



APPEAL OF A LAND USE DECISION

SUBMIT TO COOS COUNTY PLANNING DEPT. AT 225 N. ADAMS STREET OR
MAIL TO: COOS COUNTY PLANNING 250 N. BAXTER, COQUILLE OR 97423.
EMAIL PLANNING@CO.COOS.OR.US PHONE: 541-396-7770

Planning Director Appeal Fee \$250.00 / Hearings Body or Officer Appeal Fee \$2500.00

Date Received: 10/8/20 Fee Received: 250⁰⁰ FILE # AP- 20-001

If the correct fee is not with the appeal it will not be processed. Application shall be filed electronically.

List the names and signatures of each petitioner and a statement of the interest of each petitioner to determine party status. Multiple parties shall join in filing a single petition for review, but each petitioner shall designate a single Contact Representative for all contact with the Planning Department. All communications regarding the petition, including correspondence, shall be with the Contact Representative. This can be attached to this form marked as Attachment "A".

Appellant: Kathy Dodds, 613 Central Ave, Apt. 2, Coos Bay, OR 97420 and Natalie Ranker, 414 Simpson Ave,

Mailing address: North Bend, OR 97459

Phone: 541-435-4125 or 541-808-2217 Email: wisewalker@hotmail.com or nattim7072@gmail.com

Signature: _____

Appellant's Representative: _____

Mailing address: _____

Phone: _____ Email: _____

Signature: _____

The name of the applicant: Pacific Connector as Pipeline

County application file number being appealed: EX 20-005
AP-20-001

Planning Director's Decision (Fee \$250) Hearings Body or Hearings Officer Decision (Fee \$2500)

The appellant must explain how they have achieved party status pursuant to the applicable sections of 5.8.150 or 5.8.160:

See attached

The appeal deadline, as stated in the Director's Decision: _____

The nature of the decision and the specific grounds for appeal, citing specific criteria from the Coos County Zoning and Land Development Ordinance, Comprehensive Plan, Statute or Rule. (This can be attached to this form marked as Attachment "B".)

See attached

The appellant must explain in detail, on the appeal form or attached to the appeal form, how the application did not meet the criteria in the case of an approval or why the criteria should or should not apply; or, in the case of a denial the appellant shall explain why the application did meet the criteria or why certain criteria did not apply to the application. (This can be attached to this form marked as Attachment "C".)

See attached

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Attachment "A"

Kathy Dodds, Natalie Ranker are persons of interest having received notice of the decision and are aggrieved or have interests adversely affected by the decision because they own property near the pipeline, and live, work, and recreate in the areas affected by the decision.

This decision approves development within Coos County which is directly adverse to Kathy Dodds, and Natalie Ranker's interests.

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Attachment "B"

The September 2020 decisions in EXT-20-002 an extension of a conditional use permit for the Pacific Connector Gas Pipeline Brunschmid/Stock Slough Alternate Alignment (Order No. 14-01-007PL) and EXT 20-005 an extension of a conditional use permit for the Pacific Connector Gas Pipeline Original Alignment (Order No. 12-03-018PL) extend the permits issued 10 and 6 years ago to PCGP to build a 36 inch high pressure natural gas pipeline on property not owned by PCGP so that it, its affiliates and parent company may export natural gas produced in Canada to Asia. The City's decision in EXT 20-005 was not available on-line as of this date and so appellants reserve the right to raise additional errors and arguments as to that application.

Grounds for appeal, relevant to the specific criteria from the Coos County Zoning and Land Development Ordinance, Comprehensive Plan, Statue or Rule are as follows:

It is unclear that all of the application materials were received before the expiration of the permits and in the proper form. Appellants raise this claim pending further proof on the issue.

The County violated the acknowledged CCZLDO 5.2.600 and the rule it implements. The director misconstrued the applicable code provision and rule and interpreted the code provision inconsistently with the code provision it adopted and with the State rule OAR 660-033-140 it implements.

The county violated the CCZLDO 5.0.500 when it failed to deem the permit automatically revoked due to the inconsistencies of the pipeline project proposed in the HDD alignment the county approved in December 2019.

The county erred in determining that the applicant was unable to begin development during the approval period for reasons for which the applicant was not responsible.

The director's decisions misconstrue LUDO 5.2.600(2)&(3) and the record does not otherwise support a finding of compliance.

There is insufficient evidence in the record to support the director's decision that the applicable criteria for the original decision has not changed.

The extensions continue to impose a taking of the property of the landowners along the alignments through inverse condemnation. The county is aware that the landowners have not consented to this application. The county is aware that the applicant may not and for some segments will not obtain federal approval to build the pipeline proposed, and does not intend to initiate development for years. The county is aware that the permit constitutes a cloud over the land owners ability to sell and fully use their property. The county must prevent further damage to the landowners by denying the extension and inviting the applicant to reapply when it knows what alignment FERC will approve.

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Attachment "C"

The county's decision states: "The applicant has provided a reason that prevented the applicant to continue development which was based on obtaining permits from other agencies. Therefore, the reason the development cannot continue is that it requires additional state and federal permitting to be completed. This is necessary to comply with the conditions of approval placed on the application by the County and to comply with federal law."

Yet the county knows that the applicant has no intent to obtain state permits. The county knows the applicant has admitted that it need not obtain state permits. The county may not approve an extension of a permit that is conditioned upon the applicant obtaining state permits when it has admitted and the evidence is that it will not seek the permits.

Said another way, the applicant has misrepresented that it is "obtaining permits" from other agencies, including state agencies. The applicant has not only not been diligent in "obtaining permits," it has unilaterally determined that it does not need them. So, PCGP is responsible for the delay.

The permits the applicant is "obtaining" will not cure the default because they will not be obtained within the "current" approval period. And, PCGP will also be unable to initiate any development within the extension period and, likely, for years to come, if at all, because it needs access to the land and that will be vigorously contested and is not not likely to occur before February 25, or April 2, 2021.

To the extent the director interprets the provision differently, the director misconstrues the provision. It's aim is to require diligence in exercising permitting rights and not to allow the avoidance of the county's legitimate police and land use powers to regulate the uses of land by extending old decisions that may no longer be valid due to changes in legislation or other circumstances.