

**COLUMBIA COUNTY PLANNING COMMISSION**  
**Conditional Use Permit**

March 2, 2026, Staff Report

**HEARING DATE:** March 9, 2026

**FILE NUMBER:** CU 25-169

**PROJECT PLANNER:** Kate McGuire, Planning Division Manager

**APPLICANT:** NW Natural Gas Company (NWN)

**PROPERTY OWNERS:** Weyerhaeuser Timber Holdings, Claruth Inc., Wilna Inc., Franbea Inc.

**LOCATION:** The subject properties do not have a situs address, but are located off Miller Station Road near Mist, Oregon.

**MAP ID NUMBERS:** 7500-00-04500/04700/04800/05000

**TAX ACCOUNT NUMBERS:** 25544/25546/25547/25549

**ZONING:** Primary Forest (PF-80)

**SIZE:** 1,328 +/- acres

**REQUEST:** The proposal is a request for approval of a Conditional Use (CU) Permit to authorize the Processing of Natural Gas pursuant to Columbia County Zoning Ordinance §505.2 and OAR 660-006-0025(4)(g).

**APPLICABLE REVIEW CRITERIA:**

Columbia County Zoning Ordinance (CCZO) Sections (§):

<b>§ 500</b>	Primary Forest (PF-80)
<b>§ 505.2</b>	Conditional Uses in the PF-80 zone district
<b>§ 507</b>	Siting of Dwellings and Structures
<b>§ 508</b>	General Review Standards
<b>§ 509</b>	Standards of Development
<b>§ 510</b>	Fire Siting Standards for Dwellings, Structures and Roads
<b>§ 1190</b>	Big Game Habitat Overlay
<b>§ 1503</b>	Conditional Uses

Columbia County Comprehensive Plan Sections:

<b>Part IV</b>	Forest Lands
<b>Part X</b>	Economy
<b>Part XVI</b>	Goal 5 - Open Space, Scenic and Historic Areas and Natural Resources - Article VII: ENERGY SOURCES GOALS AND POLICIES

## **BACKGROUND:**

As detailed by the Applicant, Northwest Natural Gas Company (NWN) within their application submittals:

*The Mist Facility is an existing underground natural gas storage facility in Columbia County. It plays a critical role in balancing seasonal energy demands across NW Natural's service territory and the broader Pacific Northwest region. During periods of low natural gas demand, gas is injected into underground storage reservoirs. This injection process requires increasing the gas pressure above standard pipeline levels to ensure effective storage. When demand rises, the stored gas is produced (or withdrawn) from the reservoirs and then processed by removing moisture from the gas and mitigating against hydrate formation in the withdrawn gas. ORS 520.005(14) (pertaining to gas and oil resources) defines "underground storage" as "the process of injecting and storing natural gas within and withdrawing natural gas from an underground reservoir." The vast majority of components within the existing Mist Facility are subject to EFSC's exclusive siting jurisdiction and have been permitted through the Mist Facility's Site Certificate, issued by EFSC in 1981, and subsequent Requests for Amendment ("RFAs"), issued by EFSC over the past four decades.*

*Within the last ten years, NW Natural expanded the Mist Facility by adding a second central compressor station, called the North Mist Compressor Station ("Compressor Station"), and developing the Adams reservoir for underground gas storage ("RFA 11"). The Compressor Station was authorized by the EFSC and included, among other things, two triethylene glycol gas dehydration systems that "following withdrawal from the underground storage reservoir, [] process wet natural gas through contact towers and dehydrate the gas with lean glycol for pipeline distribution of dry gas." However, wells and wellhead equipment are expressly exempt from EFSC's jurisdiction pursuant to ORS 469.300(11)(a)(I)(ii). Accordingly, as part of that recent expansion, NW Natural has previously sought, and the County has issued, two conditional use permits ("CUPs") under CCZO § 505.2 authorizing six additional wells at the Mist Facility.*

- *In 2015, the County issued CU 15-12, authorizing the "drilling and operations of four new natural gas injection/withdrawal wells" at a single well pad location, and one nearby monitoring well.*
- *In 2017, the County issued CU 17-04, authorizing the conversion of an unused well into an observation/monitoring well.*

*Last year, EFSC authorized NW Natural's Mist Resiliency Project, which includes expanding the Compressor Station by installing, among other things, three reciprocating gas fired compressors and two dehydration contact towers and glycol regenerating skids with reboilers for use in connection with utilizing additional reservoirs for gas storage ("RFA 13").*

The Oregon Energy Facility Siting Council ("EFSC") is responsible for overseeing the development of certain large electric generating facilities, high voltage transmission lines, gas pipelines, radioactive waste disposal sites, and other energy-related projects that meet the statutory definition of an "energy facility" at ORS 469.300(12). This state-level oversight of energy facilities helps ensure that Oregon has an adequate energy supply while protecting Oregon's environment and public safety. After issuing a site certificate for an "energy facility," the EFSC has ongoing regulatory authority over the construction and operation of the energy facility.

A proposed energy facility must undergo a thorough review and meet the EFSC legal standards to receive site certificates, as outlined in Oregon Administrative Rule (OAR) 345-022-0000. As identified in OAR 345-022-0000 and within the Final Order approving the request for the 13th amendment to the Mist Underground Natural Gas Storage Facility, dated January 17, 2025 (the "EFSC Final Order"), those standards include but are not limited to requiring the proposal to address; Structural Standards (OAR 345-022-0020), Soil Protection (OAR 345-022-0022), Land Use (OAR 345-022-0030), Protected Areas (OAR 345-022-0040), Fish and Wildlife Habitat (OAR 345-022-0060), Threatened and Endangered Species (OAR 345-022-0070), Scenic

Resources (OAR 345-022-0080), Historic, Cultural, and Archaeological Resources (OAR 345-022-0090), Impacts to Recreational Opportunities (OAR 345-022-0100), Impacts to Public Services (OAR 345-022-0110), Wildfire Prevention and Risk Mitigation (OAR 345-022-0115), Waste Minimization (OAR 345-022-0120), Public Health and Safety Standards for Surface Facilities Related to Underground Gas Storage Reservoirs (OAR 345-024-0030), Noise Control Regulations (OAR 035-0035), and Removal and Fill Law (Oregon Revised Statutes (ORS) Chapter 196 and OAR Chapter 141).

As identified on page 1 of EFSC Final Order:

*“RFA13 requested approval from the Energy Facility Siting Council (EFSC or Council) to make the following changes:*

*At Miller Station:*

- *replace two existing (end of life) natural-gas fired turbines*
- *replace existing (end of life) underground distribution powerline from Highway 202 to Miller Station; and,*
- *increase the fenced boundary of Miller Station by adding approximately 7.52 acres adjacent to the existing station to create a permanent storage yard.*

*At North Mist Compressor Station (NMCS):*

- *Install approximately 2.6 miles of underground gas transmission pipelines to connect the new storage reservoirs to the NMCS;*
- *add three reciprocating gas fired compressors;*
- *add two dehydration trains, new air compressor, inlet and outlet coalescing filters, two new back-up power generators, fuel gas heater, skidded fuel gas regulators, and a power transformer;*
- *add a control building, a Power Distribution Center, compressor building, dehydration regeneration building, and associated equipment.*

*These additions at NMCS will enable an increase of allowable throughput of natural gas from 635 MMscfd to 835 MMscfd.*

*Based upon review of RFA13 and the Proposed Order, the Council **approves** the amendment request and adopts the Proposed Order as the Final Order on RFA13 and grants issuance of the Thirteenth Amended Site Certificate, subject to existing, new and amended conditions set forth in this order.*

*This final order is issued by the Council in accordance with ORS 469.405(1) and OAR 345-027-0371.”*

Therefore, **any component approved through the EFSC Final Order, is not subject to review by Columbia County under the current proposal.** Pursuant to the EFSC Final Order, as addressed on page 2 under the “SITE CERTIFICATE PROCEDURAL HISTORY” section, lines 24-28:

*“Underground storage reservoirs, injection, withdrawal, and monitoring wells, and individual wellhead equipment are expressly excluded from Council’s jurisdiction by ORS 469.300(11)(a)(I)(i)-(ii). Those components remain under DOGAMI’s authority over wells and other subsurface components. **Well pads are also excluded from the site certificate as they are under the authority of DOGAMI and Columbia County.**”*

Underground storage reservoirs, injection, withdrawal, and monitoring wells, and individual wellhead equipment are regulated by the Oregon Department of Geology and Mineral Industries (DOGAMI). Columbia County’s jurisdiction is limited to reviewing these components (with the exception of storage reservoirs) for

compliance with applicable land use and development standards under the Columbia County Zoning Ordinance. The current Conditional Use (CU) review conducted by Columbia County is limited, specifically and only, to review of the proposed *processing* of Natural Gas as it is proposed to occur in the above-ground (surface) portions of the twelve (12) proposed new wells/wellheads.

