

CITY OF COOS BAY
PLANNING COMMISSION MINUTES
Thursday, March 21, 2019 at 6:00 P.M.
Coos Bay City Hall, 500 Central Avenue, Coos Bay

ATTENDANCE

COMMISSIONERS Present: Chairman Jim Berg, Commissioners Christine Coles, Bill Davis, Chris Hood and Rex Miller.

COMMISSIONERS Absent: Chris Hood, Jeff Marineau

STAFF: Carolyn Johnson, Community Development Administrator; Debbie Erler, Planner; Jacob Callister, LCOG; Henry Hearley, LCOG

SIGNED-IN GUESTS: Richard Dybevik, 66237 Jordan Cove Rd., Coos Bay, OR; George Wales, 66740 Swallow Rd., Coos Bay, OR; Chuck Erikson, PO Box 1038, Coos Bay, OR; Jamie Fereday, 1017 Elm Ave., Coos Bay, OR; Sam Schwarz, PO Box 33, Coos Bay, OR; Larry Mangan, 97380 Hillcrest Ln., North Bend, OR; Chris Shangraw, 790 Tricia Place., Coos Bay, OR; Natalie Ranker, 414 Simpson, North Bend, OR; Maria Farinacci, 93044 Poplar Ln., Coos Bay, OR; Rick Eichstaedt, 1245 Fulton Ave., Coos bay, OR; Jody McCaffree, PO Box 1113, North Bend, OR; Ed Hughes, 1170 Ferguson Ave., Coos Bay, OR; Sarah Crawford, 852 8th Terr., Coos Bay, OR; Jan Hodder, 63840 Fossil Point Rd., Coos Bay, OR; Michael Graybill, 63840 Fossil Point Rd., Coos Bay, OR; Christine Moffit, 700 Denise Pl., Coos Bay, OR; Margaret Maddron, PO Box 1083, Coos Bay, OR; Wim DeVriend, 573 S. 12th, Coos Bay, OR; Jan Dilley, 1223 Winsor, North Bend, OR; Anna-Marie Slate, Virginia Ave. #202, Coos Bay, OR

Chairman Berg called the meeting to order at 6:00 p.m.

PUBLIC HEARING

ITEM A: Comprehensive Plan Amendment 187-18-00153: Jordan Cove Energy Navigation and Efficiency and Reliability of the Coos Bay Deep Draft Navigation Channel. Comprehensive Plan Map Amendment to the Coos Bay Estuary Management Plan to 1) change the designation of approximately 3.3 acres from 52-NA to DDNC-DA; 2) change text in the Comprehensive Plan to take a reasons exception to statewide planning goal 16 to authorize the proposed map amendment; 3) an Estuarine and Coastal Shoreline Uses and Activities Permit for "New and Maintenance Dredging" in the DDNC-DA Estuarine Zone; and 4) an Estuarine and Coastal Shoreline Uses and Activities Permit to allow an accessory temporary dredge transport pipeline in the 52-NA, 53-CA, 54-DA and 55-CA Estuarine Zones.

Mr. Callister offered those present a staff report on Coos Bay Comprehensive Plan Amendment 187-18-00153: Jordan Cove Energy Navigation and Efficiency and Reliability of the Coos Bay Deep Draft Navigation Channel with six additional conditions of approval.

Steven Pfeiffer of Jordan Cove Energy Project L.P. (JCEP) offered those present a summary of JCEP's application with recommended amendments to the proposed conditions.

Chairman Berg opened the Public Hearing at 6:39 p.m.

Those speaking in favor of the Comprehensive Plan Amendment:

Richard Dybevik, Terminal Manager for Roseburg's Shipping Terminal, stated that Roseburg submitted a letter of support and he is here to reinforce that support. The proposed dredging will improve the safety of vessels entering and exiting the terminal. The current condition of the channel causes delays due to wind, fog and rain, which create safety concerns and can cause expensive delays. The proposed dredging improvements would make it safer for the vessels coming into Coos Bay and their crews.

George Wales of Coos Bay stated that the proposed amendments would improve the radius of the turn in Jordan Cove would be increased due to the removal of silt buildup in said turn, making it safer and easier for vessels to navigate.

Those speaking in opposition to the Comprehensive Plan Amendment:

Larry Flanagan of Coos Bay stated that even without the proposed dredging, Jordan Cove could handle 99.5% of its shipping traffic. He also pointed out the indefinite effects of the dredging on local wildlife.

