



Coos County Planning Department

Coos County Courthouse Annex, Coquille, Oregon 97423

Mailing Address: 250 N. Baxter, Coos County Courthouse, Coquille, Oregon 97423

Physical Address: 225 N. Adams, Coquille, Oregon

(541) 396-7770

FAX (541) 396-1022 / TDD (800) 735-2900

Jill Rolfe, Planning Director

NOTICE OF COOS COUNTY PUBLIC LAND USE HEARINGS

You have received this notice because you are either a party to one of the following application(s), an adjacent property owner, special district, or person with interest. Please read all the information contained in this notice as this matter may affect you.

The land use hearings and deliberations will take place on November 6, 2019 starting at 10:00 am in the Owen Building Large Conference room (201 N. Adams Coquille). Please read this notice for important information regarding testimony and hearing dates.

This serves as a public notice of hearings and deliberations on the following cases:

Deliberation only:

The following cases the Board of Commissioners will not be accepting public testimony on the merits but will be deliberating toward a decision. The Hearings Officer's recommendation will be posted on line seven days prior to deliberation. In the event the recommendation is not available the deliberation will be continued to a date and time certain.

- **Item A - File # AP-19-004 of File # EXT-19-004 Pacific Connector Pipeline** – The applicant requested approval for an extension of the development approval period for County File No. HBCU-10-01 (REM-11-01). The conditional use application was approved for a natural gas pipeline and associated facilities on approximately 49.72 miles extending from Jordan Cove Energy Project's LNG Terminal upland from the Port's Marine Terminal to the alignment segment in adjacent Douglas County. The application was appealed on July 1, 2019 by filing pursuant to Article 5.8 Appeal Requirements. This hearing was held on September 30, 2019 and the record closed the same day. The criteria is found in the Coos County Zoning and Land Development Ordinance Section 5.2.600, OAR 660-003-0140, and Article 5.8 Appeal Requirements. The record on this matter can be found at <http://www.co.coos.or.us/Departments/Planning/PlanningDepartment-Applications2019.aspx>.
- **Item B – File #'s AM-18-010/ HBCU-18-002** The applicant, Pacific Connector Gas Pipeline, requested the following applications: (1) Text amendment to allow subsurface low-intensity utilities in the DDNC-DA CBEMP management unit; (2) Conditional use permit to authorize the Pipeline in the Forest zoning district; (3) Compliance determinations for the Pipeline in the Exclusive Farm Use, Industrial, 7-D, 7-NA, 13A-NA, DDNC-DA, 45A-CA, 15-NA, 13B-NA, 14-DA, 14-WD and 15-RS, where the it is permitted, subject to compliance with conditions; and (4) Floodplain development permit to permit grading and installation of a Pipeline in a Special Flood Hazard Area in the Balance of County. The hearing was held February 22, 2019 and the record is closed in this matter. The Board of Commissioners will hold deliberation only.

Text amendment criteria can be found in the CCZLDO: Section 3.2.202 Deep-Draft Navigation Channel (37' authorized draft); Article 5.1 Rezones; Section 5.2.100 Conditional Uses; Section 5.10.100 Compliance Determinations; Coos County Comprehensive Plan Volume II, Part 1 Section 5; and Oregon's Statewide Planning Goals & Guidelines 2 and 16.

