adequate protection for these resources are all uses and activities allowed, or conditionally allowed by the Zoning and Land Development Ordinance, except that special care must be taken when developing property adjacent to salmonid spawning and rearing areas so as to avoid to the greatest practical extent the unnecessary destruction of riparian vegetation that may exist along streambanks. The Oregon Forest Practices Act is deemed adequate protection against adverse impacts from timber management practices.

This policy shall be implemented by:

a. County reliance on the Oregon Forest Practices Act to ensure adequate protection of "significant fish and wildlife habitat" against possible adverse impacts from timber management practices; and
b. The Zoning and Land Development Ordinance shall provide for an adequate riparian vegetation protection setback, recognizing that "virtually all acknowledged counties have adopted a 50 foot or greater standard" (DLCD report on Coos County, November 28, 1984); and
c. Use of the "Special Considerations Map" to identify (by reference to the detail inventory map) salmonid spawning and rearing areas subject to special riparian vegetation protection; and

The Oregon Department of Fish and Wildlife and the Department of Forestry are working in conjunction with the requirements of this Plan and, are deemed adequate protection against adverse impacts from timber management practices.

Because the PCGP Project is a public utility, Pacific Connector may remove riparian vegetation within 50 feet of a wetland, stream, lake or river in order to site and properly maintain the pipeline. See CCZLDO Section 4.5.180(e). However, Pacific Connector will obtain comments from Oregon Department of Fish & Wildlife (ODFW) for any proposed alternate segment alignment which will require removal of riparian vegetation within 50 feet of an estuarine wetland, stream, lake or river proximate to inventoried salmonid spawning and rearing areas subject to special riparian vegetation protection. Regarding Big Game Ranges, Pacific Connector obtained GIS data for Big Game Winter Range areas from ODFW and was informed by ODFW that timing restrictions were imposed in Jackson and Klamath Counties, not in Coos and Douglas Counties. Accordingly, the proposed PCGP alternate segment alignments will not negatively impact salmonid spawning and rearing areas or sensitive Big Game Ranges. The proposed PCGP alternate segment alignments do not include a structure or housing component. Therefore, density restrictions associated with Big Game Ranges are not applicable. This strategy is satisfied.
Consideration 6b:
Protect wet meadows for agricultural use.

Strategy No. 4:
Coos County shall protect for agricultural purposes those land areas currently in agricultural use but defined as "wet meadow" wetland areas by the U.S. Fish and Wildlife Service, and also cranberry bogs, associated sumps and other artificial water bodies.

Implementation shall occur through the placement of the plan designation "Agriculture" on such areas.

This strategy recognizes:
 a. That agriculture is an important sector of the local economy;
 b. That some of the more productive lands in Coos County's limited supply of suitable agricultural lands are such seasonally flooded areas;
 c. That designation of these areas for agricultural use is necessary to ensure the continuation of the existing commercial agricultural enterprise; and
 d. That the present system of agricultural use in these areas represents a long-standing successful resolution of assumed conflicts between agricultural use and habitat preservation use, because the land is used agriculturally during months when the land is dry and therefore not suitable as wetland habitat, and provides habitat area for migratory wildlife during the months when the land is flooded and therefore not suitable for most agricultural uses.

According to the Coos County map entitled “Wet Meadows” the proposed PCGP alternate segment alignments do not cross areas identified as Wet Meadow Wetlands in the Balance of County. This strategy does not apply.

Consideration 6c:
Manage riparian vegetation and non-agricultural wetland areas so as to preserve their significant habitat value, and protect their hydrologic and water quality benefits.

Strategy No. 2:
Coos County shall manage its riparian vegetation and identified non-agricultural wetland areas so as to preserve their significant habitat value, as well as to protect their hydrologic and water quality benefits. Where such wetlands are identified as suitable for conversion to agricultural use, the economic, social, environmental and energy consequences shall be determined, and programs developed to retain wildlife values, as compatible with agricultural use. This strategy is subordinate to Strategy #4, below.

This strategy does not apply to forest management actions, which are regulated by the Forest Practices Act.

This strategy recognizes that protection of riparian vegetation and other wetland areas is essential to preserve the following qualities deriving from these areas:
• natural flood control flow stabilization of streams and rivers
• environmental diversity habitat for fish and wildlife, including fish and wildlife of economic concern
• reduction of sedimentation
• recreational opportunities
• improved water quality
• recharge of aquifers

As stated above, because the proposed PCGP alternate segment alignments are part of a public utility project, Pacific Connector may remove riparian vegetation within 50 feet of an estuarine wetland, stream, lake or river in order to site and properly maintain the pipeline. See CCZLDO Section 4.5.180(e).

To the extent that Pacific Connector is unable to avoid or minimize impacts to wetlands for the proposed alternate segment alignments, Pacific Connector would implement numerous measures to mitigate for wetland impacts and speed the restoration of affected areas. See Resource Report 2, Appendices 2C and 2G for a detailed description of water body crossing methods.

In addition, for the proposed PCGP alternate segment alignments, Pacific Connector would comply with conditions in the section 404 Permit obtained from the COE, in the Removal/Fill permit from ODSL, and in the section 401 Permit obtained from the ODEQ. As part of the permitting process, the agencies would evaluate whether wetlands have been avoided to the maximum extent practicable, and whether the effects have been minimized or rectified to the extent practicable. The agencies also would specify additional requirements as necessary to comply with regulations. Pacific Connector would comply with additional procedures as specified in the permits. This strategy is satisfied.

Consideration 6d:
Restrict conflicting uses on “5c” bird sites except as permitted with ESEE balancing. 300 ft. setback from Bald Eagle nests.

