

COLUMBIA COUNTY PLANNING COMMISSION MEETING

January 9, 2017
Meeting Minutes

Planning Commission Members Present: Linda Hooper, Alta Lynch, Jeff VanNatta, and Claudia Frace

Staff Present: Glen Higgins, Deborah Jacob and Kay Clay

Others: Mr & Mrs Scott Koller, Len Waggoner, Sarah Curtiss, Michael Heyward and Jeff Pearson

Glen Higgins read the pre-hearing statement

Jeff VanNatta, Chairman, called the meeting to order at 6:30pm.

Glen Higgins pointed out that the application for Scott Koller (CU 17-02) is being presented for staff deliberation only. Approval of supplemental findings as discussed in the November 7th, 2016 planning commission meeting.

Alta Lynch made a motion to approve CU 17-02 with condition and **Claudia Frace** seconded. All in favor Motion carried.

CU 17-04 Northwest Natural Gas Company.

Glen Higgins presented the staff report.

BACKGROUND:

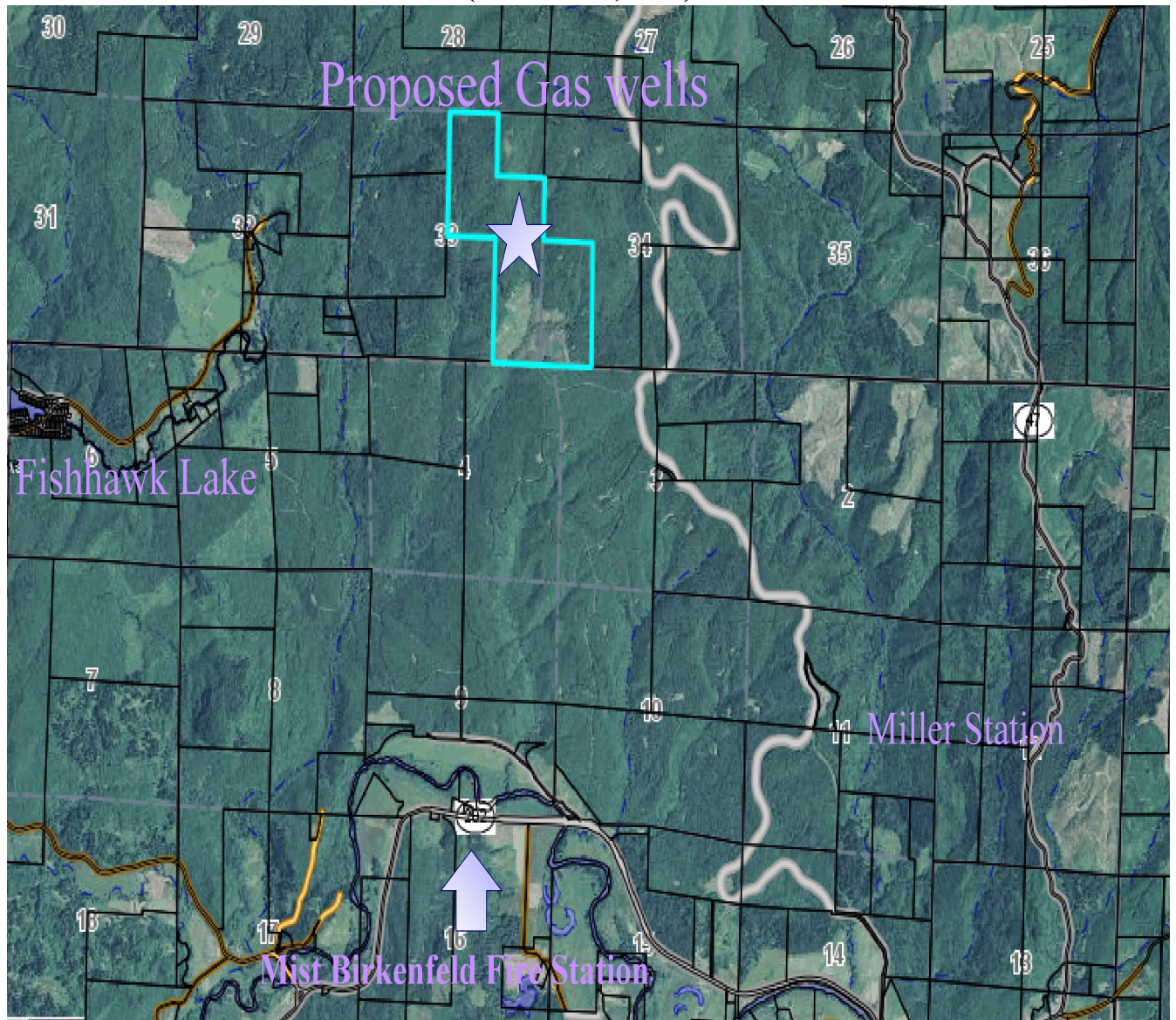
Northwest Natural Gas Company (NWN) has submitted a Conditional Use Permit application to convert an old depleted and unused production well into an observation/monitoring well for a new Mist Underground Natural Gas Storage area. NWN determined that this old well was drilled sometime around 1982. This predates the adoption of Columbia County Zoning and Conditional Use Permits for such uses. Having no land use authorization, NWN is applying for a Conditional Use permit to ensure consistency in land use planning for all gas wells they plan to use in conjunction with the new underground storage facility. The overall Mist Gas Field consists of numerous existing gas production wells in the Nehalem Valley formation and two existing natural gas storage areas. NWN is in the process of developing a third underground storage area to the north of Miller Station. The proposed use of this well will monitor static reservoir pressure in the new Mist Underground Natural Gas Storage