To site a segment of a Natural Gas Pipeline (Early Works): Oregon Revised Statute (ORS) 215.283(1)(2) Utility facilities Utility facilities necessary for public service, including wetland waste treatment systems but not including commercial utility facilities for the purpose of generating electrical power for public use by sale or transmission towers over 200 feet in height. Coos County Zoning and Land Development Ordinance (Balance of County) CCZLDO Section 4.6.110 Administrative Conditional Development and Use: 1. Non-Residential Uses: (h) 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; CCZLDO Section 4.6.130 - Additional Criteria for All Administrative and Hearings Body Application Review; CCZLDO Section 4.6.140 - Development and Siting Criteria; CCZLDO Section 4.8.700 - Fire Siting Safety Standards; CCZLDO Section 4.3.200 ZONING TABLES FOR URBAN AND RURAL RESIDENTIAL, MIXED COMMERCIAL-RESIDENTIAL, COMMERCIAL, INDUSTRIAL, MINOR ESTUARY AND SOUTH SLOUGH 98. Utility Facility - Service Lines in conjunction with a Utility Facility requires a Compliance Determination ; CCZLDO Section 4.3.210 - CATEGORIES AND REVIEW STANDARDS (76) UTILITY FACILITIES - (e) UTILITY FACILITY - SERVICE LINES; CCZLDO Section 4.3.225 General Siting Standards; CCZLDO Section 4.3.230 ADDITIONAL SITING STANDARDS (6) Industrial; CCZLDO Section 4.11.125.3. Historical Cultural and Archaeological Resources, Natural Areas and Wilderness (Policy 5.7). b. Areas of Archaeological Concern; CCZLDO Section 4.11.125.4 Beaches and Dunes (Policy 5.10) Suitable for Development ; CCZLDO Section 4.11.125.7 Natural Hazards (Policy 5.11). a. Flooding (only applicable hazard); CCZLDO Section 4.11.231 Lands to Which Applies; CCZLDO Section 4.11.251.7 Other Development; CCZLDO Section 4.11.257 Critical Facility; CCZLDO Section 3.2.175 - Site-Specific Zoning Districts (CBEMP); CCZLDO Section 3.2.285 - Management Objective – 7 D; CCZLDO Section 3.2.286 - Uses, Activities and Special Conditions – A. Uses: 15 Utilities a. Low-intensity P-General Conditions – Policies #14, #17, #18, #23, #27, #30, #49, #50 and #51.; CCZLDO Section 3.2.290 - Management Objective – 7 NA; CCZLDO Section 3.2.291 - Uses, Activities and Special Conditions – A. Uses: 9 Utilities a. Low-intensity P-General Conditions – Policies #17 and #18; CCZLDO Section 3.2.425 - Management Objective – 13A-NA; CCZLDO Section 3.2.426 - Uses, Activities and Special Conditions – A. Uses: 9 Utilities a. Low-intensity P-General Conditions – Policies #17 and #18; CCZLDO Section 3.2.525 - Management Objective – 45A-CA; CCZLDO Section 3.2.526 - Uses, Activities and Special Conditions – A. Uses: 9 Utilities a. Low-intensity P-General Conditions – Policies #17 and #18; CCZLDO Section 3.2.435 - Management Objective – 13B-NA; CCZLDO Section 3.2.436 - Uses, Activities and Special Conditions – A. Uses: 9 Utilities a. Low-intensity P-General Conditions – Policies #17 and #18; CCZLDO Section 3.2.440 - Management Objective – 14-WD; CCZLDO Section 3.2.441 - Uses, Activities and Special Conditions – A. Uses: 15 Utilities a. Low-intensity P-General Conditions – Policies #14, #27, #30, #49, #50, #51, #17 and #18; CCZLDO Section 3.2.450 - Management Objective – 15-RS; CCZLDO Section 3.2.451 - Uses, Activities and Special Conditions – A. Uses: 15 Utilities a. Low-intensity P-General Conditions – Policies #17, #18, #23, (#28 and #34 where agricultural and forest lands occur in the district), #14, #27, #22, #49, #50 and #51; CCZLDO Section 3.2.455 - Management Objective – 15-NA; CCZLDO Section 3.2.456 - Uses, Activities and Special Conditions – A. Uses: 9 Utilities a. Low-intensity P-General Conditions – Policies #17 and #18; CCZLDO Section 3.2.445 - Management Objective – 14-DA; CCZLDO Section 3.2.456 - Uses, Activities and Special Conditions – A. Uses: 9 Utilities a. Low-intensity P-General Conditions – Policies #17 and #18; and CCZLDO Section 3.2.202 Deep-Draft Navigation Channel (37' authorized draft) – Policies #17 and #18 (Consistent with other Development Aquatic Areas). The record on this matter can be found at <http://www.co.coos.or.us/Departments/Planning/PlanningDepartment-Applications2018.aspx>