Chuck Erikson of Coos Bay stated he specifically objected to the exemptions from the current zoning regulations along the shoreline. He also stated that dredging the mudflats would destroy shrimp and clam beds, and in turn harm Coos Bay's fisheries and crabbing operations.

Jamie Fereday of Coos Bay stated that this project would irreparably damage the estuary. He also pointed out that, according to the US Coast Guard, the channel into Jordan Cove is already deep and wide enough to handle the shipping that frequents it, without further dredging.

Sam Schwarz of Coos Bay stated that the increased in- and out-flow created by the dredging, would jeopardize marine and human life along the coastline. He also offered that the dredging project would make travel and commerce more dangerous for smaller vessels.

Chris Shangraw of Coos Bay stated that the six plus years of heavy work that would happen along the shipping channel would be abusive to the environment, the wildlife, and the humans on and in Jordan Cove. She said that the straightening and increased flows of the shipping channel would eliminate the ability of non-motorized craft to take advantage of it.

Jan Dilley of North Bend stated that the dredging would cause irreparable damage to wildlife species in the waterway. She also objected to the frequency with which large shipping vessels would be given priority over smaller craft.

Wim DeVriend of Coos Bay stated he warned against the local catastrophe that would occur if an oil tanker were to be breached open in the waterway. He offered that there were bigger issues at play here than just the dredging, and he urged elected municipal officials to look at the larger picture.

Anna-Marie Slate of North Bend stated she was concerned the dredging would impact not only marine wildlife, but traditional recreational activities that have been a part of the area since time immemorial. She said the dredging would be detrimental to tourism in the area.

Natalie Ranker of North Bend stated there were many unanswered questions and unplanned-for contingencies that JCEP failed to satisfy in their application for dredging. She said questioned the safety and toxicity of the dredged materials that would be deposited in sites in North Bend. Maria Farinacci of Coos Bay questioned the efficacy of the Council's Public Notice process. She expressed concern that the full, cumulative impacts of dredging were not covered in JCEP's application.

Rick Eichstaedt of Coos Bay, and representing the Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians (CTCLUSI), spoke from a neutral position on the Comprehensive Plan Amendment. He offered that the CTCLUSI had not taken an official position on the proposed dredging as per the Comprehensive Plan Amendment. He said they would like to support proposed condition of approval 2, and would like to amend proposed condition of approval 3, and proposed condition of approval 6.

Jody McCaffree of North Bend expressed unease at the fact Commissioner Miller was once a consultant for JPEC. She emphasized that the estuary was owned by the people, not JPEC. She also said she did not believe the application from JPEC was complete, and felt JPEC was not taking everything into consideration as the prepared for the dredging project.

Ed Hughes of Coos Bay questioned the waterway's safety, once larger ships were allowed to come in post-dredging, and with a higher frequency. He said the area's natural resource- and recreation-based economies would be jeopardized by the dredging project. He said the increased salinity of the water due to the dredging would have lasting impacts on the entirety of the Bay.

Sarah Crawford of Coos Bay stated she had recently attended a training at South Slough Estuary which focused on ocean acidification, and found that the eel grass on the Bay's floor mitigated rising ocean acidity levels. She postulated that it would be very detrimental to the entirety of Coos Bay to go through with the dredging project as proposed.

Jan Hodder of Coos Bay spoke stated the JCEP's application was insufficient in the regard of the requirement to establish and demonstrate a public need for any proposed work/changes. She read excerpts from a correspondence between the Coast Guard and the Federal Energy Regulatory Commission (FERC) which stated the waterway as is, is sufficient for the kind of vessel traffic JCEP claims they need to dredge to accommodate.

Michael Graybill of Coos Bay reminded those present that the Zone Designated 52-NA has already undergone a major modification to create room for the extension of the North Bend Airport runway. He also stated that the winter—when the dredging is proposed to take place—is a time of peak waterfowl usage of the area.

Christine Moffit of Coos Bay state she felt JCEP's application did not consider environmental impacts on the aquatic system of the Bay in its entirety. She offered the original Management Plan adopted in 1984, did not take into account the massive extent of projects such as this proposed dredging; she suggested that Management plan be made current, so it would take into account impacts and other factors that did not exist on paper in 1984.