Facility. The current Mist Storage Facility is comprised of a couple underground storage locations: the Bruer/Flora area and the Calvin Creek area. The storage areas are used by injecting the excess flow of gas (at low demand times) into selected underground caverns or a storage reservoir, and using the stored gas to serve customers at times of high demand, throughout their service area and intrastate. This application for a monitoring well is located over a new storage reservoir site called the Adams Storage Reservoir.

This conditional use permit and others already heard by the Commission (CU 15-12) are part of a larger project. NWN is getting necessary permitting for expanding the Mist Underground Natural Gas Storage Site Certificate (Site Certificate) boundary, by extending it to the north. The Energy Facilities Siting Council (EFSC) has the jurisdiction for permitting of this facility expansion through the Site Certificate Amendment #11, which was approved. The only portion of this larger project that Columbia County Planning Commission will be reviewing is the conditional use permits for the gas wells involved in the storage facility. The State Department of Geology and Mineral Industries (DOGAMI) has the permitting authority for subsurface gas well drilling. The State Department of Energy (DOE) administers and provides staff for the EFSC, within the guiding law of the Code of Federal Regulation for siting of regional energy facilities. EFSC approved the Site Certificate Amendment #11. NWN is now developing this new Adams Storage Reservoir as an underground storage area by installing injection/withdrawal wells, transmission lines and building a new compressor facility, located nearby the injection/withdrawal wells, and constructing approximately 13 miles of 24" transmission pipeline between the new compressor station and Port Westward Industrial Park near Clatskanie. These overall natural gas storage facilities and the infrastructure for its use and other related improvements are all reviewed and approved separately through EFSC. The County Board of Commissioners and the Planning Division reviewed the application (EFSC Site Certificate Amendment #11) and provided comments to DOE in their fact finding process.

The site of this existing well for proposed gas pressure monitoring, serving the proposed Adams Storage Reservoir, is located in an area that does not have any farm use parcels within miles. Adjacent properties are all large timber properties used for forest management. The area is mountainous with steep slopes, any streams in this area are very small in deep ravines near their head-waters. There are no floodplain or wetlands near the subject site, as per FIRM Map # 41009C0125D dated November 26, 2010 and National Wetlands Inventory NWI, Marshland Map. This area has little to no public facilities available, no public roads, but is within the Mist-Birkenfeld Fire Protection District. The Planning Commission has reviewed other gas wells in the remote areas near Birkenfeld and has set usual conditions that have been imposed on other gas well applications. Those conditions of approval generally included obtaining a State DOGAMI drill permit and coordination activities with various state and local agencies for oversight and emergency preparedness.

Aerial Photo (GEOMoose, 2009)



Glen Higgins reviewed the criteria and pointed out there would be no impact on the land if this application was approved. As pointed out by the applicant this site was once a production site but is now going to be a monitoring site if approved. No negative comments were received from the surrounding property owners or the notified agencies. Staff recommends approval with conditions.