Strategy No. 1A:
Coos County shall consider as Goal #5 "5c" resources the following bird habitat areas:
Location Township Range Section Area

Bald Eagle Nests
23S 13W 23 (Tenmile)
23S 11W 05 (Big Creek)
23S 12W 21 (Willow Point)
24S 12W 04 (Palouse)
24S 13W 36 (Mettman)
25S 11W 29 (Bessy Cr.)
25S 11W 33 (Dellwood)
25S 11W 22 (Rachel Cr.)
25S 11W 32 (Morgan Ridge)
26S 14W 14 (So. Slough)
27S 13W 09
28S 10W 09 (Brewster Gorge)  
31S 12W 16 (Baker Creek)  
29S 14W 31 (Twomile Creek)  
28S 14W 11 (Randolph)  
Great Blue Heron Colonies  
24S 13W 27 SW¼  
25S 14W 24 SE¼  
23S 13W 26 (Saunders Lake)  
24S 13W 23 (North Bay)  
25S 11W 15 (Weyerhaeuser)  
25S 12W 31 NW¼ (Catching Slough)  
25S 14W 24 (North Spit)  
26S 14W 11 (So. Slough)  
25S 13W 24  
26S 14W 14NE¼, SE¼  
27S 14W 35 SE½, NW¼ (Sevenmile)  
26S 14W 14 NW¼  
30S 15W 15 (Muddy Lake)  
23S 12W 28 (Templeton Arm)  
Band-Tailed Pigeon Mineral Springs  
24S 13W 24&25 (Haynes)  
25S 13W 24 (Cooston)  
26S 13W 01  
28S 14W 10 (Prosper)  
29S 11W 26  
29S 11W 35 (Blueslide)  
29S 11W 36 (Rock Quarry)  

Special consideration and care must be taken when developing property adjacent to "5c" bird sites so as to avoid, to the greatest practical extent, the unnecessary destruction of, or impact upon, said bird sites. The Oregon Forest Practices Act (FPA) is deemed adequate protection against adverse impacts from timber management practices.

This policy shall be implemented by:

a. County reliance upon the Oregon Department of Forestry and Oregon Department of fish and Wildlife insuring adequate protection of "5c" bird sites from possible adverse impacts of timber management practices thru the Forest Practices Act; and
b. Use of the "Special Considerations Map" and detailed inventories in the Plan to identify "5c" bird sites subject to special protection; and

c. For "5c" bird site protection, stipulating in the Zoning and Land Development Ordinance that conflicting uses shall be reviewed by the Oregon Department of Fish and Wildlife to determine that any proposed use is not expected to produce significant and unacceptable environmental impacts on any of the "5c" bird sites; and

d. Stipulating on County Zoning Clearance Letters that establishment of conflicting uses adjacent to "5c" bird sites shall be permitted only pursuant to the provisions of this policy.
Coos County shall require a location map for any development activity (except grazing) within its regulatory scope that is determined to be within a "5c" bird habitat. The location map shall be referred to the Oregon Department of Fish and Wildlife requesting an opinion within 10 days as to whether the development is likely to produce significant and unacceptable impacts upon the "5c" resource, and what safeguards it would recommend to protect the resource. ODFW's determination shall be reviewed by the Coos County Planning Director, who shall consider the ODFW findings and approve, approve with conditions, or deny an Administrative Conditional Use for the matter (ACU) based upon sound principles of conservation and appropriate balancing of the ESEE consequences so if conflicting uses are allowed the resource site is protected to some extent. The ACU will be processed pursuant to the Zoning and Land Development Ordinance.

Neither the Stock Slough or the Brunschmid alternate alignment segments are located within "5c" bird sites. For avian species, Pacific Connector obtained biological data from the Oregon Biodiversity Information Center for the route in 2012. As Pacific Connector completes additional biological surveys, that information will be included in the biological survey report and analyzed by FERC as part of the proposed Project. Coos County shall also refer Pacific Connector's location maps for the proposed PCGP alternate segment alignments to ODFW, and shall consider ODFW's determination of potential impacts, as required by this policy. This strategy is satisfied.

Natural Hazards

Consideration 7a:
Comply with floodplain overlay zone set forth in this Ordinance.

Strategy No. 1:
Coos County shall regulate development in known areas potentially subject to natural disasters and hazards, so as to minimize possible risks to life and property. Coos County considers natural disasters and hazards to include stream and ocean flooding, wind hazards, wind erosion and deposition, *critical streambank erosion, mass movement (earthflow and slump topography), earthquakes and weak foundation soils.*

This strategy shall be implemented by enacting special protective measures through zoning and other implementing devices, designed to minimize risks to life and property.

This strategy recognizes that it is Coos County's responsibility: (1) to inform its citizens of potential risks associated with development in known hazard areas; and (2) to provide appropriate safeguards to minimize such potential risks.

* These hazards are addressed under policies for "Dunes and Ocean and Lake Shorelands."

As determined in the Prior Decisions and as mentioned above, the PCGP is not deemed to be a "structure" because it is principally below ground. Accordingly, the provisions of Section 4.6.230.1 do not apply to this application requesting approval of proposed PCGP alternate
segment alignments. Based upon the applicant's conversations with Planning staff, Pacific Connector submits that the PCGP should be characterized as "other development" under Section 4.6.230.4, in that the underground pipeline use is not of the type or magnitude to affect potential water surface elevations or increase the level of insurable damages. Accordingly, this strategy is satisfied.

**Consideration 7b:**
Support structural protection measures for bankline stabilization projects requiring state and federal permits when the applicant establishes that non-structure measures either are not feasible or inadequate to provide the necessary degree of protection.

**Strategy No. 5:**
Coos County shall promote protection of valued property from risks associated with critical streambank and ocean front erosion through necessary erosion-control stabilization measures, preferring nonstructural solutions where practical.

Coos County shall implement this strategy by making "Consistency Statements" required for State and Federal permits (necessary for structural streambank protection measures) that support structural protection measures when the applicant establishes that nonstructure measures either are not feasible or inadequate to provide the necessary degree of protection.

This strategy recognizes the risks and loss of property from unabated critical streambank erosion, and also, that state and federal agencies regulate structural solutions.

The proposed alternate segment alignments are not part of a bankline stabilization project. PCGP is not a bankline stabilization project. Therefore, this strategy is not applicable.

