

## COLUMBIA COUNTY PLANNING COMMISSION MEETING

September 8, 2014

Meeting Minutes

Members Present: Paula Lichatowich, Linda Hooper, Alta Lynch and Jeff VanNatta

Staff Present: Glen Higgins, Deborah Jacob, Kay Clay

Others: Alan Johnston, Sam Semerjian, Eve Lonquist, Joseph Semerjian, Bill Eagle, Sheila Nolan-DeJager, Bill DeJager, Grace Semerjian, Joe Kaczinski, Laurence Hoppel, Steve Garnett, Peggy Morgan, Nancy Phillips, John Phillips, Maggie Peyton and Lynn Baker

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

Glen Higgins read the pre-hearing statement.

No Ex-Parte was declared. Paula Lichatowich did mention that she was asked if there was any fracking in the County and Glen Higgins responded that to his knowledge there is not.

CU 15-01,02,03

Glen Higgins presented the staff reports.

### **In summary:**

CU 15-01, The site is located approximately two miles northeast of Birkenfeld and approximately three miles northwest of Mist in the southwest quarter of Section 9, Township 6 North, Range 5 West. The proposed well site is in the vicinity of the Mist Birkenfeld RFPD main station and Fleming Pond, a source of water for fire protection.

CU 15-02, The site is located approximately two and a half miles south of Birkenfeld, south of Highway 202, and adjacent to the Clatsop County Line in the northwest quarter of Section 31, Township 6 North, Range 5 West. The well site coordinates are approximately 750 feet south and 2,080 feet east from the northwest corner of Section 31, Township 6N, Range 5W.

CU 15-03, The site is located approximately four miles southwest of the City of Clatskanie, west of Highway 47 and east of Columbia River Mainline Road. The well site coordinates are approximately 392 feet west and 3,581 feet south from the northeast quarter of Section 27, Township 7 North, Range 5 West.

All three applications met the applicable criteria and comprehensive plan requirements.

The focus turned to CU 15-01 due to possible flood plains and agriculture use in the area. Before any permits would be issued a flood plain review would be required.

The proposed use will not increase the cost, force a change in, nor interfere with farming or forest uses on adjacent lands. The subject property is located in an area developed with other natural gas wells and storage projects, all of which were approved through conditional use permits. Despite these uses, forest management practices adjacent to the site have been and will be continued. The use does not preclude the opportunity to use surrounding parcels for the primary purposes of the PF-80 District. The siting, maintenance and operation of the proposed natural gas well will result in minimal impacts to the land and its forest resources.

The proposed use will not significantly increase fire hazard if the applicant does not compromise the Fleming Fire Protection Pond for water/fire suppression; and, access to the well site is approved by the Mist Birkenfeld Fire District. Also, the applicant shall take appropriate measures to ensure that the drilling and operating of a new gas well will not create a fire hazard risk, and the 200'-300' by 300'-500' cleared area for the drill pad should provide an adequate fire break for fire safety. To further ensure fire safety, the Mist Birkenfeld Rural Fire Protection District (RFPD) requires the drill site supervisor to inform the fire district or its key personnel as to the date that the site will be occupied, the date that operations will commence, and the date that the drilling area has been vacated.

The Fleming Pond is used for agriculture and fire uses.

The **Mist Birkenfeld Rural Fire District** submitted their comments and expressed concerns regarding drilling and having a natural well near the Fleming Pond. They are most concerned about the integrity of the pond and the importance it has especially in the dry season. They are concerned about small leaks caused from rhythmic vibrations cause by the drilling.

The other concern they have is the access to the site. Heavy equipment would be difficult and dangerous because it is located on a blind corner, this would require constant flagging during operations. It also requires crossing the Mist Birkenfeld emergency water access pipeline with heavy equipment .

**Sam Semerjian** submitted a letter regarding drilling a gas well by their resident and farm. It was stated the according to Bob Houston, Petroleum - Geothermal Geologist that this is the first time that he knew of that a new well is going to be situated on the valley floor with existing farmland.

