

## **MINUTES OF THE PROCEEDINGS OF THE SPECIAL CITY COUNCIL**

**August 27, 2019**

The minutes of the proceedings of a special meeting of the City Council of the City of Coos Bay, Coos County, Oregon, held at 6:00 pm in the Council Chambers, 500 Central Avenue, Coos Bay, Oregon.

### **Those Attending**

Those present were Mayor Joe Benetti and Councilors Lucinda DiNovo, Drew Farmer, Stephanie Kilmer, Phil Marler, Carmen Matthews, and Rob Miles. City staff present were City Attorney Nate McClintock, Deputy Finance Director Melissa Olson, Public Works and Community Development Director Jim Hossley, Community Development Administrator Carolyn Johnson, Fire Chief Mark Anderson, and Police Chief Gary McCullough. Lane Council of Governments (LCOG) present were Principal Planner Jacob Callister and Assistant Planner Henry Hearley.

### **Flag Salute**

Mayor Benetti opened the meeting and led the Council and assembly in the salute to the flag.

### **Consent Calendar**

2a: Approval of minutes of August 20, 2019

2b: Adoption of Resolution 19-18 Approving Bay Area Enterprise Zone Agreement with Jordan Cove Energy Project L.P.

2c: Approval of Bay Area Enterprise Zone Community Service Fee IGA

Mayor Benetti removed the consent calendar from the meeting agenda.

### **Public Hearing on Land Use Application #187-18-000153 - Jordan Cove Energy Project Navigation and Efficiency and Reliability of the Coos Bay Deep Draft Navigation Channel**

Mayor Benetti stated Jordan Cove Energy Project (JCEP) seeks to dredge at four locations in the Coos Bay Deep Draft Navigation Channel. One of the four locations (area 4) is in Coos Bay's land use jurisdiction area. JCEP application 187-18-000153 proposes the following amendments to the city's comprehensive plan and land use permits to enable the dredging of area 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.

Mayor Benetti read rules and procedures for the Land Use Hearing. Mr. Benetti established all the members of the City Council were able to hear the matter in a fair and objective manner having no ex parte contacts; read conflict statements with no Council affirmations, no objections were made for any Councilor participation in the hearing, and stated the City Council was qualified to proceed with the hearing.

The City engaged, at the applicant's expense, professional planning staff from the Lane Council of Governments (LCOG) to process this land use application. LCOG's agenda item summary and staff report provide an expansive analysis of the application relative to Oregon planning law and the City's comprehensive plan and development regulations. The Planning Commission reviewed the application and recommended Council approve with conditions the Land Use application #187-18-000153. LCOG Principal Planner Jacob Callister requested deliberations and decisions be delayed to allow LCOG to review the information and testimony received August 27, 2019. LCOG Assistant Planner Henry Hearley read the names for testimony received August 27, 2019. Mr. Callister reviewed the process timeline, key criteria and parameters, and Council action motion alternatives. An ordinance and formal finding of fact would be needed upon decision.

Applicant testimony was provided by:

Steven Pfeiffer, Land Use Attorney, Portland, OR

Drew Jackson, Project Engineer, TX

Mayor Benetti opened the Public Hearing and asked those in favor of the application to speak first. The following individuals spoke in favor of the application:

Dick Leshley, Coos Bay

Todd Goergen, Coos Bay

Lou Leberti, Coos Bay

Ken Messerle, Coos Bay

Richard Dybevik, North Bend

Daniel Varoujean North Bend

Barry Winters, Bandon

Daryl Bogardas, North Bend

Marcus Cornett, Coquille

Rick Skinner, Coos Bay

Michele Hampton, North Bend

Thomas Benz, North Bend

Tom Burdett, North Bend

Fiona Bai, Coos Bay

Mayor Benetti asked those against the application to speak. The following individuals spoke against the application:

Larry Mangan, North Bend

Jan Hodder, Coos Bay

Todd Buchholz, Coos Bay

Katy Eymann, Bandon

Michael Graybill, Coos Bay

Angela Garner, Coos Bay

Christine Moffitt, Coos Bay

Jamie Fereday, Coos Bay

Barb Shamet, Allegany

Rudy Gorsch, Coos Bay

Dick Anderson, North Bend

Clarence Adams, Winston

Myra Lawson, Bandon

Rick Eichstaedt, Coos Bay

Darcy Grahek, Bandon

Nate Nevdal, Coos Bay

Shannon Souza, Coos Bay

Jean Cassidy, Coos Bay

Sam Schwarz, Coos Bay

Bonnie Joyce, Myrtle Point

Knute Nemeth, Coos Bay

John Clarke, Winston

Sarah Crawford, Coos Bay

Ashley Audycki, Coos Bay

Danitza Galvan, Bandon

Natalie Ranker, North Bend

Dana Gaab, Myrtle Point

Jamie McDermott, Coos Bay

Alice Carlson, North Bend

Tamsin Taylor, Ashland

Anna Marie Slate, North Bend

Sue Lee, Coos Bay

Donna Hicks, Coos Bay

Fergus McLean, Dexter

Eric Lee, Coos Bay

Jody McCaffree, North Bend

Karin Richardson, North Bend

Ardis Ann Szala, Bandon

Mayor Benetti ended the Public Hearing and opened for applicant rebuttal. Mr. Pfeiffer, Land Use Attorney, presented statements of rebuttal.

Councilor DiNovo moved to continue the hearing to a future date. Councilor Farmer seconded the motion which failed. Nays: Benetti, DiNovo, Farmer, Kilmer, Marler, Matthews, Miles.

Councilor Marler moved to close the Public Hearing. Councilor Miles seconded the motion which carried. Ayes: Benetti, DiNovo, Farmer, Kilmer, Marler, Matthews, Miles.

Mayor Benetti closed the Public Hearing at 9:31 p.m.

Council discussed dates to keep the record open: First Open Record Period is open to any new testimony, Second Open Record Period is open only to testimony addressing issues raised in

the first open record period, and Final Open Record Period is an opportunity for the applicant to make final written arguments.

Councilor Farmer moved to keep the record open as reflected in slide 37 (first open period August 27–September 27, 2019, second open record period September 28–October 31, 2019, and final open record period November 1–November 15, 2019). Councilor Matthews seconded the motion which carried. Ayes: Benetti, DiNovo, Farmer, Kilmer, Marler, Matthews, Miles.

Councilor Matthews moved for a follow-up meeting for date certain January 21, 2019. Councilor DiNovo seconded the motion which carried. Ayes: Benetti, DiNovo, Farmer, Kilmer, Marler, Matthews, Miles.

**Adjourn**

There being no further business to come before the Council, Mayor Benetti adjourned the meeting. The next regular Council meeting was scheduled for September 17, 2019 in the Council Chambers at City Hall.



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Joe Benetti, Mayor

Attest:   
Melissa Olson, Deputy City Recorder