



**Welcome to the Coos County
Planning Commission Meeting
201 N. Adams St., Coquille Oregon
November 2, 2023 at 7:00 p.m.**

- I. CALL MEETING TO ORDER 7:00 P.M.** – Introductions of Commissioners and Staff.
- II. APPROVAL OF MINUTES – October 5, 2023**
- III. CITIZEN PARTICIPATION** – This is the time for brief comments from the public concerning county planning and zoning matters **not on the agenda.**
- IV. PUBLIC HEARING – SEE HEARING PROCESS AND PROCEDURES ATTACHED**

If you wish to testify on any of these matters the time limits will be 3 minutes except for the applicant's presentation that shall be 15 minutes unless otherwise extend by the Planning Commission Chair.

ITEM A — ORDINANCE NUMBER 23-08-008PL In the Matter of Amending the Coos County Comprehensive Plan Designation and Zone Map from Agriculture to Rural Residential and the Official Zone Map from Exclusive Farm Use to Rural Residential-2 (RR-2). File Nos. AM-22-003/RZ-23-003 – Johnson

The applicant/representative is Robert S. Miller, III of Bandon Professional Center and the property owner is Brett Johnson. The proposal is for a plan amendment to change the Comprehensive Plan Designation from Agriculture to Rural Residential and amend the Official Zoning Map from Exclusive Farm Use (EFU) to Rural Residential – 2 (RR-2). The Subject Property is identified as Map Number Township 29S, Range 15W, Section 12D, Tax Lot 308, Tax Account number 1237808 and is located south of the city of Bandon off of Highway 101. The property contains 4.77 acres.

REVIEW CRITERIA:

- Coos County Zoning and Land Development Ordinance (CCZLDO)
 - Article 5.1 Plan Amendments and Rezones
- Coos County Comprehensive Plan Maps #14 Zone Maps
- Oregon's Statewide Planning Goals & Guidelines Goals: 3 Agricultural Lands; 4 Forest Lands; 5 Natural Resources, Scenic and Historic Areas, and Open Spaces; 6 Air, Water and Land Resource Quality; 7 Areas Subject to Natural Hazards; 8 Recreational Needs; 9 Economic Development; 10 Housing ;11 Public Facilities and Services; 12 Transportation; 13 Energy Conservation; and 14 Urbanization

The Board of Commissioners will be considering this matter on November 29, 2023 at 10:00 a.m. in Owen Building Conference Room located at 201 N. Adams St. Coquille OR 97423

- **ITEM B – File # AM-22-004/RZ-22-003**– The applicant/property owners are Richard and Kathleen Randol. The proposal is for a plan amendment to change the Comprehensive Plan Designation from Rural Residential-5 (RR-5) to Rural Residential-2 (RR-2) within the Part 3 exceptions section. The zone map will be amended if approved from Rural Residential-5 to Rural Residential-2. The Subject Properties are identified as Map Number Township 27S Range 14W Section 28B Tax Lots 100, Tax Account Number 767200 and is located north of the City of Bandon off of Seven Devils Road. The properties contain 13.60 acres. Below are the listed criteria for this proposal. **This matter is to be continued to the December 7, 2023**

V. OTHER BUSINESS:

- Staff Updates

VI. PLANNING COMMISSION COMMENTS

VII. ADJOURNMENT

ADDITIONAL INFORMATION AND HEARING PROCESSES :

For more information on any of these items please contact the Coos County Planning Department by phone at (541) 396-7770, by e-mail at planning@co.coos.or.us, in writing to 250 N. Baxter, Coquille OR 97423 or visit us at 60 E. Second, Coquille OR 97423.

HEARING PROCESS AND PROCEDURES:

There are four ways to participate in this matter by phone; virtually; in person; or in writing.

- Virtual or by phone:** This option is only available during the time and date the hearing is scheduled. To participate there GoToMeeting or by phone please provide an email to planning@co.coos.or.us with your name, address, email and phone number for the record and in case there is any technical difficulty.

GoToMeeting Information

Planning Commission

Please join my meeting at:

<https://meet.goto.com/940158709>

You can also dial in using your phone.

Access Code: 940-158-709

United States: +1 (224) 501-3412

- In Person:** The meeting can be attended in person at the time and date scheduled. The meeting will be held in the Owen Building Large Conference Room 201 N. Adams Street, Coquille OR 97423. If you require assistance to participate in the meeting, please provide 48 hours' notice to the Planning Staff to accommodate the request. planning@co.coos.or.us or 541-396-7770.
- In Writing: Testimony shall be submitted by the deadline provided at the hearing or the close of the record in the forms described below.**
 - Submission of Written Testimony:** Written testimony and evidenced provided by participants that will not be attending shall be received no later than 5 pm on the day of the hearing. Although it is encouraged to submit the information well in advance to provide the Hearings Body a chance with an in depth review. Written testimony and evidence to shall be mailed 225 N. Adams, Coquille, OR 97423, dropped off at the planning office at 60 E. Second Street, Coquille or emailed to planning@co.coos.or.us. If the testimony is not received by the 5 pm deadline it will need to be submitted in person at the hearing or it will not be considered. **Please review the additional information regarding submission of written evidence.**

b. Submission of Written Evidence

- Petitions: Any party may submit a petition into the record as evidence. The petition shall be considered as written testimony of the party who submitted the petition. A petition shall not be considered to be written testimony of any individual signer. To have standing, a person must participate orally at the hearing or submit other individual written comments. Anonymous petitions or petitions that do not otherwise identify the party submitting the petition shall not be accepted as evidence.
- Required Number of Copies: Submission of written materials for consideration shall be provided in the form one original hard copy and one exact copy or one original hard copy and one electronic copy. The County may, at its sole discretion, reject any materials that do not contain the requisite number of copies. It may be requested that the County make the requisite number of copies subject to the submitter paying the applicable copy charges.
- E-mail testimony may be submitted; however, it is the responsibility of the person submitting the testimony to verify it has been received by Planning Staff by the applicable Deadline.
- All written testimony must contain the name of the person(s) submitting it and current mailing address for mailing of notice.
- The applicant bears the burden of proof that all the applicable criteria have been met; however, in the case of an appeal, the appellant bears the burden of proving the basis for the appeal, such as procedural error or that applicable criteria have not in fact been met.
[Amended OR 08-09-009PL 5/13/09]

- iv. **General Meeting Procedure:** The Planning Commission will start the meeting at 7:00 pm unless otherwise noticed. There will be introductions of the Commissioners and Staff, Approval of Minutes if available and Request for any comments from the public on matters not related to the formal hearings scheduled or pending land use matters prior to opening the hearing. Upon opening the public hearing portion of the meeting, the Planning Staff or County Counsel will provide the procedural rules.