The Fleming Pond that Mr Semerjian uses is to water his cattle and the quality of that water in the future with drilling in the area is a big concern of his. If Enerfin is approved to drill in this area it will be near his livestock, noise, light issues , dust pollution and soil disruption. There is no recorded documents on the impact this will have on his cattle. The final concern is that the beekeeping business that he has and the concerns about the chemicals used, there are no approved chemical standards to follow so the actual outcome is unknown.

**Alta Lynch** asked Glen Higgins if we can verify if this is the first time there would be drilling activity in an Agriculture zone. Glen was unable to confirm that.

**Linda Hooper** wanted to verify condition #4 and that the Mist-Birkenfeld fire department will monitor the Fleming Pond during any and all drilling. The fire department will oversee the operations.

**In favor:**

**Peggy Morgan, Enerfin Resources, Oakhurst Ca, Land Manager.**

In addressing the property owner that will be affected by this application, it will only be Mr Fleming. He owns the property that will be drilled on. Enerfin will coordinate with the road department regarding the access of the road and they will enter the property to the east side of the pond. The pond will not be affected and there should be no vibration to the pond. There will be no access to the pond and all the piping used will be cased. It was questioned who Bob Houston is and he works for DOGAMI. All of the surrounding properties will receive royalties if this is a productive well. The only chemicals that are used are non hazardous (food grade), all underground and no fumes. There will be truck traffic for about a week and it will be noisy in that week of drilling. The river in question is about 200' feet from where the drilling will happen. Once the well is drilled and Enerfin leaves all that is left is the valve structure, the mud pit is cleaned up and removed from the site.

**Paula Lichatowich** questioned if there is any seismic vibration. **Peggy Morgan** said that while the drilling was going on there would be some right by the site. **Steve Garnet** from Enerfin stated that when the bit is hitting the rock there is vibration but only for about 10-15 feet.

**Paula Lichatowich**, had concerns regarding if there is a time when drilling is better to do versus a time when it is not, ie: April - August limited dwelling due to wildlife. Also is there an emergency plan filed with the fire department?

**Peggy Morgan**, there used to be an eagles nest when the old Conditional Use was applied for and drilling April - August did create a lot of noise for the eagles. That eagles nest no longer exist. As far as an emergency plan there is one filed with the fire department.

## **Opposition:**

**Bill Eagle, Columbia Soil & Water Conservation District**, wanted us to know up front that they did not receive the notice regarding this meeting. Sam Semerjian contacted their office regarding the concerns that he had. The district has concerns with drilling in the wetland next to the Fleming pond. Those concerns are as follows:

1. Pond liner is comprised of compacted clay excavated onsite. While the liner meets NRCS standards for construction of the pond, it was not designed to handle unexpected pore water pressure that may result from drilling behind the liner. Excessive pressure may well compromise the ability of the clay liner to hold water in the pond.
2. During excavation of the pond, we discovered a considerable outcropping of shale and bedrock, which ultimately change the alignment and shape of the pond and associated wetland. Does NW Natural know this?
3. There is a bypass pipe buried within the wetland, as shown on the as built drawings. This bypass pipe was required by OWRD and DEQ, and could be damaged by drilling in the wetland.
4. The mitigation wetland meets regulatory requirements set forth that allowed construction of the pond.
5. NRCS was not notified of NW Natural's intent to drill near the pond.

Mr Eagle would like these issues addressed.

**Sam Semerjian**, he contacted Columbia Soil and Water Conservation for help and recommendations. He was also concerned about the fish and wildlife as to why they did not have any comments. Were they overlooked? Sam did not feel that the maps were adequate and was concerned about the lack of input from the DEQ. There has not been any prior contact with Enerfin. The noise was going to be very loud for his house since he lives close to the pond. Sam asked that we please postpone making a decision right now.

