



CITY COUNCIL STAFF REPORT

Hearing Date: November 7, 2023 (Work Session: October 24, 2023)
Item: #187-23-000165-PLNG (Type IV – Text Amendment)
Applicant/Owner: City of Coos Bay / N/A
Permit Request: Text Amendment to Volume III, Estuary Management Plan, of the City of Coos Bay Comprehensive Plan and to Title 17 of the Coos Bay Development Code (CBDC)
Subject Property: All lands within city limits subject to the Coos Bay Estuary Management Plan (CBEMP)

I. BACKGROUND

This application for amendments to the text of the City of Coos Bay Comprehensive Plan and the Coos Bay Development Code (CBDC) was submitted on June 1, 2023. Refer to **Attachment A**.

On July 11, 2023, the Planning Commission conducted the initial public hearing on this matter to consider the proposed amendments. Refer to **Staff Report dated June 30, 2023**.

At this meeting, Planning Commission received public comment focused on the following primary concerns:

- Ensure a coordinated process with the County through continuance of the public hearing with an open record period for additional public comment.
- Establish a clear mandate to complete a comprehensive plan update in a timely manner.
- Establish three (3) separate committees: a Citizen Advisory Committee, a Technical Advisory Committee, and an Ad Hoc/Steering Committee, and define the composition of each.

Refer to **Attachment B** for the full copy of written testimony received. Staff responded to these concerns. Refer to **Attachment C** and to **Planning Commission Memorandum dated August 1, 2023**.

The Planning Commission, then, chose to continue the public hearing to their August 8, 2023, regularly scheduled meeting and to leave the record open for a two-week period, to July 25,

2023, to allow for the submittal of additional written testimony. At the August 8, 2023 continuance, the Planning Commission motioned to recommend:

The City Council:

- 1) **APPROVE** and **ADOPT** by ordinance Land Use Application #187-23-000165-PLNG based on the information presented by the applicant and recommended findings of approval as presented in Exhibit 3 of Attachment A and as presented to the Planning Commission on July 11, 2023; and,
- 2) **ADOPT** a Resolution as outlined in *University of Oregon Memo dated July 10, 2023* to evidence the City's commitment to complete a comprehensive update of the Coos Bay Estuary Management Plan (CBEMP) including an inclusive public engagement process.

Refer to **Exhibit 3 of Attachment A** and **DRAFT Resolution Re. CBEMP**.

On October 5, 2023, the Coos County Planning Commission conducted their public hearing on the proposal. The result was a three-part recommendation:

- 1) Remove reference in Sections 2.1 and 2.5 to the International Port of Coos Bay ("Port") and the local Tribes as "co-managers" of the CBEMP.
- 2) Adopt a resolution supporting a full update of the CBEMP.
- 3) Set a realistic timeline for future updates with the understanding that this timeline would be contingent on funding and capacity.

Refer to **Coos County Planning Commission Notice of Official Recommendation**.

The Port is referenced in the original CBEMP as a governmental entity that the local jurisdictions are to coordinate with on estuary related planning efforts. The proposal adds the Tribes to this language and refers to both the Tribes and the Port as co-managers of the CBEMP. Use of the term "co-manage" has raised concerns because neither the Port nor the Tribes have the authority to implement the CBEMP. The Coos County Planning Commission recommendation to remove reference to both the Port and the Tribes as co-managers is to clarify that neither the Port nor the Tribes have legal jurisdiction over implementation of the CBEMP. Both the Port and the Tribes remain named in Section 2.4 as Joint Steering Committee members; this committee, together with the Citizens Advisory Committee and Technical Advisory Committee, will serve to provide input on future amendments to the CBEMP and its implementing ordinances, allowing the Port and the Tribes to fulfill a role in future amendments to the CBEMP while clarifying that neither the Port nor the Tribes have implementing authority. While the Tribes were not named in the original CBEMP, the Port has always been a named party in Sections 2.1 and 2.5. It is reasonable to ask now for the Port's comments on the matter. Staff reached out directly to the

Port to solicit their comments. As of the date of this staff report, the Port is reviewing the recommended changes with the intent of responding to Staff in advance of City Council's scheduled public hearing on November 7, 2023.

