

# Exhibit K

## Land Use

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**Mist Resiliency Project**  
**August 2024**

Prepared for



**Northwest Natural Gas**

Prepared by



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## Acronyms and Abbreviations

CCCP	Columbia County Comprehensive Plan
CCZO	Columbia County Zoning Ordinance
EFSC	Energy Facility Siting Council
Facility	Mist Underground Gas Storage Facility
HDD	horizontal directional drilling
I/W	injection/withdrawal wells
NMCS	North Mist Compressor Station
NMTP	North Mist Transmission Pipeline
NWN	Northwest Natural Gas
O&M	operations and maintenance
OAR	Oregon Administrative Rules
ORS	Oregon Revised Statutes
PF-80	Primary Forest
RFA	request for amendment
RFPD	Rural Fire Protection District
RIPD	Resource Industrial – Planned Development
ROW	right-of-way

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## 1.0 Introduction

Pursuant to Oregon Administrative Rules (OAR) 345-027-0050, Northwest Natural (NWN), the Certificate Holder, proposes to amend the Mist Underground Natural Gas Storage Facility (Facility) Site Certificate for its underground natural gas storage facility in Columbia County, Oregon through the Mist Resiliency Project (Project). In this Request for Amendment No. 13 (RFA 13), NWN proposes to complete the following upgrades at the Miller Station and North Mist Compressor Station (NMCS).

- **Miller Station** – Upgrade and replace the two existing natural gas-fired turbine-driven natural gas compressors with new natural gas-fired turbine driven natural gas compressors and, upgrade and replace the existing electric power supply line from its origin at Hwy 202 to Miller Station.
- **NMCS** – Develop the existing Newton, Medicine, Crater, and Stegosaur underground storage reservoirs, install injection and withdrawal (I/W) wells and transmission pipelines to connect the underground storage reservoirs to the existing NMCS, install three reciprocating natural gas-fired engine-driven natural gas compressors, install two natural gas dehydration equipment systems, and construct a control and operations building to facilitate manned operations at the facility.

Activities occurring outside of the Oregon Energy Facility Siting Council (EFSC)-approved Storage Site Boundary (see Figure 1 in the Division 27 summary document) include replacement of the powerline from Highway 202 to Miller Station and temporary construction laydown areas. Similar to the Site Certificate changes made in Amendment 11, NWN is not requesting an expansion of the EFSC-approved Storage Site Boundary of the Facility as part of RFA 13 but proposes the powerline replacement and temporary laydown areas be addressed within a Project Site Boundary. For analysis purposes, the term Project Site Boundary as described in RFA 13 exhibits includes the NMCS, Miller Station, the replacement powerline to Miller Station, pipeline corridors, well pads, and all temporary laydown and staging areas. As described elsewhere in RFA 13, temporary laydown and staging areas are considered to be within the Site Boundary only during the construction phase, for purposes of compliance with OAR 345-001-0010(31). However, these locations are privately owned, and should not be considered part of the final, new EFSC-approved Storage Site Boundary for any other long-term jurisdictional purposes.

Exhibit K was prepared to meet the submittal requirements in OAR 345-021- 0010(1)(k). EFSC previously found NWN has demonstrated an ability to construct, operate, and retire the approved Project in compliance with the land use standard OAR 345-022-0030 and related Site Certificate Conditions as reviewed during prior requests for amendment. This exhibit demonstrates that EFSC may find that the amended Project, as proposed to be modified by RFA 13, continues to comply with the land use standard and related Site Certificate Conditions.

To issue a site certificate, EFSC must find that the amended Project complies with the Statewide Land Use Planning Goals adopted by the Land Conservation and Development Commission; see OAR 345-022-0030(1).

*OAR 345-021-0010(1)(k) Information about the proposed facility's compliance with the statewide planning goals adopted by the Land Conservation and Development Commission, providing evidence to support a finding by the Council as required by OAR 345-022-0030. The applicant shall state whether the applicant elects to address the Council's land use standard by obtaining local land use approvals under ORS 469.504(1)(a) or by obtaining a Council determination under ORS 469.504(1)(b).*

NWN has elected to seek an EFSC determination of compliance under Oregon Revised Statute (ORS) 469.504(1)(b). Under this election, a finding of compliance is required when EFSC determines the following:

*ORS 469.504(1)(b) A proposed facility shall be found in compliance with the statewide planning goals under ORS 469.503 (4) if[] ... [t]he Energy Facility Siting Council determines that:*

*(A) The facility complies with applicable substantive criteria from the affected local government's acknowledged comprehensive plan and land use regulations that are required by the statewide planning goals and in effect on the date the application is submitted, and with any Land Conservation and Development Commission administrative rules and goals and any land use statutes that apply directly to the facility under ORS 197.646;*

*(B) For an energy facility or a related or supporting facility that must be evaluated against the applicable substantive criteria pursuant to subsection (5) of this section, that the proposed facility does not comply with one or more of the applicable substantive criteria but does otherwise comply with the applicable statewide planning goals, or that an exception to any applicable statewide planning goal is justified under subsection (2) of this section; or*

*(C) For a facility that the council elects to evaluate against the statewide planning goals pursuant to subsection (5) of this section, that the proposed facility complies with the applicable statewide planning goals or that an exception to any applicable statewide planning goal is justified under subsection (2) of this section.*

This exhibit demonstrates the Project's compliance with the applicable substantive criteria from the acknowledged land use regulations, the Columbia County Comprehensive Plan (CCCP), and the Columbia County Zoning Ordinance (CCZO):

- CCCP (Columbia County 2017);
- CCZO (Columbia County 2023).

The substantive criteria contained in these documents have been reviewed by Oregon's Land Conservation and Development Commission to ensure consistency with the statewide planning goals. The applicable code and plan fully implement Oregon's land use laws; therefore, the amended Project is reviewed under the applicable local standards. There are no statutes or administrative rules that are directly applicable to the amended Project. Because the current versions of the



applicable code and plan fully implement Oregon’s land use statutes, statewide planning goals, and administrative rules that are potentially applicable to the amended Project, and the amended Project complies with the applicable substantive criteria from these codes and plans, the amended Project also complies with the statewide planning goals and no exception is required. This exhibit provides evidence upon which EFSC may find that the amended Project meets the land use standards contained in OAR 345-022-0030.

## **2.0 Land Use Analysis Area – OAR 345-021-0010 (1)(k)(A)**

*OAR 345-021-0010 (1)(k) Information about the proposed facility’s compliance with the statewide planning goals adopted by the Land Conservation and Development Commission, providing evidence to support a finding by the Council as required by OAR 345-022-0030. The applicant must state whether the applicant elects to address the Council’s land use standard by obtaining local land use approvals under ORS 469.504(1)(a) or by obtaining a Council determination under ORS 469.504(1)(b). An applicant may elect different processes for an energy facility and a related or supporting facility but may not otherwise combine the two processes. Once the applicant has made an election, the applicant may not amend the application to make a different election. In this subsection, “affected local government” means a local government that has land use jurisdiction over any part of the proposed site of the facility. In the application, the applicant must:*

*OAR 345-021-0010 (1)(k)(A) Include a map showing the comprehensive plan designations and land use zones in the analysis area;*

In accordance with OAR 345-001-0010(35)(c), the analysis area for land use is defined as “the area within and extending one-half mile from the site boundary” (Figure K-1). The Facility boundary is the approved EFSC boundary, as shown in the Division 27 summary, Figure 1. The Project Site Boundary is specific to the NMCS site, Miller Station, powerline alignment, and proposed laydown yards.

Approximately 5,529.1 acres are located within the land use analysis area, of which 240.5 acres are within the Project Site Boundary. Figure K-2a shows the Columbia County zoning districts within the analysis area, and Figure K-2b shows the Federal Emergency Management Administration (FEMA) overlay zones for the analysis area. The amended Project is proposed on land zoned for Primary Forest (PF-80), and Resource Industrial – Planned Development (RIPD) under the CCZO. The base zones shown on Figure K-2a are consistent with the underlying designations in the CCCP. Additionally, portions of the amended Project are within the Flood Hazard Overlay Zone; and Riparian Corridors, Wetlands, Water Quality, and Fish and Wildlife Habitat Protection Overlay Zone (Figure K-2b).

## **3.0 Local Land Use Approval – OAR 345-021-0010 (1)(k)(B)**

*OAR 345-021-0010 (1)(k)(B) If the applicant elects to obtain local land use approvals:*

- (i) Identify the affected local governments from which land use approvals will be sought;*
- (ii) Describe the land use approvals required in order to satisfy the Council's land use standard;*
- (iii) Describe the status of the applicant's application for each land use approval;*
- (iv) Provide an estimate of time for issuance of local land use approvals;*

NWN has elected to address EFSC's land use standards by obtaining a land use determination from EFSC pursuant to ORS 469.504(1)(b). Therefore, these standards do not apply.

## **4.0 Council Determination on Land Use – OAR 345-021-0010 (1)(k)(C)**

*OAR 345-021-0010 (1)(k)(C) If the applicant elects to obtain a Council determination on land use:*

NWN has elected to address EFSC's land use standard by obtaining a land use determination from EFSC pursuant to ORS 469.504(1)(b). EFSC's rules state that a Certificate Holder seeking EFSC's land use approval must identify the "applicable substantive [land use] criteria" of the relevant local governments and must describe how the Project complies with those criteria, as well as any Land Conservation and Development Commission rules, goals, or land use statutes that apply directly to the Project under ORS 197.646(3). If a Certificate Holder cannot demonstrate compliance with one or more of the applicable substantive criteria, NWN must describe how the Project complies with the Statewide Planning Goals adopted by the Land Conservation and Development Commission, or alternatively, warrants a goal exception (OAR 345-021-0010(1)(k)). This exhibit demonstrates how the Project, as proposed, complies with the applicable substantive criteria.

### **4.1 Identification of Applicable Substantive Criteria – OAR 345-021-0010 (1)(k)(C)(i)**

- (i) Identify the affected local governments;*

The changes proposed in RFA 13 are located entirely within Columbia County. Therefore, as noted in previous sections, Columbia County criteria are addressed.

### **4.2 Applicable Substantive Criteria from OAR 345-021-0010 (1)(k)(C)(ii)**

- (ii) Identify the applicable substantive criteria from the affected local government's acknowledged comprehensive plan and land use regulations that are required by the statewide planning goals and that are in effect on the date the application is submitted and describe how the proposed facility complies with those criteria;*

The applicable substantive criteria of the CCZO and CCCP are addressed in the following sections. The substantive criteria reflect the current adopted code and comprehensive plans as follows:

- **Columbia County Land Use Development Ordinance**
  - Article III - Resource Districts
    - Section 500 – Primary Forest Zone – 80
  - Article IV – Rural Development Districts
    - Section 680 - Resource Industrial – Planned Development
  - Article VI – Special Districts, Overlay Districts and Special Provisions
    - Section 1100 - Flood Hazard Overlay
    - Section 1170 – Riparian Corridors, Wetlands, Water Quality, and Fish and Wildlife Habitat Protection Overlay Zone
  - Article VII – Discretionary Permits
    - Section 1503 - Conditional Uses
    - Section 1550 - Site Design Review
- **Columbia County Comprehensive Plan**
  - Part II: Citizen Involvement
  - Part IV: Forest Lands
  - Part V: Agriculture
  - Part X: Economy
  - Part XIII: Transportation
  - Part XIV: Public Facilities and Services
  - Part XV: Energy Conservation
  - Part XVI: Goal 5: Open Space, Scenic and Historic Areas, and Natural Areas
  - Part XVIII: Air, Land, and Water Quality

### **4.3 Compliance with Applicable Substantive Criteria from the Columbia County Zoning Ordinance/CCCP Criteria**

This section demonstrates how the amended Project complies with all applicable substantive criteria from the CCZO, beginning with an analysis of applicable base zone standards, followed by an analysis of applicable overlay zone standards.

## **CCZO Section 500 - Primary Forest Zone**

### **4.3.1.1 CCZO Section 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.*

*505.2 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.*

*505.6 Power generating facilities, including alternative power generation facilities. (Note: An exception to the statewide Forest Lands Planning Goal 4 is required where development of the power generating facility removes more than 10 acres from use as a commercial forest operation).*

*505.7 New electrical transmission lines with right-of-way width of up to 100 feet as specified in ORS 772.210 and new distribution lines (e.g., electrical, gas, oil, geothermal) with right-of-way 50 feet or less in width.*

EFSC previously found that the NMCS complied with the applicable requirements of PF-80 zone and was therefore approved.<sup>1</sup> EFSC previously permitted the NMCS in the PF-80 zone, subject to Land Use Conditions 3, 4, and 5 in the Final Order for RFA 11. The conditions are specific to partitioning land, obtaining a Public Road Construction Permit, and County Road Access Permit. EFSC initially permitted ONG (previous Certificate Holder) to construct the Miller Station in the Application for Site Certificate. A summary of the Application for Site Certificate and each subsequent RFA is included in the Division 27 document.

RFA 13 is proposing to upgrade and replace existing infrastructure, as well as develop new components at the approved NMCS and Miller Station sites. The RFA 13 improvements proposed within the PF-80 zone include the following:

- **Miller Station:**
  - Upgrade and replace the two existing end-of-life natural gas-fired turbine-driven natural gas compressors with updated technology modern turbine-driven natural gas compressors. The new compressors will be installed in the same location and footprint as the compressors being replaced and no new permanent ground disturbance will occur.
  - Upgrade and replace the existing underground electric power supply line (and associated appurtenances) from its origin at Highway 202 to Miller Station. Approximately 3.1 miles of new line will be within the PF-80 zone. The replacement

<sup>1</sup> Final Order on Request for Contested Case and Mist Facility Amendment No.11 (April 2016), pg.65

line will be constructed within a standard 24-foot-wide right-of-way (ROW) corridor, made up of a combination of existing electrical easement and temporary construction workspace. The majority of the powerline alignment will be within the previously established ROW within existing roadbed. The remaining distance will be replaced within existing ROW for the powerline that is covered in low-growing vegetation. The replacement line will be installed via open trench for the majority of the line but will use horizontal directional drilling (HDD) drilling techniques to avoid surface water impacts in up to four locations. Vegetation will be cleared, and the construction corridor graded as needed. If grading is required, trees, brush, and shrubs within the construction corridor will be cut or scraped at or near the ground level. After backfilling is complete, disturbed areas will be final graded, erosion control measures will be implemented, and the areas will be restored to preconstruction conditioned.

- NWN will purchase a 7.5-acre construction laydown area and convert it to permanent storage. The proposed site was selected because it is adjacent to the existing Miller Station and has an existing access road that wraps around the proposed site. The proposed permanent laydown yard currently contains timber. The property owner will harvest timber in the area prior to selling the property to NWN.

- **NMCS Enhancements and Storage Development**

- Develop the existing Newton, Medicine, Stegosaur, and Crater underground storage reservoirs including aboveground well pads to increase the Facility's natural gas storage capacity. Install I/W wells and transmission pipelines to connect the newly developed storage reservoirs to the existing NMCS. These changes would result in up to 20.2 acres being taken permanently out of timber production. When grading is required, trees, brush, and shrubs within the construction corridor will be cut or scraped at or near the ground level. Low brush will be scraped up and stored with the topsoil. Timber and larger brush will be stored adjacent to the ROW and placed on the ROW during final clean-up or removed from the ROW. Slash will be spread back across the ROW, chipped, and spread on the ROW, or removed from the ROW, subject to landowner approval and applicable law. All clearing activities will utilize existing access roads and ROWs permitted for the Project. Excavation will be accomplished using machinery such as ditching machines, backhoes, or track hoes. The depth of the trench is expected to be five feet for most of the construction installation; however, the depth of cover can vary according to site-specific conditions and will be installed at a minimum of 30 inches. An in-depth description of each underground storage reservoir and the anticipated total excavation and fill amounts, the I/W wells, and transmission pipelines is included in the Division 27 document.

- Expand the NMCS site fence line and potentially deposit soil around the expanded NMCS fence line. Approximately 4,000 square feet would be added to the fence line boundary, and it would contain all proposed structures.
- Install three reciprocating natural gas-fired engine-driven natural gas compressors, two natural gas dehydration equipment systems, and all associated engineered facilities at NMCS. The compressors, dehydration equipment systems, and other facilities will all be within the expanded NMCS fence line and no new permanent ground disturbance will occur.
- Construct a new control and operations building at NMCS to facilitate manned operations at the Facility to include installation of a potable water tank and septic system, including a drainfield. There will be 5-gallon bottles for drinking and a water tank for toilets, faucets etc. and will be filled by a municipal source. The septic tank will be on a regular maintenance contract. The control and operations building will all be within the expanded NMCS fence line and no new additional permanent ground disturbance will occur.
- Four temporary construction laydown yards. The first temporary laydown yard will encompass approximately 6 acres of private property on the north side of Highway 202 west of Highway 47. The second will be at the Bark and Haul yard located slightly west of the intersection of Highway 47 and Highway 202, with 1.6 acres situated on previously disturbed land used for product storage and hauling. The third area, located approximately 7 miles north of Miller Station, is proposed at the former Weyerhaeuser log-sorting yard in an approximately 3 acre, previously disturbed area. The fourth location is a paved storage area, previously used for Weyerhaeuser operations. All four proposed temporary storage and staging areas are remote from the Project and have been previously disturbed.