**SUMMARY OF CURRENT PROPOSAL:**

The current proposal is a request for authorization to conduct a Conditional Use (CU) in the PF-80 zone district, pursuant to Columbia County Zoning Ordinance §505.2 and OAR 660-006-0025(4)(g): the *processing* of Natural Gas, specifically as it is proposed to occur in the above-ground (surface) portions of the twelve (12) proposed new wells/wellheads.

To conduct the *processing* use, NWN proposes the construction and operation of twelve (12) wells/wellheads and three (3) Remote Terminal Unit (RTU) buildings, containing monitoring and control equipment. These RTU buildings are a necessary and essential component for monitoring the processing that occurs in both the surface and subsurface components of the wells/wellheads, as further described below. Seven (7) of the new wells will be “injection/withdrawal” (IW) wells that will inject gas into (or withdraw) gas from three (3) reservoirs. Five (5) of the new wells will be observation and monitoring (OM) and/or pressure monitoring (KI) wells. The twelve (12) wells will be located on four (4) well pads. Three (3) of the well pads (Medicine, Medicine OM, and Newton) will be new. The fourth well pad “Stegosaur” is already existing and will be modified to accommodate four (4) new wells and one (1) RTU building.

<b>Well Pad</b>	<b>New or Existing</b>	<b>IW Wells</b>	<b>OM/KI Wells</b>	<b>RTU Buildings</b>	<b>Location (Map ID No.)</b>
MEDICINE	NEW	2	1	1	7500-00-04700
MEDICINE OM	NEW	0	1	0	7500-00-04500
NEWTON	NEW	3	1	1	7500-00-05000
STEGOSAUR	EXISTING (to be expanded)	2	2	1	7500-00-04800
<b>Total = <u>12 Wells</u> &amp; <u>3 RTU Buildings</u></b>		<u>7</u>	<u>5</u>	<u>3</u>	

Page 3 of NW Natural Supplemental Response holistically describes the *processing*, production, storage, and transportation of natural gas as follows:

*“The Project will serve a fundamental role in producing the gas stored in existing underground reservoirs at the Mist Facility and then **processing** that gas so it can be injected into pipelines for distribution and use. Every time gas is injected into or produced (or withdrawn) from the underground reservoirs, it must pass through a well. When gas is being withdrawn, **initial gas processing occurs at the wellhead**, including removing moisture and heating to prevent ice-like blockages, known as “hydrate formation,” in the gas. The gas is then sent to the Compressor Station for further gas processing to ensure that it meets the specific quality measures before being injected into pipelines for distribution and use. Without the wells and associated wellhead equipment, natural gas cannot be injected into or withdrawn from the underground reservoir, nor can it be processed for distribution and use.”*

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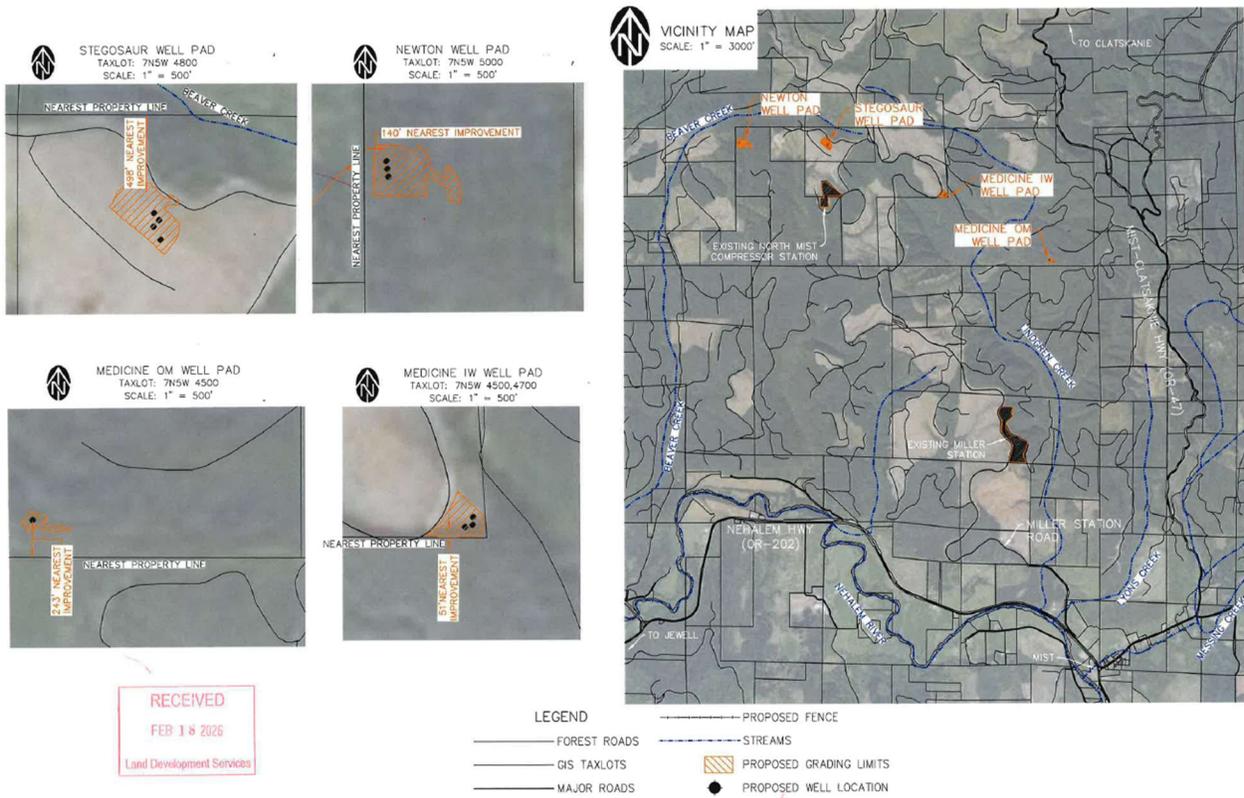
*Images of existing development (wells/wellheads and RTU Building) within the Mist Facility -  
The kind of development proposed in this application is nearly identical.*



**SUMMARY OF SITE CONDITIONS:**

The subject and adjacent properties are located within the Primary Forest-80 (PF-80) zone district and are used for forest management and timber production purposes and the existing Mist Natural Gas Facility that has been developed at the site for more than 45 years when the first EFSC Site Certificate was issued in 1981. Most of the adjacent properties are owned by timber production companies—primarily the same owner/lessors of the subject properties. The subject properties on which the processing use and associated infrastructure reviewed through this application will be located, are a combined total of 1,328 +/- acres in size (Map ID No.'s: 7500-00-04500 [629.69 +/- acres], 7500-00-04700 [325.57 +/- acres], 7500-00-04800 [82.09 +/- acres] and 7500-00-05000 [290.55 +/- acres]).

***Revised Vicinity Map - February 18, 2026***



Beaver Creek (a non-fish bearing stream pursuant to the Oregon Department of Forestry Stream Classification Maps (ODF SCM)) is the nearest mapped stream from the Newton and Stegosaur well pad locations, running northerly of and more than 500’ from both by linear measure and, as measured using both 20’ and 100’ contours in county GIS, both these well pad locations are 300’+ in elevation from Beaver Creek.

An unnamed tributary of Lindgren Creek (a non-fish bearing stream pursuant to the ODF SCM) runs approximately 300’ easterly of the Medicine IW well pad location by linear measure, and the Medicine IW well pad is approximately 150’ higher in elevation than this unnamed tributary.

Lindgren Creek (a fish bearing stream pursuant to the ODF SCM) runs between the Medicine IW and Medicine OM well pads, however, they are both located more than 1,500’ from the stream bed by linear measure. The Medicine IW well pad is approximately 600’ higher in elevation than the creek bed, and the Medicine OM well pad location is approximately 500’ higher in elevation than the creek bed.

Consequently, there is no development proposed in proximity to riparian areas associated with fish bearing and non-fish bearing streams. Likewise, according to the Oregon Department of State Lands Wetlands Inventory Maps, wetlands are found only in the same locations as those identified streams. There are no wetlands identified near the well pad locations. Additionally, according to FEMA FIRM No. 41009C0125D, and county GIS, the well pads are not located in any identified special flood hazard areas.

The Clatskanie-Quincy CPAC Beak Maps verify these properties are within Major and Peripheral Big Game Habitat Areas.

The subject properties are situated within the Mist-Birkenfeld Rural Fire Protection District service area.