- **Item C – File #'s REM-19-001** – The public hearing on this remand matter was held on June 10, 2019 and the record is closed. The remand from the Land Use Board of Appeals in regards to the Oregon Shores Consideration Coalition v. Coos County, 76 OR LUBA 346 (217) case in the matter of a conditional use permit and associated application (County File No. HBCU-15-05/CD-15-152/FP-15-09). Applicable criteria are as follows: Coos County Zoning and Land Development Ordinance (CCZLDO), Coos Bay Estuary Management Policies Article 3.2 Policies #4 Resource Capability Consistency and Impact Assessment, #4a Deferral of (I) Resource Capability Consistency Findings, and (II) Resource Impact Assessments, #5 Estuarine Fill and Removal, #30 Restricting Actions In Beach And Dune Areas With "Limited Development Suitability" And Special Consideration for Sensitive Beach and Dune Resources (Moved From Policy #31), #18 Protection Of Historical, Cultural And Archaeological Sites (this only applies within the estuary portion of the project and not to the industrial zoned portion), Section 3.2.285 – 7-Development Shorelands (7-D) Management Objective, Special Condition 5; and the Coos County Zoning and Land Development Ordinance Section 2.1.200 Definitions – Accessory Use, Article 5.7 Public

Hearings, and Article 5.8 Appeal Requirements (Remand Section).

BOARD REVIEW AND FINAL DECISION: The Hearings Officer will consider all relevant testimony and evidence and will make a written recommendation to the Board of Commissioners seven days prior to the deliberation. The Board of Commissioners will review the Hearings Officer's recommendation and the evidentiary record in a public meeting that will be noticed separately. The Board will deliberate regarding: (1) whether to accept, reject, or modify the Hearings Officer's recommendation, and (2) whether to accept, reject, or modify the revised findings and conditions provided by staff regarding the property owner consent issue. The Board's review will be "on the record" without a hearing, and no evidence or argument will be accepted. After the Board of Commissioners has rendered a final signed decision a notice of decision will be mailed to the applicant and all participants. Appeal of the county's final decision is to LUBA pursuant to ORS 197.830. The record on this matter can be found at <http://www.co.coos.or.us/Departments/Planning/PlanningDepartment-Applications2019.aspx>.

Hearing:

The Hearings Officer's recommendation will be posted on line seven days prior to hearing. The Board of Commissioners will be considering additional **written summary argument** on the record for items D and E.

Written argument on the record will be accepted from October 30, 2019 to November 4, 2019 by 4:00 p.m. Any argument submitted past the deadline will not be accepted. No new evidence will be considered by the Board of Commissioners and will not be included the record on appeal to the Land Use Board of Appeals. This is an opportunity to provide an argument on the record directly to the Board of Commissioners. The oral testimony portion is closed but the Board of Commissioners reserves right to reopen any record if it is determined that additional testimony and/or evidence is necessary to make a final decision on the following cases:

- **Item D – File #'s AM-18-009 / RZ-18-006** – The public hearing was held on February 1, 2019 and the record is closed. However, the Board of Commissioners is providing a public opportunity for **summary (written) arguments** on this matter *see information in bold above*. The request is for required improvements to the TransPacific Parkway at its Intersection with U.S. Highway 101: (1) an Amendment of the Coos Bay Estuary Management Plan Map to Change the Designation of Approximately 1.37 Acres of Land from 10-NA to 11-RS; (2) an Amendment of the Coos County Comprehensive Plan to take a Reasons Exception to Statewide Planning Goal 16 in order to Widen an Existing "Land Transportation Facility" in Coos County's 11-RS Zone; (3) an Amendment of the Text of the 11-RS CBEMP Management Unit to Change its Boundary Description to Reflect the Zone Change; (4) Determination that the Widened "Land Transportation Facility" Complies with General Conditions in the 11-RS Zone; and (5) Administrative Conditional Use Approval to Use Fill and Riprap to Support Widening of the "Land Transportation Facility."

Criteria: Amendment Rezone - Coos County Zoning and Land Development Ordinance (CCZLDO)- Section 3.2.400, 3.2.401, 3.2.410 - Article 5.1 Rezones - Section 5.2.100 Conditional Uses - Section 5.10.100 Compliance Determinations; Coos County Comprehensive Plan Volume II, Part 1 Section 5 - Coos Bay Estuary Management Plan Policies #9, 14, 17, 18, 19, 23, 49, 50, 51; Oregon Administrative Rules OAR Chapter 660 Division 004; and Oregon's Statewide Planning Goals & Guidelines Goals 2, 16 and 17. The record on this matter can be found at

<http://www.co.coos.or.us/Departments/Planning/PlanningDepartment-Applications2018.aspx>