EFSC previously concluded that the NMTP would be a new distribution line with a permanent right-of-way of 50 feet or less, and is therefore also allowable as a conditional use in the PF-80 zone under CCZO Section 505.7.2. The new proposed gas transmission pipelines are distribution lines with right-of-way widths of 50 feet or less, and are therefore allowable as a conditional use in the PF-80 zone per CCZO Section 505.7 and consistent with EFSC's previous findings. Additionally, the proposed replacement of the electrical power supply line is an electrical transmission line with a right-of-way width of up to 100 feet, also allowable as a conditional use in the PF-80 zone per CCZO Section 505.7. The CCZO 505.7 "distribution line" and "electrical transmission line" language mirrors the language under OAR 660-006-0025(4)(q). Consistent with *Citizens Against LNG, Inc. v. Coos County*, 63 Or LUBA 162, 172 (2011), temporary construction easements associated with construction of the pipelines are not a "right of way" within the meaning of "distribution line." The temporary construction area itself is not a "use" but an accessory function that is necessary to

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<sup>2</sup> Final Order on Request for Contested Case and Mist Facility Amendment No.11 (April 2016), pg.58

construct the authorized use. Therefore, the proposed gas transmission pipelines and electrical power supply line are conditionally permitted in the PF-80 Zone.

Furthermore, consistent with OAR 660-006-0020(4), which implements the state's Forest Lands Goal, the proposed improvements all relate to the processing of natural gas resources and therefore are allowable as conditional uses within Columbia County's PF-80 zone per CCZO Section 505.2, subject to the criteria listed below.

#### *4.3.1.2 CCZO Section 507 Siting of Dwellings and Structures*

The following aboveground structures are proposed in the PF-80 zone in RFA 13:

- Process gas line heater (Equipment Tag HE-1400)
- Diesel storage tank (Equipment Tag TK - 210)
- Gasoline storage tank (Equipment Tag TK - 220)
- Power Distribution Control building (Equipment Tag – PDC BLDG)
- Warehouse building
- Back-up generators (Equipment Tags G-711; G-712)
- Air compressor (Equipment Tag SK-650)
- Gas compressors (Equipment Tags C-430; C-440; C-450)
- Blowdown silencer (Equipment Tag V-640)
- Inlet filter coalescer (Equipment Tags F-330; F340)
- Instrument air skid enclosure (Equipment Tag SK-650)
- Dry air receiver tank (Equipment Tag V-650)
- Glycol contactor tower (Equipment Tags V-270; V-290)
- Glycol Regeneration Skid
- Potable water tank (Equipment Tag TK-190)
- Outlet filter coalescer (Equipment Tags F-530; F-540)
- Fuel gas skid (Equipment Tag SK-610)
- Fuel gas heater (Equipment Tag HE-6350)
- Engine lube oil make-up tank (Equipment Tag TK-170)
- Cylinder lube oil make-up tank (Equipment Tag TK-171)
- Oily water separator (Equipment Tag OWS-100)
- Medium voltage transformer (Equipment Tag TX 100; TX-200; TX-300)

- Operations building
- Compressor building

These proposed structures are all within the NMCS site and will be referred to throughout this document as the “NMCS site structures.”

Additional aboveground structures within the PF-80 zone will include the Newton, Medicine, and Stegosaur well pads. These are collectively referred to throughout this document as the “well pads”.

*.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:*

As described above, EFSC previously found that the NMCS complied with the applicable requirements of PF-80 zone and was therefore approved.<sup>3</sup> As noted above, RFA 13 is proposing multiple structures within the PF-80 zone. CCZO Section 100(114) defines structures as:

*Structure: is 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.*

This definition applies to all NMCS site structures and the proposed operations and maintenance (O&M) building. The O&M building will have provisions for sleeping, eating, cooking and sanitation. However, it will not be occupied on a permanent basis and is meant only to be used by employees during regular business hours to support processing of natural gas resources. Employees will only use the building for overnight stay if they cannot leave due to inclement weather conditions or to accommodate other emergencies at the Project. Therefore, the O&M building is not a dwelling and any provisions related to dwellings are not applicable. Belowground structures, replacement underground structures, and construction laydown yards do not meet the definition of “structure” as defined above. Therefore, the criteria in CCZO Section 507 applicable to the NMCS site structures and O&M building.

*Has the least impact on nearby or adjacent lands zoned for forest or agricultural use;*

EFSC previously concluded that the NMCS was sited to have the least impact on nearby forest-zoned lands in compliance with this criterion.<sup>4</sup> As described in the Division 27 document, RFA 11 authorized NWN to expand the Site Boundary to include the Adams storage reservoir, as well as the Newton, Medicine, Crater, and Stegosaur future storage areas. The amendment authorized NWN to develop only the Adams reservoir as a new underground storage area and to construct and operate a new compressor station, NMCS. This was all permitted within the PF-80 zone.

Additionally, NWN is proposing to expand the NMCS site fence line. Approximately 4,000 square feet would be added to the fence line boundary, and it would contain all proposed structures. Expansion

<sup>3</sup> Final Order on Request for Contested Case and Mist Facility Amendment No.11 (April 2016), pg.65

<sup>4</sup> Final Order on Request for Contested Case and Mist Facility Amendment No.11 (April 2016), pg.59



of the fence line will not significantly affect forest zoned lands. The properties that the fence line would be expanded onto are currently privately owned and will be purchased by NWN. These properties have already been harvested and had replanting completed within the last five years. There will be no further impact to land outside of the expanded fence line since it has already been cleared and replanted. Land within the expanded fence line will have a small permanent impact to timber production. According to the Columbia County Comprehensive Plan, forest lands cover over 84 percent (approximately over 700,000 acres) of Columbia County's land area (Columbia County 2017).

NWN will also utilize 7.5 acres adjacent to Miller Station for a permanent storage yard. Overall, up to 27.7 acres of forest land will be permanently disturbed by the proposed changes in the PF-80 zone; this is a de minimis amount compared to the total amount of forest land in Columbia County. The permanent impact to forest land will be consistent with lease agreements made between NWN and gas storage lease holders and impacted property owners. Land that is being expanded onto would be taken out of timber production but would eventually be reinstated as timber land.

The NMCS site will be accessed by existing logging roads. NWN is not proposing any new access roads. Proposed improvements to existing access roads may include widening some existing roads to provide access for construction vehicles along the pipeline corridor roads during construction, with all construction occurring within the identified construction corridor. It is possible that timber operators will improve some roads for pending, planned, and ongoing timber operations prior to NWN's construction. During construction, some roads may need an additional shoulder for turnaround areas for larger vehicles. These areas will be restored upon completion of construction. There will be no permanent impacts from improvements to existing access roads.

Overall, the permanent impact on forest lands is minimal. All proposed structures will be within the expanded NMCS site fence line. The expanded fence line will add less than one acre to the existing NMCS boundary. 27.7 acres of land will be permanently taken out of timber production which is a small percentage of the total forest land in Columbia County and as mentioned above, the permanent impact to forest land will be consistent with lease agreements made between NWN and gas storage lease holders and impacted property owners. 65 acres of land will temporarily impact forest land. Temporary impacts to forest lands will be mitigated by replanting.

- A. 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;*

EFSC previously concluded in the Final Order on RFA 11 that the NMCS was sited to minimize any impacts on forest operations in compliance with this criterion, subject to Land Use Condition 2.<sup>5</sup> This condition requires NWN to coordinate with and provide written notification to affected surface property owners on timing and location of tree removal during site preparation and ground disturbing activities associated with the NMCS. NWN will continue to comply with Land Use

<sup>5</sup> Final Order on Request for Contested Case and Mist Facility Amendment No.11 (April 2016), pg.59-60

Condition 2. As described above, the proposed structures will be constructed within the expanded fence line of the existing NMCS site. The properties that the fence line would be expanded onto are currently privately owned and will be purchased by NWN. These properties have already been harvested and had replanting completed within the last five years. There will be no further impact to land outside of the expanded fence line since it has already been cleared and replanted. Land within the expanded fence line will have a small permanent impact to timber production. NWN will utilize 7.5 acres adjacent to Miller Station for a permanent storage yard. Overall, up to 27.7 acres of forest land will be permanently impacted by the proposed changes in the PF-80 zone. The permanent impact to forest land will be consistent with lease agreements made between NWN and gas storage lease holders and impacted property owners. Locating the NMCS site structures and O&M building within the expanded fence line of the NMCS site and as close as possible to existing structures will help ensure that more forest lands are not affected by the Project. Figure 3 of the Division 27 document shows a scaled drawing of the NMCS site, with existing structures in gray and proposed in black. The proposed NMCS site structures and O&M building satisfy this criterion.

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

EFSC previously concluded in the Final Order on RFA 11 that the NMCS would minimize the amount of forest land used for building sites and road access in compliance with this criterion<sup>6</sup>. This conclusion was reached due to the NMCS needing to be sited in close proximity to the Adams reservoir, which is zoned for forest use, and therefore the NMCS also needed to be located on forest-zoned land.

As mentioned above, the proposed structures will be entirely within the expanded NMCS site fence line. The fence line is expanding approximately 4,000 square feet to accommodate the proposed structures. The land NWN is proposing to expand onto will permanently take out 27.7 acres of land from timber production. This land was previously harvested and has had replanting done within the last five years. NWN will buy the land from the current property owners once RFA 13 has been submitted. As mentioned above, the permanent impact to forest land will be consistent with lease agreements made between NWN and gas storage lease holders and impacted property owners. Sixty-five acres of land will be temporarily impact forest land. Temporary impacts to forest lands will be mitigated by replanting.

The NMCS site will be accessed by existing logging roads. NWN is not proposing any new access roads. Proposed improvements to existing access roads may include widening some existing roads to provide access for construction vehicles along the pipeline corridor roads during construction, with all construction occurring within the identified construction corridor. It is possible that timber operators will improve some roads for pending, planned, and ongoing timber operations prior to NWN's construction. During construction, some roads may need an additional shoulder for turnaround areas for larger vehicles. These areas will be restored upon completion of construction. There will be no permanent impacts from improvements to existing access roads. By using the

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<sup>6</sup> Final Order on Request for Contested Case and Mist Facility Amendment No.11 (April 2016), pg.60

existing NMCS site and existing access roads, the Project is minimizing the amount of forest land used for improvements and changes. Overall, the proposed structures have been sited to minimize the amount of forest lands used. Additionally, NWN will be conserving a habitat mitigation area in accordance with the Habitat Mitigation Plan (Attachment P-2).

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

The criteria in CCZO Section 510 relate specifically to dwellings within the PF-80 zone. NWN is not proposing a dwelling as part of RFA 13 so standards in CCZO Section 510 do not apply.

*D. 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.*

EFSC previously concluded in the Final Order on RFA 11 that the NMCS was consistent with other requirements contained in the CCCP and implementing ordinances in compliance with this criterion.<sup>7</sup> The CCZO contains land use regulations and standards that implement the goals and policies of the CCCP. The Project's consistency with applicable sections of the CCZO is addressed above and below. Because the Project complies with all applicable sections of the CCZO, it also complies with the requirements of the CCCP. Nonetheless, consistency with the CCCP is discussed below.

With respect to natural hazards, the NMCS site where the NMCS site structures and O&M building is proposed, is located on gentle slopes along a broad mid-slope bench with elevations ranging from approximately 1,285 feet above mean sea level in the southwest corner of the site to approximately 1,320 feet above mean sea level on the eastern border of the site. As explained in Exhibit H, the NMCS site is situated on a large ancient landslide, but the geological evaluation indicates that this landslide has remained stable for many hundreds, if not thousands, of years. NWN has recommended that this landslide be included in NWN's landslide management system database and be monitored annually in accordance with the criteria for low-risk landslides.

The Flood Hazard Overlay zone has been addressed for the relevant Project components that are within a designated floodplain. This does not include any proposed NMCS site structures or the O&M building. Therefore, the Flood Hazard Overlay zone does not apply to proposed structures within the PF-80 zone.

As described in Exhibit H, best management practices will also be used during and after construction of the NMCS Resiliency Area and proposed well pads. A detailed erosion and sediment control plan will be completed to fulfill requirements of the National Pollutant Discharge Elimination System Permit 1200-C. Exposed soil areas that are affected by the construction will be seeded after construction when there is adequate soil moisture. Whenever feasible, overland

<sup>7</sup> Final Order on Request for Contested Case and Mist Facility Amendment No.11 (April 2016), pg.60

corridors will be constructed with water bars so that surface drainage continues to natural drainage patterns, with minimal diversions through ditches and culverts. Regular maintenance of drainage facilities will ensure continued proper operation.

*.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.*

NWN is proposing the addition of a potable water tank as part of the proposed O&M building. Water used during operations will be obtained from a municipal source with active water rights. Water needed for construction of the Project will be obtained from one or a combination of Knappa Water Association, Mist Birkenfeld Fire District, and Scion Lumber, LLC (see Exhibit O, Attachment O-1). Water will be trucked to the site via a 3,000-gallon water tank. Water requirements needed for construction of the NMCS site structures and O&M building are discussed in depth in Exhibit O. Lastly, water will not be taken from a Class II stream.

*507.3 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.*

NWN is not proposing any dwellings as part of RFA 13. NWN is proposing to use existing access roads to access the NMCS site and Miller Station. The existing access roads would be improved as needed. Some potential improvements include adding gravel, widening, and grading the existing roads. According to the Final Order on RFA 11, the Project is subject to Land Use Condition 5 which states:

*Prior to construction of Amendment 11 components, the certificate holder shall apply for and obtain a County Road access permit (part of the County Building Permit) from the Columbia County Land Development Services Department. A copy of the County Road access permit shall be maintained onsite and made available to the department upon request.*

No county roads are expected to be used; therefore, no County Road access permit is anticipated.

*.4 Pursuant to OAR 660-006-0029 (5), approval of a dwelling shall be subject to the following requirements:*

- A. The owner of the tract shall plant a sufficient number of trees on the tract to demonstrate that the tract is reasonably expected to meet Department of Forestry stocking requirements at the time specified in the Department of Forestry administrative rules;*

- B. *Land Development Services shall notify the Columbia County Assessor of the above condition at the time the dwelling is approved;*
- C. *If the property is over 10 acres the owner shall submit a stocking survey report or a Forest Land Assessment and Stocking Compliance Application to the Columbia County Assessor and the Assessor shall verify that the minimum stocking requirements have been met by the time required by the Department of Forestry administrative rules;*
- D. *Upon notification by the Assessor, the Department of Forestry shall determine whether the tract meets minimum stocking requirements of the Forest Practices Act. If the Department determines that the tract does not meet those requirements, the Department shall notify the owner and the Assessor that the land is not being managed as forest land. The Assessor shall then remove the forest land designation pursuant to ORS 321.359 and impose additional tax pursuant to ORS 321.372; and*
- E. *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 and forest lands to modify the conduct of legal and accepted farm and forest operations.*

NWN is not proposing any dwellings as part of RFA 13. Therefore, these criteria are not applicable to the Project.

*.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.*

NWN is not proposing any dwellings as part of this application. All proposed structures will be within the expanded NMCS site fence line. However, these parcels are located within ODFW Big Game Habitat and are within County designated Big Game Habitat. Therefore, Section 1190 has been addressed in Section 4.4.7 of this narrative.

#### *4.3.1.3 CCZO Section 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;*

EFSC previously concluded that the NMCS would not force a significant change in, or increase the cost of, accepted farming or forest practices on forest lands. This finding was based on the limited amount of permanent impact and the proposed practices to minimize and mitigate impacts.<sup>8</sup> New proposed Project components within the PF-80 zone include the NMCS site structures, new natural gas pipelines, replacement of the electrical power supply line, O&M building, four temporary

<sup>8</sup> Final Order on Request for Contested Case and Mist Facility Amendment No.11 (April 2016), pg.62

laydown yards, and one permanent 7.5-acre laydown yard. No Project components are proposed on land used or zoned for farming. Therefore, the Project will not force a significant change in, or increase the cost of, accepted farming practices.

