

COLUMBIA COUNTY PLANNING COMMISSION MEETING

June 15, 2015

Approved Meeting Minutes

Members Present: Paula Lichatowich, Linda Hooper, Bill DeJager, Jeff VanNatta, Rod Lloyd and Claudia Frace

Staff Present: Glen Higgins, Kay Clay, Deborah Jacob

Others: Sam Semerjian, Olin Younger, Tommy Brooks, Nicole Watson, Pat Griffith, George McCarly, Steve Garnett, Peggy Morgan and Don Wallace

The Planning Commission meeting was called to order by Jeff VanNatta at 6:30 pm

Deborah Jacob read the pre-hearing statement.

No Ex-Parte was declared.

Deborah presented a review as to why the cases for Marlene Landon were being carried forward to this meeting.

Supplemental Review Criteria and Findings for MP 14-02 and V 15-04

ZONING: Proposed Parcels 1 and 2 are zoned for Rural Residential (RR-5) development

APPLICANT: Marlene Landon

During the June 1, 2015 Public Hearing, representatives of the applicant raised concerns that Columbia County did not have the authority to require the applicant comply with four Conditions, Conditions Number 5(a) through 5(d), of Final Plat Approval identified in the May 22, 2015 Staff Report for the applicant's Minor Partition and Major Variance.

The representatives requested these conditions be required before Land Development Services issues any future building permits on either of these two new parcels; they question Columbia County's authority to require the applicant to comply with these conditions before the parcels are created.

In summary, these Conditions state that Prior to Final Partition Plat approval, the applicant shall submit the following documentation for proposed Parcels 1 and 2.

1. Submit Geotechnical Reports for each site-specific home site to Land Development Services for the county Building Official's review and approval;
2. Approved Lot Evaluations issued by the County Sanitarian identifying each parcel's method of sewage disposal;
3. Demonstrate both parcels have approved potable water supply from private well(s) or the City of Scappoose; and
4. Obtain Road Access Permits from the County Road Department.

The Planning Commission continued the public hearing until June 15, 2015 and directed County Planning Staff to demonstrate the County has the authority to require the applicant satisfy these 4 conditions prior to Final Plat Approval, rather than, prior to Building Permit Issuance as requested by the applicants' representatives.

Accordingly, and in addition to the Research, Evaluation and Findings identified in the May 22, 2015 Staff Report, the following criteria in **Article X of the County Subdivision and Partitioning Ordinance** supplements the Review Criteria listed in the May 22, 2015 Staff Report.

ADDITIONAL REVIEW AND FINDINGS TO AMEND THE MAY 22, 2015 STAFF REPORT:

ARTICLE X – SUBDIVISION AND PARTITION REQUIREMENTS

SECTION 1001. MINIMUM STANDARDS.

The requirements and standards set forth in this ordinance are the minimum ones to which a subdivision plat shall conform before approval by the Commission. These requirements are also the minimum ones to which partitions must conform when the standard is applicable

SECTION 1003. LOTS.

The minimum area, width, depth, and frontage of lots and the minimum building setback line from streets shall conform to the requirements of the County Zoning Ordinance, where applicable, and all other applicable regulations....

A. Lot Improvements.

- (1) Lot Arrangement. The lot arrangement shall be such that there will be no foreseeable difficulties, for reason of topography or other conditions, in

securing building permits to build on all lots in compliance with the Zoning Ordinance.

Finding 1: Staff finds that these additional provisions in Article X of the County's Subdivision and Partitioning Ordinance supplement the research, evaluation and findings identified in Findings 1, 3, 5, 6, 10, 12, 13 and 14 in the May 22, 2015 Staff Report. These Findings evaluated the implications that site clearance and shallow excavations activities needed for the construction of home sites, septic systems, private well(s) or installing City of Scappoose water lines could be severely limited due to the two RR-5 parcels' soils limitations identified in The U.S. Department of Agriculture's Soil Survey of Columbia County.