The Planning Commission will:

- a. Disclose the substance of any prehearing *ex parte* contacts regarding the matter at the commencement of the public hearing on the matter. The member shall state whether the contact has impaired the impartiality or ability of the member to vote on the matter and shall participate or abstain accordingly;
- b. Any actual or potential conflicts of interest (financial gain); and
- c. Any biases or reason a member will not be participating in the decision making process.

The Planning Commission will ask the audience if there are challenges to any Planning Commission members reviewing the matter. If there are challenges, they shall be brought forward with evidence to substantiate such challenge. There will be a chance for the member of the Commission to rebut the challenge or step down as the decision maker. If the member(s) does not step down the Planning Commission shall make a motion as to remove the member based on the evidence or make the statement that the evidence submitted is not sufficient to create a actual bias or conflict of interest. Once this is complete staff will present the matter and criteria and provide the Planning Commission an opportunity to ask any questions about staff's presentation or material that have been provided.

The Oral testimony will begin:

- a. Applicant's presentation (20 minutes)
- b. Proponents of the application (3 to 5 minutes)
- c. Opponents of the application (3 to 5 minutes)
- d. Rebuttal or closing by the applicant. (3 to 5 minutes)

Tips for providing effective testimony¹

- a. State your name and address for the record.
- b. Begin by saying you support or oppose a particular agenda item, and briefly explain why.
- c. Use facts to verify your statements.
- d. Describe how this issue affects you personally, what you suggest as a solution and then summarize your testimony.
- e. Be sure to tell the reviewing body exactly what you wish them to do. If you are opposing, your testimony should discuss why the proposal is inconsistent with the controlling law, rules or ordinances.
- f. Do not repeat yourself or get off-topic; keep your argument concise

¹https://www.co.coos.or.us/sites/default/files/fileattachments/planning/page/13051/tesify_at_land_hearing_brochure.pdf

**COOS COUNTY PLANNING COMMISSION
MINUTES OF MEETING
OCTOBER 5, 2023
OWEN BUILDING LARGE CONFERENCE ROOM
201 N. ADAMS ST.
COQUILLE, OREGON 97423**

PLANNING COMMISSION

MEMBERS PRESENT

Diana Schab, Chair
Todd Goergen, Commissioner
Todd Buchholz, Commissioner
Matthew Vorderstrasse, Commissioner

MEMBERS ABSENT

Joann Hansen, Commissioner
Charlie Waterman, Commissioner

MEMBERS PRESENT THROUGH GOTOMEETING

Joe Aguirre, Vice Chair

STAFF PRESENT

Jill Rolfe, Planning Director
Amy Dibble, Business Operations Manager
Crystal Orr, Associate Planner
Michelle Berglund, Program Assistant

ITEM I - CALL MEETING TO ORDER:

Chair Diana Schab called meeting to order at 7:00 p.m. and introductions of the Commission and Staff were made.

ITEM II - MINUTES TO APPROVE:

The minutes for two meetings were approved. After a motion to approve was put forth by Commissioner Goergen, and seconded by Commissioner Vorderstrasse, the Minutes for the July 6, 2023, and August 3, 2023 meetings were unanimously approved.

ITEM III - CITIZEN PARTICIPATION:

The Chair reminded everyone that this is the time and place for brief comments from the public concerning County Planning and zoning matters not on the agenda. She inquired if anyone in the audience would like to speak about a subject not on the agenda. However, no one spoke up so the meeting moved forward.

ITEM IV - PUBLIC HEARING:

Chair Schab outlined the procedure for presenting testimony before the Commission and asked the Commissioners the following questions:

1. Had each Commissioner received their staff reports?

Each Commissioner verified that they had received their staff report.

2. Did any of the Commissioners need to disclose any conflicts or bias?

None of the Commissioners felt the need to make any disclosure of conflict or bias.

3. Did any member need to abstain from participating in the hearing?

No Commissioner abstained from participating in the hearing.

4. Does anyone present wished to challenge any member of the Commission from tonight's hearing?

There were no challenges.

Chair Schab asked Staff to read the procedural rights, indicate if proper legal notice of the hearings had been provided, and present the matter with a review of the applicable criteria.

Director Rolfe explained the procedures of the meeting. Land Use procedures according to Coos County Land Use and development Ordinance 5.7.300 & ORS 197.763.

She informed everyone that a party may either represent themselves or be represented by an attorney. Consultants and other non-attorney professionals may appear as fact witnesses but may not legally represent a party. Witnesses testifying on behalf of an organization must provide written documentation that they are authorized by the organization to appear and testify.

The Director reminded everyone that testimony and evidence must be directed toward the identified criteria relating to the application, or other criteria in the Comprehensive Plan or Zoning Ordinance which you believe applies to the application. The applicant or appellant has the burden of proof which means demonstration that all of the applicable criteria can be met. In the case of an appeal the appellant has burden of proof to show that the decision they are appealing is in error. An appellant must have demonstrated they have standing to appeal. (a participant, entitled to notice, or adversely affected by).