The permanent Project components proposed in the PF-80 zone are in areas near existing natural gas infrastructure for the Facility. The overall Project is specifically sited in the PF-80 zone to take advantage of unique natural features, naturally occurring underground natural gas storage reservoirs, retrofitted to allow pipeline quality natural gas injection and underground storage. NWN proposed the RFA 13 components to enhance the overall Project's flexibility and resiliency to provide natural gas to its customers.

As mentioned above, the NMCS site structures and O&M building will be located within the expanded NMCS site fence line. The fence line will expand by approximately 4,000 square feet. The majority of the NMCS site is located on land already owned by NWN; NWN will purchase the land the expanded fence line will be on after submittal of RFA 13. The land the fence line will be expanding onto is currently vacant and has already been harvested by the current property owners. Overall, up to 27.7 acres of forest land will be permanently impacted by the proposed changes in the PF-80 zone; this is a de minimus amount compared to the total amount of forest land in Columbia County. As mentioned above, the permanent impact to forest land will be consistent with lease agreements made between NWN and gas storage lease holders.

EFSC previously found that NWN intended to minimize impacts to forest lands from the NMTP route by allowing vegetation to grow back in the construction corridor with the exception of commercial timber in an area 10-feet wide above the NMTP.<sup>9</sup> The Applicant is proposing up to 2.6 miles of new natural gas pipelines. All pipelines will be designed to have an 80-foot temporary impact corridor with a 40-foot permanent easement (see Section 4.4.3); within the permanent easement, the land will be reseeded post-construction. Construction of the pipelines will temporarily disturb 22.5 acres of land. As discussed in Exhibit P, temporary impact areas are those areas that would be disturbed during construction activities but would be restored and revegetated as appropriate. On forested timber lands, trees will not be allowed to regrow within 5 feet on either side of the pipeline, although grasses, forbs, and shrubs would be encouraged in this area. Although this condition would be maintained for the life of the Project, this is not considered a permanent impact because natural tree-spacing in old-growth Douglas-fir (*Pseudotsuga menziesii*) stands, as well as target spacing in commercial Douglas-fir timberlands is typically 10 to 12 feet (Huff et al. 2020, Smith and Reukema 1986, Winter et al. 2002). Since the pipelines are located underground, there will be no aboveground permanent impacts. Overall, NWN intends to minimize impacts to forest lands from the new pipelines by allowing vegetation to grow back in the temporary and permanent easement corridors except within 5 feet on either side of the pipeline.

The Project's four proposed temporary laydown yards will not significantly change or increase the cost of accepted farming or forest practices. The land where the temporary laydown yards are proposed have all been previously disturbed and used for storage of equipment, hauling, or sorting.

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<sup>9</sup> Final Order on Request for Contested Case and Mist Facility Amendment No.11 (April 2016), pg.62

Additionally, the proposed laydown yards are temporary and will be reverted to their prior use once the construction phase of the Project improvements and changes are completed.

The proposed permanent construction laydown yard is located adjacent and directly north of the existing Miller Station. The permanent construction yard would expand the Miller Station fence line by 7.5-acres and be used to store equipment and materials needed for the Miller Station. The location of the permanent laydown yard was chosen due to the proximity to the existing Miller Station and because there is an existing access road that extends around the site. Thus, the proposed laydown yard can utilize the existing roads and not require the construction of new roads. The proposed permanent laydown yard currently contains timber. The property owner will harvest timber in the area prior to selling the property to NWN. Overall, the permanent laydown yard needs to be sited near the Miller Station because the yard will be used to store materials and equipment for operation of the Miller Station.

Additional improvements at the Miller Station include the replacement of the existing powerline that runs from the existing meter located near Highway 202 to Miller Station. The powerline and conduit is being replaced because it is reaching the end of its service life. NWN will use a standard 24-foot-wide construction right-of-way (ROW) corridor within the existing roadbed or a 40-foot-wide corridor in areas outside of the existing road. Approximately 6.5 acres will be temporarily disturbed during replacement of the powerline. After replacement of the powerline, outside of existing road, the ROW will be mulched, seeded, and revegetated. Much of the powerline corridor is located within existing roadbed; this area will be restored to its previous condition. There will be no permanent disturbance to the forest land from replacement of the powerline.

EFSC previously concluded in the Final Order on RFA 11 that the NMCS was sited to minimize any impacts on forest operations in compliance with this criterion, subject to Land Use Condition 2.<sup>10</sup> This condition requires NWN to coordinate with and provide written notification to affected surface property owners on timing and location of tree removal during site preparation and ground disturbing activities associated with the NMCS. NWN is not proposing to remove any trees as part of RFA 13. If any trees are required to be removed for construction, NWN will notify affected property owners in accordance with Land Use Condition 2.

The Project changes (some of which are temporary) are proposed in areas primarily within the approved Facility Boundary, on land that is or will be owned by NWN, or on land previously disturbed by current property owners. Therefore, the proposed Project changes listed above will not force a significant change in or increase the cost of accepted forest practices.

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

NWN has operated the Facility since 1988 without causing any fires or other hazards. The wells and pipeline facilities have numerous safety features, including relief valves and automatic shutdown systems. In addition, trained NWN personnel will monitor the NMCS from Miller Station. As

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<sup>10</sup> Final Order on Request for Contested Case and Mist Facility Amendment No.11 (April 2016), pg.59-60

outlined in Exhibit U, NWN contacted the Mist-Birkenfeld Fire District and Clatskanie Rural Fire Protection District (RFPD), which have jurisdiction over the forest-zoned portion of the Project, in order to solicit input regarding the potential effect that construction and operation of the Project could have on its ability to serve the community. Both the Fire Chiefs for the Mist-Birkenfeld Fire District and Clatskanie Fire District confirmed they did not anticipate the Project adversely affect their department's ability to serve the community based on the information available to them at this time. Both Fire Chiefs confirmed they will respond if fire protection issues arise with respect to construction and operation of the Project (Exhibit U; Attachment U-2). As in the past, NWN will ensure that access to the NMCS and Miller Station is approved by the Mist-Birkenfeld Fire District and Clatskanie RFPD. The cleared areas around the NMCS and Miller Station will continue to provide an adequate break for fire safety, ensuring that the drilling and operation of the wells will not create a fire hazard risk. To further ensure fire safety, NWN will inform the fire district or its key personnel as to the date construction will commence and the date construction has been completed, and, through Columbia County's building permit process, final design of the NMCS and Miller Station will meet all applicable fire safety standards set forth in the 2022 Oregon Fire Code.

As discussed in Exhibit V, the wildfire risk and consequences of fire in the Project Site Boundary and Wildfire Analysis Area are considered moderate. Within the Wildfire Analysis Area, assets that could be impacted by wildfire include residential structures, agricultural areas, distribution/transmission lines and pipelines, roads, forested areas, the Oregon Department of Forestry Clatskanie Guard Station, Mist Grade School, and the NMCS. After construction of the Project, additional assets such as updated natural gas compressors and electric power supply lines may be in the path of wildfire, and overall risk of damage to infrastructure within the Project Site Boundary would increase. It is unlikely that the Project, with mitigation measures considered, will result in an increase in significant wildfire risk as detailed in Exhibit V.

EFSC previously concluded the NMCS would not increase fire hazard, significantly increase fire suppression costs or significantly increase risks to fire protection personnel in compliance with this criterion.<sup>11</sup> In accordance with OAR 345-022-0115(1)(b) NWN has developed a Wildfire Mitigation Plan that will guide the development of the Project components. As described in the Wildfire Mitigation Plan, the Facility will be monitored at different frequencies to assess for potential hazards. Exhibit V breaks down how often and what exactly will be monitored at the NMCS site, Miller Station, and construction laydown yards. Fire prevention systems and procedures will be followed at Miller Station and will also be followed at the operation station at NMCS. NWN will maintain fire prevention and suppression equipment, and emergency shutdown and station venting systems. The buildings will maintain emergency firefighting equipment including shovels, beaters, portable water for hand sprayers, fire extinguishers, and other equipment. Installation of fire detection and suppression systems (including smoke detectors, fire alarms, and fire suppression systems) will be installed throughout the operations buildings to detect and control fires in their early stages. Onsite employees will also receive training on fire prevention and response and have onsite fire extinguishers to respond to small fires. In the event of a large fire, emergency responders

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<sup>11</sup> Final Order on Request for Contested Case and Mist Facility Amendment No.11 (April 2016), pg.63



will be dispatched. Additionally, an Emergency Response Plan for dealing with urgent situations, such as fire, will be created as a contingency measure. The Emergency Response Plan prepared prior to any new construction by NWN and construction contractor will contain policies and procedures for preparing for and responding to a range of potential emergencies, including fires. The plan will be created in collaboration with the appropriate authorities outlined in Exhibits U and V.

*.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*

EFSC previously determined that if NWN purchased the NMCS site, then the requirements of CCZO Section 508.3 would apply to the Project, subject to Land Use Condition 3.<sup>12</sup> Land Use Condition 3 states:

*"Prior to construction of components authorized by Amendment 11, the certificate holder shall provide written notification to the department verifying whether the NMCS parcel and I/W well pad site would be leased or purchased from the current landowners. If one or both sites are purchased, the certificate holder shall comply with the following requirements:*

*The certificate holder shall file a waiver of remonstrance with Columbia County certifying that the certificate holder would 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 or legal and accepted farm or forest operations. A copy of the waiver of remonstrance shall be provided to the department and maintained onsite for the duration of construction and made available to the department upon request."<sup>13</sup>*

NWN now owns both the NMCS site and Miller Station. In accordance with Land Use Condition 3, NWN obtained a waiver of remonstrance for these sites. Therefore, this criterion has already been satisfied.

*.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.*

EFSC previously concluded in the Final Order on RFA 11 that the NMCS was consistent with other requirements contained in the CCCP and implementing ordinances in compliance with this criterion.<sup>14</sup> The CCZO contains land use regulations and standards that implement the goals and

<sup>12</sup> Final Order on Request for Contested Case and Mist Facility Amendment No.11 (April 2016), pg.63

<sup>13</sup> Final Order on Request for Contested Case and Mist Facility Amendment No.11 (April 2016), pg.87

<sup>14</sup> Final Order on Request for Contested Case and Mist Facility Amendment No.11 (April 2016), pg.64

policies of the CCCP. The Project's consistency with applicable sections of the CCZO is addressed above and below. Because the Project complies with all applicable sections of the CCZO, it also complies with the requirements of the CCCP. Nonetheless, consistency with the CCCP is discussed below. Accordingly, this criterion is met.

#### *4.3.1.4 CCZO Section 509 Standards for Development*

CCZO Section 509 establishes standards for all development within PF-80 zoned land and, therefore, applies to the RFA 13 improvements proposed within the PF-80 zone. EFSC adopted Land Use Conditions 3, 4 and 5 as part of the Site Certificate for RFA 11 to ensure the NMCS would comply with the applicable provisions established in CCZO 509.1, 509.2, 509.3, and 509.6. Those conditions required NWN to ensure that the NMCS was partitioned if NWN purchased the site; and required NWN to obtain both a Public Road Construction Permit and County Road access permit prior to construction. Subject to compliance with these conditions of approval, EFSC found that the NMCS complied with the applicable requirements CCZO Section 509.

In compliance with Land Use Condition 3(b), NWN purchased the NMCS site and secured a PLA for the parcel in accordance with Columbia County Subdivision and Partitioning Ordinance. The PLA Approval Number is PLA 17-03. NWN also filed a waiver of remonstrance with Columbia County to satisfy Land Use Condition 3 (Section 4.4.1.3). In compliance with Land Use Condition 4, NWN obtained a Public Road Construction Permit from the Columbia County Road Department. Lastly, in compliance with Land Use Condition 5, NWN obtained a County Road access permit prior to construction of Amendment 11 components. The Applicant is not proposing to use Columbia County ROWs and will therefore not obtain a Public Road Construction Permit.

*.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.*

NWN is proposing to adjust Tax Lot 75W000004700 to transfer approximately 35 acres to Tax Lot 75W000004701. The resulting parcel size for Tax Lot 75W000004701 will be approximately 40 acres and Tax Lot 75W000004700 will be over 200 acres. The parcels will both remain larger than 100 feet wide and deep after the adjustment. Therefore, the adjusted parcels satisfy the criterion.

All other lots and parcels within the Project Site Boundary were legally established and meet the 100-foot width and depth criterion above. As mentioned above, in the Final Order on RFA 11 EFSC imposed Land Use Conditions 3, 4, and 5. In compliance with Land Use Condition 3(b), which specifically relates to securing a partition for the NMCS site if it was eventually purchased; NWN secured a PLA approval for the NMCS site because it was purchased after the site certificate was issued for RFA 11. The PLA Approval Number is PLA 17-03.

*.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.*

Section 4.4.1.2 The CCZO Section 510 standards apply to new dwellings proposed in the PF-80 zone (Section 4.4.1.2). NWN is not proposing any new dwellings as part of RFA 13. Therefore, CCZO Section 510 is not applicable to the Project.

*.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.*

The NMCS structures proposed in the PF-80 zone will all be under 50 feet tall. Therefore, this criterion is satisfied.

*.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.*

NWN is not proposing any new signs as part of RFA 13. This criterion is not applicable.

*.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.*

As part of the review process, the Oregon Department of Energy requests review and comment of application materials from reviewing agencies, including the Oregon Department of Fish and Wildlife.

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

EFSC previously found that subject to Land Use Conditions 3, 4, 5, the NMCS site complied with the setback requirements listed above.<sup>15</sup> As previously mentioned, the imposed conditions are specific to partitioning of the NMCS site and permitted well pads are partitioned if NWN purchases the site; and requires NWN to obtain both a Public Road Construction Permit and County Road access permit. As described above, NWN purchased the NMCS site and obtained a PLA approval from Columbia County. The PLA Approval Number is PLA 17-03. The Project infrastructure shown on Figure K-3 is preliminary and final design of the Project will ensure all NMCS site structures & O&M building comply with the setback standards of CCZO Section 509.6. If any proposed structures do not comply with the setback requirements, NWN will apply for a variance for those areas. The setback standards will be satisfied.

- 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.*

The Project components are not anticipated to cause contamination of a stream, lake, or other water body. The Project areas have been delineated; wetlands and waterbodies have been

<sup>15</sup> Final Order on Request for Contested Case and Mist Facility Amendment No.11 (April 2016), pg.65

identified and are discussed in Exhibit J. The Wetland Delineation Report (see Exhibit J) confirmed there will be no impacts to wetlands and waterbodies. Therefore, the Project is not subject to CCZO Section 1170; a statement has been made within Section 4.4.6 of this narrative to clarify CCZO Section 1170 does not apply.

*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.*

As described in the RFA 11 Final Order, EFSC adopted Land Use Condition 3, which required NWN to ensure that the NMCS and I/W well pad site are partitioned if NWN purchased the site. After the Final Order was issued for RFA 11, NWN purchased the NMCS site. In accordance with Land Use Condition 3, once NWN purchased the NMCS site, they filed a waiver of remonstrance and secured a PLA for the parcel. The PLA Approval Number is PLA 17-03.

RFA 13 is not proposing any land divisions as part of this application. Therefore, this criterion is not applicable to the amended project components.

*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.*

As mentioned in Section 4.4.1.2 NWN is not proposing to develop any new dwellings as part of RFA 13. Therefore, this criterion is not applicable to the Project.

*.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.*

The Application for Site Certificate was evaluated by EFSC and all subsequent RFAs have been reviewed by EFSC as well. Therefore, the Applicant has elected to have RFA 13 reviewed by EFSC and not Columbia County. The above approval period is not applicable to the Project.

### **4.3.2 CCZO Section 680 - Resource Industrial – Planned Development (RIPD)**

#### **4.3.2.1 CCZO Section 683 Uses Permitted Under Prescribed Conditions**

*The following uses may be permitted subject to the conditions imposed for each use:*

*.1 Production, processing, assembling, packaging, or treatment of materials; research and development laboratories; and storage and distribution of services and facilities subject to the following findings:*

EFSC previously approved the North Mist Transmission Pipeline (NMTP) and Port Westward Industrial Park within the RIPD zone.<sup>16</sup> RFA 13 is proposing three temporary construction laydown yards, two of which are entirely within the RIPD zone and one is only partially within the RIPD (primarily within the PF-80 zone) (Figure K-2a). The three laydown yards will be used to store construction materials and equipment during construction of the Project improvements. The temporary laydown yards and staging areas are considered to be within the Project Site Boundary only during the construction phase, for purposes of compliance with OAR 345-001-0010(31). The three locations are privately owned and should not be considered part of the final, new Project Site Boundary for any other long-term jurisdictional purposes.