**FINDINGS ADDRESSING COMPLIANCE WITH THE RELEVANT CRITERIA OF THE COLUMBIA COUNTY ZONING ORDINANCE (CCZO):**

**Section 500 PRIMARY FOREST ZONE – 80 (PF-80)**

**501 Purpose**

The purpose of this zone is to retain forest land for forest use and to encourage the management of forest land for the growing, harvesting, and processing of forest crops consistent with the Oregon Forest Practices Act. Uses in this zone will also provide for other forest uses including watershed protection, soil protection, maintenance of clean air and water, wildlife and fisheries habitat, outdoor recreation activities, open space and scenic preservation, and agricultural activities free from the encroachment of conflicting non-forest uses and influences.

.1 The Primary Forest (PF) Zone is intended to:

- E. Recognize locationally dependent uses, such as communication towers, mineral and aggregate resources, etc.;

**FINDING:** The proposal supports the continuation of an established locationally dependent use. As identified in the Background section of this report, the Mist Facility’s Site Certificate was issued by EFSC in 1981. Additionally, in a letter dated February 17, 2026, provided by the applicant, Vice President of Gas Supply and Utility Support Services at NWN, David Weber, provides:

*“We happen to have the right kind of underground rock formations in Columbia County that make safe storage possible. When withdrawn from storage at the mist facility, that gas bypasses the interstate bottleneck entirely it can be moved through local pipelines and delivered directly and immediately, to customers during peak demand.”*

Although the “storage” Mr. Weber refers to is not the use that is currently being reviewed, the *processing* use that is being reviewed will be conducted in support of the larger operation of the Mist Facility that includes these naturally occurring underground reservoirs. Additionally, as found in EFSC Final Order Section **I.A. “SITE CERTIFICATE PROCEDURAL HISTORY”** the initial site certificate issued by EFSC in 1981 for the Mist Facility, contained authorization “to construct and operate *two naturally existing underground gas reservoirs* (the Flora and Bruer pools)...”. Therefore, as recognized by the Oregon EFSC, and further supported by the statement provided by Mr. Weber, staff finds that the proposed *processing* use, to occur at the injection and withdrawal wellheads, which will be conducted in support of the larger Mist Facility, is recognized as a locationally dependent use.

**505 Conditional Uses**

The following conditional uses may be allowed subject to the general review standards and process in Sections 1503 and 1603 of the Zoning Ordinance. All authorized uses and permanent

structures shall also meet the applicable standards listed in Sections 506, 507, and 508 of the Zoning Ordinance and all other local, state, and federal laws pertaining to these uses.

- .2 Exploring, mining and processing of oil, gas, or other subsurface resources, as defined in ORS Chapter 520 and the mining and processing of mineral and aggregate resources as defined in ORS Chapter 517.

**FINDING:** The proposed use is for the *processing* of natural gas.<sup>1</sup> Pursuant to OAR 660-006-0025(4), uses that may be conditionally approved in the PF-80 zone include:

- (g) *Mining and **processing** of oil, gas, or other subsurface resources, as defined in ORS chapter 520, and not otherwise permitted under subsection (3)(m) of this rule (e.g., compressors, separators and storage serving multiple wells), and mining and processing of aggregate and mineral resources as defined in ORS chapter 517.*

The applicant submitted a letter prepared by Vice President of Gas Supply and Utility Support Services at NWN, David Weber, in which the holistic picture of processing that occurs throughout the facility is detailed. As found in Section C. of that letter, *How Natural Gas Storage Works: Injection and Withdrawal as Key Natural Gas Processing Functions*, subsection c. *Withdrawal*, Mr. Weber identifies how processing of natural gas will occur specifically at the seven (7) “injection/withdrawal” (IW) wells under the authority of Columbia County for review:

*“Withdrawal is where the processing role of the wells is most visible. When gas comes back to the surface, it does not return in a condition that is ready for transport. Instead, it arrives mixed with water, moisture, and particulates from the reservoir. Each withdrawal well is equipped with a separator and process heater that cleans and stabilizes the gas. The separator removes most moisture and particulates which is a necessary step to prevent moisture from entering NE Natural’s distribution system. NW Natural also heats the gas using the process heater to prevent ice-like blockages, known as “Hydrate formation,” ensuring safe and reliable flow during cold temperatures.”*

The letter further explains how all other infrastructure subject to this application is directly related to the *processing* functions that will occur at the wells/wellheads. There is sufficient evidence in the record identifying that the proposed facility developments support the *processing* of natural gas, a conditional use which may be permitted in the PF-80 zone district, subject to the Conditional Use requirements of CCZO §1503.5, as addressed further within this staff report. Staff finds that the criterion of this section has been demonstrated as met.

## **507 Siting of Dwellings and Structures**

**FINDING:** The current proposal does not include any dwellings, however, CCZO §100.105 defines STRUCTURE to mean: “*a building or other major improvement that is built, constructed or installed, not including minor improvements, such as fences, utility poles, flagpoles or irrigation system components, that are not customarily regulated through zoning ordinances.*” Historically, in previous Conditional Use reviews of the same nature approved conducted on the subject properties, Columbia County Planning staff has not found the above definition of “STRUCTURE” to be applicable to the development of wells and wellheads.

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<sup>1</sup> Columbia County Zoning Ordinance (CCZO) §505.2 was intended to incorporate OAR 660-006-0025(4)(g). However, as incorporated into the CCZO, the word “Exploring”—which does not appear in OAR 660-006-0025(4)(g)—was placed in the text of §505.2 and also in Permitted Uses §503.8. Staff concludes that the inclusion of the word “Exploring” in CCZO §505.2 was an error. This discrepancy regarding the placement of the word “Exploring” in the CCZO is neither here nor there with regard to the current proposal to conduct a *processing* use, appropriately reviewed under the provisions of CCZO §1503 – CONDITIONAL USES, it is simply an acknowledgement made by reviewing staff in order to maintain clarity.

Staff concludes that this is likely because that infrastructure is comprised primarily of piping/plumbing components (as shown in the representative photographs above on page 5 of this report) and they were likely determined to be “*minor improvements, such as...*”. Additionally, upon review of the building permit history of the subject properties, staff can find no instance where any building permits were issued for the wells/wellheads approved in previous conditional use permit reviews.

Notwithstanding the foregoing, because the definition of “structure” in CCZO 100.105 does not explicitly identify the proposed development within the acknowledged “minor improvements” current reviewing staff errs on the side of caution and identifies that, in the event the proposed wells/wellheads and RTU buildings should be acknowledged as “*a major improvement that is built, constructed or installed*” the standards of this section would be applicable to the physical construction of the exterior (above-ground) components of the twelve (12) wellheads and to the three (3) Remote Terminal Unit (RTU) buildings, and as such, these components are addressed below.

- .1 All new dwellings and structures are subject to the siting standards in this section. Relevant physical and locational factors including, but not limited to, topography, prevailing winds, proximity to existing roads, access, surrounding land use and source of domestic water shall be used to identify a site which:

- A. Has the least impact on nearby or adjacent lands zoned for forest or agricultural use;

**FINDING:** As previously addressed above, where the criterion of CCZO §501.1(E) was addressed, the proposal supports the continuation of an established locationally dependent use due to the relevant physical and locational factors of the naturally occurring underground reservoirs and exiting infrastructure at the Mist Facility the new wells will be interconnected to. Additionally, staff identifies that the wells are entirely contained on the subject properties. As evidenced by State of Oregon 2024 aerial imagery, the four (4) well pad locations have been logged and cleared of timber and thus, also substantially cleared of any wildfire ignition fuel in the immediate vicinity of the proposed wells/wellheads.

As acknowledged within the ECONOMIC, SOCIAL, ENVIRONMENTAL, AND ENERGY CONSEQUENCES section of Article VII – ENERGY, in PART XVI of the Columbia County Comprehensive Plan:

*“A natural gas well is a temporary land use that affects approximately one-half acre of ground.”*

A half-acre square contains exactly 21,780 square feet. When measuring from the centroid of that half acre square (the midpoint location of both the length and width of the half acre square) and placing said centroid on a well, the area of potential impact extends 74 feet in all directions from the location of a well. As shown on the site plan submitted on February 18, 2026, and applicants Exhibit Q - “Medicine Site Plan” (updated) the nearest of the four (4) well pads, and the associated infrastructure contained upon it, to any common property boundary is the Medicine IW well pad, proposed in the southeastern quadrant of 7500-00-04500. The RTU building to be located at this site is represented to be 51’ from the southern property boundary. The two nearest wells, adjacent to a common property boundary are “WELLHEAD #2”, shown to be situated 74 feet from the southern property boundary and “WELLHEAD #1”, shown to be 82 feet from the eastern property boundary. Therefore, it has been demonstrated that the impact area for all twelve wells will be contained entirely on the subject properties.