An issue which may be the basis for an appeal to the Land Use Board of Appeals shall be raised no later than the close of the record at the final evidentiary hearing on the proposal. Failure to raise an issue and present statements or evidence clearly in a manner sufficient to allow the Board an opportunity to respond, will preclude an appeal to LUBA on that issue.

There was a brief pause while the audio link was updated.

ITEM A – FILE # AM-22-005, ORDINANCE 23-06-005PL LEGISLATIVE AMENDMENT

Criteria

- Coos County Zoning and Land Development Ordinance (CCZLDO)
The proposal is to amend Volume II, Part I (Coos Bay Estuary Management Plan Part 1—Plan Provisions) and Volume II, Part 2 (Coos Bay Estuary Management Plan Part 1—Plan Provisions) and Volume II, Part 2 (Coos Bay Estuary Management Plan Part 2—Inventories and Factual Base) of the acknowledged Coos County Comprehensive Plan to repeal the existing Volume II, Part 1 and 2 and replace them in their entirety with the updated 2023 Coos Bay Estuary Management Plan, Part 1 and 2. This proposal also amends Chapter 3 of the Coos County Zoning and Land Development Ordinance (CCZLDO) to reflect the proposed changes made to the Coos Bay Estuary Management Plan.

Director Rolfe explained the matter before the Planning Commission was an Ordinance amending Coos County Ordinance 82-08-015L and amendments thereto, which adopts Volume II of the Coos County Comprehensive Plan. This proposed Ordinance also amends Coos County Ordinance 85-03-004L and amendments hereto, which is the Coos County Zoning and Land Development Ordinance that implements Volumes I, II, and III of the Coos County Comprehensive Plan.

The Director went on to explain that the Board of Commissioners will be considering the matter on October 24, 2023 at 1:30 pm, in the Owens Building conference room. The Board of County Commissioners will make a final decision on November 8, 2023 at 10 a.m. here in the Owen Building, 201 N Adams St, Coquille, OR 97423.

An overview of the changes include:

1. Update the maps currently used in decision making (which are currently hand-drawn and from 1970's era information) by including new spatial data in a digital format in the background maps (Coos Estuary and Shoreland Map Atlas) and digitizing original mylar maps.
2. Use of clear headers to explain the purpose and contents of each document section.
3. Use of Figures and Tables to Explain Process and Policies.
4. Update of references in CBEMP to state and federal laws, regulations, agencies, and processes.
5. Development of a comprehensive and consistent list of definitions.
6. Inclusion of all management Units in the CBEMP.
7. Capture of Coos Bay specific policies in CBEMP.
8. Clarification of joint plan maintenance, plan update, and citizen involvement process.
9. Integration of Coos Estuary Data Source into CBEMP Part 2.

The applicable identified review criteria for the update is Coos County Zoning and Land Development Ordinance (CCZLDO) Article 5 – Legislative Text Amendments and Oregon Statewide Planning Goals & Guideline Goals 1-18.

The Director explained that she has not made any changes to the documentation since the last packet the Planning Commissioners had received. There was a link available to all applicable maps. The documentation and presentation has been discussed in the past so the Director said if there were any questions, she would be happy to go over them now.

There was another brief pause to adjust the audio system again. The callers online were saying the discussion was garbled. The Director suggested a brief break while the Staff attempted to update the phone lines.

While the technical issues were resolved, Chair Schab had a question. She asked that the Director explain where this project would be going from here.

Director Rolfe explained that she had been wanting to work on this update project since 2012. She pointed out that this was an update they have been wanting to make to the Coos Bay Estuary Management Plan. She informed them that the Board and the City Councils had to make a decision on whether to pursue a full update, a partial update, or no update at all. They made the decision before the pandemic in 2019 to proceed with a partial update, with the intention of using it as a stepping stone towards a full update. The process is quite expensive, and the decision to break it into smaller chunks is due to the limited funding they were able to obtain through the partnership with Coastal Watersheds. Watershed and County and City resources were used in an attempt to secure funding for this project.

The idea to go for the full phase was identified in 2019, leading the Board to evaluate each management unit and determine the way forward. The estuary plans for the Coos County area are highly site-specific and consist of 163 subzones. While future plans may not require such a level of detail, the existing work is already completed, so it makes sense to include it rather than waste the work that has already been accomplished. The Planning Commission can start with the existing documentation and edit it as needed. While there is a lot of data available, additional data must be gathered, which is why they haven't progressed further.

The Director expressed her appreciation for all the comments suggesting that the Board move forward, but emphasized that the next phase requires a formal motion to continue the progress. The next phase will be more extensive, similar to the estuary plan being developed along the coast, but their estuary plan is significantly larger. It will take them longer to complete, but it will serve as a guide for moving forward.

Director Rolfe asked if the information addressed Chair Schab's question.

Chair Schab confirmed that it did. She expressed her understanding of the process and the driving force behind the changes. She then asked the Director to provide a summary of what they had actually done and the criteria used in this phase of the process.

The Director explained that their goal was to have the city of Coos Bay, the city of North Bend, and the County share a single plan while operating as separate entities. Over the years, there had

been changes to the individual plans that didn't always align. The objective was to consolidate these plans into one cohesive plan because the estuary is essentially one entity. To achieve this, the consultants reviewed the three different plans, identifying discrepancies, common elements, and how to harmonize them into a unified plan. While Coos Bay had some policies specific to its area, the decision was made to adopt those policies across the board to ensure consistency.

The County was not proposing to change the language in the plans, but they needed to unify them. The next step was to update the digital maps. They reviewed the descriptions on the digital maps to ensure that each unit aligned with the written descriptions. For those familiar with the Coos Bay Estuary Management Plan, each management unit has a description. The County wanted to ensure that these descriptions matched to eliminate discrepancies. They digitized all of them and made them accessible for everyone to view.