**Consideration 7c:**
Issue zoning clearance letters in known areas potentially subjected to mass movement, including earth flow, slump topography, rockfall and debris flow pursuant to the provisions of natural hazards Strategy #6 in the Comp Plan.

**Strategy No. 6:**
Coos County shall permit the construction of new dwellings in known areas potentially subject to mass movement (earth flow/slump topography/rock fall/debris flow) only:

a. if dwellings are otherwise allowed by this comprehensive plan; and
b. after the property owner or developer files with the Planning Department a report certified by a qualified geologist or civil engineer stipulating:
   i. his/her professional qualifications to perform foundation engineering and soils analysis; and
   ii. that a dwelling can or cannot be safely constructed at the proposed site, and whether any special structural or siting measures should be imposed to safeguard the proposed building from unreasonable risk of damage to life or property.
This strategy recognizes the county is responsible for identifying potential hazard areas, informing its citizens of risks associated with development in known hazard areas, and establishing a process involving expert opinion so as to provide appropriate safeguards against loss of life or property.

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

The proposed PCGP alternate segment alignments do not include proposed dwellings. Therefore, Strategy No. 6 is not applicable.

**Airport Surfaces**

**Consideration 8a:**  
Comply with Airport Surfaces Overlay Zone set forth in this Ordinance.

**Strategy No. 11:**  
Coos County shall cooperate with the Oregon State Aeronautics Division and the Federal Aviation Administration by developing an Airport Surfaces Overlay Zoning District to prevent the creation or establishment of hazards to air navigation. The Overlay Zoning district shall apply to the Bandon, Lakeside and Powers State Airports and shall encompass the primary surface, approach surface, transitional surfaces, horizontal surface and conical surface as identified in Volume VI, Airport Compatibility Guidelines as formulated by the Oregon Department of Transportation - Aeronautics Division, dated 1981.

None of the proposed PCGP alternate segment alignments cross any of the County's Airport Surfaces Overlay Zoning Districts. Therefore, this strategy is not applicable.

**C. Coos Bay Estuary Management Plan.**

As discussed above, the Prior Decisions approved the PCGP alignment to cross 14 CBEMP Management Districts. The proposed Brunschmid alternate alignment segment will cross only two CBEMP zoning districts: 20-CA and 20-RS. The Stock Slough alternate alignment segments will not cross any CBEMP zoning districts.

The stated purpose of the CBEMP article in the CCZLDO is to provide requirements for individual zoning districts that are consistent with the CBEMP. The consistency of the PCGP with all applicable management unit purpose statements and applicable conditions is discussed separately under each applicable zoning district below.

**Table 4.5 Development Standards**

The CBEMP purpose statement further explains that the land development standards of Table 4.5 govern all development within the Coos Bay Estuary Shorelands Districts. The proposed PCGP alternate segment alignments will not alter the lot configurations and do not constitute a structure
subject to height restrictions or building setbacks. Consequently, the standards included in Table 4.5 are not applicable to the PCGP itself nor its necessary components or associated facilities, or to the proposed alternate segment alignments.

CCZLDO Section 4.5.150  How to Use This Article.

This Article contains specific language that implements the Coos Bay Estuary Plan. The main purpose is to clearly stipulate where, and under what circumstances, development may occur.

Follow the steps below to determine whether or not a proposed use or activity is, or may be, allowed at any specific site within the Coos Bay Estuary Shoreland Boundary.

1. Locate the subject site on the General Index Map.

2. Note the General Location Index Map (i.e. Lower Bay, Upper Bay, etc.) which is referenced on the General Index Map and advance to the General Location Index Map.

3. Locate the subject site on the General Location Index Map. Note the numbers and abbreviated district designations (i.e. "UD", "UW", "CS", etc.) for applicable zoning districts. (Note: management segments in the Plan are the same as zoning districts.)

4. Turn to the pages in the Ordinance which contain specific zoning district provisions which correspond to the map designations for the subject site.

5. For each applicable Shoreland or Aquatic District:

a) Review the districts Management Objective. This narrative provides general policy guidance regarding uses and activities that are, or may be, allowed in the district.

b) Review the district's Uses, Activities, and Special Conditions Table to determine whether or not a proposed use or activity is allowable outright, allowable with conditions, or conditionally allowable subject to an Administrative or Hearings Body Conditional Use.

Symbols denote whether or not the specific use or activity listed in the tables is permitted outright, may be allowed subject to an Administrative Conditional Use, may be allowed subject to a Hearings Body conditional use, or prohibited in the specific district. The following symbols are pertinent:

P – means the use or activity is permitted outright subject only to the management objective.

S – indicates that the use or activity may be allowed subject to "Special Conditions" presented following the use and activity table. A few of the special conditions are non-discretionary, but most require local judgment and discretion.
and the development of findings to support any final decision about whether or not to allow the use or activity.

Some uses and activities may be identified as being subject to a special condition that is not discretionary or may not apply to a site-specific request. If such is the situation, the Planning Director shall make such determination and if "General Conditions" are not applicable regard the use or activity as permitted outright. Such determination shall consist of a statement of facts supporting the decision.

G – indicates the use or activity may be allowed subject to "General Conditions" presented following the use and activities table. "General Conditions" provide a convenient cross-reference to applicable Baywide Policies which may further limit or condition the uses and activities.

A few "General Conditions" may not apply to a site specific request. If such is the situation, the Planning Director shall make such determination and if "Special Conditions" are not applicable, regard the use or activity as permitted outright. Such determination shall consist of a statement of facts supporting the decision.

ACU – means the use or activity may be permitted as provided above or subject to "Special" or "General" conditions pursuant to an Administrative Conditional Use.

HB – means the use or activity may be permitted except as provided above or subject to "Special" or "General" conditions pursuant to a Hearings Body Conditional Use.

N – means the use or activity is prohibited.