The first will be at the Bark and Haul yard located slightly west of the intersection of Highway 47 and Highway 202, with 1.6 acres situated on previously disturbed land used for product storage and hauling. The second area, located approximately 7 miles north of Miller Station, is proposed at the Weyerhaeuser log-sorting yard in an approximately 3-acre, previously disturbed area. The third location is a paved storage area, previously used for Weyerhaeuser operations. All three proposed temporary storage and staging areas are remote from the Project.

*A. The requested use conforms with the goals and policies of the Comprehensive Plan - specifically those policies regarding rural industrial development and exceptions to the rural resource land goals and policies.*

The applicable Comprehensive Plan policies are discussed in Section 5.0 of this narrative. As discussed below, the proposed changes in RFA 13 comply with the goals and policies of the Columbia County Comprehensive Plan.

*B. The potential impact upon the area resulting from the proposed use has been addressed and any adverse impact will be able to be mitigated considering the following factors:*

*.1 Physiological characteristics of the site (ie., topography, drainage, etc.) and the suitability of the site for the particular land use and improvements;*

NWN is requesting to use three temporary laydown yards to store construction materials and equipment in the RIPD zone. Since the laydown yards are temporary, they will not have a significant effect on the existing land use. Existing land uses are shown on Figure K-4. NWN chose the temporary laydown yard sites because they have previously been disturbed and used as storage sites and sorting yards. Additionally, the sites have already been cleared of vegetation. The sites are all generally flat with slopes ranging zero to twenty-five degrees (ODF 2018). By using these existing sites and previously disturbed sites, NWN will not be altering the physiological character of the site more. Therefore, the temporary laydown yards comply with this criterion.

<sup>16</sup> Final Order on Request for Contested Case and Mist Facility Amendment No.11 (April 2016), pg.66

*.2 Existing land uses and both private and public facilities and services in the area;*

NWN is proposing three temporary construction laydown yards in the RIPD zone. No private or public facilities and services are required for use of these temporary laydown yards during construction. Therefore, the laydown yards comply with this criterion.

*.3 The demonstrated need for the proposed use is best met at the requested site considering all factors of the rural industrial element of the Comprehensive Plan.*

NWN is proposing three construction laydown yards in the RIPD zone. All three laydown yards were previously disturbed and used for storage, hauling, or sorting. The temporary laydown yards will be used for storage of materials and equipment for construction of the improvements proposed with RFA 13. Once construction of the Project improvements has been completed, NWN will revert the temporary construction yards back to their prior use. Siting the proposed temporary laydown yards at the requested areas will minimize any impact to other land within Columbia County because these sites have already been disturbed for similar uses.

*A. The requested use can be shown to comply with the following standards for available services:*

*.1 Water shall be provided by an on-site source of sufficient capacity to serve the proposed use, or a public or community water system capable of serving the proposed use.*

*.2 Sewage will be treated by a subsurface sewage system, or a community or public sewer system, approved by the County Sanitarian and/or the State DEQ.*

The three proposed temporary laydown yards will be used to store equipment and construction materials during the construction phase of the Project. Once construction is complete, the temporary yards will be converted back to their prior use. Since the proposed use is temporary and will be used for storage, the use does not require water or sewage services at these sites. Therefore, the criteria are not applicable to the proposed use.

*.3 Access will be provided to a public right-of-way constructed to standards capable of supporting the proposed use considering the existing level of service and the impacts caused by the planned development.*

Access to the three proposed construction laydown yards will be from existing public rights-of-way. The laydown yards will be used temporarily during the construction phase of RFA 13 and will be reverted to their prior use once construction is complete. The Bark and Haul yard is located slightly west of the intersection of Highway 47 and Highway 202. The second is located approximately 7 miles north of Miller Station, at the Weyerhaeuser log-sorting yard in an approximately 3-acre, previously disturbed area. The third location is a paved storage area, previously used for Weyerhaeuser operations. These sorting yards take access from Elliot Road and Miller Station Road; both public rights-of-ways. During construction of the improvements to the Project, an increase in travel will happen on these roads to reach the laydown yards to store equipment and materials. Therefore, the laydown yards comply with this criterion.

*.4 The property is within, and is capable of being served by, a rural fire district; or, the proponents will provide on-site fire suppression facilities capable of serving the proposed use. On-site facilities shall be approved by either the State or local Fire Marshall.*

The laydown yards are within the Clatskanie RFPD and Mist-Birkenfeld Joint RFPD. As discussed in Exhibit U, NWN will confirm with the applicable fire districts their ability to provide services to the Project components. Therefore, the laydown yards comply with this criterion.

#### **4.3.2.2 CCZO Section 685 Standards**

*.1 The minimum lot or parcel size for uses allowed under Section 682 shall be 38 acres.*

*.2 The minimum lot or parcel size, average lot or parcel width and depth, and setbacks for uses allowed under Section 683, shall be established by the Planning Commission, and will be sufficient to support the requested rural industrial use considering, at a minimum, the following factors:*

*A. Overall scope of the project. Should the project be proposed to be developed in phases, all phases shall be considered when establishing the minimum lot size.*

*B. Space required for off street parking and loading and open space, as required.*

*C. Setbacks necessary to adequately protect adjacent properties.*

As part of RFA 13, NWN is not proposing new parcels or modification of existing parcels in the RIPD zone. NWN proposes to use existing parcels for three temporary laydown yards. As previously mentioned, these laydown yards will be used during the construction of the improvements proposed with RFA 13 and then reverted to their prior use once construction is complete. Therefore, the laydown yards comply with these criteria.

*.3 Access shall be provided to a public right-of-way of sufficient construction to support the intended use, as determined by the County Roadmaster.*

As mentioned above, the temporary laydown yards will take access from existing public rights-of-way. These public rights-of-way are paved and can support the anticipated increase in travel during construction of the RFA 13 improvements. The three laydown yards will be reverted to their prior use once construction is complete. Therefore, the laydown yards comply with this criterion.

#### **4.3.3 CCZO Section 1100 – Flood Hazard Overlay**

EFSC previously approved Project components within the Flood Hazard Overlay Zone. As explained in the Final Order on RFA 11, EFSC approved NWN's proposal for development of the NMTP within the flood hazard overlay zone, subject to Land Use Condition 6, requiring NWN to obtain the development permit and maintain a copy of the permit onsite for the duration of the Project.<sup>17</sup> As demonstrated, Project components have previously been approved in this overlay zone subject to

<sup>17</sup> Final Order on Request for Contested Case and Mist Facility Amendment No.11 (April 2016), pg.74 & 75

obtaining a Floodplain Development Permit. NWN obtained the Floodplain Development Permit in compliance with Land Use Condition 6.

As shown on Figure K-2b, the RFA 13 components that intersect with the Flood Hazard Overlay include the 1.6-acre Bark N Haul construction laydown yard and a 469-foot segment of the new buried powerline proposed between Highway 202 and the Miller Station. Therefore, NWN addresses the relevant criteria for the specific proposed Project components proposed within the Flood Hazard Overlay Zone.

#### 4.3.3.1 1104 General Provisions

##### .2 Basis for Establishing the Special Flood Hazard Areas

- A. *The special flood hazard areas identified by the Federal Insurance Administrator in a scientific and engineering report entitled "The Flood Insurance Study (FIS) for Columbia County, Oregon and Incorporated FH ~ 202 ~ Areas, dated November 26, 2010, with accompanying Flood Insurance Rate Maps (FIRMs) are hereby adopted by reference and declared to be a part of this ordinance. The FIS and FIRM panels are on file at Columbia County, Department of Land Development Services, 230 Strand Street, St. Helens, OR 97051, located in the Columbia County Courthouse Annex building.*

The proposed Project falls within FEMA FIRM panels 41009C0250D, 41009C0125D and 41009C0110D (FEMA 2010) that are incorporated by reference to the Columbia County Flood Insurance Study cited above and comprise the County's Flood Hazard Overlay for this area (Figure K-2b). The FIRMs are available for viewing as part of FEMA's National Flood Hazard Layer (FEMA 2010).

#### 4.3.3.2 1105 Administration

##### 3. Establishment of Development Permit

- A. *Floodplain Development Permit Required: A development permit shall be obtained before construction or development begins within any area horizontally within the special flood hazard area established in section 1104.2. The development permit shall be required for all structures, including manufactured dwellings, and for all other development, as defined in section 1103, including fill and other development activities.*

As shown on Figure K-2b, the Project components that intersect the County's Flood Hazard Overlay Zone include the Bark N Haul construction laydown yard and a portion of the underground electric power supply line. The laydown yard will only be used temporarily during construction and is not an aboveground structure. The underground electric power supply line replaces an existing line. In addition, the portion within the Flood Hazard Overlay will be installed using horizontal directional drilling techniques to avoid surface impacts. Therefore, a Floodplain Development Permit is not required.

1. *The following exceptions apply for the storage of equipment and/or materials:*



- i. *Temporary storage, located out of the floodway, within any zoning district; and*
- ii. *Permanent storage, connected with residential use, located out of the floodway.*

The Bark N Haul laydown yard is a temporary storage area that will be used for storing equipment and materials during construction of the Project improvements. The temporary laydown yard is located within the floodplain but is outside of the floodway. Therefore, the exception does apply to the temporary laydown yard because it is not located within the floodway.

#### 4.3.3.3 *1106 Provisions for Flood Hazard Reduction*

*.1 General Standards: In all special flood hazard areas, the following standards shall be adhered to:*

##### *B. Anchoring:*

- 1. All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.*

NWN is not proposing any above ground structures within the flood hazard zone. The temporary construction laydown yards will have equipment and materials stored only during construction phase of the RFA 13 improvements. The segment of proposed electric power supply line will be completely underground and installed using horizontal directional drilling techniques where within the Flood Hazard Overlay. Therefore, this criterion does not apply.

##### *C. Construction Materials and Methods:*

- 1. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.*
- 2. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.*

The underground powerline and conduit running from the existing meter located near Highway 202 to Miler Station will be replaced as it is reaching the end of its service life. This replacement will be conducted using a combination of standard construction trenching techniques and horizontal directional drilling to avoid wetland and streams within the construction corridor. NWN will use a standard 80-foot-wide construction ROW corridor, or will limit construction to existing roadbed where appropriate, made up of a combination of existing electrical easement and temporary construction workspace, the powerline conduits will be buried at a depth of approximately 5 feet within the existing electrical service easement. Also, electrical cable pull boxes will be installed at a spacing not to exceed the selected power cable manufacture recommendations (approximately 2,000 foot spacing) allowing the cable to be pulled into the conduit and not exceed the cable tensile strength. After the installation of the conduit, the electrical contractor will pull

approximately 3.1 miles of power cable into the conduit and terminate the new power at the existing transformer located within the existing Miller station boundary.

As described, the powerline will be within a protective conduit and placed underground at least 5 feet. If flooding were to occur, the portion of the powerline alignment will be protected due to these measures. Therefore, the replacement of the powerline alignment complies with the above criteria.

#### **4.3.4 CCZO Section 1503 - Conditional Uses**

The original Mist Facility received its initial site certificate in 1981, and the site certificate has been previously amended 12 times. It was concluded and reaffirmed through each prior site certificate amendment that the overall Facility is a conditional use were within Columbia County's PF-80 zone.

*.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;*

As described under Section 4.4.1, the RFA 13 improvements proposed in the PF-80 zone are a conditional use as part of processing natural gas at the Project.

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

Specific use standards for the PF-80 zone are discussed in Section 4.4.1.3 and 4.4.1.4. As mentioned in these sections, the proposed changes comply with the specific use criteria for the PF-80 zone. Therefore, the criterion is satisfied.

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

The characteristics of both the NMCS and Miller Station are suitable for the improvements proposed with RFA 13 as described in more detail below. The overall Project is specifically sited to take advantage of unique natural features, naturally occurring underground natural gas storage reservoirs, retrofitted to allow pipeline quality natural gas injection and underground storage. NWN proposed the RFA 13 improvements to add storage capacity by taking advantage of additional existing underground storage reservoirs and to enhance the Project's flexibility and resiliency to provide natural gas to its customers. In addition, the proposed RFA 13 improvements are in locations near existing infrastructure at the Facility or areas that have been previously used for a similar use.

EFSC previously determined as part of the Final Order for RFA 11 that the characteristics of the NMCS complied with this criterion<sup>18</sup>. EFSC concluded that the NMCS site complied with this criterion based on its size, location of existing nearby gas processing and distribution facilities, and the existing commercial uses within the vicinity. As described above, the RFA 13 project

<sup>18</sup> Final Order on Request for Contested Case and Mist Facility Amendment No.11 (April 2016), pg.69

components are all being proposed to enhance and improve the existing Facility. The existing Newton, Medicine, Stegosaur, and Crater underground storage reservoirs will be developed with aboveground well pads, injection, and withdrawal (I/W) wells, and transmission pipelines so they can be utilized. The following components are all proposed within the slightly expanded fence line for the NMCS: installation of three reciprocating natural gas-fired engine-driven natural gas compressors, two natural gas dehydration equipment systems, and all associated engineered facilities. In addition, a new control and operations building will be installed at NMCS to facilitate manned operations at the Project. Therefore, the proposed changes at the NMCS and surrounding natural reservoirs comply with this criterion.

The proposed changes to the existing Miller Station include upgrading and replacing the two existing end-of-life natural gas-fired turbine-driven natural gas compressors with new natural gas-fired turbine-driven natural gas compressors and upgrading, adding a new 7.5-acre permanent laydown yard, replacing the existing underground electric power supply line (and associated appurtenances) from its origin at Highway 202 to Miller Station. The new natural gas-fired turbine-driven natural gas compressors will be replacing two existing compressors in the same location. The existing underground powerline and conduit will be replaced because it is reaching the end of its service life. The replacement line will be going in the same location as the current powerline. The addition of the permanent storage yard will expand the Miller Station boundary 7.5 acres. The location of the 7.5-acre permanent laydown yard was chosen because of its proximity to the Miller Station and the existing road that already runs around the back of the proposed site. The permanent yard will be used to store equipment and materials for the Miller Station. By siting the permanent laydown yard adjacent to the existing Miller Station, NWN is enhancing the Miller Station site instead of siting the storage yard in a separate location. Additionally, the existing underground powerline and conduit running from the existing meter located near Highway 202 to Miller Station will be replaced as it is reaching the end of its service life. These proposed changes will improve operation of the existing infrastructure at the Miller Station.

*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;*

EFSC previously concluded in the Final Order for RFA 11 that with regard to adequacy of the public services, development of the NMCS is timely.<sup>19</sup> As outlined in Exhibit U, the proposed O&M building will require a potable water tank and septic system, including a drain field. Potable water will be obtained from a municipality with active water rights. Installation of the proposed septic tank will require NWN to obtain an on-site wastewater permit, which will require the tank to be on a regular maintenance contract.

The NMCS site and Miller Station are not currently served by public sewers and sewage treatment, water service, or stormwater drainage services. As described, the O&M building within the NMCS boundary will require septic and water services but the Miller Station improvements will not require any public services.

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<sup>19</sup> Final Order on Request for Contested Case and Mist Facility Amendment No.11 (April 2016), pg.70

Solid waste will be collected for disposal by a licensed solid waste collector. There are no landfills located in Columbia County, but waste generated in Columbia County is typically disposed of via the county in accordance with the Columbia County Solid Waste Management Ordinance. Recycling and garbage collection services are provided by private companies that are regulated by Columbia County and cities (Columbia County 2023).

Impacts to transportation systems from construction and operation of the RFA 13 improvements are not expected to affect volume-to-capacity ratios or level of service ratings. NWN is proposing to use existing access roads to access the NMCS and Miller Station. The proposed 7.5-acre permanent laydown yard, located adjacent to the Miller Station, will take access from Miller Station Road. The first temporary storage area will encompass approximately 6 acres of private property on the north side of Highway 202 west of Highway 47. The second will be at the Bark and Haul yard located slightly west of the intersection of Highway 47 and Highway 202. The third and fourth areas are located approximately 7 miles north of Miller Station and take access from Elliot Road and Miller Station Road, both public rights-of-ways.

As presented in Exhibit U, NWN proposes to reduce potential traffic volume and congestion impacts during construction by using vanpools to transport workers from a designated meeting place to the site and requesting contractors to use locally sourced and pre-fabricated materials. When completed, operation of the RFA 13 improvements will result in employment of 29 additional fulltime employees, which would not significantly increase the existing volume-to-capacity ratios or be expected to result in impacts to existing transportation systems.