**John Phillips**, has multiple concerns. Would like to know who the limited partners were with Enerfin. **Jeff VanNatta** commented that, that was not part of the application so we would not know. **John** wanted to know if Enerfin could be more specific on where the drill site would be on the 160 acre parcel. It was explained that the property owners within the 160 acres would be the ones to get royalties. John wanted to know what direction they would be drilling and who defines what direction. **Peggy Morgan** later replied that it was a vertical drill. He was concerned that ODFW would sign off. John inquired about the pit and would it stay there when they were done. John wanted information regarding the siting of the pipeline and **Jeff VanNatta** responded that would

have to go through DOGAMI. John wanted to know about where the gas would go, the environmental effects, water quality and suggested that maybe when we send out notices that we do a followup, what happens if the pad is in a flood plain and what will the quality of water be like. If there are no impacts on the wildlife then why on page 9 of the staff report does it say “The cumulative presence of existing wells and roadways (within the Mist Gas Field) has already impacted the area, reducing its value as prime habitat. Therefore impacts to the area from an additional gas well will be minimal. Finally the applicant shall assume responsibility for any damages to the site from wildlife. Staff finds that the criterion is met subject to conditions.” It was mentioned that DOGAMI has a meeting regarding Enerfin on the 22<sup>nd</sup> and will the property owners be notified. It was answered no to the notification. It has been mentioned that this is a boost to the economy but to date that has not been seen. No one really know about the issues with water after drilling because there are voids in the underlying earth research. It was also mentioned that there would not be any poisons or hazardous chemicals used, well he would like a list of what is being used.

**Alta Lynch** asked if there were any ill effects in the past 30 years and John responded that the creek has bubbles in it. The concern is if there was a line burst it would go right to the river. **Alta** asked if there were any negative impacts. John responded it was the quality of the community and nothing grows afterwards in that area.

**Sam Semerjian** added the USDA approves certain products and that it is measured by parts per million. Once the soils are disturbs the toxins are transferred by birds and that could expose the pond. He also thought that DOGAMI should have to notify the property owners.

**Jeff VanNatta**, wanted to point out that this area is Primary Forest and Primary Agriculture is different, agriculture is approved in the forest.

**Lynn Baker** wanted to know who decided on where a pipeline would go and **Glen Higgins** responded that was the job of FERC, state and federal government decided that. Lynn also pointed out how hard it was to get up in front of the Commission and that they should be more tolerate.

**Alta Lynch** wanted to point out that no disrespect was intended by the commissioners.

**Maggie Peyton**, was once on the Upper Nehalem Watershed Council and was curious as to what the Nehalem flow showed in 1996 . She feels that the mud pit could have negative impact on the land. Maggie also feels that there is an active eagle’s nest in the area. The honeybees are important and the impact should be considered.

## **Rebuttal**

**Peggy Morgan**, even if the application was approved Enerfin could not move forward without the permission of the home owners, the owners have to agree and give

permission before anything can be done. There is already a meeting scheduled with Sam Semerjian.

There are no dust clouds when drilling. All holes are drilled vertically.

Regarding the mud pit, it does get cleaned out and taken away. The pit does go away and the area is cleaned. In most cases the drill pad is usually smaller than what is anticipated. All work that Enerfin does has to go through DEQ.

The pipeline that is being referred to is actually a 2 to 6 inch gathering line and the well is routed to Miller station. The bubbles that show up sometimes fix themselves. There is no high pressure used in drilling the hole is shallow about 2800 feet. Any piping that is used is cased and it is very safe.

In the overall process this is one of the first steps to many that have to be completed.

**Paula Lichatowich** requested that Peggy answer the concerns that were submitted by Columbia Soil and Water.

**Jeff VanNatta** wanted to know what order Enerfin would be taking in drilling potential wells. Peggy responded that Section 27 (CU 15-03) was second and Section 31 (CU 15-02) was third. The most compacted areas were usually owned by the Timber companies.

**Alta Lynch** addressed the noise levels again. Peggy responded that the clanging is very loud and the night work uses very bright lights and they are annoying for a short time.

**Peggy Morgan** addressed the concerns submitted by Columbia Soil and Water. There are various notifications from different levels of government. Over the past many years the big game does not appear to be effected because they are still there, low impact. It is reenforced that the Enerfin works with the landowners to come to an agreement on what will be done. As far as the liner in the pond there is no excessive pressure in ground it is where the immediate drilling is being done. There will not be any impact on the pond or any changes caused by the drilling. The wetlands would be bypassed with a transfer pipe. The concern for drilling in the floodplain should not be there because it is possible to do that and the floodplain would be protected. Different procedures would have to be followed. The concerns regarding the mud pit should not be there because the mud pit is gone when the process is completed. The pit is required to be gone by DEQ.