Open for comment:

In Favor:

Sara Curtiss, Stoel Rives, representing Northwest Natural Gas mentioned that at one time this location was used for a production site and now wants to be used for a monitoring site. **Jeff VanNatta** inquired about how many trips would be made to the site by the applicant and if there were any other sites in the area? **Michael Heyward** from Northwest Natural explained that the traffic would be at a minimal because most of the monitoring is done electronically so the trips to the site would be rare. As far as other monitoring sites there are three.

Opposition: none

Alta Lynch made a motion to approve **CU 17-04** for gas well monitoring, **Linda Hooper** seconded. All in favor motion carried.

V 17-04 & MO 17-06 Jeff Pearson - Youngson's Flower Company

Deborah Jacob presented the staff report. Prior to the staff report Deborah presented comments that were submitted to staff prior to the closing of the work day. One was a summary and the other one were details of the summary presented by a surrounding property owner that request to be kept anonymous. The summary will be added to the minutes and the full version will be available for review in the office.

BACKGROUND: Application is for a Variance to the 100' south property line setback requirements for a proposed Indoor Cannabis Growing Facility.

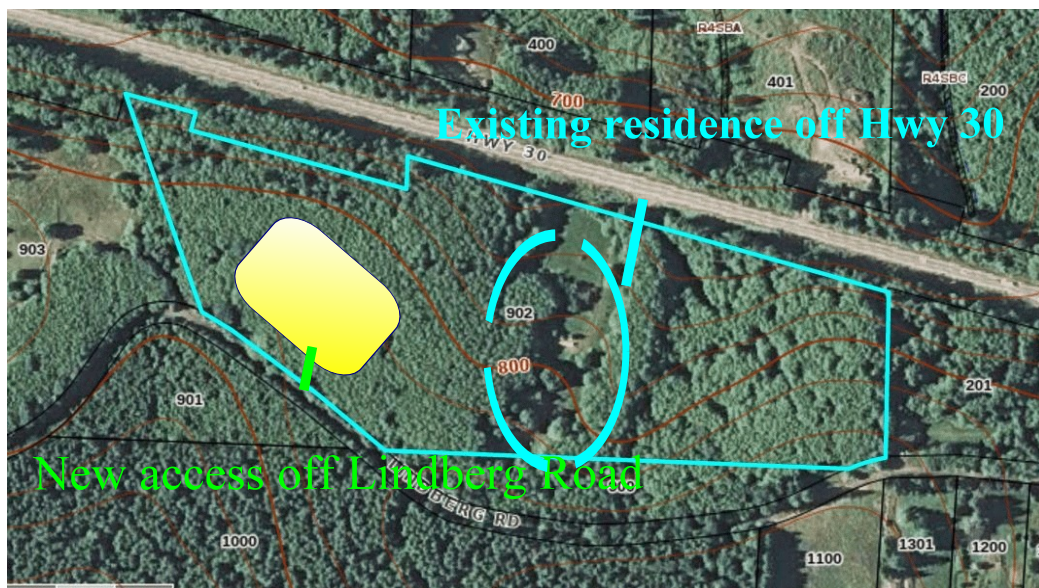
The applicant, Jeff Pearson representing Youngsons Flower Company LLC, is requesting a Major Variance (V 17-04) to the minimum standards in Section 1803.2© of the Columbia County Zoning Ordinance (CCZO). If approved, it will waive the additional 50 foot south property line setback for his proposed indoor cannabis growing facilities in the PF-80 Zone requested through his concurrent proposal submitted for MO 17-06 and authorized through the provisions in Section 1803.

The applicant is requesting approval to establish and operate a future Oregon Liquor Control Commission (OLCC) Recreational Marijuana production in a completely fenced area located on the western 9-acre portion of a ~28 acre property that contains the residence addressed at 20860 Highway 30 in Clatskanie. The applicant intends to install a separate access off Lindberg road for the cannabis growing operation to help ensure the separation of both authorized PF-80 uses.