The City of Coos Bay Planning Commission recommendation to adopt a resolution evidencing the City's commitment to complete a comprehensive update of the CBEMP including an inclusive public engagement process addresses part 2 of the Coos County Planning Commission recommendation. However, the DRAFT resolution does not establish a timeline for a future comprehensive update because this work will be extensive and timing is entirely dependent on having the funding and capacity to complete the work; further, a timeline is not required for purposes of completing the Phase I CBEMP updates and the City resolution need not mirror the County resolution.

II. NOTICE

The Department of Land Conservation and Development was notified of the proposal to amend the comprehensive plan on June 1, 2023. Written notice of the Planning Commission public hearing was sent to affected governmental agencies and any person who requested a notice in writing and was posted on the City's website and at City Hall on June 20, 2023; it was published in the City's June 30 and July 7, 2023 Friday Updates and in the June 30, 2023 edition of the World Newspaper. Written notice of the City Council public hearing was sent to interested persons and was posted at City Hall on October 2, 2023; it was published in the October 13, 2023 edition of the World Newspaper and in the City's October 20, 2023 Friday Update.

III. COMMENTS

Staff/Agency

As of the date of this staff report, there have been no new staff/agency comments received.

Public Comments

As of the date of this staff report, the following new public comments have been received:

- Jan Hodder (refer to **JHodder Testimony 10.10.23**)

Staff Response: By adopting the DRAFT resolution, City Council will address Ms. Hodder's concerns, numbers 1 through 3. House Bill 3382 affords both the Port, and the local Tribes, the opportunity to request a Goal 16 exception to allow changes to natural and conservation management units in the estuary when specific criteria are met and only after the local jurisdiction approves of the proposed changes. House Bill 3382 does not require local jurisdiction approval; it only allows for a Goal 16 exception to be the basis of such approval. Neither the Port, nor the Tribes, have authority to implement the CBEMP – this proposal does not change that; it does afford the Port and the Tribes the opportunity to provide comment on future proposed changes

to the CBEMP, which is appropriate given their governmental status and vested interests in the Coos Bay.

IV. ADDITIONAL INFORMATION

On October 16, 2023, the City of North Bend Planning Commission considered the proposal including the Coos County Planning Commission recommended changes. They moved (3-1) to recommend the City of North Bend City Council approve and adopt the proposed text amendments including the October 5, 2023 changes recommended by the Coos County Planning Commission.

Moving forward, the timeline for all three jurisdictions' public hearings before their respective City Councils and Board of Commissioners is as follows:

- October 23, 2023 – City of North Bend City Council Work Session
- October 24, 2023 – City of North Bend City Council Public Hearing
Coos County Board of Commissioners Public Hearing
City of Coos Bay City Council Work Session
- November 7, 2023 - City of Coos Bay City Council Public Hearing
- November 8, 2023 - Coos County Board of Commissioners Final Adoption

V. CONCLUSION

The City Council should consider the Port's response, if any, to the recent changes being recommended by the Coos County Planning Commission prior to taking final action.

The City Council can take the recommended action to approve and adopt by ordinance the proposed changes to the City of Coos Bay Comprehensive Plan (refer to **Exhibit 1 of Attachment A**) and the proposed changes to the Coos Bay Development Code (refer to **Exhibit 2 of Attachment A**) based on the Recommended Findings set forth in **Exhibit 3 of Attachment A** and, also, adopt the recommended resolution evidencing the City's commitment to a comprehensive update of the CBEMP including an inclusive public engagement process.


Chelsea Schnabel, AICP, CFM | Planning Administrator

October 19, 2023
Date