CCZO § 507.1(A), which implements OAR 660-006-0029(1)(a), does not require that development have “no impact” on nearby or adjacent lands zoned for forest or agricultural use. Rather, the purpose of this criterion is to ensure that the proposed location of new structures in the PF-80 zone will have the “least impact” on nearby or adjacent farm and forest lands, including when considering the related siting considerations set forth in CCZO §§ 507.1(B)–(D), as they implement OAR 660-006-0029(1)(b)–(e). As relevant here, all proposed

development and operations subject to the County’s review will occur on previously cleared lands fully within the subject properties and within a broader area already reviewed and approved by EFSC for development and operation of the Mist Facility and North Mist Compressor Station expansion in RFA 13. It is reasonable to conclude that the least-impactful location for the additional development and operations now proposed by the applicant to occur would be anywhere within these existing cleared areas, where the well impact area will be contained entirely on the subject properties. The specific sites selected by the applicant meet these sideboards, and there is no reason to believe that the specific sites selected by the applicant would have any more or different impacts than any other sites on the property that also meet these sideboards. Staff finds that the criterion of this section is satisfied.

2024 Oregon State Aerial Imagery with locations of well pads as compared to the submitted site plan



- B. Ensures that forest operations and accepted farming practices on the tract will not be curtailed or impeded by locating dwellings and structures as near to each other and to existing developed areas as possible considering topography, water features, required setbacks and firebreaks;

**FINDING:** The proposal does not include any dwellings. The subject and surrounding properties are all zoned PF-80 and primarily used for forest management and timber production, coincidentally, there are no dwellings or other structures on surrounding properties in near vicinity of the subject properties. As evidenced by Oregon State 2024 Aerial Imagery, above, the proposed location of the well pads and associated wells/wellheads and RTU buildings will be situated in portions of the subject properties that have already been logged. Additionally, the applicant and the owners of the subject properties who lease the land to the applicant, and who were required to supply letters of authorization that were signed by a duly authorized agents of the entities that own each of the subject properties to the record, have worked in coordination to successfully continue forestry operations and operate the Mist Facility on the subject properties in tandem, for more than 45 years. No impacts from the existing Mist Facility or the associated and already-occurring *processing* uses previously reviewed and approved by the County have ever been reported by the landowners who are conducting forest operations on the subject properties. For these reasons, staff finds that the (minor) addition of twelve (12) wells/wellheads and associated infrastructure that will facilitate processing of natural gas, a use which has previously been reviewed and conditionally permitted by the County and therefore, is already occurring in various locations on

the subject properties, will not impede the forestry operations currently occurring on those properties. Staff finds that the criterion of this section can be considered to be demonstrated as satisfied.

- C. Minimizes the amount of forest lands used for building sites, road access and service corridors;

**FINDING:** As evidenced by State of Oregon 2024 Aerial Imagery (above), the four (4) proposed well pad locations that will contain the facilities reviewed within this application, have already been recently logged. Within the applicant's submitted findings and as confirmed by the EFSC Final Order, road access to the well pad locations to be developed with the facilities reviewed herein, are established and no new road accesses are necessary or proposed.

Service corridors necessary for the addition of any pipelines for transportation of natural gas from the facilities reviewed in this application to different sites within the Mist Facility, are not within the scope of this review and have been addressed where the criteria of this section were reviewed by EFSC in the Final Order.

Staff finds that, because merchantable timber has already been harvested, and the land cleared at the locations of the proposed well pads and processing infrastructure (wells/wellheads and RTU buildings), and because no new roadway construction has been identified as needed for the current proposal, the criterion of this section regarding minimization of the use of forested lands for building sites and road access has been demonstrated as satisfied. In the event that it is identified that new roads would be necessary upon commencement of construction activities, a condition of approval requiring that, to the practical extent possible, the amount of forest lands used for building sites, road access and service corridors should be minimized.

- D. Is consistent with the provisions of Section 510 related to Fire Siting Standards and minimizes the risk associated with wildfire; and

**FINDING:** Where the criteria of CCZO §510 are addressed further herein, this section is also addressed.

- E. Is consistent with other requirements contained in the Comprehensive Plan or implementing ordinances, including, but not limited to, regulations which apply to flood, steep slopes, and landslide hazard areas, development within the Willamette River Greenway, development in forested areas or development in significant resource and natural areas, such as wetland riparian and slide-prone areas.

**FINDING:** The CCZO provides standards and criteria to implement the goals and policies of the Comprehensive Plan. The current proposal is consistent with applicable sections of the CCZO as addressed throughout findings within this staff report including but not limited to addressing; Conditionally Permitted Uses in the PF-80 Zoning District, General Review Standards, and applicable Standards of Development relevant to any pertinent Overlay Zones. As addressed in previous and subsequent sections of this staff report, there are no flood hazards or riparian corridors within close proximity to any proposed well pads. As long as the proposal is found to comply with all applicable sections of the Zoning Ordinance, it will also comply with the requirements of the Comprehensive Plan. The proposal's consistency with the Policies and Goals of the Comprehensive Plan is further evaluated where the criteria of CCZO Section 1503.5(F) are addressed further herein.

- .2 The applicant shall provide evidence consistent with OAR 660-006-0029(3) that domestic water supply is from a source authorized in accordance with the Department of Water Resources' administrative rules for the appropriation of ground water or surface water in OAR Chapter 690 and not from a Class II stream as defined in the Forest Practices Rule in OAR Chapter 629. If the water supply is unavailable from public sources or sources located

entirely on the subject property, then the applicant shall provide evidence that a legal easement has been obtained permitting domestic water lines to cross the properties of affected owners.

**FINDING:** The proposal is not for a dwelling or residential (domestic) use domestic/potable water supply is not required to serve the processing use that is reviewed through this application. Therefore, the standard of this section is not applicable.

- .3 As a condition of approval, if road access to the dwelling is by a road owned and maintained by a private party or by the Oregon Department of Forestry or the U.S. Bureau of Land management, then the applicant shall provide proof of a long-term road access use permit or agreement. The road use permit may require the applicant to agree to accept responsibility for road maintenance.

**FINDING:** The standard of this section is explicit to “dwellings.” Because the current proposal is not for a dwelling, the standard of this section is not applicable.

- .4 Pursuant to OAR 660-006-0025 (5), approval of a dwelling shall be subject to the following requirements:

**FINDING:** The standard of this section is explicit to “dwellings.” Because the current proposal is not for a dwelling, the standard of this section is not applicable.

- .5 Dwellings and other structures to be located on a parcel within designated Big Game Habitat areas pursuant to the provisions of Section 1190 are subject to the additional siting criteria contained in Section 1190.

**FINDING:** The subject properties are located within the Big Game Habitat Overlay. The standards and criteria of CCZO §1190 are addressed further herein.

#### **508 General Review Standards**

The Planning Director or hearings body shall determine that a use authorized by Sections 504 and 505 meets all of the following requirements:

- .1 The proposed use will not force significant change in, or significantly increase the cost of, accepted farming or forest practices on agriculture or forest lands;

**FINDING:** The well pads and associated infrastructure (wells/wellheads and RTU Buildings) necessary to support the proposed processing use will occur on properties that are already developed with infrastructure serving the Mist Natural Gas Facility. As identified in the Background Section of this report, all existing facilities have been previously approved by Columbia County, EFSC, and DOGAMI. The Mist Facility has been in operation for 45 years with no documented evidence of impediment to active forest management practices occurring on the subject and surrounding properties. The applicant, NWN, is a leaseholder on the subject properties and as such, has developed a successful longstanding cooperative work relationship with the landowners who are simultaneously conducting their forestry operations. Those areas range between .50 acres to 2 acres in size. There is no evidence that the currently proposed processing use to occur within the above-ground portions/components of the new wells/wellheads reviewed through this application, which will be connected to and incorporated into the existing, larger, comprehensive Facility, where the processing and other uses are already occurring in different locations on the subject properties, would force significant changes in, or significantly increase the cost of conducting forestry practices on the subject and immediately surrounding properties. The proposal was noticed to neighboring property owners within 750’ of the boundaries of the

subject properties. Most of those properties are in common ownership of those entities that own the subject properties. The nearest property in other ownership (6500-00-00600 / Tax account 25096) is located approximately one-half mile south of the “Medicine” IW well pad located on subject properties 7500-00-04700 & 04500. No return comments were received from any property owners within the required 750’ notice area.

For the reasons identified above, and without any contrary evidence, staff finds that the current proposal, to conduct a processing use at new locations on a property already supporting that use at a far larger scale, will not force a significant change in, or significantly increase the cost of, accepted farming or forest practices on the subject and surrounding lands devoted to farming and forestry uses.