As shown below, the subject site is developed with a residence in its eastern area that is addressed at 20860 Highway 30 in Clatskanie. This property is surrounded by PF-80 zoned properties on all sides except the RR-5 zoned properties to the east. The subject site consists

of Goble silt loam soils (Type 23C) with 3% - 15% slopes. The intended building site slopes northward from Lindberg Road toward Highway 30. If V 17-04 is approved, the applicant will be able to construct the new structures 50' from the south property line, closer to Lindberg Road, and further away from the forested steeply sloped northern areas and the eastern adjacent RR-5 properties. The applicant has already cleared the flatter portions of the site and left timber in the northern steeper sloped areas as shown below. There are no identified Wetlands, Big Game Habitat, or Flood Hazard Areas associated with the 28 acre site which is served by the Clatskanie Rural Fire District.

Aerial View of subject site, intended MO area, and existing residence



The District 18 Watermaster has submitted documentation confirming the applicant’s proposed rainwater collection and purchasing water from the City of Rainier or Clatskanie are Exempt from the Commercial Marijuana Producer Water Use requirements in OAR 845-025-1030(4) g)(D) indicating the use of these two water sources are not subject to the State of Oregon’s water use rights.

Similarly, the provisions in OAR 340-071-0130(4) prohibit any sort of processed wastewater resulting from the cultivation of marijuana from being discharged into an onsite septic system. In addition, any agricultural process wastewater must be managed according to the Oregon Department of Agriculture standards in OAR 603-095-00800 related to the Water Quality Management Plan for the North Coast Basin; i.e riparian streambanks maintained, erosion sediment controlled and nutrients/pesticides managed. The applicant shall submit a plan to the County demonstrating appropriate disposal/reuse of wastewater generated from its proposed outdoor marijuana grow system. This wastewater plan shall be reviewed and approved by the County Sanitarian as one condition of building permit issuance.

On May 25, 2016 the County received written confirmation from Amanda Borup, Policy Analysis at OLCC stating that their office will provide written notification to the proposed recreational marijuana growers when they have completed a majority of the OLCC application process, including the required criminal background check. This documentation also informs applicants that OLCC would be able to conduct their required site inspection to verify all marijuana-related facilities comply with the minimum licensing requirements. Before LDS can issue any building permits requested and authorized for V 17-04 & MO 17-06, the County will require the applicant to provide LDS with this OLCC written document confirming that all licensing requirements are met except for the final site inspection(s) by OLCC staff.

The Site Plan submitted for MO 17-06 indicates the applicant's proposed construction of at least six (6) separate 30' by 110' (3,330 sq ft) structures that will be used for the production/harvesting of marijuana. All structures (19,800 sq ft total footprint) will be surrounded by a proposed 8' security fence in the southwestern portion of the site. This Site Plan also delineates that some of these 3,300 sq ft structures will not be able to comply with the 100' minimum separation from the south property line as required by Sections 509.6 and 1803.2©. Consequently, the Planning Commission must review and approve the applicant's Major Variance (V 17-04) for consistency with the provisions in Section 1504.1 before it can then consider the proposed indoor marijuana growing operation requested for MO 17-06.

V 17-04's submitted Site Plan shows that the six new 3,300 sq ft structures will be located closer than 100' from the forested south property line adjacent to Lindberg Road and all will be within a 8' securely fenced area. These structures will be at least 100' away from all other forested property lines.

These structures shall meet the minimum requirements of the Oregon Structural Specialty and Fire Codes and approved by the county Plans Examiner for their new commercial uses. Because the footprint of V 17-04 will exceed 2,000 sq ft, LDS will require the applicant to submit an Engineered Stormwater and Erosion Control (SEC) Plan concurrent with the final Building Plan approved for V 17-04 and MO 17-06. This engineered plan shall comply with the General Requirements and Standards Specific to Activities for Commercial Accessory Uses identified in the *County's Stormwater and Erosion Control Ordinance*. In addition, the implementation of this engineered SEC Plan will help ensure the increases in stormwater resulting from any new impervious surfaces (parking area, wastewater system, driveways, cannabis structures etc...) shall be appropriately managed onsite without detrimentally impacting the subject and adjacent properties as well as roads, drainage facilities and the site's steeply sloped areas.