N/A – means Not Applicable: the use or activity is not realistic considering the physical character of the district and therefore does not apply.

c) Review the designations which accompany each use and activity listed in the Table to determine what is allowed, what is not allowed and what conditions may apply. (The Table may list a use as conditionally allowable but a condition may negate the Table's designation).

By following the steps outlined above, the applicant determined the use is allowed in both of the zones, subject only to General Conditions. The application satisfies all related conditions and CBEMP policies, as described below.

**CCZLDO Section 4.5.175 Site-Specific Zoning Districts**

The Coos County Development Ordinance divides the lands affected by the CBEMP into specific zoning districts. Each zoning district contains a "use and activities" table and "management objectives." Pursuant to CCZLDO Section 4.5.175, the use and activity tables for
each district are subordinate to the management objectives, and, therefore, the uses and activities must be consistent with the applicable management objective. As stated above, the proposed alternate segment alignments will only traverse CBEMP zoning districts 20-CA and 20-RS. As demonstrated below, the proposed alternate alignment segments are consistent with the management objectives, the allowed use and activities, and the applicable general and specific conditions of the 20-CA and 20-RS zoning districts.

D. Zoning Districts.

1. 20 – Conservation Aquatic (20-CA)

The proposed Brunschmid Wetland Reserve alternate segment alignment crosses the 20-CA zoning district. The 20-CA district is aligned with the Coos River.

**CCZLDO Section 4.5.550 Management Objective:** This aquatic district shall be managed to allow log transport while protecting fish habitat. Log storage shall be allowed in areas of this district which are near shoreland log sorting areas at Allegany, Shoreland District 20C, and Dellwood, Shoreland District 20D, as well as in areas for which valid log storage and handling leases exist from the Division of State Lands.

Pacific Connector will use the HDD method to install the pipeline below the Coos River. Using this crossing method, the Brunschmid alternate alignment segment will be installed beneath the bottom of the Coos River and will not impact log transport and will not impact fish habitat. Upon successful HDD completion, impacts to aquatic species, sensitive resources and water quality can be avoided. Additional details on the HDD process are included in Resource Report 2, Appendix 2G. Construction will use appropriate measures to minimize impacts. All impacts will be mitigated as demonstrated in the Prior Decisions. The Board previously found that the HDD construction method and mitigation met this management objective. Final Decision and Order, No. 10-08-045PL, pp. 70-72. Likewise, development of the proposed PCGP alternate segment alignment in 20-CA will not preclude log transport or interfere with fish habitat.

**CCZLDO Section 4.5.551 Uses, Activities and Special Conditions**

The proposed PCGP alternate segment alignment is permitted, subject to general conditions, as a low intensity utility in the 20-CA district. The 20-CA General Condition states that inventoried resources requiring mandatory protection in the district are subject to Policies #17 and #18. As addressed under the CBEMP Policy section below, the proposed PCGP alternate segment alignment is consistent with each of those policies.

2. 20 – Rural Shorelands (20-RS)

The proposed Brunschmid Wetland Reserve alternate alignment segment crosses the 20-RS zoning district on the south bank of the Coos River. See Sheet 1.

**CCZLDO Section 4.5.545 Management Objective:** This district shall be managed for rural uses along with recreational access. Enhancement of riparian vegetation for water quality, bankline stabilization, and wildlife habitat shall be encouraged, particularly for
purposes of salmonid protection. This district contains two designated mitigation sites, U-17(a) and (b), "medium" priority, which shall be protected as required by Policy #22.

The proposed PCGP alternate segment alignment will not impact mitigation sites U-17(a) and (b). As discussed above addressing the 20-CA zone, the HDD method for crossing Coos River will avoid impacts to the river, its banks, and riparian vegetation, and will provide the maximum protection to wildlife habitat within and adjacent to the river. Additional details on the HDD process are included in Resource Report 2, Appendix 2G. Once installed, the subsurface PCGP alternate segment alignment will not prohibit rural uses or recreational access.

**CCZLDO Section 4.5.546 Uses, Activities and Special Conditions**

The proposed PCGP alternate segment alignment is permitted, subject to general conditions, as a low intensity utility in the 20-RS district. The 20-RS General Conditions state that permitted uses and activities shall be consistent with Policy #23 and that inventoried resources requiring mandatory protection in the district are subject to Policies #17 and #18. Additionally, permitted uses occurring within "agricultural lands" or "forest lands" as identified in the "Special Considerations Map" are limited to those permitted in Policies #28 and #34. The proposed PCGP alternate segment alignment crosses agricultural lands within 20-RS. The agricultural uses under ORS Chapter 215 and their applicability to the PCGP are described above in Section IIA under "Exclusive Farm Use." The proposed PCGP alternate segment alignment does not cross any lands identified on the Special Considerations Map in Forest lands. Uses are permitted as stated in Policy #14 and must be consistent with Policy #27. On designated mitigation/restoration sites, uses/activities may be permitted subject to Policy #22. However, the proposed PCGP alternate segment alignment will not impact any of the designated mitigation/restoration sites within the 20-RS district. Finally, in rural areas, utilities, public facilities, and services will only be provided subject to Policies #49, #50, and #51. As addressed under the CBEMP Policy section below, the proposed PCGP alternate segment alignment in zoning district 20-RS is consistent with each of the identified policies.

**Appendix 3 – CBEMP Policies**

As detailed above, the proposed PCGP alternate segment alignments cross through the 20-CA and 20-RS zoning districts. As also discussed above, those crossings trigger CBEMP Policies #17 and 18 in zoning district 20-CA; and trigger CBEMP Policies #14, 17, 18, 22, 23, 27, 28, 34, 49, 50, and 51 in zoning district 20-RS. As discussed below, the proposed PCGP alternate segment alignments comply with the applicable CBEMP Policies for each zoning district as described below.

1. **20 – Conservation Aquatic (20-CA)**

The proposed PCGP alternate segment alignments comply with the applicable policies in zoning district 20-CA as described below.
Policy #17  Protection of "Major Marshes" and "Significant Wildlife Habitat" in Coastal Shorelands

Local governments shall 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 exceptions allow otherwise.