The report also included updates to other maps, including background maps that were not regulatory but provided important information, such as taxing boundaries, locations of entities like the Coos Bay North Bend Water Board, and fire districts. These maps were informational and helped in making decisions, such as who to notify in various situations.

The staff aimed to make the information easier to read and find. They also provided a document to guide users on how to access the information they needed. The goal was to ensure that everyone was on the same page, providing a solid starting point for a more comprehensive update in the future. The previous lack of a clear starting point was the reason it took so long to reach this stage.

Chair Schab asked if any of the Board had any questions at this time.

Commissioner Buchholz sought clarification on the phases mentioned. He noted that phase one involves cleaning up existing verbiage and documentation, while phase two would entail a more extensive analysis and description, making necessary changes to bring the plan into the 21st century. He clarified this for his own understanding. His second question pertained to the comments and exhibits received for the meeting and how they would be incorporated into the record. He mentioned that there were many valuable comments and wondered if the staff would consider them.

Director Rolfe explained that the University of Oregon had created a chart and grouped the comments into categories. The staff would follow a similar approach and incorporate the comments that came in after the University of Oregon's analysis, following the same model.

Commissioner Buchholz expressed his gratitude to the Director for clarifying the process.

Chair Schab inquired if there were any additional questions.

Commissioner Vorderstrasse expressed his appreciation for everyone's hard work up to this point.

Chair Schab inquired if Commissioner Aguirre, who was attending by phone, had any questions. He stated that he did not have any questions and commended the work being done.

Chair Schab sought clarification, asking if there was no applicant who needed to come forward. The Planning Director confirmed that there was no applicant other than the County itself.

Chair Schab indicated that it was now their opportunity to hear testimony from the audience, from anyone who had signed up to make comments. She mentioned that they also had one person online who had registered to speak, and they would begin with that.

Annie Merrill, participating online, had pre-registered to make comments and was called to speak at this time.

Ms. Merrill began by expressing her gratitude for the opportunity to speak. She introduced herself as the Land Use Coordinator for the Oregon Shores Conservation Coalition, a non-profit organization headquartered in Coos Bay. She acknowledged the importance of the management adjustment for the Coos Bay Estuary Management Plan (CBEMP) for its usability and appreciated the work of the County Planning Department in taking the initial steps to modernize the plan.

Ms. Merrill stressed the need for a more comprehensive plan in the next phase, which is urgently required to prepare the County for changes in infrastructure and natural resources. She mentioned that Oregon Shores had submitted a comment urging the County to commit to continuing the estuary planning process immediately after the phase one update is adopted and to seek funding for this purpose. They also recommended that the phase one update include language and specific guidelines for establishing an inclusive and broadly represented citizen advisory committee to ensure stakeholder needs are considered during the updating process. Additionally, they suggested including language for creating a technical advisory committee to assist with the technical and scientific elements of the plan process. The details of these recommendations were provided in their submitted comments.

Ms. Merrill encouraged the Board to review the supporting document along with her testimony. She mentioned that the City of Coos Bay intends to adopt a resolution addressing these recommendations and urged the County to sign on to this resolution to ensure alignment between the cities and the County for the more complex phase two of the update process.

The primary point that Ms. Merrill wanted to emphasize was the role of the International Port of Coos Bay in the CBEMP planning process and the long-term management of the plan. She referred to the CBEMP amendment included in her testimony, which outlined a management agreement between Coos County, the cities of Coos Bay and North Bend, the Tribes, and the Port of Coos Bay to ensure coordination of an intergovernmental estuary plan. She expressed concerns about elevating the status of the Port to co-manage the plan, as it is a regulated entity that should not have the ability to influence its own regulations, particularly given its sole economic interest. The Port's goal is to develop and dredge the estuary for maximum economic output, which may conflict with the primary purpose of protecting and restoring the estuary's unique environment under goal 16.

Ms. Merrill noted that during the past legislative session, the Port of Coos Bay signed an amendment to the CBEMP regulations through a house bill, which allows them to seek an exception to goal 16 by law. Given this context and the Port's non-public entity status, she argued that the Port should not have co-decision-making power regarding the fate of the estuary. They should not have any voting authority on the steering committee overseeing the plan and should be removed entirely from the co-management language within the plan.

Ms. Merrill also emphasized that the Port should not have representation on multiple committees in forming the plan updates. While recognizing the Port's importance as a stakeholder, she suggested that their input should be valued on just one committee during the phase two update process, rather than across all committees. She requested that the plan amendment be reviewed and amended as outlined in volume two, section two, and all policies for future policies to ensure the Port does not have excessive power to influence the Coos Bay Estuary Management Plan. Additionally, she encouraged specifying the Port's role in both the short-term update and the long-term management of the plan.

Ms. Merrill mentioned that her organization strongly supports updating the CBEMP management plan, provided that this phase of the process sets a strong foundation for equitable management that serves the diverse needs of the community above a single development interest. She urged the Board to consider their testimony and the concerns of many community members regarding the Port's role in this process.

Ms. Merrill concluded her testimony by thanking everyone for their time.

Chair Schab inquired if any of the Commissioners had any questions.

Commissioner Goergen expressed his thanks to Ms. Merrill for her testimony and had one question. He asked if Ms. Merrill's organization was involved in the focus groups conducted by the University of Oregon when they submitted their suggestions for updates.

Ms. Merrill clarified that her organization was not directly involved in those focus groups. However, they have been actively engaged in interpreting the information for this plan. Some of their members attended town hall meetings and closely followed the update process.

Commissioner Goergen then clarified that the organization had members who had been actively participating in public discussions throughout the update process, to which Ms. Merrill confirmed.

Chair Schab thanked Ms. Merrill for her concise testimony and acknowledged that she had forgotten to mention an important section of the instructions for the meeting. She proceeded to clarify that the parties testifying were limited to three to five minutes of testimony. She also emphasized the need to check for any potential conflicts of interest among the Commissioners in the process.

