

## COLUMBIA COUNTY PLANNING COMMISSION MEETING

October 6, 2014

Meeting Minutes

Members Present: Paula Lichatowich, Linda Hooper, Alta Lynch and Guy Letourneau

Staff Present: Glen Higgins, Kay Clay

Others: Bill DeJager, Joe Turner, John & Nancy Phillips, Steve Garnett, Peggy Morgan, Nancy Phillips, Elizabeth d'Aubigne, Olin Younger, Sam Semerjian and Joe Semerjian

The Planning Commission meeting was called to order by Guy Letourneau at 6:30 pm,.

Glen Higgins read the pre-hearing statement. This is a continuance from the September meeting on CU 15-01.

No Ex-Parte was declared.

CU 15-01

Glen Higgins reviewed the staff report.

The meeting was continued so that we could received additional information. We did received a letter from Olin Younger after the deadline date had past. The Planning Commission discussed if the letter should be entered into the record and 2 were in favor of it and 2 were not so it was not entered into the record. If it was to be entered the record would have had to be reopened.

### **In Review:**

CU 15-01, The site is located approximately two miles northeast of Birkenfeld and approximately three miles northwest of Mist in the southwest quarter of Section 9, Township 6 North, Range 5 West. The proposed well site is in the vicinity of the Mist Birkenfeld RFPD main station and Fleming Pond, a source of water for fire protection. Glen did point out the well would be 360' from the pond and it would be required to have protection from the pond and high water.

There were some modifications and clarifications done to the staff report. Mist-Birkenfeld road access is for the fire department and access for Enerfin Resources will be behind the fire department to guarantee no conflict with emergency vehicles. In Finding #6 Enerfin and the property owner both recognize the pond and the liability associated with it.

In **Finding #6** the paragraph was rewritten to address the flood way. Originally it stated “Section 9, T6N, R5W contains a flood hazard area associated with the Nehalem River. As per FEMA Flood Insurance Rate Map (FIRM) panel 41009C0125D, the southwest quarter of Section 9 contains Flood Zone A, an area subject to inundation by the 1% annual chance flood (see flood plain map on Page 7). It appears that the well will be located outside of the flood hazard area. If the well is drilled within the flood zone however, the applicant shall obtain a Flood Plain Development Permit from Columbia County’s Flood Plain Manager (LDS, Planning Division). All development within a flood hazard area is subject to the standards set forth in Section 1100 of the Columbia County Zoning Ordinance. Staff finds the criterion is met subject to conditions.” It now reads “Section 9, T6N, R5W contains a flood hazard area associated with the Nehalem River. As per FEMA Flood Insurance Rate Map (FIRM) panel 41009C0125D, the southwest quarter of Section 9 contains Flood Zone A, an area subject to inundation by the 1% annual chance flood, Zone “A” (see flood plain map on Page 7). Zone “A” is an approximate flood area with no Base Flood Elevation (BFE) established. From the map it appears that the well will be located outside of the approximate flood hazard area. However, substantial evidence was presented at and since the September 8, 2014 hearing that the proposed location of the gas well site flooded in years past. On December 31, 2007, Columbia County determined that base flood elevation (BFE) on lands impacted by the Nehalem River is the “flood of record”, or the higher flood elevation of either the 1996 or 2007 flood events. If the lowest adjacent grade of the well drill site is within the flood zone, as determined by an Elevation Certificate, the applicant shall obtain a Flood Plain Development Permit from Columbia County (LDS, Planning Division). All development within a flood hazard area is subject to the standards set forth in Section 1100 of the Columbia County Zoning Ordinance. Staff finds the criterion is met subject to condition of submitting an Elevation Certificate and subsequent Flood Plain Development Permit.

Dave Reynolds, surveyor, did find at this location that it was under water in the flood and that supports the need for a Flood Plain Development plan. An additional condition was added to the report. The original number six is now number 7 and number 6 reads as follows: “For flood protection, the applicant shall provide an Elevation Certificate for the site, prepared by a licensed surveyor. If the well site is in the Community Based Flood Hazard area the applicant shall obtain a Floodplain Development Permit from Columbia County. “

In **Finding #8** page 9 & 10 the statement “The cumulative presence of existing wells and roadways (within the Mist Gas Field) has already impacted the area, reducing its value as prime habitat” was incorrect and was corrected with “ Initial drilling and set up of the well may temporarily disrupt big game activities, but should not result in any long-term impacts to the big game range and/or big game behavior.”

In **Finding #13** page 11, the second sentence was changed to include small farms. Original wording “Most properties located within this area are used for resource use

(commercial timber management, natural gas storage and extraction, etc...) and do not appear to be developed extensively with residential uses.” This was change to read “. Most properties located within this area are used for resource use (commercial timber management, small farms, natural gas storage and extraction, etc...) and do not appear to be developed extensively with residential uses.”

In **Finding #15** page 12 the statement “Additionally, the proposed gas well will not alter the character of the area, as surrounding properties are already developed for natural gas production and storage activities” was replaced with “Additionally, the proposed gas well would not seem to alter the character of the area, as many properties in the area are already developed for natural gas production and storage activities”.

**Guy Letourneau**, asked if there are any other cases like this in the county regarding the need for a flood plain development plan or a concrete pad for a well head. Glen told him no, this is a first in the county.

**Glen Higgins** gave a review of the testimony submitted and requested that the Planning Commission approve CU 15-01 with seven conditions.

It was brought up that Enerfin Resources needs to provide Columbia County with a list of chemicals that will be used, the quantities and what it is used for.

**Linda Hooper** wanted clarification on what happens after we get the list of chemicals. Also what agencies could be used for research of the chemicals. **Glen** said that the contact agencies would be the County, DOGAMI and the state agricultural department. DOGAMI would be able to answer most questions or the state of agricultural.

**Linda Hooper** also questioned the rebuttal #11 referring to the USDA. **Peggy Morgan** with Enerfin stated that the Federal government is not notified only state agencies are so instead of the USDA it would be the Oregon Department of Agricultural.

An additional condition needs to be added to the final order. “The applicant shall compile and deliver to the staff a list of chemical materials used to develop the site, their purpose ir use and their quantities used, for communication to the public.”

**Linda Hooper** moved to approve CU 15-01 with conditions and **Paula Lichatowich** seconded

Meeting adjourned 7:30 p.m.