I. Local government shall protect:

   a. "Major marshes" to include areas identified in the Goal #17, "Linkage Matrix", and the Shoreland Values Inventory map; and

   b. "Significant wildlife habitats" to include those areas identified on the "Shoreland Values Inventory" map; and

   c. "Coastal headlands"; and

   d. "Exceptional aesthetic resources" where the quality is primarily derived from or related to the association with coastal water areas.

Based on Coos County's maps, the proposed PCGP alternate segment alignments in the 20-CA zoning district do not cross identified major marshes, coastal headlands, or exceptional aesthetic resources. This policy is satisfied.

II. This strategy shall be implemented through:

   a. Plan designations, and use and activity matrices set forth elsewhere in this Plan that limit uses in these special areas to those that are consistent with protection of natural values; and

   b. Through use of the Special Considerations Map, which identified such special areas and restricts uses and activities therein to uses that are consistent with the protection of natural values. Such uses may include propagation and selective harvesting of forest products consistent with the Oregon Forest Practices Act, grazing, harvesting wild crops, and low-intensity water-dependent recreation.

   c. Contacting Oregon Department of Fish and Wildlife for review and comment on the proposed development within the area of the 5b or 5c bird sites.

This strategy recognizes that special protective consideration must be given to key resources in coastal shorelands over and above the protection afforded such resources elsewhere in this Plan.

The proposed PCGP alternate segment alignments do not cross areas of special consideration identified under this strategy in zoning district 20-CA. This strategy is satisfied.

Policy #18 Protection of Historical, Cultural and Archaeological Sites.

Local government shall provide protection to historical, cultural and archaeological sites and shall continue to refrain from widespread dissemination of site-specific information about identified archaeological sites.
I. This strategy shall be implemented by requiring review of all development proposals involving a cultural, archaeological or historical site, to determine whether the project as proposed would protect the cultural, archaeological and historical values of the site.

II. The development proposal, when submitted, shall include a Site Plan Application, showing, at a minimum, all areas proposed for excavation, clearing and construction. Within three (3) working days of receipt of the development proposal, the local government shall notify the Coquille Indian Tribe and Coos, Siuslaw, Lower Umpqua Tribe(s) in writing, together with a copy of the Site Plan Application. The Tribe(s) shall have the right to submit a written statement to the local government within thirty (30) days of receipt of such notification, stating whether the project as proposed would protect the cultural, historical and archaeological values of the site, or if not, whether the project could be modified by appropriate measures to protect those values.

III. Upon receipt of the statement by the Tribe(s), or upon expiration of the Tribe(s) thirty day response period, the local government shall conduct an administrative review of the Site Plan Application and shall:
   a. Approve the development proposal if no adverse impacts have been identified, as long as consistent with other portions of this plan, or
   b. Approve the development proposal subject to appropriate measures agreed upon by the landowner and the Tribe(s), as well as any additional measures deemed necessary by the local government to protect the cultural, historical and archaeological values of the site. If the property owner and the Tribe(s) cannot agree on the appropriate measures, then the governing body shall hold a quasijudicial 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.

The proposed PCGP alternate segment alignments do not cross areas of potential cultural, archeological or historical sites in zoning district 20-CA. This strategy is satisfied.

2. **20 – Rural Shorelands (20-RS)**

*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 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:

      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 nonresource use.

      g. Any other uses, including non-farm uses and non-forest uses, provided that the Board of Commissioners or its designee determines that such uses satisfy a need which
cannot be accommodated at other upland locations or in urban or urbanizable areas. In addition, the above uses shall only be permitted upon a finding that such uses do not otherwise conflict with the resource preservation and protection policies established elsewhere in this Plan.

This strategy recognizes (1) that Coos County's rural shorelands are a valuable resource and accordingly merit special consideration, and (2) that LCDC Goal #17 places strict limitations on land divisions within coastal shorelands. This strategy further recognizes that rural uses "a through "g" above, are allowed because of need and consistency findings documented in the "factual base" that supports this Plan.

Zoning district 20-RS requires compliance with Policy #14. In the Prior Decisions, the Board determined that the PCGP is characterized as "other uses" under subsection g. of Policy #14. Final Decision and Order, No. 10-08-045PL, pp. 124-26. The proposed alternate segment alignments could not be accommodated at other upland locations or in urban or urbanizable areas due to the fact that the PCGP alignment has been previously approved by the County and the alternate alignments must connect to the pipeline in the locations approved by the County in its Prior Decisions. Therefore, this policy is met.

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

Local governments shall 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 exceptions allow otherwise.

I. Local government shall protect:

a. "Major marshes" to include areas identified in the Goal #17, "Linkage Matrix", and the Shoreland Values Inventory map; and

b. "Significant wildlife habitats" to include those areas identified on the "Shoreland Values Inventory" map; and

c. "Coastal headlands"; and

d. "Exceptional aesthetic resources" where the quality is primarily derived from or related to the association with coastal water areas.

Based on the County's Maps, the proposed PCGP alternate segment alignment in zoning district 20-RS will not cross any areas identified as major marshes, significant wildlife habitats, coastal headlands or exceptional aesthetic resources. This policy is satisfied.

II. This strategy shall be implemented through:

a. Plan designs, and use and activity matrices set forth elsewhere in this Plan that limit uses in these special areas to those that are consistent with protection of natural values; and
b. Through use of the Special Considerations Map, which identified such special areas and restricts uses and activities therein to uses that are consistent with the protection of natural values. Such uses may include propagation and selective harvesting of forest products consistent with the Oregon Forest Practices Act, grazing, harvesting wild crops, and low-intensity water-dependent recreation.

c. Contacting Oregon Department of Fish and Wildlife for review and comment on the proposed development within the area of the 5b or 5c bird sites.

This strategy recognizes that special protective consideration must be given to key resources in coastal shorelands over and above the protection afforded such resources elsewhere in this Plan.