Director Rolfe interjected, mentioning that the Chair didn't need to ask the conflict of interest question since this wasn't a legislative session.

The Chair acknowledged the mix-up and lightened the mood by remarking that everyone had a good laugh. She then proceeded to ask for the next speaker.

Audience member Beverly Segner, with an address at 1000 Ingersoll in Coos Bay, was invited to come forward to testify.

Ms. Segner began by complimenting Jill Rolfe, the Planning and Community Development Director, for her summary of the situation and the process. She expressed her excitement about the positive atmosphere in the meeting and the importance of the Coos Bay Estuary Management Plan, Phase 1. She mentioned her gladness to be part of the process and her enjoyment in witnessing people getting involved in matters she initially knew little about. Ms. Segner emphasized the significance of community involvement in managing the estuary and highlighted how crucial it is to approach the management with a broad perspective to avoid potential serious consequences for the entire community.

She was impressed by the collective effort, with both the cities and the County aligned on the issue, emphasizing the need for collaborative action.

Ms. Segner continued by recommending a book her biologist friend suggested, called "Fin, Bog, and Swamp" by Pulitzer Prize winner Annie Proulx. She described it as an easy read and emphasized its importance in understanding the history of peatland and how critical estuaries are for carbon containment, which helps combat climate change. Ms. Segner encouraged everyone to consider reading the book, especially in light of what is coming up. She hoped that they would support the process for phase two of the plan and contribute to raising the necessary funds. She mentioned the citizen advisory committee and the potential contributions from the community's great minds.

However, she expressed her concern regarding the role of the Port and the need for a broad perspective in the discussion. Ms. Segner stressed the importance of considering the estuary's historical and potential contributions to the community, rather than solely focusing on industrial development and profit. She highlighted the importance of tourism and fisheries and expressed her apprehension about the exemption the Port had arranged. She emphasized the need to ensure that the Port does not receive undue influence that goes against the overall good of the community.

After sharing her comments, Ms. Segner thanked the Commissioners for hearing her testimony. Chair Schab inquired if any of the Commissioners had any questions, and there were none at that time.

The next speaker, Ashley Audycki, came forward, introducing herself as a resident of Coos County and a representative of the Rogue Climate Organization, based in Southern Oregon with a local Coos Bay office. She mentioned that her organization had been participating in and providing comments on the Coos Bay Estuary Management Plan update process since opportunities to comment had opened earlier in the year. She emphasized the importance of this step in ongoing planning and mitigation for climate change impacts, as well as the protection of one of Oregon's largest estuary systems, which serves as the foundation for economic development and cultural impact through estuary management practices.

Ms. Audycki raised concerns about the role of the Port of Coos Bay in the Coos Bay Estuary Management Plan (CBEMP) update. She acknowledged that the Port, like other agencies and organizations, has the right to express its concerns regarding the local government and its comprehensive plan. It is essential to consider and accommodate the Port's needs to meet coordination requirements. However, the plan amendments aim to make the Port a co-manager of the CBEMP, as indicated in sections 2.1, 2.5, figure one, pages 26, 29, and 30.

Ms. Audycki pointed out that the plan amendments not only make the Port a co-manager but also propose having the Port sit on newly constituted steering committees to meet the citizen involvement policy. She emphasized that there is no clear description of what co-management means or its authority in the local government plan. The Port lacks statutory authority to co-manage a County land use plan. She referred to comments submitted by Oregon Shores outlining the Port's authority or lack thereof. Ms. Audycki argued that the Port, as a regulated entity, should not have the authority to regulate itself. She cited the Port's involvement in the passing of HB-3382, known as the Port exemption bill, which had direct implications for regulation concerning upcoming development proposals in the CBEMP area.

Her organization was requesting that Coos County commit to a comprehensive update for the CBEMP because, as the Director explained, the State does not necessarily address climate change adaptations. Coos Bay is bringing forth a resolution to recommend that Coos County adopt an updated CBEMP plan. They are also asking for a specific timeframe to ensure that a phase two plan is not delayed too far into the future, given the urgency of addressing climate change. They urged the Planning Commission to move forward with the Phase one process only after answering the questions submitted in the comments. They also called for a clearly defined role for the Port of Coos Bay and a resolution committing to a phase two update. Ms. Audycki recognized that the process is a significant undertaking and emphasized the importance of setting the stage properly for comprehensive updates. She concluded her comments by thanking the Board for their time.

Chair Schab inquired if the Commissioners had any questions.

Commissioner Goergen had a question for Ms. Audycki. He mentioned that he understood her perspective and had read her letters regarding the Port of Coos Bay. As a property owner affected by the plan and a generator of many jobs in the area, he asked if Ms. Audycki preferred the Port not to have any form of co-management over something that could impact all of their assets in the community.

Ms. Audycki responded by questioning the definition of co-management. Commissioner Goergen assumed it meant collaboration, to which Ms. Audycki said the term collaboration can be broadly interpreted, and it needs to be clarified.

Commissioner Goergen noted that in some of Ms. Audycki's letters, she mentioned stakeholders and an advisory committee that included community members in various fields of interest, such as tourism, charter boats, or those making a living from the estuary system. He argued that under that definition, the Port could be included. He expressed his personal concern about the

assumption that the Port only wants to exploit the estuary, suggesting it was an unfair assumption.

Ms. Audycki acknowledged that legislative actions had the potential to undermine the Coos Bay Estuary Management Plan at both the state and local levels. She had seen local organizations taking advantage of that, which reinforced the need for clear definitions and parameters. She proposed a collaboration to establish clear parameters and definitions, emphasizing the need for specific definitions for the broadly used term "co-management."

Commissioner Goergen agreed that clear definitions were important and mentioned the potential cascading effects of changing parameters at one level, affecting subsequent levels, including survey maps, which could undermine their validity. He expressed concerns that excluding the Port at one level could have repercussions at other levels.