The RFA 13 improvements are not anticipated to result in significant adverse impacts to existing fire and police services. Operation of the amended Project could result in 29 workers and their families permanently relocating to the general area. The addition of this limited number of new employees would not be expected to require additional law enforcement resources or facilities. As for fire services, construction and operation could result in adverse effects to fire protection services if on-site activities were to result in fires or other incidents requiring emergency responses. However, to reduce the risk of fires, NWN will develop fire protection and safety plans for both the NMCS and Miller Station. A draft Wildlife Mitigation Plan is attached to Exhibit V. The measures detailed in these plans will reduce the potential for fires and emergencies and avoid the need for responses from local fire protection agencies. In addition, EFSC previously found that Public Services Condition 1 is necessary to reduce potential fire hazards and implement adequate staff training. NWN will continue to comply with Public Services Condition 1. Therefore, the RFA 13 improvements comply with this criterion.

*D. 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;*

EFSC previously concluded in the Final Order for RFA 11 that the NMCS would not substantially alter the surrounding area because it is comprised of forest use and existing natural gas facilities.<sup>20</sup>

<sup>20</sup> Final Order on Request for Contested Case and Mist Facility Amendment No.11 (April 2016), pg.70

The Project components are for further enhancement of the existing Facility. The Project will not alter the character of the surrounding area in a manner that substantially limits, impairs, or precludes the use of surrounding properties for the primary uses listed within those zones. The PF-80 zone allows a number of uses, with uses permitted outright focused on the propagation, harvesting, and management of forest and farm products, as well as uses associated with air and water conservation and fish and wildlife management.

As mentioned previously, the NMCS site structures, and O&M building will be located within the expanded NMCS site fence line. The fence line will expand by approximately 4,000 square feet. The majority of the NMCS site is located on land already owned by NWN; NWN will purchase the land the expanded fence line will be on after submittal of RFA 13. The land the fence line will be expanding onto is currently vacant and has already been harvested by the current property owners. Overall, up to 27.7 acres of forest land will be permanently impacted by the proposed changes in the PF-80 zone; this is a de minimus amount compared to the total amount of forest land in Columbia County. As mentioned above, the permanent impact to forest land will be consistent with lease agreements made between NWN and gas storage lease holders and impacted property owners.

As previously mentioned, the Applicant is proposing up to 2.6 miles of new natural gas pipelines. All pipelines will be designed to have a 80-foot temporary impact corridor with a 40-foot permanent easement (see Section 4.4.3); within the permanent easement, the land will be reseeded post-construction. Construction of the pipelines will temporarily disturb 22.5 acres of land. As discussed in Exhibit P, temporary impact areas are those areas that would be disturbed during construction activities but would be restored and revegetated as appropriate. On forested timber lands, trees will not be allowed to regrow within 5 feet on either side of the pipeline, although grasses, forbs, and shrubs would be encouraged in this area. Although this condition would be maintained for the life of the Project, this is not considered a permanent impact because natural tree-spacing in old-growth Douglas-fir (*Pseudotsuga menziesii*) stands, as well as target spacing in commercial Douglas-fir timberlands is typically 10 to 12 feet (Huff et al. 2020, Smith and Reukema 1986, Winter et al. 2002). Since the pipelines are located underground, there will be no aboveground permanent impacts.

The Project's four proposed temporary laydown yards will not significantly change or increase the cost of accepted forest practices. The land where the temporary laydown yards are proposed have all been previously disturbed and used for storage of equipment, hauling, or sorting. Additionally, the proposed laydown yards are temporary and will be reverted to their prior use once the construction phase of the Project improvements and changes are completed.

The proposed permanent construction laydown yard is located adjacent and directly north of the existing Miller Station. The permanent construction yard would expand the Miller Station fence line by 7.5-acres and be used to store equipment and materials needed for the Miller Station. The location of the permanent laydown yard was chosen due to the proximity to the existing Miller Station and because there is an existing access road that extends around the site. Thus, the proposed laydown yard can utilize this existing road and not require the construction of new roads.

The proposed permanent laydown yard currently contains timber. The property owner will harvest timber in the area prior to selling the property to NWN. Overall, the permanent laydown yard needs to be sited adjacent to the Miller Station because the yard will be used to store materials and equipment for the operation of Miller Station.

Additional improvements at the Miller Station include the replacement of the existing powerline that runs from the existing meter located near Highway 202 to Miller Station. The powerline and conduit is being replaced because it is reaching the end of its service life. NWN will use a standard 24-foot-wide construction right-of-way (ROW) corridor within the existing roadbed or a 40-foot-wide corridor in areas outside of the existing road. Approximately 6.5 acres will be temporarily disturbed during replacement of the powerline. After replacement of the powerline, outside of existing road, the ROW will be mulched, seeded, and revegetated. Much of the powerline corridor is located within existing roadbed; this area will be restored to its previous condition. There will be no permanent disturbance to the forest land from replacement of the powerline.

EFSC previously concluded in the Final Order on RFA 11 that the NMCS was sited to minimize any impacts on forest operations in compliance with this criterion, subject to Land Use Condition 2.<sup>21</sup> This condition requires NWN to coordinate with and provide written notification to affected surface property owners on timing and location of tree removal during site preparation and ground disturbing activities associated with the NMCS. NWN is not proposing to remove any trees as part of RFA 13. If any trees are required to be removed for construction, NWN will notify affected property owners in accordance with Land Use Condition 2.

In conclusion, the proposed Project changes listed above will not substantially limit, impair, or preclude the use of surrounding properties for the primary uses listed in the underlying district. The Project changes (some of which are temporary) are proposed in areas primarily within the approved Facility Boundary, on land that is owned by NWN, or on land previously disturbed by current property owners.

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

The CCZO contains land use regulations and standards that implement the goals and policies of the CCCP. The amended Project's consistency with applicable sections of the CCZO is addressed above and below. Provided the amended Project complies with all applicable sections of the CCZO, it will also comply with the requirements of the CCCP. Nonetheless, consistency with relevant CCCP goals and policies is discussed below in Section 5.0.

*F. The proposal will not create any hazardous conditions.*

As discussed in the Final Order on RFA 11, EFSC determined that subject to Structural Standards, including completion of Site-Specific Geotechnical Studies and development of mitigation measures to reduce slope stability issues; and, implementation of a Site Specific Evaluation and Stability Plan; portions of the Project requiring a Conditional Use permit from Columbia County satisfy all

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<sup>21</sup> Final Order on Request for Contested Case and Mist Facility Amendment No.11 (April 2016), pg.59-60

applicable substantive approval criteria.<sup>22</sup> The changes proposed in RFA 13 will not create any substantial hazardous conditions. As described in Exhibit H, site-specific geotechnical work was completed for the Project, which included a geotechnical investigation and report for the NMCS Resiliency Area (GeoEngineers 2023a), geotechnical investigation and report for replacement of the compressors at Miller Station (GeoEngineers 2023b), geologic site reconnaissance and preliminary routing assessments for the proposed Newton to Stegosaur, Stegosaur to Medicine and Stegosaur to NMCS pipelines, preliminary HDD feasibility studies for potential HDD installations of pipelines between the Newton and Stegosaur well pads and between the Medicine and Stegosaur well pads (GeoEngineers 2023c, GeoEngineers 2023d), and preliminary HDD feasibility study for an HDD installation of the power line across the alluvial Nehalem River Valley between Highway 202 and just north of Lindgren Creek (GeoEngineers 2023e). The geotechnical reports are included in Exhibit H.

Natural hazards such as erosion, flooding and groundwater, and landslides are also discussed in Exhibit H. The soils at the Project Area are susceptible to water erosion as indicated in Exhibit H; however, where the pipeline and powerline alignments follow the existing roadways, water erosion will be minimal because of existing surface water drainage systems and crushed rock road surfacing. There is a relatively high risk of water erosion where the Newton to Stegosaur pipeline alignment and the power line alignment traverse slopes cross country. Mitigation measures include obtaining a National Pollutant Discharge Elimination System Permit 1200-C, which includes submittal of an erosion and sediment control plan. NWN will adhere to the best management practices outlined in that plan.

Three new landslides (LS-1, LS-2, and LS-6) were identified by this study that present a low risk to the proposed Newton to Stegosaur Pipeline, proposed Newton Well Pad, or proposed power line. Two landslides that are already being monitored by NW Natural (LS-4 and LS-5) present a low risk to the Miller Station Resiliency Area and proposed power line. Because of the low-risk nature of these landslides, no landslide specific mitigation other than periodic monitoring are recommended.

Exhibit V of this application describes the wildfire risk and consequences of fire in the Project Site Boundary and Wildfire Analysis Area are considered moderate. Within the Wildfire Analysis Area, assets that could be impacted by wildfire include residential structures, agricultural areas, distribution/transmission lines and pipelines, roads, forested areas, the Oregon Department of Forestry Clatskanie Guard Station, Mist Grade School, and the NMCS. After construction of the Project, additional assets such as updated natural gas compressors and electric power supply lines may be in the path of wildfire, and overall risk of damage to infrastructure within the Project Site Boundary would increase. It is unlikely that the Project, with mitigation measures considered, will result in an increase in significant wildfire risk as detailed in Exhibit V.

EFSC previously concluded the NMCS would not increase fire hazard, significantly increase fire suppression costs or significantly increase risks to fire protection personnel in compliance with this

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<sup>22</sup> Final Order on Request for Contested Case and Mist Facility Amendment No.11 (April 2016), pg.71

criterion.<sup>23</sup> In accordance with OAR 345-022-0115(1)(b) NWN has developed a Wildfire Mitigation Plan that will guide the development of the Project components. As described in the Wildfire Mitigation Plan, the Facility will be monitored at different frequencies to assess for potential hazards. Fire prevention systems and procedures will be followed at Miller Station and will also be followed at the operation station at NMCS. NWN will maintain fire prevention and suppression equipment, and emergency shutdown and station venting systems. The buildings will maintain emergency firefighting equipment including shovels, beaters, portable water for hand sprayers, fire extinguishers, and other equipment. Installation of fire detection and suppression systems (including smoke detectors, fire alarms, and fire suppression systems) will be installed throughout the operations buildings to detect and control fires in their early stages. Onsite employees will also receive training on fire prevention and response and have onsite fire extinguishers to respond to small fires. In the event of a large fire, emergency responders will be dispatched. Additionally, an Emergency Response Plan for dealing with urgent situations, such as fire, will be created as a contingency measure. The Emergency Response Plan prepared prior to any new construction by NWN and construction contractor will contain policies and procedures for preparing for and responding to a range of potential emergencies, including fires. The plan will be created in collaboration with the appropriate authorities outlined in Exhibits U and V.

In conclusion, the Project will generally not create any hazardous conditions. If any hazardous conditions are created NWN has developed mitigation measures to address any potential hazards.

*.6 Design Review: The Commission may require the Conditional Use be subject to a site design review by the Design Review Board or Planning Commission.*

The proposed changes are considered new development and therefore are subject to site design review. Accordingly, the site design review criteria have been addressed below in Section 4.4.7.

#### **4.3.5 CCZO Section 1550 – Site Design Review**

*The Site Design Review process shall apply to all new development, redevelopment, expansion, or improvement of all community, governmental, institutional, commercial, industrial and multi-family residential (4 or more units) uses in the County.*

*1563 Standards for Approval:*

*The Planning Commission or Director shall make a finding with respect to each of the following criteria when approving, approving with conditions, or denying an application:*

- A. Flood Hazard Areas: See CCZO §1100, Flood Hazard Overlay Zone. All development in Flood Hazard Areas must comply with State and Federal Guidelines.*

One temporary construction laydown yard and a 469-foot segment of the replacement buried powerline proposed between Highway 202 and the Miller Station are within the Flood Hazard

<sup>23</sup> Final Order on Request for Contested Case and Mist Facility Amendment No.11 (April 2016), pg.63



Overlay Zone. Therefore, NWN has addressed the Flood Hazard Overlay Zone in Section 4.4.3 of this narrative. The criterion is satisfied.

*B. Wetlands and Riparian Areas: Alteration of wetlands and riparian areas shall be in compliance with State and Federal laws.*

A field delineation has been conducted by professional wetland scientists to identify the location and boundaries of wetlands, waterbodies, and associated riparian areas where amended Project components are proposed. A wetland delineation report has been prepared to document the results of the field delineation and the location and boundaries of these resources (Exhibit J). As described in Exhibit J, NWN has specifically sited the Project components to avoid impacts to wetlands, waterbodies, and riparian areas during construction and operation. Since NWN will not impact wetlands or riparian areas, the Project components comply. Since the Project components will not impact wetlands or riparian areas, the criterion is met.

*C. Natural Areas and Features: To the greatest practical extent possible, natural areas and features of the site shall be preserved.*

The Final Order on RFA 11, NWN proposed to construct the NMCS in order to avoid sensitive resources and hazards areas, and to minimize impacts to forestry.<sup>24</sup> The proposed Project components are not anticipated to effect natural areas or features. Any expansion of the Project Site Boundary is onto land that has already been harvested and will be purchased by NWN after the submittal of RFA 13 or is already owned by NWN. The temporary laydown yards are all previously disturbed sites. They will be reverted to their prior uses once the construction phase of the Project is completed. These sites were all previously used for storing, hauling, or sorting of materials. Therefore, NWN does not anticipate the Project changes effecting natural areas.

*D. Historic and Cultural sites and structures: All historic and culturally significant sites and structures identified in the 1984 Comprehensive Plan, or identified for inclusion in the County Periodic Review, shall be protected if they still exist.*

A Cultural Resources Investigation (Exhibit S) was conducted for the Project. HRA conducted field investigations between June 19 and 21, 2023, and September 25 through 28, 2023. As described in Exhibit S, HRA determined from the Cultural Resource Investigations that there was a low probability of encountering Indigenous or non-Indigenous archaeological sites throughout most of the areas where the Project components are proposed or the adjacent analysis area. A notable exception to the overall low probability is the southernmost end of the Project along Highway 202 in the Nehalem River Valley and the northernmost Weyerhaeuser and Elliot Road laydown areas. NWN will take all reasonable measures to avoid physical damage or ground-disturbing activity in the vicinity of the southernmost end of the Project along Highway 202 in the Nehalem River Valley and the northernmost Weyerhaeuser and Elliot Road laydown areas. If avoidance is not practicable, NWN will develop and implement appropriate mitigation measures-including additional documentation in consultation with the SHPO. Overall, no archaeological resources or historic-

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<sup>24</sup> Final Order on Request for Contested Case and Mist Facility Amendment No.11 (April 2016), pg.72

period buildings or structures were identified within the areas where the Project components are proposed or the adjacent analysis area. Therefore, the criterion is satisfied.

*E. Lighting: All outdoor lights shall be shielded so as to not shine directly on adjacent properties and roads.*

NWN is proposing outdoor lighting at the proposed O&M building and lighting exiting the NMCS site. Outdoor lighting will be shielded so as not to shine directly on adjacent properties and roads. Therefore, this criterion is met.

*F. Energy Conservation: Buildings should be oriented to take advantage of natural energy saving elements such as the sun, landscaping and land forms.*

Building designs are preliminary but NWN anticipates the proposed O&M building to be oriented in a way that takes advantage of natural energy saving elements to the extent practical. NWN is not proposing any other buildings in RFA 13. This criterion will be satisfied.

*G. Transportation Facilities: Off-site auto and pedestrian facilities may be required by the Planning Commission, Planning Director or Public Works Director consistent with the Columbia County Road Standards and the Columbia County Transportation Systems Plan.*

Operations of the Project will be integrated such that the NMCS will be monitored and remotely controlled by trained operators at Miller Station, approximately 5 miles by road from the NMCS site. Parking will be available at the NMCS for use by NWN employees for periodic inspection and maintenance. NWN is not proposing any new access roads. Proposed improvements to existing access roads may include widening some existing roads to provide access for construction vehicles along the pipeline corridor roads during construction, with all construction occurring within the identified construction corridor. It is possible that timber operators will improve some roads for pending, planned, and ongoing timber operations prior to NWN's construction. During construction, some roads may need an additional shoulder for turnaround areas for larger vehicles. These areas will be restored upon completion of construction. There will be no permanent impacts from improvements to existing access roads.

NWN does not anticipate needing other additional transportation facilities since the number of employees working on site during operations is low. During construction of the Project, parking will typically be provided at the Bark and Haul laydown area and the proposed storage yard just north of Miller Station.

#### **4.3.6 CCZO Section 1170 - Riparian Corridors, Wetlands, Water Quality, and Fish and Wildlife Habitat Protection Overlay Zone**

*1171 Purpose. A. The purpose of this Section is to protect and restore water bodies and their associated riparian corridors, thereby protecting and restoring the hydrological, ecological and land conservation function these areas provide. Specifically, this Section is intended to protect habitat for fish and other aquatic life, protect habitat for wildlife, protect water quality for human*

uses and for aquatic life, control erosion and limit sedimentation, prevent property damage during floods and storms, protect native plant species, and conserve the scenic and recreational values of riparian areas.

