



## DEPARTMENT OF BUILDING AND PLANNING

207 Fourth Avenue North  
Kelso, WA 98626  
TEL (360) 577-3052  
FAX (360) 414-5550

[www.co.cowlitz.wa.us/buildplan](http://www.co.cowlitz.wa.us/buildplan)

### Board of County Commissioners

Kathleen A. Johnson	District 1
George Raiter	District 2
Axel Swanson	District 3

February 13, 2007

Allen Fiksdal, Manager  
Energy Facility Site Evaluation Council  
925 Plum Street SE, Building 4  
PO Box 43172  
Olympia, Washington 98504-3172

RE: Pacific Mountain Energy Center - Land Use and Zoning Consistency

Dear Mr. Fiksdal:

The following is provided in response to your letter asking for clarification regarding Cowlitz County land use and zoning regulations. This letter is intended to serve as a certificate of land use consistency in conformance with WAC 463-42.

### **Comprehensive Plan and Zoning**

Cowlitz County has not designated a zone for the PMEC site, but has designated the site as Heavy Industrial in the Cowlitz County Comprehensive Plan. Approximately 85% of the County is unzoned, and there is no County requirement to first zone a property prior to approval of a future land use. The County Comprehensive Plan, adopted by the Board of County Commissioners on November 1, 1976, is a statement of policies and goals that guides growth and development throughout the County. The purpose of the Plan is to manage the County's growth in an orderly, positive, and constructive fashion. All other development ordinances, including land use (zoning), subdivision, and environmental regulations must be in compliance with and consistent with this Comprehensive Planning document.

The proposed Pacific Mountain Energy Center (PMEC) use is consistent with this designated Heavy Industrial use.

### **Shorelines**

The development of the rail line and portions of the natural gas pipeline are within the shorelines jurisdiction, because they would be located within 200 feet of a shoreline (Columbia back water area associated with the wetland that will be filled). The project facilities are outside of the shoreline area. We now understand that Energy Northwest has not selected a site for off-site mitigation.

The shoreline designation is categorized as Urban District, which are shoreline areas suitable for intensive recreation, residential, industrial and commercial development. The proposed natural gas pipeline and rail line would be a permitted use and are therefore consistent with the County's shoreline regulations.

## **Floodplains**

The site and railroad spur are not within the 100-year floodplain of the Columbia River, however portions of the natural gas pipeline would be within the 100-year floodplain of the Columbia and Kalama Rivers. Assuming the construction of the pipeline is carried out in conformance with the development standards outlined in CCC 16.25.080 and 16.25.090, locating an underground natural gas pipeline is permitted within the floodplain.

Provided that construction of the pipeline is conditioned by EFSEC to comply with the requirements of the Cowlitz County Code Sections 16.25.080 and 16.25.090, the location of the pipeline is consistent with the County's Floodplain regulations.

## **Critical Areas Ordinance**

The proposed filling of the wetland for the railroad spur would typically be governed by the Cowlitz County Critical Areas Protection Ordinance (CAO). The US Army Corps of Engineers (USACE) wetland regulations are more restrictive than Cowlitz County's CAO. Cowlitz County would accept the USACE's decision and mitigation conditions for filling of the wetland. Compliance with the USACE permit requirements will result in compliance with the CAO, as currently written.

A portion of the site is over an aquifer recharge area. If storage of materials conforms to CCC 16.05.060, the Uniform Fire Code, and WAC 173-360, the PMEC would be consistent with the aquifer recharge area requirements of the CAO as the ordinance is currently written.

Please call me at 360-577-3052 if you need additional information.

Sincerely,

A handwritten signature in black ink, appearing to read 'Mike Wojtowicz', with a long horizontal line extending to the right.

Mike Wojtowicz  
Director