Ms. Audycki clarified that she was not advocating for the exclusion of the Port but emphasized the importance of defining the parameters of their involvement. She wanted to ensure that an entity wasn't simultaneously applying for a project and influencing the rules for that project. Defining project parameters ahead of time could prevent conflicts of interest.

Commissioner Buchholz pointed out that making assumptions about the meaning of terms is not a good practice, and it's essential to specifically outline definitions to avoid misinterpretation.

Chair Schab thanked Ms. Audycki for her input, and there were no further questions at that time.

Commissioner Buchholz expressed his desire for Phase two to include tightly defined definitions and duties for everyone involved, to ensure absolute clarity. He stated that he did not support excluding the Port because of its significant role in the area and the statutory and legal appropriateness of its involvement in the process at some point.

Commissioner Goergen concurred, emphasizing the need to further clarify certain aspects. He believed that excluding the Port from the process entirely would be a mistake.

Chair Schab noted that the Commission was not technically in the deliberation phase at the moment.

Director Rolfe asked if the Commissioners wanted her to provide some background information.

Chair Schab explained that she was waiting for a rebuttal.

Director Rolfe agreed but mentioned that she understood Ms. Audycki's perspective. She acknowledged that the term "co-manage" might not be the correct terminology and stated that having a more precise definition would benefit everyone.

Ms. Audycki agreed and reiterated the importance of a clearer definition.

Commissioner Goergen expressed his appreciation for the clarity and believed that different levels of stakeholders, including the Port and other entities, needed opportunities to offer input.

He recognized the Port's substantial land base and significant impact on the local community and economy.

Ms. Audycki mentioned that earlier in the year, when recommendations for a Community Advisory Committee (CAC) were made, the Port was discussed as a stakeholder equivalent to the Tribes, which she believed was inappropriate. The Tribes are sovereign nations and engage in co-management on a state level, while the Port should have a role but not on the same level as a sovereign nation. She stressed the need for a more clearly defined role to prevent any entity, including the Port, from having an excessive influence.

Commissioner Vorderstrasse expressed the importance of having a system of checks and balances.

Mr. Fereday introduced himself and provided his address. He began by discussing the concept of not taking the Coos Bay Estuary Management Plan for granted. He emphasized the need to avoid complacency and to preserve the estuary.

Mr. Fereday expressed his willingness to assist with the process, particularly in grant writing, as he is a retired teacher and has experience in that field. He highlighted the significance of estuaries, mentioning the book Coastal Wetlands and the concept of "blue carbon," which refers to the ability of coastal ecosystems to sequester carbon in their sediments at a rate 30-50% higher than terrestrial soils.

He explained that estuaries play a vital role in fisheries, with data from a US fishery in 2004 indicating that estuary species comprised a significant percentage of fish by weight and value harvested nationwide. Mr. Fereday underscored the economic importance of estuaries and their natural functions, including acting as barriers to flooding and pollution filters. He also mentioned their significance for recreational activities.

Mr. Fereday touched on the historical role of estuaries and emphasized the need to consider the value of these ecosystems more comprehensively to prevent further losses.

In his earlier submission, he had provided similar information and encouraged the preservation of the estuary. He suggested the creation of a technical advisory committee composed of technical and scientific advisory members and stakeholders, while expressing reservations about the Port's involvement in co-management, as estuaries are essential to all community members, especially those whose livelihoods depend on them.

He concluded his testimony and asked if there were any questions.

Chair Schab thanked Mr. Fereday and asked if any Commissioners had questions.

There were no Commissioner questions at this time.

Mr. Miller began his testimony by expressing his agreement with the testimonies provided so far. He thanked the Commission for their efforts to update a 40-year-old estuary plan and recommended the update of maps for more convenient public viewing. He stressed the need for a

phase two of the plan, which should include the most current scientific data, support for re-evaluation of uses, identification of emerging problems, and recognition of important community values. Mr. Miller outlined key components of the plan, including a dredge material disposal plan, mitigation and restoration plan, and a structure for future updates.

He supported the establishment of a citizen advisory committee and a technical advisory committee, although he found the composition of these committees unclear. To ensure broad representation, he suggested members from various sectors, including commercial and recreational fishing industries, tribes, seafood industries, local businesses, tourism, recreation, scientific communities, conservation, and environmental groups. He also emphasized the importance of tribal engagement and the need to outline how tribal needs would be incorporated into the plan.

Mr. Miller concluded his testimony by thanking the Commissioners.

Commissioner Goergen had questions for Mr. Miller, particularly regarding the composition of the technical advisory committee. He expressed concern about the potential exclusion of experts related to the Port of Coos Bay, given their significant involvement in vessel transit and policy recommendations. Mr. Miller clarified that he did not believe the Port was being excluded at this point, and Commissioner Goergen raised concerns about the lack of input from the private sector or commerce, highlighting the need for representation from stakeholders like the Port.

Commissioner Goergen emphasized the importance of including maritime commerce expertise in the technical advisory committee, given the significant role of the Port of Coos Bay and vessel transit in the estuary. He felt that this input could be valuable and necessary.

Commissioner Buchholz inquired about the qualifications and composition of a technical advisory committee, to which Director Rolfe explained that such committees are usually project-specific and may not be within the usual scope of an estuary plan. She noted that it could be a recommendation but would need to align with existing laws and regulations.

The discussion focused on the structure and purpose of the technical advisory committee to ensure that it incorporates the necessary expertise and stakeholder input, particularly related to maritime commerce and other key aspects of estuary management.

Chair Schab thanked Mr. Miller for his testimony.

In the discussion that followed the public testimony, an audience member, Ashley Audycki, highlighted that some of the recommendations came from an ongoing process related to the Uquina Estuary project. She mentioned that Annie, who was on the phone, was involved with that project and statewide estuary management plans. While the level of involvement of the pilots with the Uquina project was uncertain, the recommendations were influenced by the lessons learned from the north coast statewide planning document. This information could be valuable in refining the plan.