- .2 The proposed use will not significantly increase fire hazard or significantly increase fire suppression costs or significantly increase risks to fire suppression personnel;

**FINDING:** Upon notice of the proposal, the Oregon Department of Forestry (ODF) - Columbia Unit Forester, Jasen McCoy, returned comment stating:

*“ODF asks that Landowner/Operator meet legal requirements of notifying for Power Driven Machinery (PDM) within the Oregon Department of Forestry – Columbia Unit. Routine line maintenance using power driven machinery (year-round) can be noticed as “County Wide Activity”. Some projects are more of a fire risk, while others are low fire risk depending on the time of year, weather, topography, and flammable material near the site. A PDM is required year-round from ODF. Additionally, there are extra requirements during fire season.*

*The applicant can work with the Stewardship Forester for the area for potential consideration of fire equipment waivers.”*

The requirement to notify ODF when PDM related activities are scheduled to occur, will be made a **condition of approval**.

Section III.N., WILDFIRE PREVENTION AND RISK MITIGATION (OAR 345-022-0115), of EFSC Final Order on the 13<sup>th</sup> Amendment to the operational site certificate required the applicant to:

*“adequately characterize the wildfire risk within the analysis area using reputable sources to describe Baseline Wildfire Risk, Seasonal Wildfire Risk, Areas Subject to Heightened Risk of Wildfire, and High-fire Consequence Areas.”*

OAR 345-001-0010(35)(c) (and the EFSC Final Order which references the OAR) defines that analysis/study area to be:

*“an area that includes all the area within the site boundary and the area within the following distances from the site boundary: (c) For land use impacts, wildfire risk, and impacts to fish and wildlife habitat, **one-half mile.**”*

Additionally, as summarized on pg. 79 of the EFSC Final Order:

*“Certificate holder contacted the Clatskanie and Mist Birkenfeld RFPDs to solicit input regarding the potential effect that proposed changes to the proposed RFA13 changes could have on their fire protection work.*

*The Fire Chief for the Clatskanie RFPD indicated that the potential impact to his district would depend on the number of emergencies that occurred during construction and operation. The Fire Chief for the Mist-Birkenfeld Fire District did not anticipate that the proposed RFA13 changes would have a significant*

*adverse impact on their ability to provide fire protection and EMS services.<sup>2</sup> The history of safe operation of the facility and the statements from the Fire Chiefs support Council finding **the proposed use will not significantly increase fire hazard or significantly increase fire suppression costs.**”*

As presented previously herein, the current request for approval of a conditional processing use reviewed by Columbia County is explicitly limited to where the *processing* use occurs in the above-ground components of the wells/wellheads. However, it is important to note that the components that are reviewed within the current application are part of, and contained within, the larger Mist Resiliency Project boundary and thus, were incorporated into the review and analysis of Wildfire Prevention and Risk Mitigation in the EFSC Final Order. The EFSC Final Order identifies that Wildfire Prevention standards and the Wildfire Mitigation Plan requirements apply to construction and operation of the entirety of the proposed facility, consequently, including those components reviewed in this application. EFSC concluded [EFSC RFA 13 Final Order, pg. 186] that the facility will be constructed and operated in compliance with a Wildfire Mitigation Plan [EFSC RFA 13 Final Order, Attachment V-2] approved by the Council.

The analysis of potential increases to fire hazards and the mitigation requirements addressed within the EFSC Final Order, which included the four (4) well pad locations reviewed within the current application, are more than adequate to address compliance with the criteria of this section. Staff finds that the proposed use will not significantly increase fire hazard or significantly increase fire suppression costs or significantly increase risks to fire suppression personnel. The criteria of this section are satisfied.

- .3 A waiver of remonstrance shall be recorded with the County Clerk certifying that the owner will not remonstrate against or begin legal action or suit proceeding to cause or persuade the owner or operator of any farm or forest lands to modify the conduct of legal and accepted farm or forest operations; and

**FINDING:** Signature and recordation of a waiver of remonstrance on each of the four (4) subject properties will be made a condition of approval. After recordation of the four (4) waivers with the Columbia County Clerk, the applicant shall submit copies of the recorded documents to the Planning Division, prior to issuance of any building permits or commencement of the use reviewed through this application. Staff finds that compliance with the requirement of this section can be satisfied through a condition of approval.

- .4 The proposed use is consistent with requirements contained in the Comprehensive Plan or implementing ordinances, including, but not limited to, regulations which apply to flood hazard areas, development within the Willamette River Greenway, development in forested areas or development in significant resource areas, such as riparian, wetlands or slide-prone areas.

**FINDING:** Where the nearly identical criteria of CCZO §507.1 (E) were previously addressed, the criteria of this section were also already addressed. Staff finds that the criteria of this section are satisfied.

## **509 Standards of Development**

- .1 The minimum average lot or parcel width and minimum average lot or parcel depth shall be 100 feet for all activities except farming or forestry.

**FINDING:** The proposed use is not for farming or forestry. Therefore, the standard of this section is applicable. Accordingly, the minimum average lot or parcel width and depth of all four (4) subject properties greatly

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<sup>2</sup> The February 16, 2024, letter from Joe Kaczinski, Mist-Birkenfeld RFPD Fire Chief, was incorporated to the record as part of applicants February 17, 2026, revised submittal.

exceeds the 100 feet minimum average lot or parcel depth requirement of this section. Consequently, the standard of this section is demonstrated as met.

- .2 Access to parcels in this zone shall meet Fire Safety Design Standards for Roads in the County Road Standards and access standards found in Section 510 of the Zoning Ordinance.

**FINDING:** CCZO §510 explicitly states “The following fire siting standards or their equivalent shall apply to new dwellings in this zone.” The current proposal is not for a dwelling, therefore, the standards of CCZO §510, and by default, the criterion of this section are not applicable to the current proposal.

- .3 There shall be no height limitation for forest operation and management- related structures unless otherwise permitted in the Primary Forest Zone. The maximum building height for all non-farm, non-forest structures shall be 50 feet or 2 ½ stories, whichever is less.

**FINDING:** The structures (wellheads and RTU Buildings) subject to this review are not part of a forest management operation or use. Therefore, a condition of approval will limit any structure reviewed through this application to no more than 50 feet or 2 ½ stories in height. Compliance with this requirement shall be verified at the time of submittal for building permits.

- .4 The standards and requirements described in Section 1300 of the Zoning Ordinance shall apply to all signs and name plates in the Primary Forest Zone.

**FINDING:** No signs or name plates were proposed as part of the current application. In the event signs or name plates are proposed in the future, they will be required to comply with the standards and requirements of CCZO §1300 as applicable to the PF-80 zone district.

- .5 The Oregon Department of Fish & Wildlife shall be notified and provided with the opportunity to comment on any development within major and peripheral Big Game Habitat.

**FINDING:** The subject properties are located within the Big Game Habitat Overlay. The standards and criteria of CCZO §1190 are addressed further herein. Pursuant to the requirement of this section, the Oregon Department of Fish and Wildlife (ODFW) was sent notice of the proposal with request for comment, on January 13, 2026. As of the date of this staff report, no response has been received from ODFW. Accordingly, Columbia County Planning has satisfied its obligation to provide notice of the proposal and provide opportunity to comment, to ODFW. Compliance with the noticing requirement of this section has been demonstrated as met.

- .6 Setbacks:

- A. There shall be a minimum setback of 50' for front, side, and rear yards for all development in the Primary Forest Zone.

**FINDING:** As demonstrated on the revised overall site plan dated February 18, 2026, all proposed structural development (wells/wellheads and RTU Buildings) will be located more than 50' from any property line. Compliance with the standard of this section has been demonstrated as met.

- B. When this Ordinance or any other ordinance requires a greater or lesser setback than is required by this subsection, the greater setback shall apply.

**FINDING:** There is no other greater setback required by this ordinance or any other applicable ordinance. Therefore, the criterion of this section is not applicable to the current proposal.

- C. All structures are subject to any special setbacks when adjacent to arterial or collector streets designated in the County Transportation Systems Plan.

**FINDING:** The structures proposed in this application are not adjacent to any arterial or collector streets designated in the County Transportation Systems Plan. Therefore, the criterion of this section is not applicable to the current proposal.

- D. No structure or use shall be established in a manner likely to cause contamination of a stream, lake or other body of water. Riparian and natural hazard setbacks set forth in Sections 1170 and 1180 of the Zoning Ordinance shall apply.

**FINDING:** The submitted site plan, Oregon Department of State Lands (DSL) maps, and county GIS confirm, there are no streams, lakes or other bodies of water in close proximity to the four (4) well pads and associated structural development reviewed in the current proposal. Due to the spatial separation of the proposed facilities from any body of water, compliance with the criteria of this section is demonstrated as satisfied. Consequently, the standards of CCZO §1170 and §1180 do not apply to the current proposal.

- E. When land divisions create parcels of less than 40 acres for uses listed in Subsection 511.2A., provided those uses have been approved pursuant to this Ordinance, required building setbacks for these parcels will be determined on a case-by-case basis by the Director or the hearings body.