- **Item E – File #'s AM-18-011 / HBCU-18-003** - The public hearing was held on March 8, 2019 and the record is closed. However, the Board of Commissioners is providing a public opportunity for **summary (written) arguments** on this matter *see information in bold above*. application proposals submitted by Jordan Cove Energy Project L.P.: (1) Map Amendments to the Coos Bay Estuary Management Plan to Change the Designations of 10.53 Acres of 2-NA, 2.18 Acres of 3-DA, and 10.51 Acres of 59-CA to

DDNC-DA; (2) an Amendment of the Coos County Comprehensive Plan to take a Reasons Exception to Statewide Planning Goal 16 to Authorize These Three Map Amendments; (3) a Text Amendment to the Coos County Zoning and Land Development Ordinance to Refine the Location of the DDNC-DA Designation; and (4) Conditional Use Permit to Allow New and Maintenance Dredging at the Locations of the Three Map Amendments, Along with an Accessory Temporary Dredge Transport Line in the 59-CA, 55A-CA, 2-NA, DDNC-DA, and 3-DA Districts and an Accessory Buoy in the 5-DA District..

The criteria for this proposal are as follows: Coos County Zoning and Land Development Ordinance Article 5.1; Coos County Comprehensive Plan Volume II, Part 1 Section 5; Oregon's Statewide Planning Goals & Guidelines (the applicant has addressed all Oregon Statewide Planning Goals with the exception of 19) Goal 1 Citizen Involvement, Goal 2 Land Use Planning, Goal 3 Agriculture Lands, Goal 4 Forest Lands , Goal 5 Natural Resources, Scenic and Historic Areas, and Open Spaces, Goal 6 Air, Water and Land Resources Quality, Goal 7 Areas Subject to Natural Hazards , Goal 8 Recreational Needs, Goal 9 Economic Development, Goal 10 Housing, Goal 11 Public Facilities and Services, Goal 12 Transportation, Goal 13 Energy Conservation, Goal 14 Urbanization, Goal 16 Estuarine Resources, Goal 17 Coastal Shoreland, Goal 18 Beaches and Dunes; Exception to Statewide Planning Goal 16; ORS 197.732; and OAR Chapter 660 Division 004.

Dredging the NRI sites (provided the County simultaneously approves this Application to amend the CBEMP and CCZLDO map designations of the sites to DDNC-DA) to construct the NRIs; Coos County Zoning and Land Development Ordinance Section 2.1.200 Dredging; Coos County Zoning and Land Development Ordinance (Coos Bay Estuary Management Plan); and CCZLDO Section 3.2.175 - Site-Specific Zoning Districts (CBEMP). The record on this matter can be found at <http://www.co.coos.or.us/Departments/Planning/PlanningDepartment-Applications2018.aspx>

All public hearings including deliberation will be held in the Conference Room of the Owen Building, 201 N. Adams St., Coquille, Oregon. **The Board of Commissioners may choose to reopen any of the records in these matters if they find it necessary to make a final decision. If the record is reopened it will follow the applicable procedures of Section 5.0.600 and Article 5.7.** A copy of the Hearings Officer Recommendation will be available for review at the Planning Department at least seven (7) days prior to the scheduled hearing. Copies can be obtained for a fee of \$.50 per page or may be viewed online @ <http://www.co.coos.or.us/Departments/Planning/PlanningDepartment-Applications2018.aspx> for 2018 applications or <http://www.co.coos.or.us/Departments/Planning/PlanningDepartment-Applications2019.aspx> for 2019 applications. The Planning Department is open from 8:00 a.m. to 12:00 p.m. and 1:00 p.m. to 5:00 p.m. A copy of the application, all documents and evidence submitted and applicable criteria are available for inspection at no cost and will be provided for a fee of \$.50 per page.

Anyone entering a signed petition(s) into the record is responsible for providing individual notice to the signee(s) of the petition(s). Please be aware that failure to raise an issue prior to the close of the evidentiary record, in person or by letter, or failure to provide statements or evidence sufficient to afford the decision makers an opportunity to respond to the issue, precludes appeal to the Land Use Board of Appeals based on that issue.

Further explanation concerning any information contained in this notice can be obtained by contacting the Planning Staff members at (541) 396-7770, or by visiting the Planning Department. This notice was posted, mailed and published.

COOS COUNTY PLANNING DEPARTMENT
Coos County Staff Members
Jill Rolfe, Planning Director
Amy Dibble, Planner II
Crystal Orr, Planning Specialist