*1172 Riparian Corridor Standards: A. The inventory of Columbia County streams contained in the Oregon Department of Fish and Wildlife Fish Habitat Distribution Data (published January 13, 2023), specifies which streams and lakes are fish-bearing. Fish-bearing lakes are identified on the map entitled, "Lakes of Columbia County." A copy of the most current Stream Classification Maps is attached to the Comprehensive Plan, Technical Appendix Part XVI, Article X(B) for reference. The map, "Lakes of Columbia County" is attached to the Comprehensive Plan, Technical Appendix Part XVI, Article X(B), and is incorporated therein. Based upon the stream and lake inventories, the following riparian corridor boundaries shall be established:*

*1. Lakes. Along all fish-bearing lakes, the riparian corridor boundary shall be 50-feet from the top-of-bank, except as provided in CCZO Section 1172(A)(5), below.*

*2. Fish-Bearing Streams, Rivers and Sloughs (Less than 1,000 cfs). Along all fish-bearing streams, rivers, and sloughs with an average annual stream flow of less than 1,000 cubic feet per second (cfs), the riparian corridor boundary shall be 50-feet from the top-of-bank. Average annual stream flow information shall be provided by the Oregon Water Resources Department.*

*3. Fish-Bearing and Non-Fish-Bearing Streams, Rivers and Sloughs (Greater than 1,000 cfs). Along all streams, rivers, and sloughs with an average annual stream flow greater than 1,000 cubic feet per second (cfs), the riparian corridor boundary shall be 75-feet upland from the top-of-bank. Average annual stream flow information shall be provided by the Oregon Water Resources Department.*

The Riparian Corridors, Wetlands, Water Quality, and Fish and Wildlife Habitat Protection Overlay Zone is defined by the Riparian Corridor Standards above (Figure K-2b). The only stream that intersects the Project Site Boundary and meets the criteria above is Lindgren Creek which intersects the powerline replacement. Along that creek, both riparian habitat and wetlands were mapped within the Site Boundary; however, NWN will use an HDD to avoid impacts to that creek and will avoid any impact to the associated Riparian Corridors, Wetlands, Water Quality, and Fish and Wildlife Habitat Protection Overlay Zone.

#### **4.3.7 CCZO Section 1190 – Big Game Habitat Overlay**

*1192 Permitted Uses: All uses permitted in the underlying zone either outright or conditionally shall be permitted IN THE Big Game Range Overlay provided that such use or development is consistent with the maintenance of Big Game and Columbian White-tailed Deer Habitat identified in the Comprehensive Plan.*

The amended Facility components are permitted conditionally in the PF-80 zone and RIPD zone. Discussion of how the Facility is consistent with big game and white-tailed deer habitat is discussed below.

*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.*

As discussed above, NWN is not proposing any dwellings as part of this application. All proposed structures will be constructed within the expanded NMCS site fence line. The proposed structures have been sited to be as close to existing structures and previously disturbed areas as possible, as shown on Figure 3 of the Division 27 document. As mentioned in Section 4.4.1.4 of this narrative, the Project infrastructure shown on Figure K-3 is preliminary and final design of the Project will ensure all NMCS site structures & O&M building comply with the setback standards of CCZO Section 509.6. If any proposed structures do not comply with the setback requirements, NWN will apply for a variance for those areas.

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

All proposed structures will be sited within the expanded NMCS site fence line. The NMCS Site was previously sited to avoid impacts to habitats. Locating the proposed structures outside of NMCS site could result in further impacts to habitats.

*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.*

As mentioned above, NWN is not proposing any new access roads. The Project will be accessed by existing access roads and highways. Proposed improvements to existing access roads may include widening some existing roads to provide access for construction vehicles along the pipeline corridor roads during construction, with all construction occurring within the identified construction corridor. It is possible that timber operators will improve some roads for pending, planned, and ongoing timber operations prior to NWN's construction. During construction, some roads may need an additional shoulder for turnaround areas for larger vehicles. These areas will be restored upon completion of construction. There will be no permanent impacts from improvements to existing access roads. Therefore, NWN has minimized road development for the Facility and will use existing roads as much as possible.

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

NWN understands that once they purchase the NMCS site, they will be responsible for protection from damage by wildlife.

*F. Riparian and Wetland areas shall be protected in accordance with Sections 1170 and 1180.*

As mentioned above, a field delineation has been conducted by professional wetland scientists to identify the location and boundaries of wetlands, waterbodies, and associated riparian areas where the Project components are proposed. A wetland delineation report has been prepared to document the results of the field delineation and the location and boundaries of these resources (Exhibit J). As described in Exhibit J, NWN has specifically sited the Project components to avoid impacts to wetlands, waterbodies, and riparian areas during construction and operation. Since NWN will not impact wetlands or riparian areas, the Project components comply with the various standards in CCZO Section 1170.

*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.*

The Facility falls within ODFW big game year-round major habitat and year-round peripheral habitat. NWN is currently in consultation with ODFW. Therefore, the criterion are satisfied.

*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.*

The Facility is not located within ODFW white-tailed deer habitat. Therefore, the criterion is not applicable.

## **5.0 Applicable Substantive Criteria from the Columbia County Comprehensive Plan**

### **5.1 Part II: Citizen Involvement**

*Applicable Goals:*

- 2. To increase the citizens' awareness of planning programs at both the county and state level.*
- 3. To provide methods by which county citizens, organizations and interest groups have opportunities to be informed and participate in all phases of the planning process.*
- 4. To provide a means for broad-based dissemination and availability to the public of technical information and other relevant planning documents, ordinances, plans, maps and correspondence.*
- 5. To assure county support for the Citizen Involvement Programs (CPACs) in the form of human, financial, informational and technical assistance.*

6. To insure continued citizen participation in the planning process and periodic reevaluation of the Citizen Involvement Program.

*Applicable Policies:*

1. To stimulate citizen involvement in the County by providing broad exposure to all phases of the planning process through radio and newspaper notices, general mailings and public meetings.

7. To fund and support the Citizen Involvement Program at a level sufficient to assure citizen involvement remains an integral part of both the current and long-range planning process.

NWN has elected to address EFSC's land use standard by obtaining an EFSC determination under ORS 469.504(1)(b). As EFSC concluded in the Final Order for RFA 11, it is EFSC's procedures, rather than Columbia County's specific public involvement procedures, that apply to the Facility.<sup>25</sup> The EFSC process provides sufficient opportunities for interested citizens to participate in the planning process. EFSC's rules provide sufficient notice and comment periods to satisfy the Citizen Involvement goal as it applies to NWN's the Project.

## 5.2 **Part IV: Forest Lands**

*Applicable Goal:*

*To conserve forest lands for forest uses.*

*Applicable Policies:*

1. Conserve forest lands for forest uses, including:

A. The production of trees and the processing of forest products;

B. Open space;

C. Buffers from noise;

D. Visual separation from conflicting uses;

E. Watershed protection;

F. Wildlife and fisheries habitat;

G. Soils protection from wind and water;

H. Maintenance of clean air and water;

I. Compatible recreational activities; and

J. Grazing land for livestock.

The forest lands goal and applicable underlying policies direct Columbia County to conserve forest lands for forest use. As explained above in response to the standards applicable to the PF-80 zone,

<sup>25</sup> Final Order on Request for Contested Case and Mist Facility Amendment No.11 (April 2016), pg.79

which are acknowledged to be consistent with the CCCP, the amended Project will be consistent with this goal and policies because Project components will be located in an area that is already approved for subsurface natural gas storage. Further, the amended Project pertains to a subsurface resource and therefore will have little impact on above-ground resources on forest land. Moreover, as noted above, NWN will access Project improvements from existing logging roads to the extent practicable. Tree removal will be strictly limited to the construction areas around the NMCS and Miller Station and will be coordinated with the surface property owner. Temporary construction activities will also be coordinated with the landowners to ensure that there are no conflicts with ongoing forest practices. Therefore, the RFA 13 improvements within the PF-80 zone are consistent with these goals and policies.

### 5.3 **Part V: Agriculture**

*Applicable Goal:*

*To preserve agricultural land for agricultural uses.*

*Applicable Policies:*

- 4. Protect agricultural lands from non-farm encroachments.*
- 11. Prevent land uses that interfere with or impair agricultural management from occurring on designated agricultural lands.*
- 15. Permit non-farm/non-forest uses only when not in conflict with agricultural or forestry activities.*
- 17. Allow non-farm uses in accordance with ORS 215.283 and ORS 215.284.*

The agricultural goal and associated policies are not applicable to RFA 13 because the proposed changes do not affect any agricultural land or activities.

### 5.4 **Part X: Economy**

*Applicable 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.*

*Applicable Policies:*

- 1. Encourage the creation of new and continuous employment opportunities*
- 2. Encourage a stable and diversified economy.*

As EFSC concluded in the Final Order for RFA 11, these goals and policies are directives to Columbia County and are included in the CCCP to guide County action.<sup>26</sup> Therefore, they do not directly apply to the amended Project. EFSC previously concluded that the NMCS, as part of RFA 11, was consistent with CCCP Part X goals and policies<sup>27</sup>. Similarly, the amended Project complies with the listed goals and policies and will promote economic benefit by generating jobs and contributing to increasing the local tax base. This will have a multiplier effect on Columbia County, spurring business growth, adding local jobs, and increasing opportunities for workforce development. The Mist Gas Field has been of significant economic importance to Columbia County since its discovery in 1979. Natural gas production and storage in this area create jobs and provide energy to the region. Therefore, the Project will remain consistent with CCCP Part X goals and policies.

## 5.5 *Part XIII: Transportation*

### *Applicable Goal:*

*The creation of an efficient, safe, and diverse transportation system to serve the needs of Columbia County residents.*

### *Applicable Policies:*

1. *Restriction of the location of new pipelines and high voltage transmission lines to within existing rights-of-way will be encouraged whenever possible.*

As EFSC concluded in the Final Order for RFA 11, this goal and associated policy are procedural directives to Columbia County and are included in the CCCP to guide County action.<sup>28</sup> Therefore, the goal and policy do not directly apply to the amended Project. NWN is proposing new transmission pipelines to be installed between the NMCS and Stegosaur, Medicine, and Newton well pads. These transmission pipelines will be installed along existing timber roads and cross country through active timber land. Additionally, NWN is proposing to replace the existing underground powerline and conduit running from the existing meter located near Highway 202 to Miller Station. NWN will use a standard 80-foot-wide construction ROW corridor made up of a combination of existing electrical easement and temporary construction workspace, the powerline conduits will be buried at a depth of approximately 5 feet within the existing electrical service easement. Overall, the new transmission pipeline will be installed along existing timber roads and through active forest land. This will not disrupt Columbia County ROWs. The replacement of the underground powerline is located near a Columbia County ROW and will not significantly disrupt transportation within Columbia County. As discussed in Section 509 of this Exhibit, the Applicant will not need to obtain a Public Road Development Permit with the Columbia County Road Department. Therefore, RFA 13 is consistent with this goal and policy.

<sup>26</sup> Final Order on Request for Contested Case and Mist Facility Amendment No.11 (April 2016), pg.81

<sup>27</sup> Final Order on Request for Contested Case and Mist Facility Amendment No.11 (April 2016), pg.81

<sup>28</sup> Final Order on Request for Contested Case and Mist Facility Amendment No.11 (April 2016), pg.81



## 5.6 *Part XIV: Public Facilities and Services*

### *Applicable Goal:*

*To plan and develop a timely, orderly, and efficient arrangement of public [sic] as a framework for urban and rural development.*

### *Applicable Policies:*

*1. Require that adequate types and levels of public facilities and [sic] be provided in advance of or concurrent with development.*

As EFSC concluded in the Final Order for RFA 11, this goal and policy are procedural directives to Columbia County and are included in the CCCP to guide County action.<sup>29</sup> Therefore, the goal and policy do not directly apply to the amended Project. However, construction and operation of the amended Project will not require the commitment of public facilities and/or services. Exhibit U explains that the amended Project will not adversely affect public facilities and service providers in Columbia County. The NMCS site and Miller Station are not currently served by sewers and sewage treatment, water service providers, or stormwater drainage services. RFA 13 is proposing installation of a potable water tank and septic system at the proposed O&M building within the existing NMCS site. Water will come from a municipal water source or the well at the Miller Station. The septic system will be serviced regularly. Additionally, the implementation of an on-site septic system and drainfield will require NWN to obtain an on-site wastewater permit.

The amended Project components will not increase the need for police services at the Project. The Clatskanie RFPD has jurisdiction over the north part of the Project, the laydown areas west of Clatskanie; the Mist-Birkenfeld RFPD has jurisdiction over the remainder of the Project. NWN will work with the Fire Marshal to ensure that the proposed construction of the Project complies with all applicable fire protection requirements.

Access to the Project will be provided by Hwy 202, Hwy 47, Miller Station Road, and existing logging access roads. NWN is proposing improvements to existing access roads. Proposed improvements may include widening some existing roads to provide access for construction vehicles along the pipeline corridor roads during construction, with all construction occurring within the identified construction corridor. It is possible that timber operators will improve some roads for pending, planned, and ongoing timber operations prior to NWN's construction. During construction, some roads may need an additional shoulder for turnaround areas for larger vehicles. These areas will be restored upon completion of construction. The improvements to existing access roads will not have any effect on public facilities and services.

No other public facilities or services will be impacted by the Project improvements proposed in RFA 13. Therefore, RFA 13 is consistent with this goal and policy.

<sup>29</sup> Final Order on Request for Contested Case and Mist Facility Amendment No.11 (April 2016), pg.82

## 5.7 *Part XV: Energy Conservation*

*Applicable Goal:*

*To strive for an energy efficient land use pattern based upon sound economic principles.*

*Applicable Policies:*

*4. The County will encourage the development of alternative energy sources.*

As EFSC concluded in the Final Order for RFA 11, this goal and policy are procedural directives to Columbia County and are included in the CCCP to guide County action.<sup>30</sup> Therefore, the goal and policy do not directly apply to the amended Project. The CCCP does not contain a definition for “alternative energy source,” and the language appears to be a policy directive for Columbia County to “promote” alternative energy for land uses in Columbia County.

## 5.8 *Part XVI: Goal 5: Open Space, Scenic and Historic Areas, and Natural Areas*

*Open Space Goal:*

*To conserve open space in Columbia County.*

*Applicable Policy:*

*1. Recognize the economic and aesthetic value of open space as it relates to planning for agriculture, forestry, wetlands, and other open space resources.*

As EFSC concluded in the Final Order for RFA 11, this goal and policy are procedural directives to Columbia County and are included in the CCCP to guide County action.<sup>31</sup> Therefore, the goal and policy do not directly apply to the amended Project. However, the only above-ground Project components, the NMCS site structures, well pads, and Miller Station, will be located a sufficient distance from aesthetic resources within Columbia County, as outlined in Exhibits L, R, and T, which provide additional information on potential impacts to protected areas, and recreational and scenic resources. Therefore, RFA 13 is consistent with this goal and policy.

*Energy Goal:*

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

*Applicable Policy:*

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

As EFSC concluded in the Final Order for RFA 11, this goal and policy are procedural directives to Columbia County and are included in the CCCP to guide County action.<sup>32</sup> Therefore, the goal and

<sup>30</sup> Final Order on Request for Contested Case and Mist Facility Amendment No.11 (April 2016), pg.82

<sup>31</sup> Final Order on Request for Contested Case and Mist Facility Amendment No.11 (April 2016), pg.84

<sup>32</sup> Final Order on Request for Contested Case and Mist Facility Amendment No.11 (April 2016), pg.84

policy do not directly apply to the amended Project. However, consistent with the policy, NWN will secure required permits and authorizations from the Oregon Department of Geology and Mineral Industries; thereby protecting deposits of energy materials and preventing injury to surrounding lands. Therefore, RFA 13 is consistent with this goal and policy.