Response: This strategy is a legislative directive to the County to exact plan designations and maps to identify resources to be protected. This strategy does not apply to this application.

Policy #18 Protection of Historical, Cultural and Archaeological Sites.

Local government shall provide protection to historical, cultural and archaeological sites and shall continue to refrain from widespread dissemination of site-specific information about identified archaeological sites.

I. This strategy shall be implemented by requiring review of all development proposals involving a cultural, archaeological or historical site, to determine whether the project as proposed would protect the cultural, archaeological and historical values of the site.

II. The development proposal, when submitted shall include a Site Plan Application, showing, at a minimum, all areas proposed for excavation, clearing and construction. Within three (3) working days of receipt of the development proposal, the local government shall notify the Coquille Indian Tribe and Coos, Siuslaw, Lower Umpqua Tribe(s) in writing, together with a copy of the Site Plan Application. The Tribe(s) shall have the right to submit a written statement to the local government within thirty (30) days of receipt of such notification, stating whether the project as proposed would protect the cultural, historical and archaeological values of the site, or if not, whether the project could be modified by appropriate measures to protect those values.

III. Upon receipt of the statement by the Tribe(s), or upon expiration of the Tribe(s) thirty day response period, the local government shall conduct an administrative review of the Site Plan Application and shall:

a. Approve the development proposal if no adverse impacts have been identified, as long as consistent with other portions of this plan, or

b. Approve the development proposal subject to appropriate measures agreed upon by the landowner and the Tribe(s), as well as any additional measures deemed necessary by the local government to protect the cultural, historical and archaeological values of the site. If the property owner and the Tribe(s) can not agree on the appropriate measures, then the governing body shall hold a quasijudicial 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.

As determined in the Prior Decisions, Coos County has clearly indicated that the "Site Plan Application" requirement contemplated by Policy #18 is intended to be implemented through the submittal of a "plot plan" under CCZLDO Section 3.2.700 at the time the applicant requests a zoning compliance (verification) letter under CCZLDO Section 3.1.200. CCZLDO Section 3.2.700 makes it clear that the time for compliance with applicable requirements regarding protection of archeological resources is at any time before a "zoning compliance letter" is requested, not at the time of conditional use permit approval. Pursuant to CCZLDO Section 3.2.700, this is accomplished through the submittal of a "plot plan showing exact location of excavation, clearing, and development." Therefore, the time for application for Policy #18 and CCZLDO Section 3.2.700 is prior to obtaining a zoning compliance (verification) letter under CCZLDO Section 3.1.200. Final Decision and Order, No. 10-08-045PL, p. 130.

Given the above, Pacific Connector recommends the following condition of approval, which is similar to Condition No. 24 imposed on the PCGP alignment in the Prior Decisions, but modified to relate to areas in both the CBEMP and CCCP:

At least 90 days prior to issuance of a zoning compliance (verification) 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 archeological sites exist within the CBEMP areas 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 archeological resources 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 or CCCP Table 4.7a, Phenomenon 3, Strategy 3 resources 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 modification 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 Section 5.8.200 of the CCZLDO with the Board of Commissioners serving as the Hearings Body.

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4 Coos County has previously held in the Prior Decisions that a "zoning compliance letter" under CCZLDO Section 3.2.700 is equivalent to a "zoning verification letter" under CCZLDO Section 3.1.200.
Implementation of this proposed condition would ensure compliance with Policy #18.

Policy #22 Mitigation Sites: Protection Against Preemptory Uses Consistent with permitted uses and activities:

I. This policy shall be implemented by:

a. Designating "high" and "medium" priority mitigation sites on the Special Considerations Map; and

This is a legislative directive to the County to adopt mitigation sites on the County's maps. This strategy does not apply to this application.

b. Implementing an administrative review process that allows uses otherwise permitted by this Plan but proposed within an area designated as a "high" or "medium" priority mitigation site only upon satisfying the following criteria:

The proposed PCGP alternate segment alignment would not cross any approved mitigation sites in zoning district 20-RS.

1. The proposed use must not entail substantial structural or capital improvements (such as roads, permanent buildings or nontemporary water and sewer connections); and

This criterion does not apply.

2. The proposed use must not require any major alteration of the site that would affect drainage or reduce the usable volume of the site (such as extensive site grading/excavation or elevation from fill); and

This criterion does not apply.

3. The proposed use must not require site changes that would prevent the expeditious conversion of the site to estuarine habitat; or

This criterion does not apply.

Policy #23 Riparian Vegetation and Streambank Protection

I. 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).

Zoning district 20-RS through which the proposed PCGP alternate segment alignment crosses requires compliance with Policy #23.
First, in its Prior Decisions, the Board has found that Policy 23 does not create a mandatory approval standard, but rather, is aspirational, hortatory, and non-mandatory in nature. Final Decision and Order, No. 10-08-045PL, p. 134. However, as indicated under subsection 1, this policy is implemented through the requirements of CCZLDO Section 4.5.180, Riparian Protection Standards in the Coos Bay Estuary Management Plan. Section 4.5.180 generally requires that riparian vegetation within 50 feet of an estuarine wetland, stream, lake or river, as identified on the Coastal Shorelands Fish and Wildlife habitat inventory maps, shall be maintained. However, the standard provides the following exception, "[r]iparian vegetation may be removed 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." The proposed PCGP alternate segment alignment qualifies as a public utility, and is therefore exempt from the 50-foot riparian vegetation maintenance requirements of CCZLDO Section 4.5.180 provided the vegetation removal is the minimum necessary for the proposed PCGP alternate segment alignment installation. However, Pacific Connector has designed the project to minimize impacts to riparian vegetation as much as possible.

II. 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.

This strategy shall be implemented by Oregon Department of Transportation (ODOT) and local government where erosion threatens roads. Otherwise, individual landowners in cooperation with the Oregon International Port of Coos Bay, and Coos Soil and Water Conservation District, Watershed Councils, Division of State Lands and Oregon Department of Fish & Wildlife shall be responsible for bank protection.