**FINDING:** The proposal is not for a land division. Therefore, the criterion of this section is not applicable to the current proposal.

- F. The owner shall provide and maintain primary fuel-free fire break and secondary fire break areas on land surrounding the dwelling and primary fuel-free break areas surrounding accessory structures in the Primary Forest Zone pursuant to the provisions in Subsections 510.2 and .3.

**FINDING:** The proposal does not include any dwellings and consequently, it does not include any residential accessory structures. Therefore, the standards of this section are not applicable to the current proposal.

- .7 Approval Period for Use Permits. For all uses approved under sections 504 and 505, the approval period shall be valid for four (4) years. At a minimum, a development construction permit must be issued by [the] Land Development Services within the approval period. If a construction permit is not issued within the approval period, the land use permit expires. An extension of two years on the approval period may be granted by the Director if a written request is received prior to its expiration and the reason for the delay is beyond the control of the owner.

**FINDING:** The proposal is a request for approval of a Conditional Use, as identified in CCZO §505.2. Therefore, in the event an approval is issued, the approval period for the applicant to secure a development construction permit will remain valid for four (4) years from the date of the final decision.

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**510 Fire Siting Standards for Dwellings, Structures and Roads**

The following fire-siting standards or their equivalent shall apply to new dwellings in this zone:

**FINDING:** The proposal is not for a dwelling, therefore the standards of this section are not applicable to the current proposal.

**516 Notification of State Agencies**

The Oregon Department of Forestry’s Columbia Unit Office and the Oregon Department of Fish and Wildlife’s Forest Grove Office shall be notified and requested to comment on all conditional use requests filed under Section 503 of this Zone and all building or placement permit application filed under the Primary Forest Zone. Responses should be received within 10 days of the date of mailing to be assured consideration.

**FINDING:** Pursuant to the requirement of this section, notice of the proposal was emailed to Jasen McCoy (Oregon Department of Forestry - Unit Forester, Columbia County) and to Mark Nebeker (Oregon Department of Fish and Wildlife - Northern Willamette Valley, Wildlife Biologist). As of the date of this staff report, no responses have been received from either agency. Accordingly, Columbia County Planning has satisfied its obligation to provide notice to these two agencies. Compliance with the noticing requirement of this section has been demonstrated as met.

**1190 BIG GAME HABITAT OVERLAY**

**1191 Purpose**

To protect sensitive habitat areas for the Columbian white-tailed deer and other Big Game by limiting uses and development activities that conflict with maintenance of the areas. This section shall apply to all areas identified in the Comprehensive Plan as a **major** and **peripheral** big game range or Columbian white-tailed deer range, as shown on the 1995 Beak Consultant’s map, entitled “Wild Game Habitat” in the Comprehensive Plan in Appendix Part XVI, VIII(A).

**FINDING:** The western 2/3<sup>rd</sup>s of 7500-00-05000 (where the “Newton” Well Pad and associated infrastructure will be located) in Section 33, are in the Birkenfeld-Mist C.P.A.C. area. The other 1/3<sup>rd</sup> of 7500-00-05000, all of 7500-00-04800 (where the existing, to be expanded, “Stegosaur” Well Pad and associated infrastructure are to be located), 7500-00-04700 (where the “Medicine I/W” Well Pad and associated infrastructure will be located) and 7500-00-04500 (where the “Medicine O/M” Well Pad and associated infrastructure will be located) in Sections 34 and 35, are in the Clatskanie-Quincy C.P.A.C. area. Both area “Wildlife Game Habitat” Maps have been incorporated into this record. As evidenced by both maps, there is no Columbian white-tailed deer range in vicinity of the proposed development.

The legend on the Beak Consultants maps identifies “Big Game Habitat” in hatched blue lines, and “Peripheral Big Game Habitat” with a swath of red triangles. The term “Major” is not included on these maps, however, staff assumes that any area not mapped as “Peripheral” is by default, “Major”.

Consequently, “Major” Big Game Habitat encompasses all four (4) of the subject properties, and “Peripheral” habitat is shown in the northeastern corner of 7500-00-04500. Therefore, staff finds that the standards of this section are applicable.

**1193 Development Siting Standards**

All new residential development and uses located in Major and Peripheral Big Game or Columbian White-tailed Deer Habitat shall be subject to following siting standards:

- A. Dwellings and structures shall be located as near each other and existing developed areas as possible considering topography, water features, required setbacks, and firebreaks.

**FINDING:** The only structures existing on the subject properties are those that are committed to use in the Mist Natural Gas Facility and primarily located on 7500-00-04701, a property centrally located within the subject properties, and not part of the current proposal. Simply because there is a limited number of structures contained on a site that is 1,328 acres in size for the proposed new structures to be situated next to, does not have the effect of precluding a use which may be conditionally approved, and which may require placement of infrastructure to conduct the use, as is the case in this instance. As previously addressed herein, where the criteria of CCZO §501.1(E) and §507.1(A) were addressed, the proposal supports the continuation of an established locationally dependent use due to the relevant physical and locational factors of the naturally occurring underground reservoirs and exiting infrastructure at the Mist Facility the new wells will be interconnected to. Staff finds that, due to existing development and infrastructure in the facility boundary as acknowledged, approved and permitted by EFSC, the proposal satisfies the criteria of this section to the degree possible, considering that there is no development in proximity in which to cluster, that would also allow the use to occur as safely and necessarily as possible, to process gas at the proposed wells as it recharges or exits a naturally occurring reservoir that exists underground.

- B. Dwellings and structures shall be located to avoid habitat conflicts and utilize least valuable habitat areas.

**FINDING:** The Columbia County Comprehensive Plan (Part XVI – GOAL 5, Article VIII – Fish and Wildlife Habitat, §A – Big Game Habitat, 1. – LOCATION, pg. 236) identifies “Major” Big Game Habitat as:

*“Areas of the County which supports the majority of big game. These areas provide forage and cover for game during most of the year.”*

and identifies “Peripheral” Big Game Habitat as:

*“Areas for the County which are also important for sustaining big game populations. These areas are generally at lower elevations and serve as critical habitat during severe winter months.”*

The same section of the Comprehensive Plan, §A. 3 – QUANTITY, identifies:

*“The majority of the 676 square miles of land located within Columbia County has been identified as habitat for big game by the Oregon Department of Fish and Wildlife.”*

Therefore, as acknowledged by the Comprehensive Plan, there are little to no areas of land in the whole of Columbia County that any kind of development could be approved, that *would not* have any impact to Big Game Habitat. The Comprehensive Plan §A. 4 – POTENTIAL CONFLICTING USES, of that same section, identifies that other non-resource uses, such as the current conditional use under review, have the potential to permanently alter big game habitat areas when a use will require or allow groups of people to be present at a site or when large amounts of vegetative cover (forage) would be required. There will be limited staff, if any, present onsite at the well pad locations at any given time, year-round, and the proposed locations of the well pads and associated infrastructure have already been logged and consequently, cleared of vegetation for forage.

Findings presented in §A. 6 of the same section of the Comprehensive Plan acknowledge that, while there are conflicting uses in Big Game Habitat areas, such conflicting uses cannot be completely prohibited without that prohibition generating its own negative consequences. As set forth in the applicant’s written findings and as verified by calculating the development areas shown in applicants exhibits E, F, G and H (the revised individual well pad site plans), the total development area for all four (4) well pad locations will be 6+/- acres of removed vegetation. Compared to the site size of 1,328 acres, this disturbance area is only approximately .45% of the total land area of the subject properties. The well pad locations are located at higher elevations, in locations where internal roadways already exist and timber has already been harvested. Without evidence to the contrary,

staff finds that the selected sites can be qualified as some of the least valuable forage areas existing on the subject properties and finds the criterion of this section to be satisfied.

Additionally, and of note, Section III.H. of the EFSC Final Order where Fish and Wildlife Habitat disturbance is analyzed pursuant to the requirement of OAR 345-001-0010(35)(c) which requires an impacts analysis and mitigation plan for a study area that include all the area in the site boundary and within one-half mile of the site boundary. The EFSC Final Order imposes Fish and Wildlife Habitat Conditions which require the certificate holder to finalize and implement, for the life of the facility, a habitat mitigation plan that secures, protects, manages and enhances a mitigation site in an amount and quality necessary to offset the acres and quality of habitat impacted.

- C. Road development shall be minimized to that which is necessary to support the proposed use and the applicant shall utilize existing roads as much as possible.