Margaret Maddron of Coos Bay stated the dredging project would have severe and lasting implications on the ecology of the entire Bay. She pointed especially to the harm the project would have on local shrimp populations which are major food sources for Coos Bay fisheries and myriad other aquatic wildlife.

Chairman Berg thanked everyone who offered testimony. He invited the applicant to address the questions and comments brought up during the public hearing.

Steven Pfeiffer offered his sympathy with the testimony presented. He said that although the major concern of this hearing was the dredging aspect of the process, he assured those present that there would be plenty of opportunity for discussion of the other facets of the Jordan Cove application. He added that the discussions specifically surrounding public need were not applicable in this case because the dredging aspect of the application was not a public needs issue; he added that public need was indeed triggered by the application itself, as is pointed out in the staff report. Mr. Pfeiffer emphasized Jordan Cove's reason for the application was not public need, but rather at the behest of Captain Dybevik, a long-time Coos Bay boat pilot. He pointed out that there were no comments offered in public testimony which rebutted any of Captain Dybevik's points concerning the inefficiencies and safety issues of the Bay as it is now, before the proposed changes.

Chairman Berg said that the Coast Guard evidently made comments that did raise questions about safety within the waterway. He then asked Mr. Pfeiffer if there would be blasting in the Bay associated with Jordan Cove Application.

Steven Pfeiffer said there was no blasting associated with the application being discussed. He suggested that the Public Hearing be closed, but the record left open. He suggested the record be left open for two weeks, allowing time for concerned parties to weigh in. He suggested this first two-week open record period end on April 4, 2019, and a second two-week open record period would run for another two weeks, closing on April 18, 2019.

A member of the audience asked the harbor pilot how many ships are coming in through the waterway currently without this proposal. Captain Dybevik said on average, it was about five to six per month. The audience member said that the current small number of monthly ships does not justify the dredging operation. She expressed concern that the Commission seemed to be taking legal advice from Jordan Cove's attorney.

Chairman Berg said that was not the case, Mr. Pfeiffer was speaking on behalf of the applicant. He said the Commission had its own legal counsel. He added there was a time when there was a much larger number of ships in our bay.

Chairman Berg called for a break at 7:57 p.m. and closed the Public Hearing at 8:11 p.m.

Chairman Berg said that he proposed the record would be left open although the Public Hearing had been closed. He said that as long as the record remained open, written testimony from any interested party would be received and considered by the Commission. The Commission concurred.

Ms. Carolyn Johnson offered that there was availability of the Coos Bay City Council on: June 4, 2019, June 18, 2019, and July 16, 2019, so the next Planning Commission meeting would have to be before those dates.

Mr. Callister laid out the following phases for this process: Opening the public record for a three-week period, in which submittals dealing with any issue could be made, then a second open record period would be opened in which issues brought up during the first open record period could be more thoroughly addressed, and finally, the statutory requirement which would allow the applicant seven days to respond to the sum total of concerns raised during the first two open record periods.

Ms. Johnson stated the first three-week period would run until Thursday April 11, 2019, the second period would run until Thursday May 2, 2019, and finally the last week-long period in which the applicant would have the opportunity to respond to the concerns raised during the two open record periods would run until Thursday May 9, 2019. She said the next available Coos Bay City Council meeting after all of that was wrapped up would be June 4, 2019.

Ms. Johnson reminded those present that the Planning Commission had an obligation to make a recommendation to City Council, so it could not be continued to be put off. She suggested a Special Meeting of the Planning Commission in the meantime, to deliberate further on the issue. She said that since the Public Hearing had been closed, the next meeting of the Commission would only be entertaining written comments submitted to them, and not oral comments.

Chairman Berg suggested the June 18, 2019 Coos Bay City Council meeting for submittal of the Planning Commission's recommendation to Council on this matter.

Ms. Johnson suggested June 6, 2019 to reconvene the Planning Commission on this matter to deliberate and come to a conclusion as to the recommendation the Commission would pass on to City Council.

MOTION: Commissioner Coles moved to set the next hearing on this matter before the Planning Commission for June 6, 2019.

SECOND: Commissioner Davis

DISCUSSION: Ms. Johnson asked for latitude concerning the date of the next Planning Commission meeting/hearing should June 6, 2019 not work with the Council's schedule.

VOTE: The Commission agreed to staff request and voted unanimous.

Adjournment: Chairman Berg adjourned the meeting at 8:24 p.m.