This strategy recognizes that the banks of the estuary, particularly the Coos and Millicoma Rivers are susceptible to erosion and have threatened valuable farm land, roads and other structures.

While Pacific Connector will restore areas disturbed during construction to their pre-construction condition, the proposed PCGP alternate segment alignment does not include independent streambank stabilization projects. Therefore, the provisions of subsection II are not applicable.

Policy #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.

Zoning district 20-RS, through which the PCGP alternate alignment segment crosses, requires compliance with Policy #27.
Policy #27 is satisfied through compliance with the implementing floodplain ordinance in the CCZLDO Article 4.6, the Floodplain Overlay zone. The Floodplain Overlay section provided below, describes how the proposed PCGP alternate segment alignment satisfies the applicable floodplain standards within CBEMP district 20-RS.

Policy #28 Recognition of LCDC Goal #3 (Agricultural Lands) Requirements for Rural Lands within the Coastal Shorelands Boundary

Unless otherwise allowed through an Exception, Coos County shall manage all rural lands designated within the Coastal Shorelands Boundary as being suitable for "Exclusive Farm Use" (EFU) designation consistent with the "Agricultural Use Requirements" of ORS 215. Allowed uses are listed in Appendix 1, of the Zoning and Land Development Ordinance.

This policy shall be implemented by using the Special Considerations Map (Policy #3) to identify EFU suitable areas, and to abide by the prescriptive use and activity requirements of ORS 215 in lieu of other management alternates otherwise allowed for properties within the "EFU-overlay" set forth on the Special Considerations Map, and except where otherwise allowed by exceptions for needed housing and industrial sites.

The "EFU" zoned land within the Coastal Shorelands Boundary shall be designated as "Other Aggregate Sites" inventories by this Plan pursuant to ORS 215.298(2). These sites shall be inventoried as "IB" resources in accordance with OAR 600-16-000(5)(b). Coos County will re-evaluate these inventoried sites pursuant to the requirements of said rule at, or before, County's periodic review of the Comprehensive Plan (OR 92-08-013PL 10/28/92).

Zoning district 20-RS, through which the PCGP alternate alignment segment crosses, requires compliance with Policy #28.

As stated above, this policy is implemented by using the Special Considerations Map to identify EFU suitable areas. Certain property along the PCGP alignment is designated as "Agricultural Lands." As described in detail in the EFU section of the narrative above, the PCGP is allowed as a utility facility necessary for public service under the agricultural provisions of ORS 215.283(1)(c) and ORS 215.275(6). Therefore, the PCGP is consistent with the Policy #28 requirements for mapped Agricultural Lands.

In addition to referencing ORS Chapter 215, the Policy states that allowed uses are listed in Appendix 1 of the CCZLDO, which provides that conservation of "Agricultural Lands" ... "should be based on application of the statutory provisions governing uses in EFU zones." A utility facility necessary for public service may be established as provided in ORS 215.275. As discussed in the EFU zone section of this narrative, the PCGP is a utility facility necessary for public service pursuant to ORS 215.275. Therefore, the proposed PCGP alternate segment alignment in district 20-RS is also an allowed use in those areas identified as Agricultural Lands on the CBEMP Special Considerations Map. Therefore, this policy is satisfied.
Policy #34  Recognition of LCDC Goal #4 (Forest Lands) Requirements for Forest Lands within the Coastal Shorelands Boundary.

Unless otherwise allowed through an Exception, Coos County shall manage all rural lands designated on the Special Considerations Map as "Forest Lands" within the Coastal Shorelands Boundary consistent with the "Forest Uses" requirements of LCDC Goal #4. Allowed uses are listed in Appendix 3 of the Zoning and Land Development Ordinance.

Where the County's Comprehensive Plan identified major marshes, significant wildlife habitat and riparian vegetation on coastal shorelands subject to forest operations governed by the Forest Practices Act, the Forest Practice program and rules of the Department of Forestry shall be carried out in such a manner as to protect and maintain the special shoreland values of the major marshes, significant wildlife habitat areas, and forest uses especially for natural shorelands and riparian vegetation.

This policy shall be implemented by using the Special Considerations Map (Policy #3) to identify "Forest Lands", and to abide by the prescriptive use and activity requirements of LCDC Goal #4 in lieu of other management alternatives otherwise allowed for properties within the "Forest Lands-Overlay" set forth on the Special Considerations Map, and except where otherwise allowed by Exception for needed housing and industrial sites.

This policy recognizes that the requirements of LCDC Goal #4 are equal and not subordinate to other management requirements of this Plan for "Forest Lands" located within the Coastal Shorelands Boundary.

The proposed alternate segment alignment does not cross any lands identified as Forest Lands shown on the Special Considerations Map. Therefore, development of the PCGP is consistent with this policy.

Policy #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). Implementation shall be based on the procedures outlined in the County's Rural Housing State Goal Exception.

1. This strategy is based on the recognition:

a. that physical and financial problems associated with public services in Coos Bay and North Bend present severe constraints to the systems' ability to provide urban level services, and b. that rural housing is an appropriate and needed means for meeting housing needs of Coos County's citizens.
Zoning district 20-RS through which the proposed PCGP alternate segment alignment crosses requires compliance with Policy #49. The proposed PCGP alternate segment alignment is not in need of rural residential public services nor will it preclude these services. This strategy is satisfied.

**Policy #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.

Zoning district 20-RS through which the proposed PCGP alternate segment alignment crosses requires compliance with Policy #50. The proposed PCGP alternate segment alignment is not in need of rural public services nor will it preclude these services. This policy is satisfied.

**Policy #51  Public Services Extension**

1. 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:

Zoning district 20-RS through which the proposed PCGP alternate segment alignment crosses requires compliance with Policy #51. The PCGP is not requesting a public services extension. This policy is satisfied.

**E.  Floodplain Overlay Zone.**

The proposed PCGP alternate segment alignment will cross through the Coos County Floodplain Overlay zone. As described below, the proposed PCGP alternate segment alignment satisfies each of the applicable floodplain approval criteria.