The Planning Director, Jill Rolfe, acknowledged the reference to the Uquina project.

Chair Schab inquired about the inclusion of committees and co-management policies in the revision plan being discussed.

It's evident that there are concerns and misunderstandings about the terminology used in the plan, particularly regarding the role of the Port of Coos Bay and the involvement of tribal governments. The Director, Commissioners, and Ms. Merrill have acknowledged the need for clarification in the language and definitions within the plan.

The Director's suggestion to stop the wording after "management between Coos County and the Cities" and further define the committee is a practical approach to address these concerns. Additionally, involving tribal governments as sovereign nations in the discussions and clarifications is essential for ensuring their rights and interests are properly considered in the process.

The Commissioners seem to be open to revisions and are willing to address these issues to ensure that the plan reflects the broader community's needs and interests. It's essential that the final language and definitions are clear and inclusive to avoid misunderstandings and conflicts in the future.

Director Rolfe read into the record the proposed modified language as follows:

Section 2.1 Plan Implementation

The Coos Bay Estuary Management Plan shall be implemented by Coos County and the Cities of North Bend and Coos Bay. Coos County and each of the cities will adopt this Plan by ordinance. All three jurisdictions will allow the uses and activities which are set forth in this Plan for these units and will adopt other implementation measures as determined necessary by each jurisdiction to carry out the intent of and to maintain this Plan. A management agreement between Coos County, the Cities of North Bend and Coos Bay will assure maintenance of a coordinated intergovernmental estuary Plan.

Section 2.5

The Coos Bay Estuary Management Plan shall serve as the basis of land use and community development regulations for lands lying within the Coos Bay Estuary and its Shorelands as defined in Section 4. Applicable portions of the Plan are to be adopted by the Cities of North Bend and Coos Bay and incorporated into their respective comprehensive plans. Coos County and Cities of North Bend and Coos Bay will implement the Coos Bay Estuary Management Plan within the boundaries of their respective jurisdictions through adoption of ordinances and processing of permits. These entities will coordinate planning for the estuary and shoreland areas through the adoption of an intergovernmental agreement which addresses responsibilities of various jurisdictions, Plan amendment procedures, review and update procedures, and Plan implementation. Figure 1 below for displays these relationships.

Then remove International Port of Coos Bay from Figure 1

Chair Schab stated that they would close the testimony section of the meeting and proceed with deliberation. She emphasized the main issue was to remove and edit a specific sentence, removing the Tribes and Port as decision-makers but retaining them as stakeholders. She noted

that further discussions would be needed to address terminology and ensure the plan's effectiveness for all involved parties.

Commissioner Goergen expressed his agreement with Director Rolfe's proposed edits to the wording.

Chair Schab asked the Commissioners if they were comfortable with these revisions.

Commissioner Aguirre requested Director Rolfe to read the revisions aloud for clarification.

Director Rolfe re-read the revisions for the record. Both Commissioners Aguirre and Goergen found that the revised terminology provided clarity.

Commissioner Aguirre suggested revisiting the sections related to the citizen advisory committee and the technical advisory committees to examine their wording and participation. He acknowledged Chair Schab's point about the need for further discussions and revisions.

Chair Schab mentioned that the terminology around advisory committees was not currently listed. Director Rolfe clarified that the issue pertained to the technical advisory committee, which had not been addressed in the document.

Chair Schab proposed that as the situation evolved, they would determine the necessary involvement and expertise of various parties. She stressed that committee memberships should be flexible and adapt to the changing circumstances. She expressed concern about accidentally omitting individuals who should be included.

Commissioner Goergen noted the importance of not deliberately excluding relevant parties from the committees.

Commissioner Aguirre concurred with the points made.

Commissioner Buchholz inquired about the process for determining membership within the participating committees and technical groups. He emphasized that the decision-makers should be the Cities of Coos Bay and North Bend and the County, as they are the relevant governmental agencies. He sought clarification on the process for ensuring inclusivity without exclusivity.

Director Rolfe clarified that there was a steering committee with listed membership, which may have been confused with the technical advisory committee.

Commissioner Buchholz inquired whether a technical advisory committee typically includes subject matter experts.

Director Rolfe explained that for each individual chapter, they had different technical advisors who were subject matter experts.

An issue with audio was reported from the audience, and there was a pause to address the problem. Once audio was restored, the meeting continued.

Director Rolfe provided her laptop for the Commissioners to use her audio.

Chair Schab requested clarification regarding the different committees.

Director Rolfe mentioned that the term "technical advisory committee" had not been addressed in the documentation. The hearing committee and the citizen advisory committee were the two committees mentioned thus far.

Chair Schab asked for details about the current steering committee.

Director Rolfe explained that the steering committee was part of the citizen involvement section of the plans. It included residents of Coos County, the City of Coos Bay, and the City of North Bend, as well as representatives of the local Tribes and the Port. The steering committee assisted the Planning Staff in the process of revising the Coos Bay Estuary Management Plan, implementing ordinances, and voicing concerns or support for plan revisions and updates. The steering committee did not handle applications submitted by property owners or their agents. Its role was meant to be legislative. It could consist of 9 or more members, and the current membership was specified, with each jurisdiction having one representative.

Commissioner Goergen asked if the steering committee could be expanded as needed.

Director Rolfe confirmed that the terminology allowed for the committee's expansion beyond 9 members.

Chair Schab emphasized that the steering committee made recommendations but did not have the authority to make determinations.

Commissioner Goergen expressed his agreement.

Chair Schab clarified that the steering committee included major stakeholders, such as the Tribes, and the Port, but the Port's role was not legislative.

Commissioner Goergen pointed out that it could be expanded down the road as necessary.

Chair Schab clarified, expanded to include other major entities that have been identified.

Director Rolfe pointed to number one, where the table is located. In this table, it specifies the relationships, and it would be wise to delete the International Port of Coos Bay from that relationship, leaving it up to the County and Cities.

