



AGENDA ITEM PRE-SUMMARY

Date: December 3, 2019

To: City of Coos Bay City Council

From: Lane Council Governments (LCOG) Contact:

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RE: Land Use Application #187-18-000153 – Jordan Cove Energy Project Navigation and Efficiency and Reliability of the Coos Bay Deep Draft Navigation Channel.

The City Council is scheduled to hold a meeting to deliberate and make a decision on Land Use Application #187-18-00153, Jordan Cove Energy Project Navigation and Efficiency and Reliability of the Coos Bay Deep Draft Navigation Channel, on January 7, 2019. At that meeting the Council will receive and consider a revised staff report on the Jordan Cove application. The Council will also have the Coos Bay Planning Commission's recommendation before them. Appropriate notice for this meeting has been provided. The entire summary and staff report will be available on Wednesday, December 4, 2019 by 5 PM.

PROCESS TIMELINE

A detailed timeline is included in the staff report. Following is a summary of key recent events related to the application:

- August 27, 2019 – Council received and considered staff's report on the Jordan Cove application, the Planning Commission's recommendation and public testimony.
- August 27 – October 31, 2019 – Open record periods during which additional testimony was received and rebutted, and the applicant had the opportunity to provide a final written argument.
- January 7, 2019 – City Council meeting where the Council will receive and consider a revised staff report on the Jordan Cove application, deliberate and potentially make a decision on the application.

APPLICANT'S REQUEST

JCEP proposes dredging at four locations in the Channel. Three of the proposed NRIs are within Coos County and one (NRI - Dredge Area #4) is within the City of Coos Bay. The applicant is proposing the following applications to address NRI#4:

- (1) A map amendment to the Coos Bay Estuary Management Plan and zoning map to change the designation of approximately 3.3 acres from 52-NA to DDNC-DA;**
- (2) A text amendment to the City of Coos Bay Comprehensive Plan to take a reasons exception to Statewide Planning Goal 16 Estuarine Resources to authorize the 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.**

KEY PARAMETERS

Analysis of the application is constrained by the following key parameters:

- The applications are entirely dependent on the applicant receiving approval of a Goal 16 exception. Without an exception to Estuarine Resources, the 3.3-acre dredge site cannot be changed in the comprehensive plan from a Natural Aquatic to a Development Aquatic unit. It is also noted that permits cannot be issued for dredge and temporary pipeline work if text changes to the comprehensive plan are not approved. In sum, without Council approval of all four actions requested by the applicant, the applicant's proposed dredging at NRI #4 cannot proceed.
- An "exception" to a Statewide Planning Goal ("exception") is an allowance of a use otherwise prohibited by a goal. Criteria addressing exceptions "reasons" should be appropriately considered.
- The subject area of this application is the 3.3-acres of area currently designated NA-52 by the CBEMP. State law and local code confines the City Council's consideration to the impacts from the use(s) proposed in this application, accordingly, most, if not all, evidence addressing full LNG elements are irrelevant to the applicable evaluation criteria. The decision maker is also required to make the decision based solely on the applicable criteria that are found in the local code and comprehensive plan.

KEY CRITERIA

The City of Coos Bay contracted with the Lane Council of Governments (LCOG) to conduct a neutral analysis and prepare an accompanying staff report for the Estuary Management Plan and comprehensive plan text amendments and the Jordan Cove NRI permit applications. Decisions and conclusions on the application ultimately lie with the City Council. LCOG's analysis/response is intended to provide guidance in establishing findings and conclusions for the applications.

In previous memos, staff have identified key criteria that staff feel are of particular significance for the Council to consider in rendering a decision on these land use applications. Some of these criteria are subjective. Staff look to the Council to draw actionable conclusions on these particular criteria.

On July 23rd, 2019, the Planning Commission were presented with these criteria. At that meeting the Planning Commission passed a motion to recommend an approval finding for each of the specific criteria.

LCOG identified key criteria for review of this application. All criteria must be met to approve the application and will be addressed in the Council staff report that will be available on Wednesday, December 4, 2019.

STAFF RECOMMENDATION

Staff is recommending Council denial of the application. Though the majority of criteria can be objectively met, there are several criteria which staff believe are not met.