**FINDING:** As addressed within the EFSC Final Order [pg. 76] the proposal does not include any new road development. Notwithstanding the foregoing, the standard of this section does not explicitly prohibit development of new roadways, it simply requires said development to be minimized to only incorporate new roadways that may become necessary to support the proposed processing use. Staff finds that compliance with this requirement is demonstrated as feasibly met and a condition of approval will be added to ensure that any new road construction will be limited to only that which is necessary to serve the processing use reviewed through this application.

- D. The owner/occupant of the resource parcel shall assume responsibility for protection from damage by wildlife.

**FINDING:** The requirement of this section will be made a condition of approval.

- E. Riparian and Wetland areas shall be protected in accordance with Sections 1170 and 1180.

**FINDING:** As previously addressed herein, there are no Riparian or Wetland areas in vicinity of proposed development reviewed within this application. Therefore, the standards of CCZO §1170 and §1180 are not applicable to the current proposal.

**1194** The County shall notify the Oregon Department of Fish and Wildlife (ODFW) of all proposed uses or development activities which require a permit and are located in Major or Peripheral Big Game Habitat. The County will consider the comments and recommendations of ODFW, if any, before making a decision concerning the requested use or activity.

**FINDING:** The Oregon Department of Fish and Wildlife (ODFW) was sent notice of the proposal with request for comment, on January 13, 2026. As of the date of this report, no comments have been submitted to the record by ODFW. Staff finds that Columbia County Planning has satisfied its obligation to provide notice of the proposal and opportunity to comment, to ODFW, as required. Compliance with the noticing standard of this section has been demonstrated as met.

Additionally, as documented on page 90 of the EFSC Final Order, consultation with ODFW occurred prior to issuance of the 13<sup>th</sup> Amendment approval, and ODFW did not have any specific comments or concerns related to the impacts of the proposed changes.

**1195** The County shall notify the Oregon Department of Fish and Wildlife (ODFW) and the U.S. Fish and Wildlife (USFW) of all proposed uses or development activities which require a permit and are located in Columbian White-tailed Deer Habitat. The County will consider the comments

and recommendations of ODFW and USFW, if any, before making a decision concerning the requested use or activity.

**FINDING:** As evidenced by both the Birkenfeld-Mist C.P.A.C. and Clatskanie-Quincy C.P.A.C. area “Wildlife Game Habitat” Maps, there is no Columbian white-tailed deer habitat in vicinity of the proposed development. Therefore, the noticing requirement of this section is not applicable to the current proposal.

### 1503 CONDITIONAL USES:

.5 Granting a Permit: The Commission may grant a Conditional Use Permit after conducting a public hearing, provided the applicant provides evidence substantiating that all the requirements of this ordinance relative to the proposed use are satisfied and demonstrates the proposed use also satisfies the following criteria:

A. The use is listed as a Conditional Use in the zone which is currently applied to the site;

**FINDING:** Pursuant to CCZO §505.2, processing of natural gas is listed as a Conditional Use in the PF-80 zone district. Therefore, staff finds that the criterion of this section is demonstrated as met.

B. The use meets the specific criteria established in the underlying zone;

**FINDING:** The relevant criteria of the PF-80 zone are found in CCZO §500. As addressed within this staff report, the proposal demonstrates compliance or feasibility for compliance, with conditions of approval, with the specific use and development criteria listed in CCZO §500, subsections: §501 – Purpose of the PF-80 zone, §505 – Conditional Uses, §507 – Siting Standards for Dwellings and Structures, §508 – General Review Standards, and §509 – Standards of Development. Therefore, staff finds that the criterion of this section is demonstrated as met.

C. The characteristics of the site are suitable for the proposed use considering size, shape, location, topography, existence of improvements, and natural features;

**FINDING:** Where the criteria of CCZO §507 – Siting Standards, §508 – General Review Standards, §509 – Standards of Development and §1193 – Siting Standards in the Big Game Habitat Overlay, were addressed, the criteria of this section were already addressed.

D. The site and proposed development is timely, considering the adequacy of transportation systems, public facilities, and services existing or planned for the area affected by the use;

**FINDING:** The application states that the proposed use will not require any new public facilities or services. Access to the site will be taken from Highways 47 and 202 and from existing County Roads. There is no anticipated impact to the established transportation systems that will be utilized to reach the site. The applicants submitted findings which state, “*The proposed construction and operation of injection/withdrawal and observation wells at the Mist Underground Natural Gas Storage Facility will help support the balancing of natural gas supplies and widely fluctuating market requirements.*” Staff finds that the proposed development is simply an expansion of existing development and use which has already been long occurring, it is timely as it is necessary to support production and provision of service of a utility used by many of the residents of and businesses in Columbia County. As addressed throughout sections of this staff report and as addressed within this finding, staff finds that the current proposal has demonstrated satisfaction with the criterion of this section.

E. The proposed use will not alter the character of the surrounding area in a manner which

substantially limits, impairs, or precludes the use of surrounding properties for the primary uses listed in the underlying district;

**FINDING:** As previously addressed herein, the nearest location of proposed development to any adjacent property not in common ownership with the subject properties, will be the Medicine OM well pad and associated infrastructure, to be located near to the southeastern corner of 7500-00-04500, where the well will be 243' +/- north of the common boundary with 6500-00-00100. The subject and surrounding properties are all zoned PF-80. Where the criteria of CCZO §507.1 (A) and (B) §508.1 were previously addressed herein, staff concluded that the proposal would not force a significant change in accepted farming or forestry practices on surrounding farming and forestry lands, nor on the subject properties. For the reasons identified in the findings presented in each of those aforementioned sections, staff finds that the proposed use will also not limit or impair the ability to conduct the outright permitted uses identified in CCZO §503, the administratively reviewed uses identified in CCZO §504 or any of the other conditionally authorized uses found in CCZO §505.

Additionally, and perhaps most indicative that the proposed use will not alter the character of the surrounding area, is the fact that there is no evidence in the record and no comments returned upon notice to the 750' notice area, that the proposed processing use reviewed through this application which has already been occurring at various locations on the site where other wells are established, for 45 years, has altered the character, limited, impaired or precluded the uses of surrounding properties. As addressed throughout sections of this staff report and as addressed within this finding, staff finds that the current proposal has demonstrated satisfaction with the criterion of this section.

- F. The proposal satisfies the goals and policies of the Comprehensive Plan which apply to the proposed use;

**FINDING:** The relevant sections of the Columbia County Comprehensive Plan are identified below. The analysis in this finding addresses how the proposal satisfies the goals and policies of each relevant section.

#### **Part IV – Forest Lands**

**GOAL:** To conserve forest lands for forest uses.

**POLICIES:** It shall be the policy of Columbia County to:

1. Conserve forest lands for forest uses, including:
  - A. The production of trees and the processing of forest products;

There has been no demonstrated impact to commercial timber production or processing thereof, in the approximately 45 years that the facility has been operating. As previously addressed herein and evidenced by Oregon State 2024 aerial imagery, the four (4) well pad locations have already been logged and cleared of merchantable timber. Access to the well pads and wells are from existing logging roads and once reforested, as timber in the vicinity of the well pads begins to regrow, removal of any trees will be only those necessary to maintain clear access, and the areas surrounding the well pads and associated facility to comply with any fire safety requirements applied by the Mist-Birkenfeld RFPD. Any tree removal necessary for compliance with those requirements will be coordinated with the surface property owners as the applicants always have, to ensure no conflicts arise between ongoing forest practices on the subject and adjacent properties. All properties within the Mist Facility have maintained their ongoing forest operations and none of the subject and surrounding properties have ceased forest management activities due to conflicts with the simultaneous site activities associated with the existing Mist Natural Gas Facility. For these reasons, staff finds that the proposal will meet Columbia County's goal of conserving forest lands for forest uses.

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## **Part X – Economy**

### **PREFACE:**

The problems and the opportunities found in the County are summarized here. This is not necessarily a complete list of findings.

### **Opportunities or Economic Advantages:**

- producing natural gas wells and possibility of oil resources

### **GOALS:**

1. To strengthen and diversify the economy of Columbia County and insure stable economic growth.
2. To utilize Columbia County's natural resources and advantages for expanding and diversifying the economic base.

### **POLICIES:** It shall be a policy of the County to:

1. Encourage the creation of new and continuous employment opportunities
2. Encourage a stable and diversified economy.
4. Place the County in the position of being able to respond to market opportunities by providing technical assistance in locating available sites for development.
7. Protect identified aggregate resources until they are extracted, and plan for the reclamation and future productive uses of those sites.
11. Coordinate with public utility companies to insure energy supplies are available to areas programmed for development and redevelopment.