*Fish and Wildlife Habitat Goal:*

*To protect and maintain important habitat areas for fish and wildlife in Columbia County.*

*Applicable Policies:*

*2. Protect significant nesting habitat from the adverse effect of logging and other land use practices.*

*6. Cooperate with the Oregon Department of Fish and Wildlife to better identify sensitive habitat areas for fish and wildlife and adopt implementing measures for their protection.*

*10. Prohibit diversion or impoundment of stream courses, which adversely impact fish and wildlife habitat.*

*15. Protect significant streams, lakes and wetlands from the adverse affects [sic] of development and other land use practices.*

*16. Cooperate with the Oregon Department of Fish and Wildlife and U.S. Fish and Wildlife to ensure that future development does not unduly conflict with riparian area protection.*

*18. Coordinate development or projects that affect Fish and Wildlife habitat shall with ODFW.*

As EFSC concluded in the Final Order for RFA 11, these goals and policies are procedural directives to Columbia County and are included in the CCCP to guide County action.<sup>33</sup> Therefore, these goals and policies do not directly apply to the amended Project. As outlined in Exhibit P, Project facilities were micro-sited to avoid all impacts to Category 1 habitat (no Category 1 habitat was identified) and to avoid impacts to Category 2 habitats using HDD boring technology based on preliminary survey results. For other habitat categories, permanent and temporary habitat impacts will be mitigated consistent with OAR 635-415-0025. According to Exhibit J, NWN has made efforts to avoid and minimize impacts to wetlands and other waters. While developing the initial Project layout, NWN utilized NWI and NHD data to site all of the Project facilities away from wetlands and other waters to the maximum extent feasible. After the wetland delineation in 2022 and 2023, the resulting wetland data were used to inform the micrositing of the pipeline and other facilities.

The only aspect of the Project that will have temporary wetland impacts is placement of a buried powerline starting at Highway 202 and ending at Miller Station. These wetlands are in an existing powerline corridor and will be restored post-construction. All other mapped wetlands and waters will be avoided. Therefore, RFA 13 is consistent with this goal and associated policies.

*Water Resources Goal:*

<sup>33</sup> Final Order on Request for Contested Case and Mist Facility Amendment No.11 (April 2016), pg.84

*To protect and maintain the quality of water resources in Columbia County.*

*Applicable Policies:*

- 9. Protect riparian vegetation along streams and lakes by requiring appropriate setbacks for nonwater-dependent uses and standards for removal of riparian vegetation.*
- 10. Maintain rivers and streams in their natural state to the maximum extent practicable through sound land and water management practices. Consideration shall be given to natural, scenic, historic, economic, cultural, and recreational qualities of the rivers and adjacent lands.*
- 11. Require that all development be planned, designed, constructed, and maintained so as to avoid the probability of accelerated erosion; pollution, contamination, or siltation of lakes, rivers, and streams; damage to vegetation; or injury to fish and wildlife habitats.*
- 12. Minimize the removal of trees and other native vegetation that stabilize hillsides, retain moisture, reduce erosion, siltation and runoff, and preserve their natural scenic character.*
- 13. Apply erosion and sediment reduction practices along riparian areas to assist in maintaining water quality.*
- 14. Protect marshes, swamps, and other wetlands from filling, draining, or other alterations which would destroy or reduce their biological value.*

As EFSC concluded in the Final Order for RFA 11, this goal and these policies are procedural directives to Columbia County and are included in the CCCP to guide County action.<sup>34</sup> Therefore, the goal and policies do not directly apply to the amended Project. However, as discussed above in response to the Riparian Corridor and Wetland Overlay standards, the amended Project design incorporates a number of features that will help to protect and maintain the quality of water resources in Columbia County. As described in Exhibit J and above in response to CCZO Section 1170, construction of the amended Project components will avoid impacts to wetlands, streams, and other waterbodies, thereby minimizing potential impacts to fish and other wildlife species, which utilize these habitats. Therefore, RFA 13 is consistent with this goal and associated policies.

*Historic and Cultural Areas Goal:*

*To encourage the preservation and maintenance of cultural and historical sites, and to identify and preserve new sites.*

*Applicable Policies:*

- 4. Support efforts to preserve, protect, and enhance the historic and cultural resources of the County.*

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<sup>34</sup> Final Order on Request for Contested Case and Mist Facility Amendment No.11 (April 2016), pg.84

As EFSC concluded in the Final Order for RFA 11, this goal and policy are procedural directives to Columbia County and are included in the CCCP to guide County action.<sup>35</sup> Therefore, these goals and policies do not directly apply to the amended Project. However, Exhibit S provides an analysis of potential adverse impacts of the amended Project to historic, cultural, and archeological resources. As described in Exhibit S, there are no historic or cultural resources identified within the Cultural Resources Analysis Area that are listed on the National Register of Historic Places. Therefore, RFA 13 is consistent with this goal and policy.

## 5.9 Part XVIII: Air, Land and Water Quality

### *Noise Goal:*

*To control and limit the adverse impacts of noise.*

### *Air, Land, and Water Quality Goal:*

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

### *Policies:*

- 1. Work with the appropriate State and Federal agencies to insure that State and Federal water, air, and land resource quality standards are met.*
- 2. Comply with all applicable State and Federal standards and regulations regarding noise pollution.*

As EFSC concluded in the Final Order for RFA 11, these goals and policies are procedural directives to Columbia County and are included in the CCCP to guide County action.<sup>36</sup> Therefore, these goals and policies do not directly apply to the amended Project. However, the Project design incorporates a number of features that will help to maintain and improve land resources and the quality of air and water in Columbia County. As described in Exhibit J, construction of the amended Project will avoid, where possible, all impacts to wetlands, streams, and other waterbodies, thereby minimizing potential impacts to fish and other wildlife species, which utilize these habitats. NWN will comply with all state and federal regulations regarding air and water quality by securing the requisite permits and approvals. As described in Exhibit Y, the Project will comply with all applicable Oregon DEQ noise control standards. Therefore, the goal and policies are satisfied.

## 6.0 Directly Applicable Rules, Statutes, and Goals – OAR 345-021-0010 (1)(k)(C)

*(iii) Identify all Land Conservation and Development Commission administrative rules, statewide planning goals and land use statutes directly applicable to the facility under ORS*

<sup>35</sup> Final Order on Request for Contested Case and Mist Facility Amendment No.11 (April 2016), pg.84

<sup>36</sup> Final Order on Request for Contested Case and Mist Facility Amendment No.11 (April 2016), pg.85

*197.646(3) and describe how the proposed facility complies with those rules, goals and statutes;*

The Oregon land use system requires that local governments implement statewide planning goals, administrative rules, and statutes through local comprehensive plans. A local comprehensive plan must be consistent with the statewide planning goals. The state reviews the plan for consistency with statewide planning goals, and if the state determines that the plan is consistent, the plan is then deemed to be “acknowledged.” State law requires that the local government adopt zoning and land-division ordinances (that is, development codes that put the acknowledged comprehensive plans into effect). Periodically, a local government must update its acknowledged comprehensive plan to account for new administrative rules or statutes adopted in furtherance of statewide planning goals. Given the system of acknowledgement and periodic review, a local government’s comprehensive plan and zoning ordinance account for all statewide planning goals and most statutes and administrative rules governing land use (unless adopted since the last periodic review). The current versions of the CCZO and CCCP fully implement Oregon’s land use statutes, statewide planning goals, and administrative rules that are potentially applicable to the Project. This exhibit demonstrates the Project’s compliance with the applicable provisions from the CCCP and the CCZO.

*(iv) If the proposed facility might not comply with all applicable substantive criteria, identify the applicable statewide planning goals and describe how the proposed facility complies with those goals.*

As demonstrated above, the amended Project complies with all applicable substantive criteria. Therefore, this provision is not applicable.

*(v) If the proposed facility might not comply with all applicable substantive criteria or applicable statewide planning goals, describe why an exception to any applicable statewide planning goal is justified, providing evidence to support all findings by the Council required under ORS 469.504(2).*

As demonstrated above, the amended Project complies with all of the applicable substantive criteria contained in the CCZO and CCCP. Therefore, the amended Project complies with all applicable statewide planning goals and no exception is required.

## **7.0 Identification of Applicable Land Management Plans – OAR 345-021-0010 (1)(k)(D)(i)**

*OAR 345-021-0010 (1)(k)(D) If the proposed facility will be located on federal land:*

*(i) Identify the applicable land management plan adopted by the federal agency with jurisdiction over the federal land;*

The amended Project components are not located on federal land. Therefore, this standard is not applicable to the amended Project.

## 8.0 Summary

The information provided in this exhibit demonstrates the amended Project's compliance with all applicable substantive criteria. Therefore, EFSC may find that the Project complies with statewide planning goals under OAR 345-022-0030(2)(b)(A) and the land use standard set forth at OAR 345-022-0030.

## 9.0 References

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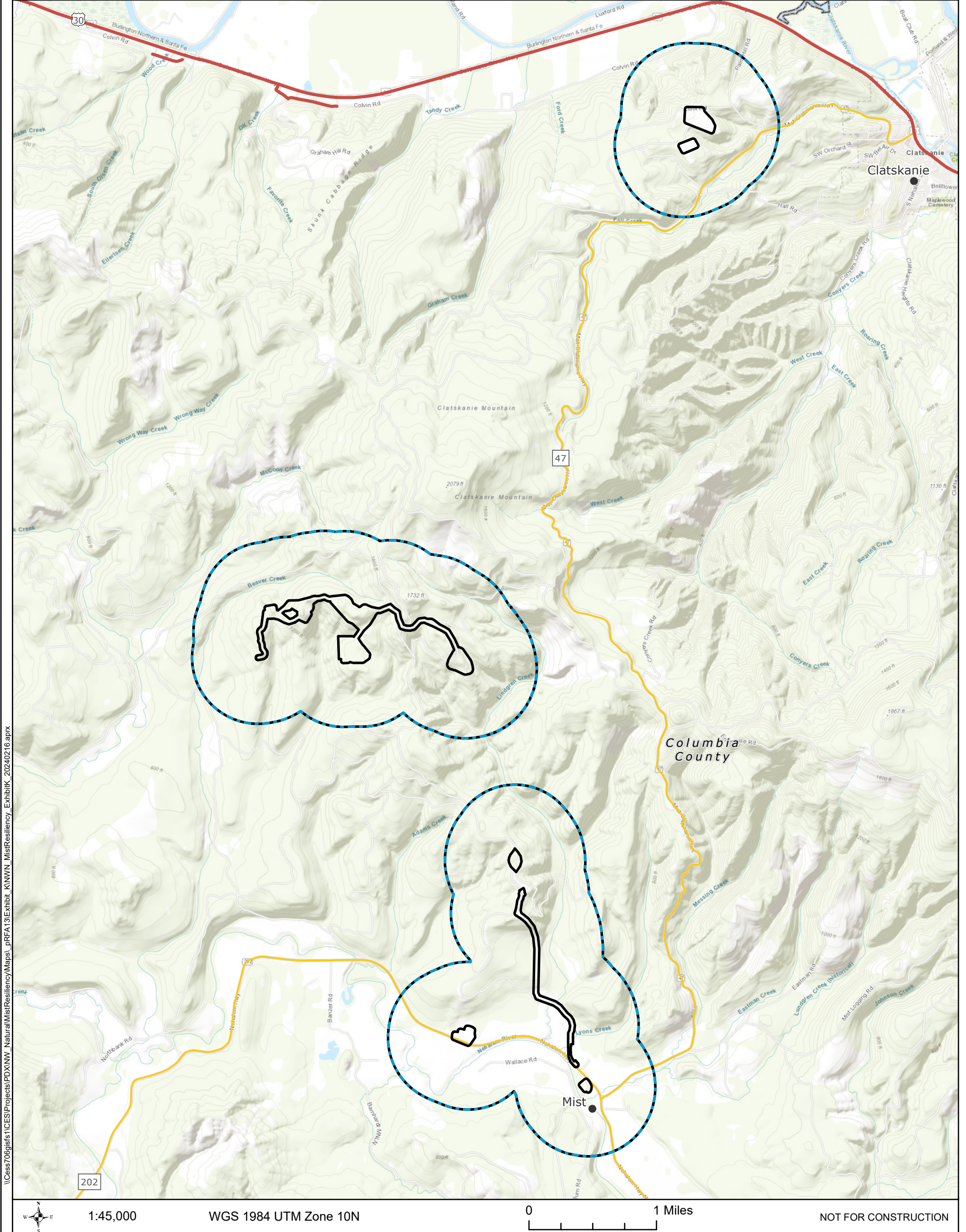
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# Figures

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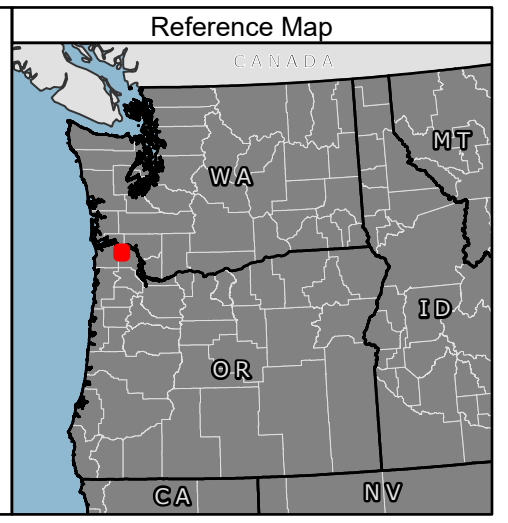
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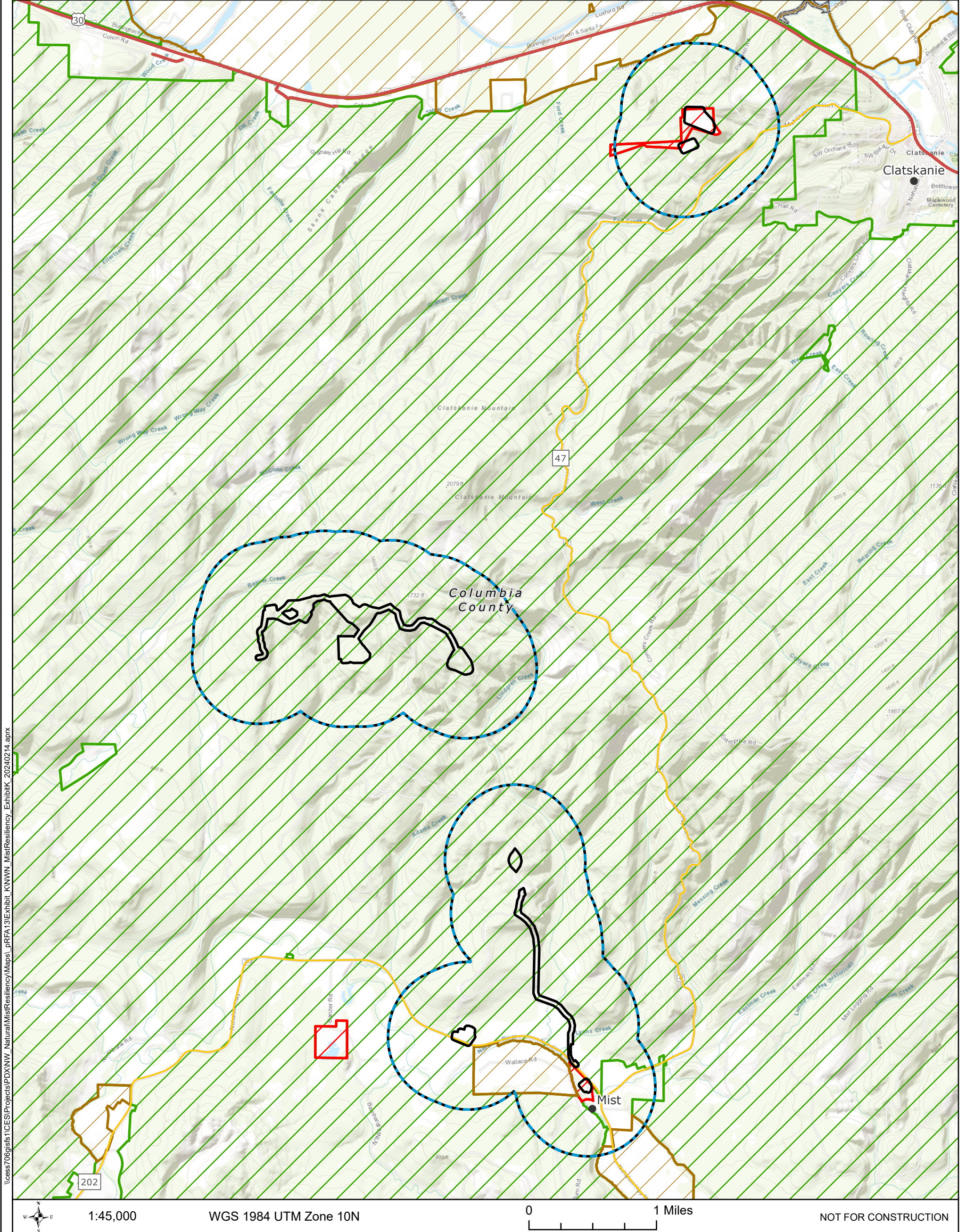
**Mist Resiliency Project**

**Figure K-1  
Land Use  
Analysis Area**

COLUMBIA COUNTY, OREGON

- Site Boundary
- Analysis Area (.5-mile Buffer)
- City/Town
- County Boundary
- US Highway
- State Highway