Finding 2: Staff finds that requiring these Conditions 5(a) through 5(d) prior to final plat approval will ensure that:

(1) There will be no foreseeable difficulties in securing building permits to build on newly created rural residential (RR-5) Parcels 1 and 2 due to their site specific natural characteristics, soil types, topography, and building and sanitary limitations and

(2) Proposed Parcels 1 and 2 comply with the minimum provisions in Section 1003.A(1) of the County Subdivision and Partitioning Ordinance for newly created parcels in the RR-5 Zone.

With the evaluation and findings related to the additional provisions in Section 1003 A (1) in Article X of the Subdivision and Partitioning Ordinance,

Staff recommends the The Planning Commission **APPROVES V 15-04** the Major Variance to the minimum usable road frontage provisions of the Columbia County Zoning Ordinance and Subdivision and Partitioning Ordinance;

The Planning Commission **APPROVES MP 14-02**, the partitioning of the subject ± 97 acre property into two RR-5 zoned parcels and one PA-80 zoned parcel, **subject to the original conditions identified in the May 22, 2015 Staff Report.**

Open for comment:

Pat Griffith wanted to state again that you do not have to build on this property in order to partition it, you don't have to have buildable lots, you can note on the plat the issues of the partition, excess expenses for the applicant and why is the county limiting the choices and making it extra difficult for the applicant.

Paula Lichatowich wanted to know if the over growth could be removed so that you can see the actual lay of the land.

Pat Griffith: Responded that is just an extra expense for the clearing.

Don Wallace: Feels that staff does has some valid points, water can be an issues but the buyers know that up front. He feels that the geology report should be required before building and the size of the home does make a difference. Would like to know where the line is drawn as to what is require by the owner and the possible buyer.

Opposition: none

Closed the public hearing.

The supplemental information has been received and reviewed and Glen wanted to point out one more criteria. Subdivisions and Partitioning Section 103 “no fore seeable building issues....”, in this case there are fore seeable issues.

Linda Hooper wanted to clarify that the supplemental was not submitted before and it had not been.

Paula Lichatowich felt that the staff should be trusted.

Paula Lichatowich made motion to approve V15-04. Linda Hooper seconded. Passed with one opposed.

Paula Lichatowich made a motion to approve MP 14-02. Linda Hooper seconded. All in favor motion passed.

CU 15-13

Bill DeJager will not be voting.

Glen Higgins presented the staff report.

BACKGROUND:

Enerfin Resources Northwest Limited Partnership has submitted a Conditional Use Permit application to allow for the installing of a new underground natural gathering pipeline from the recently approved Tambora gas well (CU 15-01), near the Mist-Birkenfeld Fire Station, to an existing gathering pipeline that leads to the Miller station processing facility. The applicant has actually applied for two different routes for this gathering pipeline under separate conditional use permits. This application CU 15-13 is titled the “south” route; and, the other application CU 15-14 is titled the “north” route. The stated reason for two applications was that: just in case one gas line route was denied, or delayed by an appeal, the applicant would most likely get uninhibited approval of the alternate route. Time is of the essence for Enerfin getting approvals and necessary permits. Connecting a producing well with the Miller Station processing facility is important, to process gas for distribution and sale. The proposed “south” route gathering line will be in a 30 feet wide easement through undeveloped lands used mainly

for pasture or hay crops and some timber lands. The proposed South route is longer than the proposed North route. The South route is nearly 2 miles, while the North route is just over 1 mile in length. This South route stays on the Nehalem River valley floor that is excellent farm ground but subject to flooding. The proposed pipeline will lead to the Busch property, where there is an existing injection/withdrawal well and existing gathering line to the Miller Station.