Likewise, installing a separate driveway off Lindberg Road to access the new cannabis production operation will also help to minimize impacts to the site's existing residence accessed via Highway 30. Prior to building permit issuance, the County Road Department and Clatskanie Rural Fire District will need to approve this new driveway to the minimum applicable provisions of the County's Road Standards Ordinance including fire apparatus access standards if necessary. The County Roadmaster comments stated this driveway shall be improved to commercial access specifications prior to the necessary issuance of a Road Access Permit. No improvements to

Lindberg Road are anticipated to be needed with the approval of the applicant's new use of the 28 acre site.

Utilizing purchased public water and collected rainwater for irrigation will also help to preserve this area's existing ground and surface water supplies as confirmed by the District 18 Watermaster. Requiring the County Sanitarian to review and approve a Wastewater Management Plan prior to building permit issuance will also protect nearby ground and surface water sources and onsite sewage disposal systems. Constructing these new facilities in the southwestern portion of the 28-acres is also the area furthest away from the RR-5 zoned and developed properties to the east off Lindberg Road; the closest residence to the west is under the same ownership. During the site visit the applicant also explained that during the winter months, the illumination emanating from these 3,330 sq ft indoor growing operation may disturb neighbors. Siting this type of indoor growing operation further away from nearby residents and vehicular traffic on Hwy 30 will also help to decrease these potentially incompatible land uses within close proximity to one another.

.Richard and Shayla Kent residents at 20905 Mustola Road submitted comments about the proposed new use will impact the residents on Mustola Road. Because the new use will access off Lindberg Road and will be separated from Mustola Road by a forested ravine and Highway 30, staff finds the impacts on Mustola Road will be minimal at best. For these reasons, with these conditions, and without any additional evidence staff finds the proposal requested for MO 17-04 will be able to comply with the first criteria of approval for a Major Variance and will not will not be detrimental to the public safety, health, or welfare, or injurious to other property;

Staff has review the criteria that has to be met to allow these applications and find that they have been met. Details of that criteria can be read in the staff report.

Staff recommends approval of both V 17-04 & MO 17-06.

Linda Hooper inquired about traffic on Lindberg Rd. There will be minimal traffic on that road as there is now and they do have to have access approved by the road department. Currently there is very little traffic on that road.

Alta Lynch wanted to express that she does not think it is right when someone submits comments and want to remain anonymous. **Linda Hooper** said there were some valid concerns and it seems they have been addressed in the staff report. **Claudia Frace** inquired about "what if the owner wants to grow outside - Deborah responded that in some zones there would not have to have setbacks for an outdoor grow.

Open Public Hearing;

In Favor:

Jeff Pearson, applicant. He understands the conditions in the staff report and will comply with them. He just received a copy of the letter from the anonymous neighbor and feels he has addressed the issues and they are defined in the staff report. He does not want any issues and this

will be a low key operation with mainly family members doing the work. Jeff is the applicant as well as the operator.

Jeff VanNatta, questioned the southern exposure in the summer time and what they plan was to block that, what they might use to blackout the sun in July.

Jeff Pearson said they will have blackout capability and they will be gardening year round

Claudia Frace asked how many crops they expected to have a year and how deliveries be made.

Jeff Pearson said they were hoping to have 5 crops a year and that the only transportation trucks there would be would be the size of a mini van. There may be some trucks in the beginning to deliver building supplies but not after construction was done.

Opposition

Letter submitted to the Planning Commission by an anonymous resident on Lindberg Rd.

CONCERNS FOR LINDBERG RD.

I base these requests on the experience I have had from living on this road for years. I know the county road dept. is aware of all the issues (excluding Hwy items). Because of budgeting or priority level changes the road maintenance is not done consistently on our Residential road as it is. This is added concern for future road conditions. I feel the County Roadmasters suggestion that "NO improvements to Lindberg Rd are anticipated" to be unfounded/untrue. Once the MO is established, what recourse do any of the Lindberg Rd residents have with the County Road Dept. That Lindberg Rd is consistently maintained? Adding a manufacturing facility with access off Lindberg Rd will be adding excessive traffic to a residential road, increasing stress to an already dilapidated, under-maintained county road. I have GREAT concert that ALL people involved with this MO planning process of the Large Commercial Facility are grossly underestimating the amount of excessive traffic that is going to be created on Lindberg Rd.

