

Please accept this attached letter per File # AP-20-001 of File # EXT-20-005.

For the record.

Sam Schwarz | Chair

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Pronouns: he/him/his ([What's this?](#))



December 17, 2020

To: COOS COUNTY PLANNING DEPARTMENT
Jill Rolfe, Planning Director

Subject: Comment on File # AP-20-001 of File # EXT-20-005 – Request for Planning Director Approval for an extension of the expiration of a Conditional Use Application, File Numbers HBCU-10-01/REM-11-01 (County Order No. 12-03-018PL) approval pursuant to Coos County Zoning and Land Development Ordinance (CCZLDO) § 5.2.600 Expiration and Extension of Conditional Uses.

The Coos Bay Chapter of the Surfrider Foundation works within the greater Coos County area focusing on a variety of programs, stewardship activities, campaigns and fun events – all for the love of local ocean, waves and beaches. The chapter serves Coos County with the longest running beach water quality monitoring program ([Blue Water Task Force](#)) in the state of Oregon.

We urge you to **not approve** the extension for the proposed Pacific Connector Gas Pipeline (PCGP) because:

1. Granting this extension would harm those private property owners who now fall within this latest iteration of the proposed pipeline alignment, which is not the alignment that FERC has approved. The proposed PCGP project has been an on and off process since it's inception nearly 18 years ago. Landowners along the proposed route have had to suffer years of appeals, countless public meetings and threats of eminent domain to their private property. Enough! Deny this extension.
2. Citizens of Coos County are entitled to a fair and responsible process. Pembina and the proposed PCGP have withdrawn its formal request to use the lands of the State of Oregon for the proposed Jordan Cove project. Without the proposed terminal, there is no need for a pipeline. It is therefor futile to extend this permit unless the County obtains a legal agreement from Pembina and PCGP agreeing to obtain the Clean Water Act, the Coastal Zone Management Act and the Department of State Lands Fill and Removal authorizations from the State of Oregon, among the other permits Pembina said they would obtain, but have not!
3. How many times must the citizens of Coos County subsidize a foreign fossil fuels company's efforts to adversely impact our communities, forcefully take private property

and create false promises of some boom time economy? Pembina has laid off members of our community and packed up their offices in Coos Bay and throughout Oregon. Coos County should be focused on protecting the existing jobs now threatened by the pandemic and economic recession, not giving a free pass to an out of state corporation that has already shown our community that it does not keep its promises.

4. The relevant criteria from which the above comments are based up are:

*SECTION 5.2.600 EXPIRATION AND EXTENSION of Conditional Uses *** (subsection 1 is not applicable to this request as it only applies Permits approved under ORS 215.416 for a proposed residential development on agricultural or forest land outside of an urban growth boundary under ORS 215.010 to 215.293 or 215.317 to 215.438)*

(2) Permits approved under ORS 215.416, except for a land division and permits described in Subsection (1)(a) of this section, for agricultural or forest land outside an urban growth boundary under ORS 215.010 to 215.293 and 215.317 to 215.438, or under county legislation or regulation adopted pursuant thereto, are void two years from the date of the final decision if the development action is not initiated in that period.

a. Extensions for Non-Residential Development as described in Subsection (2) above may be granted if:

i. The applicant submits an application requesting an extension to the County Planning Department prior to expiration of the final decision. See Section 5.0.250 for timelines for final decisions.

ii. The Planning Department receives the applicable application and fee, and staff verifies that it has been submitted within the deadline;

iii. The applicant states reasons that prevented the applicant from beginning or continuing development within the approval period; and

iv. The county determines that the applicant was unable to begin or continue development during the approval period for reasons for which the applicant was not responsible.

b. An extension of a permit as described in this section is not a land use decision as defined in ORS 197.015.

c. Additional one-year extensions may be authorized where applicable criteria for the original decision have not changed, unless otherwise permitted by the local government.

(3) On lands not zoned Exclusive Farm, Forest and Forest Mixed Use:

a. All conditional uses for residential development including overlays shall not expire once they have received approval.

b. All conditional uses for nonresidential development including overlays shall be valid for a period of five (5) years from the date of final approval.

c. Extension Requests:

i. All conditional uses subject to an expiration date of five (5) years are eligible for extensions so long as the subject property has not been:

1. Reconfigured through a property line adjustment that reduces the size of the property or land division; or

2. Rezoned to another zoning district in which the use is no longer allowed.

d. Extensions shall be applied for on an official Coos County Planning Department Extension Request Form with the fee.

e. There shall be no limit on the number of extensions that may be applied for and approved pursuant to this section.

f. An extension application shall be received prior the expiration date of the conditional use or the prior extension. See section 5.0.250 for calculation of time.

(4) Changes or amendments to areas subject to natural hazards[2] do not void the original authorization for a use or uses, as they do not determine if a use can or cannot be sited, but how it can be sited with the least amount of risk possible. Overlays and Special Development Considerations may have to be addressed to ensure the use can be sited with an acceptable level risk as established by Coos County.

Enough is truly enough! Please deny this extension and force Pembina and PCGP to come back when they have met all the State and Federal permit requirements. Until they do, they are just wasting the County's limited time, money and resources.

Sincerely,



Sam Schwarz, Chair
Coos Bay Chapter Surfrider Foundation
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