**CCZLDO SECTION 4.6.205. Designation of Flood Areas.**

a. The area of Coos County that is within a special flood hazard area identified by the Federal Insurance Administration in a scientific and engineering report entitled "The Flood Insurance Study for Coos County, Oregon and Incorporated Areas", dated September 25, 2009, with accompanying Flood Insurance Map (FIRM) is hereby adopted by reference and declared to be part of this ordinance. The Flood Insurance Study and the FIRM are on file at the Coos County Planning Department.
The County has indicated that the Flood Insurance Rate Map (FIRM) is consistent with the Federal Emergency Management Agency’s (FEMA) flood hazard map for Coos County. As addressed below, the proposed PCGP alternate segment alignment is consistent with the applicable floodplain approval criteria for all areas identified on the FEMA flood hazard map/FIRM as a designated flood area. The FEMA maps identify the 100-year floodplain, which is typically a larger area than the floodplain\(^5\) and floodway\(^6\) areas defined in the Floodplain Overlay standards.

**CCZLDO SECTION 4.6.210. Permitted Uses.**

*In a district in which the /FP zone is combined, those uses permitted by the underlying district are permitted outright in the /FP FLOATING ZONE, subject to the provisions of this article.*

**CCZLDO SECTION 4.6.215. Conditional Uses.**

*In a district with which the /FP is combined, those uses subject to the provisions of Article 5.2 (Conditional Uses) may be permitted in the /FP FLOATING ZONE, subject to the provisions of this article.*

As detailed above, the proposed PCGP alternate segment alignment is permitted either outright or conditionally in each of the base zones that it crosses. As described in this section of the narrative, it also satisfies each of the applicable Floodplain Overlay standards. Therefore, it is also a permitted use in the Floodplain Overlay zone.

**CCZLDO SECTION 4.6.230. Procedural Requirements for Development within Special Flood Hazard Areas.**

The following procedure and application requirements shall pertain to the following types of development:

4. Other Development. "Other development" includes mining, dredging, filling, grading, paving, excavation or drilling operations located within the area of a special flood hazard, but does not include such uses as normal agricultural operations, fill less than 12 cubic yards, fences, road and driveway maintenance, landscaping, gardening and similar uses which are excluded from definition because it is the County’s determination that such uses are not of the type and magnitude to affect potential water surface elevations or increase the level of insurable damages.

Review and authorization of a floodplain application must be obtained from the Coos County Planning Department before "other development" may occur. Such authorization by the

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\(^5\) "Floodplain" is defined by the Coos County Zoning and Land Development Ordinance (CCZLDO) as "the area adjoining a stream, tidal estuary or coast that is subject to periodic inundation from flooding."

\(^6\) "Floodway" is defined by the CCZLDO as "the normal stream channel and that adjoining area of the natural floodplain needed to convey the waters of a regional flood while causing less than one foot increase in upstream flood elevations." Pursuant to CCZLDO Sections 4.6.205 and 4.6.270 "floodways" are identified as special flood hazard areas in a Federal Insurance Administration report entitled "Flood Insurance Study for Coos County, Oregon and Incorporated Areas" and accompanying maps.
Planning Department shall not be issued unless it is established, based on a licensed engineer’s certification that the "other development" shall not:

A natural gas pipeline is not expressly included in the specified list of "other development." However, because the PCGP construction process will involve the removal and replacement of soil and recontouring activities that are similar to the listed development activities, the following demonstrates that the proposed PCGP alternate segment alignment is consistent with the "other development" standards.

a. result in any increase in flood levels during the occurrence of the base flood discharge if the development will occur within a designated floodway; or,

b. result in a cumulative increase of more than one foot during the occurrence of the base flood discharge if the development will occur within a designated floodplain outside of a designated floodway.

The proposed PCGP alternate segment alignment will be installed below existing grades and no permanent structures will be placed above existing grades within the FEMA 100-year floodplain. In addition, at the completion of the proposed PCGP alternate segment alignment installation, all construction areas will be restored to their pre-construction grade and condition. Therefore, development of the pipeline will not result in any increase in flood levels or result in a cumulative increase of more than one foot. These standards are met. Flood plain compliance will be verified prior to construction and the issuance of a zoning compliance letter.

**CCZLDO SECTION 4.6.235, Sites within Special Flood Hazard Areas.**

1. If a proposed building site is in a special flood hazard area, all new construction and substantial improvements (including placement of prefabricated buildings and mobile homes), otherwise permitted by this Ordinance, shall:

All new construction associated with the proposed PCGP alternate segment alignment satisfies the following special flood hazard area criteria.

a. be designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement and shall be installed using methods and practices that minimize flood damage. Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors (Reference FEMA "Manufactured Home Installation in Flood Hazard Areas" guidebook for additional techniques);

Installation methods and mitigation measures will avoid and/or minimize flotation, collapse, or lateral movement hazards and flood damage. This criterion is satisfied.

b. be constructed with materials and utility equipment resistant to flood damage;
The entire proposed PCGP alternate segment alignment will be constructed with corrosion-protected steel pipe. Where deemed necessary, the proposed PCGP alternate segment alignment will be installed with a concrete coating to protect against abrasion and maintain negative buoyancy. This criterion is satisfied.

c. be constructed by methods and practices that minimize flood damage; and

The proposed PCGP alternate segment alignment will be constructed by methods and practices that minimize flood damage. This criterion is satisfied.

d. electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

The proposed subsurface PCGP alternate segment alignment does not include electrical, heating, ventilation, plumbing, or air conditioning components. Therefore, this criterion is not applicable.

III. CONCLUSION

For the reasons set forth above, the requested approvals for alternate alignments for only two (2) relatively short segments of the previously approved PCGP alignment in Coos County satisfy all of the applicable approval criteria within the requested zones. Consequently, the applicant requests that the County approve the requested alternate segment alignments addressed in this application, with the conditions of approval proposed by Pacific Connector in the application.