The Commissioners agreed.

Chair Schab inquired about the rules for the Citizen Advisory Committee.

Director Rolfe looked up the information and explained, "The Citizen Advisory Committee is composed of members of key business groups, the general public with knowledge and interest, and the technical advisory committee with related subject matter."

Chair Schab pointed out that based on the definition, it is a flexible group.

Director Rolfe noted that the County and the Cities of Coos Bay and North Bend would undertake studies.

Commissioner Buchholz asked who determined the members of the citizen group.

Director Rolfe clarified that it would be determined by the County and the Cities.

Commissioner Goergen suggested that the County and Cities could create a pool of potential members, and they could even advertise the opportunity for individuals to apply. The Planning Commission could then make suggestions for qualified candidates.

Commissioner Vorderstrasse expressed his appreciation for witnessing this process. As a person with a background in political science, he believed in the importance of public participation but also recognized the need for a system of checks and balances. He appreciated the letters and comments received and wanted to ensure that all stakeholders had the right to be involved while also recognizing the role of the regulatory committee in making final decisions.

Chair Schab inquired if there was any further discussion, and when none arose, she said she would entertain a motion.

Director Rolfe explained that the motion should be a recommendation to the Board of Commissioners. The Planning Commissioners had various options for how to proceed, including the possibility of continuing to review the information or deciding on a timeline for the next month.

Commissioner Buchholz raised a question regarding whether they were required to make a suggestion on timelines at the current meeting.

Director Rolfe clarified that they could recommend that the Board of Commissioners set a specific timeline for Phase two.

The Commissioners expressed approval for this idea. Commissioner Buchholz voiced concerns about a lack of specific guidelines possibly leading to approval without actual progress.

Chair Schab emphasized the importance of suggesting a timeline, while also acknowledging the need for funding. If the necessary funding was not in place, they would need to secure it before the project could move forward. The Commissioners concurred with this assessment.

Chair Schab then inquired if the Commissioners were ready to make a motion at this time.

Commissioner Buchholz made a motion to make the discussed changes, with the County Planning Department and the two Cities serving as the main regulatory group. He also supported the recommendation for a timeline to be set for Phase two and the pursuit of potential funding sources.

Commissioner Goergen suggested that they might be able to secure a grant.

Ashley Audycki suggested from the audience that Meg Reed from DLCDC was on the line, and that organization might have funding for estuary management plans. There is money out there.

Director Rolfe reminded everyone about the changes she would be making to 2.5, with verbiage eliminating the Port of Coos Bay as a voting entity. Commissioner Buchholz added that terminology to his motion to approve.

Commissioner Vorderstrasse seconded the motion. All Commissioners voted unanimously to approve the motion.

Chair Schab inquired if it was possible to include in that motion the plans to take action on Phase two.

Several of the Planning Commissioners recommended that should be in a second motion.

Commissioner Vorderstrasse made a motion to approve the second amendment.

Commissioner Goergen seconded the motion.

Chair Schab explained we have a motion and a second to separate the timeline for the first and second phase of the project. The Planning Commissioners voted. The motion passed unanimously.

Commissioner Goergen proposed a recommendation to the Board of Commissioners that they support the first motion, as well as look for funding and set a timeline for phase two.

The Chair seconded that motion. Motion carried unanimously.

Director Rolfe said she was going to reduce and update the information as discussed. She estimated it would take her until the end of next week to get that update completed and loaded onto the County website. Then it would be submitted to the Board of Commissioners.

It was discussed and decided that a review of the updated information would be sent to Chair Schab for review. The Director would do a Planning Commission order for the Chair to sign.

With that decided, the Chair inquired about other business.

V. OTHER BUSINESS:

Director Rolfe provided an update on the Community Development Department and the renovation of the Owen building. She gave an overview of the work plan. The Director said that they were continuing with the office remodel. She pointed out that things were a little bit challenging to figure out sometimes. She explained that Planner Crystal Orr and the two front counter staff were still working in the original office, while everyone else on staff was currently working in the second office location at the Juvenile building basement. It was a temporary situation but it was working at this point. She mentioned that they were hoping to have the remodel completed by the middle of December so everyone could be all together in one location by the end of the year. That timeframe would depend on subcontractor availability to complete the project, though.

The Director mentioned she was continuing to work on the text amendments. She reminded everyone that the accessory dwelling unit updates were still being worked on. She was hoping to have that done by January. She also mentioned that there were some other legislative changes, including the way they look at replacement forest dwellings. These were things that came out of recent legislation. She promised to bring those things back here to the Planning Board either in November or December. She mentioned that next month they did have two matters on the agenda. One is a continuation, and the second one they were not sure yet but it could be a continuation as well. Then there will be at least one for the December meeting as well.

That was about it for updates at this time. Chair Schab pointed out that the Planning Commission would be meeting a couple more times before the end of the year.

The Director agreed.

Commissioner Vorderstrasse inquired if there was anything else the Commissioners could do to help support the Staff.

There was laughter all around when the Director suggested they could win the big lottery and donate it to the department. Other than that though, she said there wasn't anything else she would ask of the Planning Commissioners. She mentioned that the department was always working on streamlining procedures & processes. She pointed out that they had managed to move the Building Codes office over to Coquille, and the staff was able to work more directly together, including some ongoing cross-training for the sake of streamlining things for themselves and also for the public. She asked that they just bear with them while they try to bring this all together.

VI. PLANNING COMMISSION COMMENTS

The Commissioners thanked the Director for all of her efforts and she in turn thanked them for their patience while they tried to move this process forward.

There were no further commissioner comments.

VII. ADJOURNMENT

The Chair called the meeting adjourned at 8:40 pm.

Meeting Minutes submitted by Michelle Berglund for approval.

Michelle Berglund, Recording Secretary.

Planning Commission Chair Diana Schab:

Date Approved by Planning Commission: November 2, 2023