The Economy Goals of Columbia County are to strengthen and diversify it in ways that will ensure stable economic growth and to utilize the County's natural resources for expanding and diversifying its economic base. Within this section of the Comprehensive Plan, Natural Gas is identified as one of the four **Mineral and Aggregate Resources** of Columbia County, specifically the Mist Facility has been a significant contributor to the Columbia County Economy since discovery of the resource in 1979 and has allowed NWN to balance relatively constant pipeline gas supplies with widely fluctuating market requirements. The Mist Natural Gas Facility not only creates jobs but also provides a reliable, local energy source for this the citizens of Columbia County and the surrounding region. For these reasons, staff finds that the current proposal will strengthen and diversify the economy of Columbia County and ensure stable economic growth and will utilize this natural resource to expand and diversify the economic base of Columbia County.

## **Part XVI - Goal 5 - Open Space, Scenic and Historic Areas and Natural Resources**

### **Article VII: ENERGY SOURCES GOALS AND POLICIES**

**GOAL:** To protect deposits of energy materials in the County and prevent injury to surrounding lands and residents.

### **POLICIES:** It is the policy of the County to:

1. Rely on DOGAMI to require that wells are drilled, cased, and plugged in such a manner as to ensure public safety.

The proposed wells are subject to the regulatory requirements of DOGAMI and their Oil, Gas and Geothermal Regulatory and Reclamation Program which are, in turn, designed to ensure that natural gas processing activities are conducted in ways that ensure conservation of the resource and protection of the environment. Through an imposed condition of approval, requiring the applicant to obtain all permits as required and

regulated by DOGAMI, the proposal can ensure that it meets Columbia County's goal to protect deposits of energy materials while preventing injury to surrounding lands and residents.

### **Part XVII - Air, Land, and Water Resources**

**GOAL:** To maintain and improve land resources and the quality of the air and water of the County.

**POLICIES:** It shall be the policy of Columbia County to:

1. Work with the appropriate State and Federal agencies to insure that State and Federal water, air, and land resource quality standards are met.

The proposed processing use reviewed at the four (4) well pad sites are not in the immediate vicinity of any identified sensitive and/or protected water resources. The applicant states that the proposed use will have little to no effect on air and water quality because any approval issued by Columbia County will require compliance with the applicable federal and state environmental regulatory agency requirements, including, but not limited to the following agency permits that must be obtained, as identified on page 42 of EFSC Final Order:

- Oregon Department of Environmental Quality (DEQ) National Pollutant Discharge Elimination System (NPDES) Construction Stormwater General Permit 1200-C;
- DEQ Air Contaminant Discharge Modification Permit;
- DEQ 401 Water Quality Certification;
- DEQ Onsite Sewage Disposal Construction-Installation Permit;
- Oregon Department of Forestry (ODF) Notification of Operation;
- Oregon Department of State Land's (DSL) General Authorization;
- Oregon Department of Water Resources' (ODWR) groundwater permit; and
- Department of Geology and Mineral Industries (DOGAMI) Gas Well Drill Permits.

All of these agency requirements are designed to protect against destruction and mitigate fish, wildlife and human habitat conflicts, as well as to minimize water, land, and air pollution. The applicant identifies that when natural gas production ceases, all wells will be abandoned as approved by the DOGAMI, allowing all sites to be returned to their original states. Provided all federal, state and local regulatory permits are obtained as required by a condition of approval, staff finds that the proposal will meet Columbia County's goal to maintain and improve land resources and the quality of the air and water of Columbia County.

For the reasons addressed herein, and with applied conditions of approval, staff finds that the current proposal satisfies the identified relevant parts of the Columbia County Comprehensive Plan.

- G. The proposal will not create any hazardous conditions.

**FINDING:** The EFSC Final Order assessed and addressed the potential hazards of the entirety of the Mist Facility, on a much larger scale that incorporates any hazards which may occur from the proposed processing at wellheads, the specific and *only* use reviewed by Columbia County within the current application. Additionally, the EFSC Final Order contains hazard mitigation requirements and conditions relevant to the identified potential hazards in the entire facility, including the well pad locations and supporting infrastructure reviewed within this current proposal. The potential hazards reviewed were: Site Seismic Hazards, including Landslide and Slope Stability per the review requirements of OAR 345-022-0020, potential impacts to soils and soil protection measures pursuant to OAR 345-022-0022, Wildfire Prevention and Risk Mitigation per OAR 345-022-0115, specifically, as found on page 180 of the EFSC Final Order: "*Under OAR 345-022-0115(1)(b), Council must find that the facility will be designed, constructed, and operated in compliance with a Wildfire Mitigation Plan (WMP) approved by Council.*"

Staff finds that the current proposal demonstrates feasibility for compliance with this section, and compliance can be assured through a condition of approval requiring the applicant to obtain all applicable federal, state and local agency permits, and to follow the associated regulatory compliance programs and reporting requirements thereof.

**COMMENTS RECIEVED:**

- Columbia County Building Official:

*Has no objections to the proposal, provided the applicant submit a Site Development Permit and obtain any necessary building permits, including electrical, mechanical and plumbing permits.*

- Oregon Department of Forestry (ODF):

*ODF asks that Landowner/Operator meet legal requirements of notifying for Power Driven Machinery (PDM) within the Oregon Department of Forestry – Columbia Unit. Routine line maintenance using power driven machinery (year-round) can be noticed as “County Wide Activity”. Some projects are more of a fire risk, while others are low fire risk depending on the time of year, weather, topography, and flammable material near the site. A PDM is required year-round from ODF, Additionally, there are extra requirements during fire season.*

*The applicant can work with the Stewardship Forester for the area for potential consideration of fire equipment waivers.*

- As of the date of this staff report, no comments have been received from the following agencies who were sent notice of the proposal:

Mist Birkenfeld Fire District / West Oregon Electric / Mist Birkenfeld CPAC / Oregon Department of Geology and Minerals (DOGAMI) / Oregon Department of Fish & Wildlife (ODFW)

- As of the date of this report, no comments have been received from neighboring property owners who received notice of the proposal, within the statutory 750’ notice area as required by ORS 215.416(11)(c)(A)(iii).

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**CONCLUSION and RECOMMENDATION TO PLANNING COMMISSION:**

Based upon staff’s research and investigation of the subject and surrounding properties and the findings presented within this staff report, staff recommends the Planning Commission **APPROVE** this request for a conditional use to allow the processing of natural gas at four (4) new well pad locations on the subject properties, to facilitate continued efficient operation at the existing Mist Natural Gas Facility, subject to the following conditions:

**RECOMMENDED CONDITIONS OF APPROVAL:**

1. **EXPIRATION:** The applicant must secure a development construction permit from Land Development Services within four (4) years from the date of the final decision or this approval shall expire. If such permit has not been secured by that deadline, an extension may be granted by the Planning Manager if requested in writing with the appropriate fee before the expiration date [CCZO Section 509.7].
2. **PRIOR TO ISSUANCE OF BUILDING PERMITS AND/OR COMMENCING OPERATIONS:**
  - A. **FEDERAL AND STATE AGENCY PERMITS:** The applicant shall obtain all necessary permits from all federal and state agencies as identified in the EFSC Final Order.

**B. WAIVER OF REMONSTRANCE:** For all four (4) of the subject properties, waivers of remonstrance shall be signed by a duly authorized agent of the entity owning the property, and notarized, then recorded with the County Clerk. This waiver certifies that the owner will not remonstrate against or begin legal action or suit proceeding to cause or persuade the owner or operator of any farm or forest lands to modify the conduct of legal and accepted farm or forest operations. Applicants shall submit recorded copies to the Planning Division of Columbia County Land Development Services, prior to issuance of any building permits or commencement of the use.

**3. PRIOR TO COMMENCING OPERATIONS:**

**A. COLUMBIA COUNTY BUILDING PERMITS:** The applicant shall coordinate with the Columbia County Building Official to submit/apply for all building (electrical, structural, mechanical and plumbing) permits deemed applicable by the Building Official. Including but not limited to; Site Development Permits for earth movement (grade and fill) and any necessary electrical, mechanical and plumbing permits.

**4. ONGOING CONDITIONS OF APPROVAL:**

**A. ODF NOTICING FOR ACTIVITIES INCLUDING POWER DRIVEN MACHINERY (PDM):** At any time when Power Driven Machinery (PDM) activities will be conducted, the applicant shall coordinate with and provide notice to the Oregon Department of Forestry (ODF) – Columbia Unit to meet the legal requirements of notification of use of Power Driven Machinery (PDM).

**B. HEIGHT LIMITATION ON STRUCTURES:** Structures (wellheads / RTU Buildings) shall be no more than 50 feet or 2 ½ stories in height. Compliance with this requirement shall be verified at the time of submittal for building permits.

**C. WILDLIFE PROTECTION:** The owner/occupant of the resource parcel shall assume responsibility for protection from damage by wildlife.

**D. ROAD DEVELOPMENT:** Road development shall be conservative and minimized to only that which is necessary to support development of the use authorized through this review. The applicant shall utilize existing roads as much as possible.