

COLUMBIA COUNTY PLANNING COMMISSION MEETING

June 5, 2017
Meeting Minutes

Planning Commission Members Present: Paula Lichatowich, Linda Hooper, Jeff VanNatta, Bill Dejager and Claudia Frace

Staff Present: Glen Higgins, Deborah Jacob, Hayden Richardson, and Kay Clay

Others: Heather Zwickey, Brian Lund, Tommy Brooks, Roger Trudeau, Beth d'Aubigne, Corey & Wendy Cook, Sam Semerjian, Joe Semerjian, Bryan Christan, Steve Garnett, Eve Lonques and Lynn Baun?

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

Deborah Jacob read the pre hearing statement.

MO 17-11 No Exparte

Deborah Jacob presented the staff report for Heather Zwickey, MO 17-11

BACKGROUND:

On November 25, 2015, the Columbia County Board of Commissioners adopted Ordinance 2015-4 related to cannabis regulation in Columbia County, Oregon. The State of Oregon regulates cannabis by provisions in the Oregon Revised Statutes in Chapter 475B. County Ordinance No. 2015-4 amends the Columbia County Zoning Ordinance and sets time, place and manner regulations for the growing, processing, and retailing of cannabis operations in the county's unincorporated areas.

This application for Administrative Review was deemed complete on March 1, 2017. On March 6, 2017 notices were mailed out to adjacent property owners within 750 feet and affected government agencies. Those notified were given 10 calendar days in which to submit comments to the Planning Department or to request a public hearing on the matter before the Planning Commission per 1601.2 of the County Zoning Ordinance. A Referral was timely received on March 14, 2017 from a notified party, Wendy Crape of 72094 Fernhill Road, Rainier, OR. The application proposed for MO 17-11 is therefore was referred to the Planning Commission and scheduled for the June 5, 2017 public hearing.

The applicant, Brian Lund, has submitted the proposal requested for MO 17-11 to establish and operate a future Oregon Liquor Control Commission (OLCC) Recreational Marijuana Production growing operation on a 9.77-acre property in the PF-80 Zone authorized through the provisions in Section 1803 of the County Zoning Ordinance. The subject property contains a residence addressed at 72024 Fernhill Road and the applicant intends to construct two (2) separate 4,320 square foot (30' by 144') growing structures and one (1) 4,000 square-foot (40' by 100') maintenance structure in the central portion of this property at least 100' away from all property lines. All structures will be monitored by security cameras 24 hours a day and may include security fences if required by OLCC for licensed growing operations. The applicant will utilize, and improve as necessary, the existing residence's access to Fernhill Road that is within the service area for the Columbia River Fire and Rescue (CRF&R).

Staff recommended approval of MO 17-11

Paula Lichatowich referred to conditioned #10 and inquired about the meaning is.

Deborah Jacob noted that it is related to the safety and welfare, that has to be maintained in the conditions of the staff report.

Paula Lichatowich also wanted to know how we deal with a disgruntled customers that may deal with the site. If there is a legit complaint we will have the county follow up on that.

Deborah Jacob also wanted to point out that there were some changes that are being made to the ordinance that may address some of the concerns.

Jeff VanNatta pointed out that a weed is a weed and they do seed, good or bad. There does not appear to be rules on spraying bad weeds and he is not aware of an ordinance to control the bad weeds.

In Favor:

Heather Zwickey, as far as a disgruntled customer there won't be, they will be selling to wholesalers only, it is an indoor facility and there are air purifiers and closure panels. There will not be any smell or light pollution. There will be no children on the premises and the property is totally locked.

Opposition: None

Paula Lichatowich questioned the exit road, what she sees is an old map and no road. She also wanted to see if the letter from Martha Cramer had been reviewed.

Heather zwickey explained that she had talked to Ms Cramer and she was pleased to discuss it with Heather. The bottom line is that the OLCC requires a secured facility and this location will be no different.

Closed public hearing.

Linda Hooper made a motion to approve MO 17-11 and Bill DeJager seconded. All in favor motion carried.

V17-07 Vonda Bitikofer is postponed to June 19th, 2017.

DR 17-04 Schlumberger and Ives has been withdrawn.

CU 17-08 No Exparte

Hayden Richardson presented the staff report.

Background:

Enerfin Resources Northwest Limited Partnership has submitted a Conditional Use Permit application to allow for the drilling and operations of a new natural gas well within the Mist Gas Field. The Mist Gas Field consists of existing gas production wells and two natural gas storage projects, and according to the Oregon Department of Geology and Mineral Industries (DOGAMI) has “produced over 65 billion cubic feet of gas since its discovery in 1979.” More specifically, the 160 acre section quarter in which the gas well is proposed to be drilled is located less than half a mile west of the Flora Bruer Natural Gas Storage area and amidst other gas producing wells. The site has an approved gas well on it already which was permitted via CU 15-01 and also consists of Primary Forest (PF-80) zoned lands dedicated to commercial forestry use. The specific well site coordinates are approximately 800 feet east and 920 feet north of the southwest corner of Section 9, Township 6N, Range 5W, approximately 24 feet west of the existing well head. The applicant has requested that the entire section quarter be approved for the conditional use in the event that modifications to these coordinates are necessary once surveying has commenced and surface owner considerations are addressed.