Possible Sources of Commercial Traffic Include:

- A. Employees, Family, Friends working the MO
- B. Delivery of Chemicals, Fertilizers and Soil
- C. Delivery of Public Water,
- D. Wholesale Buyers, Medical Card Holder Patient Buyers, Potential Future Buyers checking out the Facility form Both Buyers
- E. Any maintenance/repairs of machinery
- F. Removal of Waste Water
- G. Any other vehicles not accounted for

CONTINUATION OF CONCERNS FOR LINDBERG RD.

1. **Concern**-Excessive Large Commercial Facility Traffic
Solution- Approach/Entry to MO made off of Hwy 30

2. **Concern**-There are more pot holes than pavement when first entering onto Lindberg Rd from Carlson Rd
Solution-Either removed all pavement and replace it with gravel or completely remove all pavement and replace it with new pavement.

3. **Concern**-Approach off Hwy 30 coming from the West onto Carlson is a very dangerous intersection that involves the left turning lane from the east off Hwy 30. There is not enough room to slow down from 55mph leaving the Hwy from the west. The car then from behind passes slowing car moving east and heads straight into the car waiting to turn onto Carlson. There has been 1 accident that I know of and can personally speak of many near misses that have occurred over time.
Solution-Widening the approach off Hwy 30 from the East.

4. **Concern**-Excessive Dust Occurs On graveled Lindberg Rd.
Solution-Dust Abatement on the gravel Lindberg Rd for the months of May-October.

5. **Concern**-Hwy 30 is rerouted any time there is an accident or delay for hwy improvements. This rerouting off Hwy 30 is not necessarily directed at the hand of the State Road Dept., but is what people know to do to get around when delays occur on Hwy 30.
Solution-Speed Limit Signs & Dust Abatement.

OTHER QUESTIONS OF CONCERNS

How will the outgoing skunk smelling air quality be filtered from the Green Houses, What recourse will the Residence of Lindberg Road/Neighboring Properties have if and when MO's air quality filtering doesn't work, If the public water source/rainwater is not adequate or for some reason doesn't workout will the MO be able to use existing well water located on MO property or Young's Residential well water, Will any outdoor grown be done, what notifications/recourse will residence of Lindberg Rd have when changes are made to the MO, who will judge of how impactful those changes to the MO will be on the surrounding community, How many plants are going to be grown at the MO, this is impactful information, how tall will the green houses be, will the MO be supplying recreational or medical marijuana, will any kind of residency be allowed within any structures, new MO structures that have been converted or a special "Hardship Occupancy" be granted, Where will an advertising sign be located, will notifications be sent to neighboring residents before it is installed, what recourse/input will neighboring residents have in interest to this advertising sign, what recourse do neighboring residents have in recouping their home value in the real estate market?

IN REGARDS TO THE MAJOR VARIANCE

The additional 50ft set back was specially established for FA-80, PF-80 and RR-5 for a reason. It is stated on page 4 of the 23 pg staff report, “ at LEAST 6 separate 30' by 110' (3,330) structures” for production.

It is stated on page 9 of the 23 pg staff report , “1, The SIX(6) 3,330 sq ft solid wall constructed gutter greenhouses...” With these two statements contradicting themselves, it is unclear just how many structures will be built.

It is stated on page 12 of the 23 page staff report, “future expansion and/or new structures” With the above information, It is assumed that expansion of the MO will happen eventually. I am definitely against any future expansion of the Large Commercial Facility. Making a Variance and allowing additional space of 50ft of the set back now, allows more room for future expansion of the MO. From the above inconsistent information provided in the 23 page staff report, makes me draw the following conclusions.. The MO is asking for the Variance so that the MO is allowed more space to put additional buildings, if not immediately, there will be in the near future. For this reason, I feel the 100ft set back from Lindberg Rd needs to be required and maintained. The MO should relocate if the land does not fit the MO’s specific needs, the MO should find other land that will fit all its requirements.

Signed - Concerned Lindberg Rd Resident

Rebuttal: As stated previously the applicant stated that he just received this letter but felt that the staff report addresses the concerns.

Meeting closed.

Alta Lynch made motion to approve V 17-04 & MO 17-06
Claudia Frace seconded

All in favor motion passed.

Other Business: Approval of November 7, 2016 minutes

Meeting adjourned 7:05 pm