The chairman closed the public hearing for Planning Commission discussion. It has been requested that CU 15-01 be left open to oral testimony 7 days and then 7 additional days for rebuttal.

**Paula Lichatowich** moved to leave the record for CU 15-01 open for further comments and submittals. **Linda Hooper** seconded. Motion carried. CU 15-01 will be carried to October 6, 2014.

### **CU 15-02**

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.” The 160 acre quarter section in which the gas well is proposed to be drilled is located amidst other gas producing wells. The site is undeveloped and consists of Primary Forest (PF-80) zoned lands dedicated to commercial forestry use. The specific well site coordinates are approximately 750 feet south and 2,080 feet east of the northwest corner of Section 31, Township 6N, Range 5W. 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.

### **CU 15-03**

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.”

This request is a modification to a previously approved Conditional Use Permit (CU 10-44) for a natural gas well that Enerfin planned to drill within the 320 acre Southwest Quarter of Section 26, T 7, R 5 and Southeast Quarter of Section 27, T 7, R 5. Specific well site coordinates for the original request were 591' East and 1,334' North from the Southwest Quarter of Section 26, T 7, R5. The Planning Commission approved this gas well on June 22, 2010 (CU 10-44). Approval of CU 10-44 expired in June of 2014; the applicant has since submitted a revised request for a new well and pipeline in the same general area. CU 15-03 requests approval of a 160-acre area encompassing the Southeast Quarter of Section 27, T7N, R5W for the drilling of a new gas well. Specific coordinates for the gas well, as proposed, are 392 feet west and 3,581 feet south from the Northeast Quarter of Section 27, but the applicant has requested that the entire southeast quarter of the section be approved in the event that modifications of these coordinates are necessary once surveying has commenced and surface owner considerations are addressed. There are few if any wetlands or streams at the proposed drill site near Clatskanie Mountain,

over 1600 feet elevation. The well will be located amidst other gas producing wells in an area zoned Primary Forest (PF-80) and dedicated to commercial forestry use. According to the applicant, “all surface owners will be contacted prior to drilling to finalize location plans” and “routes of ingress and egress...”

### **Open to Public:**

**Alan Johnson** wanted to bring up that there was an easement on DeJager Farms and the road is in good shape and he wanted to know if Enerfin uses that road if they will maintain it and upon completion it is left in the shape it was in to start with. This is primarily pertaining to CU 15-02.

**Glen Higgins** informed Alan that Enerfin will contact all the owners and that could be discussed at that time with Enerfin.

**Peggy Morgan**, Enerfin has made contact with DeJager and the road will be maintained and left in the condition it was in prior to testing.

### **Closed the Public Hearing**

**Paula Lichatowich** made motion to approve CU 15-02 & CU 15-03, **Alta Lynch** seconded. All in favor motion passed.

### **V15-01 & DR 15-01**

**Deborah Jacob** presented the staff report.

**In summary:** In 2000 through the approval of DR 000-24 the Planning Commission conditionally approved the applicant’s, Michael Curry Designs (MCD), construction of Buildings A & B (totaling 28,000 square feet) on the 4.12 acre Rural Industrial Planned Development (RIPD) zoned site which allowed MCD to establish their headquarters at this location at 50759 Dike Road. Now 14 years later MCD is submitting applications for a Site Design Review (DR 15-01) and the related Major Variance (V 15-01) that, if granted, will enable them to construct a 60' by 66' (3,960 sq. ft.) engineered metal Building C directly north of Buildings A & B on the same property. Constructing Building C at the intended location however requires the Planning Commission to first approve the submitted V 15-01 application that will allow MCD to construct this new building 20', instead of 50', from the north and east property lines. The aerial and views below of the 4.12 acre delineates the intended location of this new structure.

The only thing that may change is the septic system may need to be relocated.



### **Open the Public Hearing**

**Larry Hopple**, representative for Curry Designs has no problems with the conditions of the staff report.

### **Closed the Public Hearing**

**Alta Lynch** made motion to approve V15-01 & DR 15-01, **Linda Hooper** seconded. All in favor, motion passed.

Other business:

Minutes from 5-5-14 were approved.

8:10 p.m. Meeting adjourned.