The applicant has described operations associated with the natural gas well as follows:

All operations shall be conducted under the auspices and requirements of a DOGAMI drilling permit and all other permits required by various federal, state or local governmental agencies. A drill pad approximately 200' - 300' by 300' - 500' was constructed for the drilling of the 14-09-65 (Tambora) well (CU 15-01 and will be utilized for the drilling of this second well. No trees or other vegetation will be removed however a 25' extension on the west side of the current drillsite **may** be necessary to allow for the placement of the drilling rig. The well location is subject to a Surface Access Agreement with the surface land owners. All operations shall strictly adhere to the obligations of said agreement.

The location has been graded and rocked to control and/or prevent any drainage or soil erosion. A mud pit conforming to DOGAMI and DEQ specifications will be constructed and adequately lined as part of a "closed" mud system which adequately controls any water/ fluids utilized and/or produced during drilling. As previously shown to the Columbia County Land Development Services staff and Planning Commission, no toxic chemicals are used in the drilling fluids and any additives are food grade and non-toxic (copy of report attached). All materials brought to the surface during drilling are non-toxic and will have no effect on the environment. Operations will have no effect on any streams or wetlands or their riparian zones within proximity to the drill site.

Trucking activity may occur for approximately 10 days to 2 weeks while the location is enlarged, if necessary, and the drill rig is moved to the site, rigged up and the well drilled. Water for this project will be contracted for and trucked to location from outside the drilling area. Approximately 3,000 barrels of water will be utilized during drilling, primarily for the mixing and maintenance of the drilling fluids. The drilling system is a "closed" system and recycles the water for use on subsequent wells.

Approximately 16 - 20 men, working in shifts, will be involved in the round-the-clock drilling phase of the operation. Portable chemical toilets will be utilized for sewage handling. No onsite housing of staff is utilized. All crew members not actively working a shift on the rig are housed off-site in local motels.

The well will be evaluated by mud logging analysis while drilling, which consists of monitoring drill rate in feet per hour, cuttings examination and gas measurement of the drilling fluid. At the total depth of the well, wireline tools will be used to further evaluate the potential for natural gas production.

If commercial quantities of natural gas are not present, the well will be abandoned according to DOGAMI specifications, the drilling rig will be moved off the site, the drilling fluid will be disposed of or treated in accordance to DEQ guidelines. The location will thereafter be utilized solely for the production operations of the currently producing 14-09-65 well.

If the potential for gas production is evident, production casing will be run and cemented. The well will be tested and if sufficient production is proven, the well will be connected to and produced through an existing pipeline installed under the terms of a previously approved Conditional Use Permit CU 15-14. Once the well has been adequately tested, the rig will be removed from the location, the drilling fluid will be disposed/treated per DEQ guidelines and the drill pad will be reduced if possible to a size adequate to accommodate the two wells. The well head assembly and valve "tree" and any necessary equipment for safe and economic production of the well shall remain on the reduced site during the production phase of the well. Regular visits by operations personnel will be made to ensure that all operations are running safely and efficiently. Continuing access to the drill sites will be from existing roads. As production pressures decline, DEQ approved natural gas driven compression will be utilized to meet pipeline pressures until the recovery of the gas becomes uneconomical.

Once all economically recoverable gas has been produced, the well will be abandoned per DOGAMI requirements. Restoration of the drill site after both wells on the site have been plugged and abandoned. Abandonment operations will be performed in accordance with DOGAMI rules and regulations as well as obligations under existing Surface Use Agreements entered into with the surface owner.

CU 15-01 and Board Final Order No. 14-2015 set out certain requirements for the existing drillsite. Enerfin has complied with all requirements and said requirements will be adhered to in the drilling of the second well as follows:

1. **Condition 4:** Enerfin has an active and current road use and surface agreement with the Mist-Birkenfeld Rural Fire Protection District (RFPD) which will govern the operations of this second well. An additional fire permit will be obtained prior to drilling, the RFPD will be contacted to inspect the site prior to drilling. Fleming Pond will continue to be protected as required under Enerfin's agreement with the RFPD.
2. **Condition 5:** The current drillsite does not encroach on the riparian corridor of the Nehalem River. The extension contemplated under this CUP application if such is necessary, will not encroach on the riparian area or extend the existing drillsite any closer to the riparian area.
3. **Condition 6:** The current drillsite is outside of the 50' setback from Fleming Pond. The drillsite extension contemplated under this CUP application, if such is necessary, will also remain outside the 50' setback from Fleming Pond, associated wetlands and the top bank of the unnamed stream. The well will be directionally drilled in a westerly/southwesterly direction away from Fleming Pond.
4. **Condition 8:** Enerfin has placed a row of 5-6 foot trees along the perimeter of the current drillsite to assist in screening the well equipment from the adjoining farm to the southwest. Upon completion of the second well and installation of additional production equipment, enerfin will install a 6-8' wall around the southwest corner of the location in order to shield the additional equipment from sight of the adjacent farmhouse. In addition, all production equipment on location has been painted green for additional camouflage.
5. **Conditions 13 and 14:** Enerfin's agreement with the RFPD is still in full force and effect. Enerfin accepts liability for any damage done to Fleming Pond. The second well will be drilled in a westerly/southwesterly direction which places the borehole even further from Fleming Pond than the currently producing well. However, Enerfin will test the pond water prior to drilling to achieve a baseline analysis. The water will be tested once during drilling and at the end of the drilling and completion program to assure that no chemicals from the drilling process have affected the water in Fleming Pond.
6. **Condition 15:** A Floodplain Development Permit was obtained for the construction of the current site and the drilling of the first well. Measures were taken to mitigate any flood impacts. The location has been elevated by rock and graded 1' above the flood plain level. Enerfin has placed eco-blocks around the wellhead equipment to adequately protect it from the potential for floating debris in case of a flood. Any new wellhead equipment required for the second well on this site will be protected in the same manner.

A final inspection report was filed by Columbia County on May 12, 2016 which showed all requirements for the construction of the initial pad have been "satisfied" except for the requirement of a row of trees to be planted for screening purposes. Enerfin has since placed a row of 5-6' trees along the perimeter, but has not permanently placed these trees in the ground. In anticipation of the drilling of this second well and in order to avoid possibly have to replant the trees enerfin has delayed permanent planting until we can ascertain if the drillsite itself will have to be enlarged.

Staff recommends approval with conditions.

Open for public comment.

In Favor:

Enerfin - Tommy Brooks. There has been a previous application regarding this site. We want to modify the previous application. It is pretty straight forward. They would like to modify to a new drill wall.

Opposition:

Sam Smerjian, does not like looking down on the well now and this will add another pad and wall for noise reduction.

Jeff VanNatta, mentioned that the wall was only there during construction to help reduce the noise. Also he question the redirecting of the well, where is it?

Jeff VanNatta pointed out that Columbia County is addressing the site only. DOGAMI is the one that oversees the direction and underground development. The county has no right to direct the piping direction.

W Baker, wanted to point out that it is not legal to drill another well within 500' of another well and this is only 25". You can refer to OAR 632.010.0230. Will the new location intercept the current lines or cross the river?

E d'Aubigne, resides 1 ½ mile from the well by the road, if this is a directional well which direction is it going? If it heads west it will be going straight to the river. How close to her property will it go and will it cause damage to her property. Isn't it a violation if it is less that 500'? There are many wells approved over and over and does anyone have a count or know if there is a limit to the number of wells drilled? Can't the county put a moratorium on drilling until there is a long term study on them, what is the impact on earth from them?

Joe Smerjian mentioned that the wall is for the noise not the cattle and that there were not as many conditions now.

Rebuttal:

Tommy Brooks, The OAR does exist and there has been an application submitted to DOGAMI for a variance to the rule. This is a unique situation, a piece of the first well can not be accessed that is why this application has been submitted. The area we will be using is not going to cross the river. This will provide a line that will feed of the existing line. If needed we can do landscaping and a wall for noise and vegetation for better screening. There will not be an impact to anyone.

Claudia Frace wanted to know how long the drilling takes. Tommy Brooks said that there is some prep time but usually around 7 days. Claudia also wanted to know if it was only going to be a well head and no tank, will trees be planted around the pad area?

Jeff VanNatta the domes have to be square in order to be accessed.

Linda Hooper wanted to know if this was an over sight of this area and how many wells are there and if DOGAMI would have the number of wells in the county and where?

Tommy Brooks pointed out that Columbia County does have a part in the site but in comparison it is a small piece and DOGAMI holds the big piece. We try to do what Columbia County ask.

Hayden Richardson brought up Joe Smerjian concerns about the number of conditions. There were not as many as the last application because some of the issues were covered in the last application.

Linda Hooper wanted to know if there would be landscaping, what the perimeter of the well is and will the 2nd well be screened.

Jeff VanNatta mentioned that the more we limit the site the more of a chance of lawsuits that could happen, there is a possibility of dangerous substance.

Linda Hooper moved to approve CU 17-08 with conditions and Claudia Frace seconded.

Paula Lichatowich wanted to include in condition 2a to include the DOGAMI Variance if Enerfin receives DOGAMI approval.

Linda Hooper made motion to add a 2a and approve CU 17-08, Claudia Frace seconded and motion carried.

Meeting adjourned 7:50 p.m.