The Planning Commission has approved other conditional use permits in the Mist Gas Field with usual general conditions. Those conditions of approval for gas well sites included obtaining a State DOGAMI drill permit and coordination activities with various state and local agencies for oversight and emergency preparedness. DOGAMI will not be permitting this gas gathering line because it is at or near the surface and not within the scope of their jurisdiction, mainly subsurface. The Oregon Department of Energy (DOE) will not be permitting this gathering line because they permit larger diameter gas transmission lines that are generally much longer, over a substantial distance. The County has jurisdiction and does permit gathering lines as a part of drilling a well and the processing of the natural gas. The County may determine that a Floodplain Development Permit may be required; in that, a previous Elevation Certificate determined the Tambora well site to be in the 100 year Flood Hazard zone with approximately 9-18 inches flood water at the well site. The entire south pipeline route is at that same elevation generally, for the length approximately 2 miles, all the way to the Busch well site, connection point with an existing gathering gas line. Even though when pipeline installation is complete, the gas line will be totally subsurface at approximately 4 feet underground, the burying of the pipe along the corridor may include roadway construction and horizontal drilling pad construction. All or most of this area flooded in 1996 and 2007 flood events.

The pipeline will be buried 4 feet below the surface, and the applicant will return the disturbed ditch area to its pre-construction use. The applicant must obtain an easement and permission from the land owners to cross their land with the gathering line. Staff finds that adequate protections are enforceable by the owners to keep their land in production, with as little disturbance as possible. The siting, maintenance and operation of the proposed natural gas gathering line will result in minimal impacts to the farm land and to forest resources.

The south end for this project is totally in a flood plain and before construction is initiated a flood plain development application would have to be approved. Staying away from the wetland is always the best but not always possible. The area on Hwy 202 is flat and there are wetland issues on the Banzer and Bush properties.

Even though Fracing is very unlikely there is always a concern about it. Fracing is when soil and mud comes to the surface usually due to loss of pressure. That does not seem to be an issue in this area.

Rod Lloyd pointed out that the line going under the river was encased.

Claudia Frace asked if going under the river has ever been done before and what size of piping is used. **Glen Higgins** replied that it has been done before and the piping is usually 3-6 inches no bigger.

Paula Lichatowich questioned if there was a frack out who would be responsible and if we need to have additional condition. Glen responded that the DEQ is involved with all of that and that responsibility is defined if their permit process.

Open for comment.

Tommy Brooks, Cable Huston representing enerfin.

Mr Brooks gave an update on the Tambora site. He explained why the two applications and pointed out that they would not be development at both sites but they did want their options. The engineering and cost standpoint along with the gas pressure will determine what site is used. Again only one conditional use will be used.

503.17 allows this use, they will not be changing anything on the land and will work with local jurisdictions. The piping will be underground, a construction pad and one staging area. We are laying pipe not dredging. All surfaces will be restored after the work is done.

All environmental issues are handled at the state level.

Linda Hooper wanted to know if they would apply for a flood plain development permit.

Tommy Brooks said it doesn't make sense and that no criteria applies, impact on base flood only and on the last map it show flood contours of 521'. This area is not in a flood area.

Opposition

Olin Younger, adamantly against this operation. There are rivers and ponds to consider and crossing a river could be trouble in the future. The people in the area feel frustrated because they do not feel they have an actual voice in the matter. If they have to choose a location the south route is the lessor of two evils.

Sam Smerjian, interesting on how much say there is on a variance and partition and how little say they is when it comes to Enerfin. The County is limited on what they can control, most of the control is through the state. Why can this not be challenged more, the county doesn't understand pipeline and it is easy for Enerfin to paint a clean picture. There should be more concerns about the big picture, where are we going from here? There is a lot of noise level when construction is being done, truck noise, traffic and jet engine noise. Sam feels this is just a money making opportunity for Enerfin and they do not care about the area. What will the long term effects be?

Paula Lichatowich wanted to know about the noise that they are hearing. Is it from the pumping station.

Sam commented that there is pumping noise 24 hours a day up on the hill. He wanted to point out that there has been 3 FRAC issues in Oregon. If a site has to be chosen choose the south site. Look into all options.

Rebuttal:

Tommy Brooks, Banzer Rd has wetland and they do not want to deal with wet lands if at all possible. The county does have a plan and it is the comp plan and zoning codes. Both which will guide Enerfin. Also the noise that is being created is not from them it is from NW Natural. ODF wants a plan before anything is started. The materials in the mud are natural-benign materials. Also the fire department has to weigh in.

