



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

NOTICE OF PUBLIC HEARINGS ON APPEAL

Notice is hereby given that a public hearing will be held on December 18 at 1:30 p.m. regarding an appeal, County File Number AP-20-01 filed by Kathy Dodds and Natalie Ranker. The hearing will be held in the Conference Room of the Owen Building, 201 N. Adams St., Coquille, Oregon and virtually. Due to COVID-19 Restrictions participants are encouraged to participate through the GoToMeeting platform (see GoToMeeting Instructions on page 3) but you **must RSVP by filling out a request to participate form (page 4) prior to the hearing regardless of which way you choose to participate.** There are restrictions on the meeting room size and distancing guidelines will be followed including wearing an appropriate face covering at all times. If you fail to follow the appropriate guidelines you will be removed from the hearing but still may participate through the GoToMeeting Platform.

See attached map for location of the pipeline route. Notice of this hearing does not mean the route crosses your property but that you are within the notification area. Notice has also been provided to the applicant, appellants, special districts, or parties that have requested notice.

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 Conditionals Uses.

This pipeline is a non-residential use that crosses Industrial, Rural Residential, Exclusive Farm Use, Forest Mixed Use and Coos Bay Estuary Management Plan zoning districts. The applicant requested the extension prior to the expiration date and stated the reason for the extension was for additional time to obtain necessary state and federal permits for the interstate natural gas pipeline that is the subject of this County approval. These state and federal permits are prerequisites to construction of the pipeline.

RELEVANT CRITERIA:

*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 time lines 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 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.*

Conduct of Hearing

1. Hearings Officer will commence hearing
2. Staff will provide the relevant criteria and summary of staff report
3. Testimony from applicant
4. Testimony from proponents
5. Testimony from opponents (starting with the appellants)
6. Neutral Parties
7. Questions from the Hearings Officer
8. Rebuttal by the applicant unless the matter is continued.

This is the initial evidentiary hearing in this matter and the hearing is de novo. Due to time constraints a limited of fifteen minutes for the applicant and the opposition that filed the appeal and three minutes for all other parties. Please be prepared to met the time limits with your testimony. Prior to the conclusion of the hearing, any participant may request an opportunity to present additional evidence, arguments, or testimony regarding the application, and the Hearings Officer shall grant the request by either continuing the hearing or leaving the record open for additional written evidence, arguments or testimony for at least seven days. **When presenting testimony identify the applicable criteria and how the proposal does or does not meet the criteria. This notice has listed out the applicable criteria. If presenting written testimony, Section**

“RAISE IT OR WAIVE IT”: Failure to raise an issue in a hearing, in person, or by letter, or failure to provide statements or evidence sufficient to afford the decision-maker an opportunity to respond to the issue, precludes appeal to the Land Use Board of Appeals (LUBA) based upon that issue. This means that in order to appeal the County’s decision to LUBA based upon a particular issue, you must raise that issue before the close of the record in

this matter. The failure of the applicant to raise constitutional or other issues relating to proposed conditions of approval with sufficient specificity to allow the County to respond to the issue before the close of the record in this matter precludes any action for damages in Circuit Court.

Submission of Written of Testimony and Evidence

All written testimony and evidence should be provided to Planning Staff directly by email, mailed or dropped off at the department. To provide testimony by mail please address to Planning Department, Coos County Courthouse, 250 N. Baxter, Coquille, Oregon 97423, or testimony may be deliver to the Planning Department at 225 N. Adams, Coquille, Oregon through the drop box. The office is closed to the public currently.

Submission of written materials for consideration shall be provided in the form of 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 and all email testimony shall be followed up with a hard copy. All written testimony must contain the name of the person(s) submitting it and current mailing address for mailing of notice. All written evidence or testimony received prior to the close of the evidentiary record will be included in the evidentiary record. The decision shall be based on the application submittal and information on record.

A staff report discussing the application in relation to the identified approval criteria has been made available on **November 25, 2020**. The application and all documents and evidence contained in the record, including the staff report and the applicable criteria, are available for inspection through email or posted on the website at no cost. If you do not have the ability to view items through electronic means or they are not available on the website you may make an appointment to view them in person but appointment will need to meet COVID-19 Restrictions.

For more information, the primary contact in this matter is Jill Rolfe, Planning Director. You may contact her or any other staff member at 541-396-7770 or by e-mail at planning@co.coos.or.us. The website does not represent the full record and some documents may not be available on line. Drop box may be used to provide documents through a link or paper copies may be made available.

GoToMeeting Information

Please join my meeting from your computer, tablet or smartphone.

<https://global.gotomeeting.com/join/596259389>

You can also dial in using your phone.

(For supported devices, tap a one-touch number below to join instantly.)

United States: +1 (872) 240-3412

- One-touch: <tel:+18722403412,,596259389#>

Access Code: 596-259-389

Please log onto GoToMeeging Platfrom at least 20 minutes in advance to ensure if there are technical issues they can be worked through. If you are having technical issues please call the office and someone will help get through the issues. Please remember you need to fill out the Request to Participate Form and submit it to the Planning Department prior to the day of the hearing **(No later than 5:00 p.m. on December 17, 2020)**

COOS COUNTY PLANNING DEPARTMENT

Jill Rolfe, Planning Director

Coos County Staff Members

Jill Rolfe, Planning Director

Amy Dibble, Planner II

Crystal Orr, Planner I

Michelle Berglund, Planning Aide

Request to Participate In Appeal Hearing

Name:

Mailing Address:

Email Address:

Phone Number (if calling in):

Issues in which you plan on testifying: (you may reference testimony)

Remember to cite to the applicable criteria or the criteria (law) that you believe apply to the criteria. The Staff Report has provided the applicable criteria. If you are citing to other criteria please provide a citation in written form to allow all parties to have the ability to respond.

Once you have filled this out please email it to planning@co.coos.or.us , mail to 250 N. Baxter St. Coquille OR 97423 or drop in the office drop site at the office.

If you have questions please contact staff at 541-396-7770.



COOS COUNTY PLANNING DEPARTMENT

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

Physical Address: 225 N. Adams, Coquille Oregon

Phone: (541) 396-7770

Fax: (541) 396-1022/TDD (800) 735-2900