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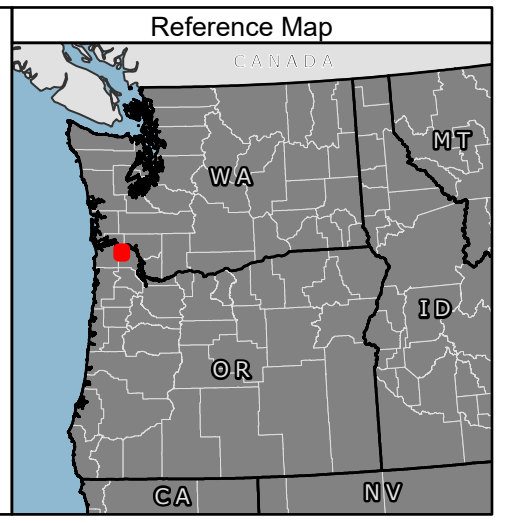
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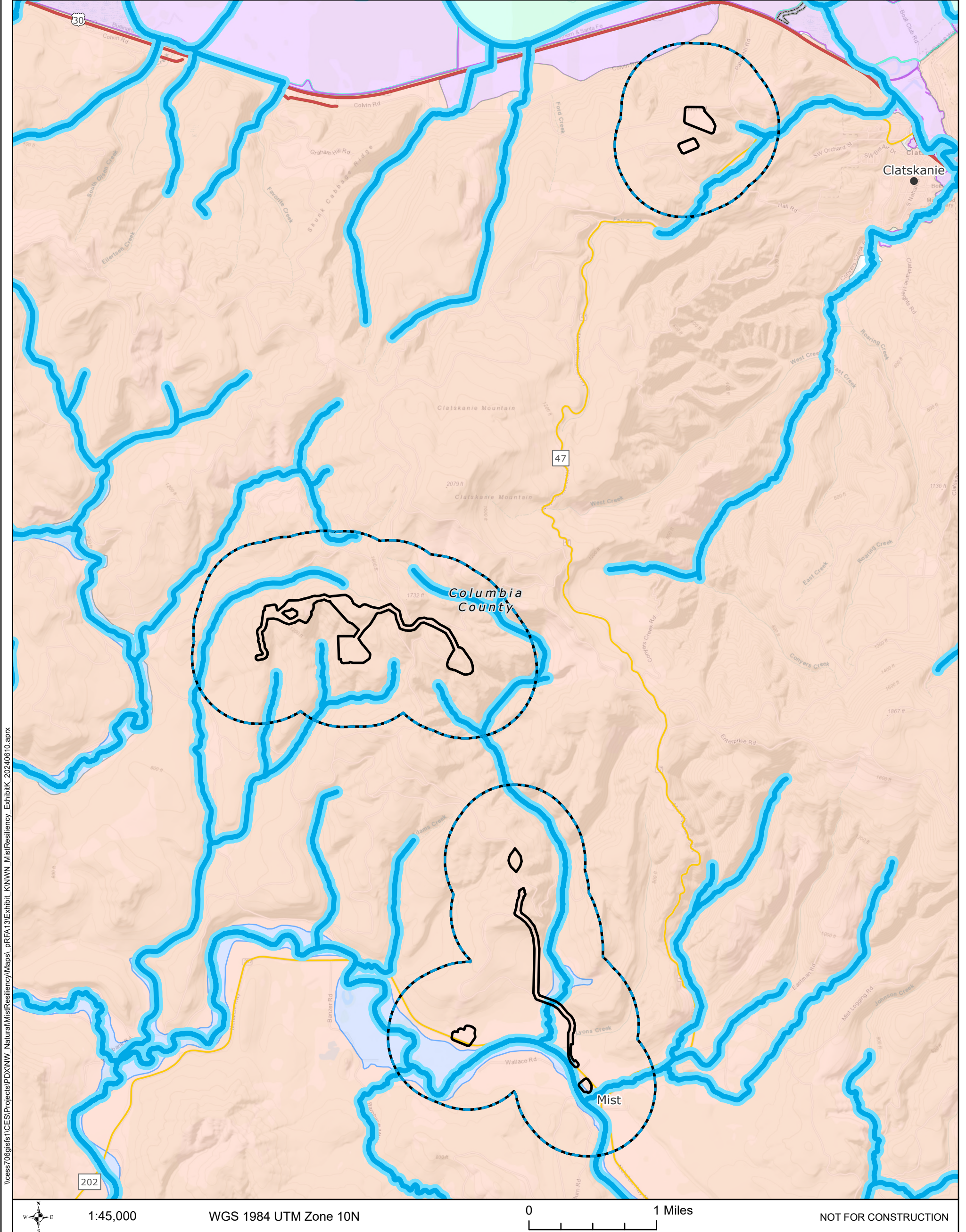
**Mist Resiliency Project**

**Figure K-2a  
County Zoning and  
Comprehensive  
Plan Designations**

COLUMBIA COUNTY, OREGON

- |                 |  |  |
|-----------------|--|--|
| Site Boundary   | Analysis Area (.5-mile Buffer)                 | Primary Agriculture Zone (PA-80/EFU80) |
| City/Town       | Resource Industrial - Planned Development (RI) | Primary Forest Zone (PF-80)            |
| County Boundary |  |  |
| US Highway      |  |  |
| State Highway   |  |  |





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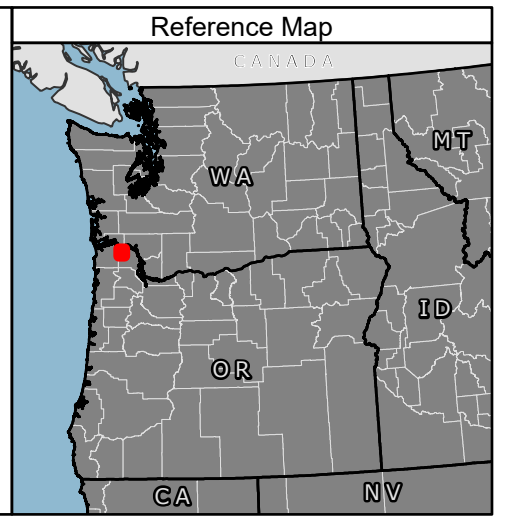
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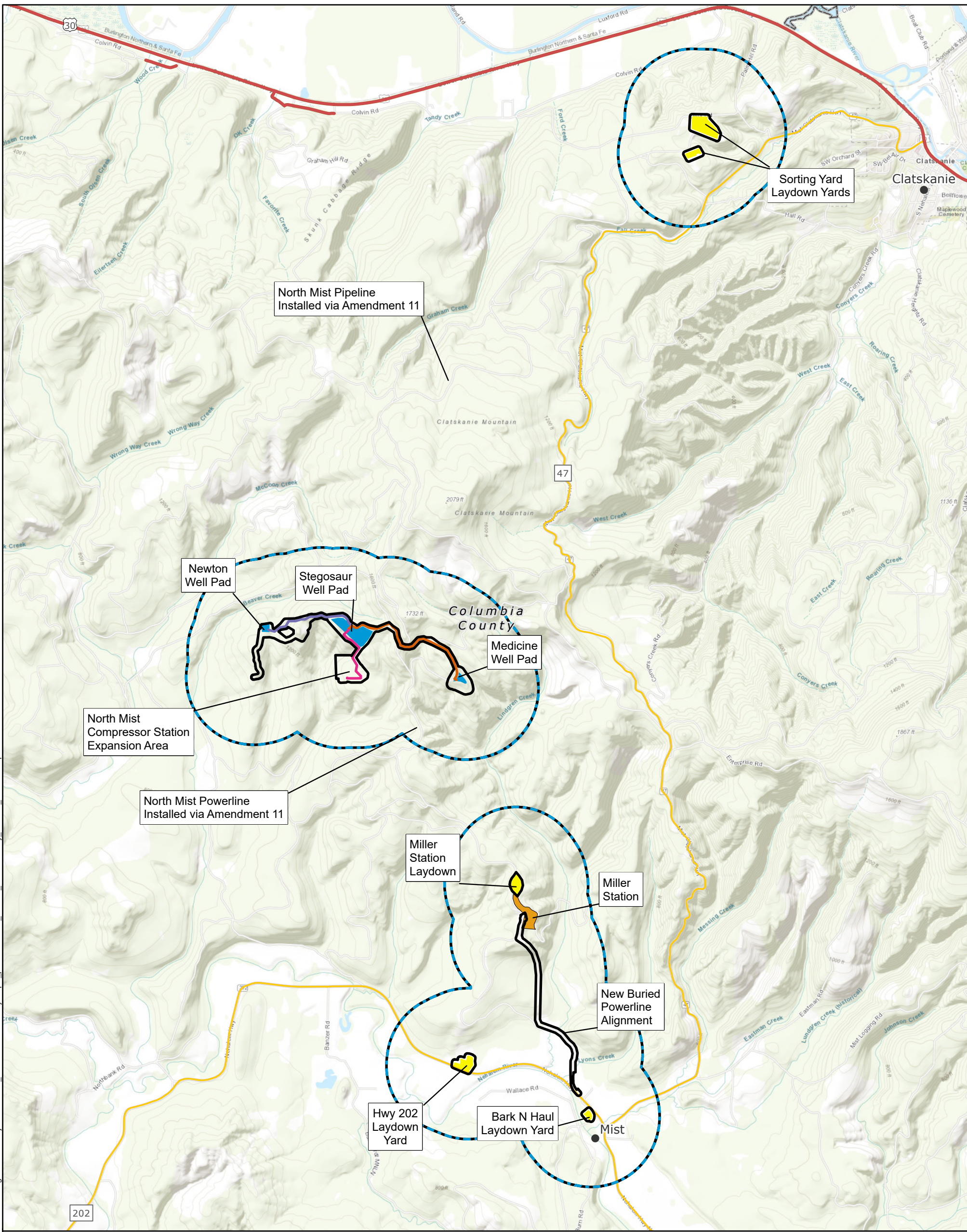
**Mist Resiliency Project**

**Figure K-2b  
County Zoning  
and Comprehensive  
Plan Designations**

COLUMBIA COUNTY, OREGON

- |   |   |
|---|---|
| <ul style="list-style-type: none"> <li> Site Boundary</li> <li> Analysis Area (.5-mile Buffer)</li> <li> City/Town</li> <li> County Boundary</li> <li> US Highway</li> <li> State Highway</li> <li> County Riparian Corridors, Wetlands, Water Quality and Fish and Wildlife Habitat Protection Overlay Zone</li> <li> 75ft buffer on fish bearing streams</li> </ul> | <p><b>Flood Hazard Overlay Zone</b></p> <ul style="list-style-type: none"> <li> 1% Annual Chance Flood Hazard (100-year Floodplain)</li> <li> Zone AE</li> <li> X PROTECTED BY LEVEE</li> <li> Area of Minimal Hazard (Zone X)</li> </ul> |
|---|---|





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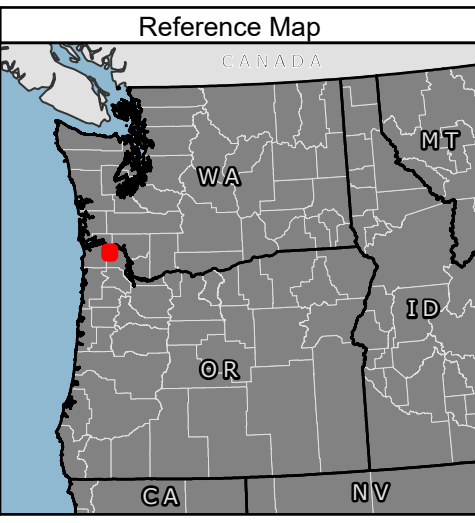
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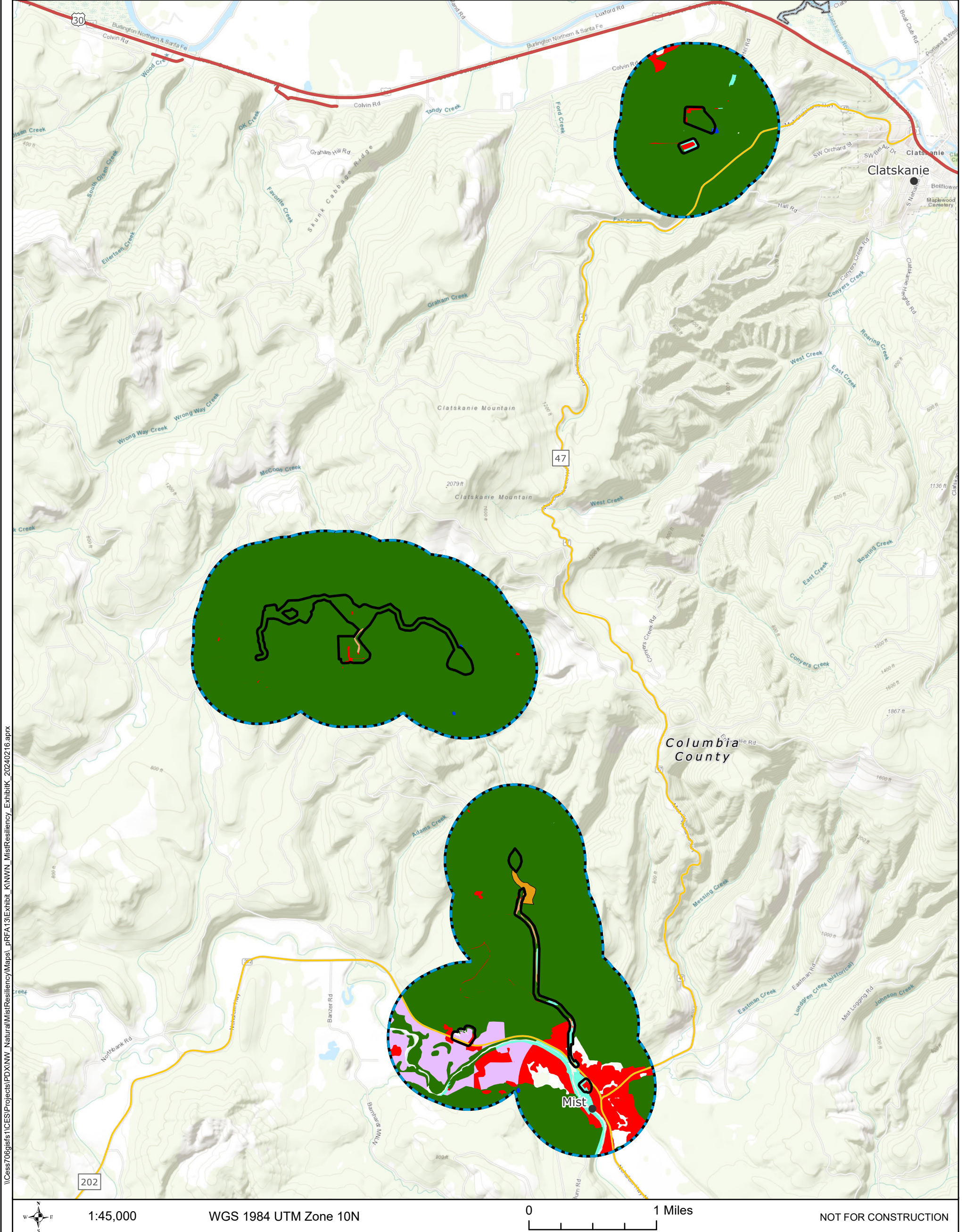
**Mist Resiliency Project**

**Figure K-3  
Project Infrastructure**

COLUMBIA COUNTY, OREGON

- |                                |  |
|--------------------------------|--|
| Site Boundary                  | Project Infrastructure                     |
| Analysis Area (.5-mile Buffer) | Medicine to Stegosaur Pipeline Route       |
| Miller Station (Existing)      | Newton to Stegosaur Pipeline Route         |
| US Highway                     | Stegosaur to NMCS Expansion Pipeline Route |
| State Highway                  | Laydown Yard                               |
|                                | Well Pad                                   |





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1:45,000      WGS 1984 UTM Zone 10N      0      1 Miles      NOT FOR CONSTRUCTION

**Mist Resiliency Project**

**Figure K-4 Existing Land Use**

COLUMBIA COUNTY, OREGON

- |                                |  |
|--------------------------------|--|
| Site Boundary                  | Ponds/Lakes  |
| Analysis Area (.5-mile Buffer) | Westside Lowlands Conifer-Hardwood Forest  |
| Miller Station (Existing)      | Westside Riparian  |
| US Highway                     | Orchards, Vineyards, Wheat Fields, Other Row Crops, Irrigated Poplar Plantations |
| State Highway                  | Irrigated Pastures and Hay Meadows   |
| City/Town                      | Urban and Mixed Environs   |
| County Boundary                |  |