Closed public hearing.

Jeff VanNatta pointed out that there are dozens of these sites that have been approved. No real issues have come up or the public would have heard about them. There are flood plain issues in the area but they will be addressed.

Paula Lichatowich, stated without a defined route it is assumed they can put it anywhere. Assumptions should not be made. Enerfin will have to have a geologist make the determinations.

Linda Hooper, wanted it to be clear that both applications would not be used.

Glen Higgins stated that it would be either CU 15-13 or CU 15-14.

Jeff requested that **Linda** take the chair so he could make a motion. Jeff requested that we add another condition to both application to state that if CU 15-13 was permitted the CU 15-14 would become void.. Also that on CU 15-14 if it were permitted then CU 15-13 would become void.

Paula Lichatowich seconded. All in favor.

CU 15-14

Glen Higgins reviewed the application in connections with CU 15-14

BACKGROUND:

Enerfin Resources Northwest Limited Partnership has submitted a Conditional Use Permit application to allow for the installing of a new underground natural gathering pipeline from the recently approved Tambora gas well (CU 15-01), near the Mist-Birkenfeld Fire Station, north to an existing gathering pipeline that leads to the Miller station processing facility. The applicant has actually applied for two different routes for this gathering pipeline under separate conditional use permits. This application CU 15-14 is titled the “North” route; and, the other application CU 15-13 is titled the “South” route. The stated reason for two applications was that: just in case one gas line route was denied, or delayed by an appeal, the applicant would most likely get uninhibited approval of the alternate route. Time is of the essence for Enerfin getting approvals and necessary permits. Connecting a producing gas well with the Miller Station processing facility is important, to process gas for distribution and sale. The proposed “North” route gathering line will be in a 30 feet wide easement through undeveloped lands used mainly for pasture or hay crops, on the flat valley floor, and into lands up the hillside used for timber production by large timber land ownerships. This proposed North route is much shorter than the South route. The North route is just over 1 mile, while the South route is just under two miles (by map scale). Although shorter, this shorter North route would cross the Nehalem River by a Horizontal Directional Drill (HDD) under the river bottom. The proposed pipeline will lead to an existing natural gas gathering line further to the north, which runs east to the Miller Station.

The Planning Commission has approved other conditional use permits for developments in the Mist Gas Field with usual general conditions. Those conditions of approval for gas well sites included obtaining a State DOGAMI drill permit and coordination activities with various state and local agencies for oversight and emergency preparedness. DOGAMI will not be permitting this gas gathering line because it is at or near the surface and not within the scope of their jurisdiction, mainly subsurface. The Oregon Department of Energy (DOE) will not be permitting this gas line because they permit larger diameter gas transmission lines that are generally much longer, traveling a substantial distance. The County has jurisdiction and does review conditional use permits for gathering lines as a part of drilling a well and the processing of the natural gas. In its review the County may impose conditions to mitigate impacts, such as one condition that a Floodplain Development Permit may be required; in that, a previous Elevation Certificate determined the Tambora well site to be in the 100 year Flood Hazard zone with approximately 9-18 inches flood water at the well site. The North pipeline route would stay in this flood area and cross the Nehalem River before climbing up the valley slopes. The Nehalem River has anadromous fish migrations, some listed as endangered species; the river is protected with a riparian corridor overlay zone. The rest of the North route proceeds north into higher elevation timberlands. When pipeline installation is complete, the gas line will be totally subsurface at approximately 4 feet underground, as much as 40 feet under the river. The trench surface will be restored to original condition, and for the forest use areas, a narrow strip of land would be removed from future tree growth.

Open for comments: *See comments on CU 15-13*

Jeff VanNatta made motion to approve CU 15-14 with the added condition that is CU 15-13 was approved then CU 15-14 would be void.

Paula Lichatowich seconded - All in favor.

Meeting adjourned 8:00 pm