

January 24, 2024

Columbia County Board of Commissioners  
Attention: County Courthouse, Room 338  
230 Strand Street  
St. Helens, OR 97051

Re: **NEXT Renewable Fuels Conditional Use Permit (CU 23-11) and Modification of an Approved Site Design Review (DR 21-03 MOD)**  
*Supplemental Evidence Submittal*  
Project Number 2200315.00

Dear Chair Garrett, Vice Chair Smith, and Commissioner Magruder:

On behalf of NEXT Renewable Fuels, please accept this additional material regarding the Conditional Use Permit application for a rail branchline in the PA-80 zone and the modification of the Site Design Review application approved by DR 21-03 and Variance 21-05.

## **CONDITIONAL USE PERMIT (CU 23-11) FOR A RAIL BRANCHLINE IN PA-80 ZONE**

Columbia County Zoning Ordinance (CCZO) Section 307.1 and ORS 215.296 require a farm impact analysis for the proposed rail branchline crossing through the Primary Agriculture PA-80 zone since that area is zoned for exclusive farm use.<sup>1</sup> Specifically, the analysis must demonstrate that the proposed rail branchline does not (a) Force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use; or (b) Significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use.

The applicant's discussion of the applicable standards and related evidence is included in Mackenzie's Conditional Use Permit for a Railroad Branchline narrative, dated June 16, 2023, particularly on pages 5-8 and 10-14. Furthermore, the January 3, 2024 staff report discusses these standards in Findings 50-53. We now offer these supplemental findings for the Board's consideration in specific topic areas in response to testimony submitted during and immediately after the January 10, 2024 County Board hearing.

### **Access to Farm Fields Due to Rail Traffic**

The proposed railroad branchline within the PA-80 zone consists of approximately 1,250 linear feet of track between the existing railroad right-of-way and the renewable diesel production facility approved by Site Design Review DR 21-03 and Variance 21-05. As depicted in Exhibit 21 (Field Access Map) of the applicant's submittal, the new branchline necessitates the extension of one existing private rail crossing (near the point where the proposed branchline diverges from the Portland & Western Railroad mainline), and also necessitates construction of one new private rail crossing. These crossings ensure that access to the nearby fields (owned by Felipe and Bobby De La Cruz and the Port of Columbia County (Port), both of whom have consented to the application) continues to be available.

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<sup>1</sup> By contrast, CCZO Section 1550 does not require this analysis for Site Design Review applications or their subsequent modifications.



The Field Access Map in Exhibit 21 also demonstrates that no other existing field access routes will be crossed by the proposed rail branchline.

Objectors have asserted that increased rail traffic could cause negative impacts on nearby farm operations due to interruptions to farm vehicle hauling operations, particularly during harvest season. While these objections are more related to increased volume on Portland & Western Railroad's existing Kallunki Road crossing than they are to construction of the rail branchline in the PA-80 zone, the applicant has nonetheless engaged a rail consultant to analyze future rail operations to determine steps that could be utilized to minimize effects on farm practices.

As explained in the January 23, 2024 letter from Crosstown Consulting Associates, LLC (CCA), the longest trains entering and leaving the renewable diesel production facility are anticipated to take approximately eight minutes to traverse the Kallunki Road crossing, which could be separated into two four-minute crossings if trains are delivered in two installments, such as during mint harvesting periods. As some of the trains accessing the site will be even shorter, those crossing movements would be shorter than three minutes. CCA's letter outlines specific rail operation recommendations to minimize the duration of train movements at the Kallunki Road crossing.

In view of the fact that the rail facility does not cut off existing access points to Mr. Seely's fields on land zoned for industrial uses (see Exhibit 21) and because the County is requiring the applicant to fully improve Hermo Road, the Board can conclude that increases of existing rail traffic at the Kallunki Crossing (which can happen for reasons other than new development) will not force a significant change in, or significantly increase the costs of accepted farm practices, especially if crossing times are managed according to the recommendations in CCA's letter.

### **Stormwater Management**

Objectors have asserted that there will be negative impacts of stormwater runoff. Stormwater is proposed to be managed in accordance with applicable water quality and detention standards as follows:

- Stormwater runoff from the renewable diesel production facility itself will be directed to the industrial wastewater plant, which will process the water to meet permit standards established through the Port's National Pollution Discharge Elimination System (NPDES) permit. This flow will be discharged directly to the Columbia River following treatment.
- All other stormwater will be collected and treated to meet Columbia County Stormwater and Erosion Control Ordinance standards prior to discharging to water bodies, as will be confirmed at the time of permit review.
- Furthermore, since the project is impacting wetlands regulated by the U.S. Army Corps of Engineers, the stormwater runoff is required to meet Federal Standard Local Operating Procedures for Endangered Species (SLOPES) V regulations, which have stringent stormwater management requirements.
- As explained in Maul Foster & Alongi, Inc. preliminary stormwater report (Exhibit 18 of the applicant's submittal), in instances where Columbia County and SLOPES standards differed, the design engineers utilized the more conservative stormwater management standard.
- The stormwater report in Exhibit 18 is sufficient to demonstrate the feasibility of the proposed stormwater management techniques. Consistent with standard practice, more detailed analysis may be required at the time of permit review by County, state, and federal agencies.

## Conclusion

Based on this information, the Board can conclude that the proposed railroad branchline in the PA-80 zone will not force a significant change in farm or forest practices or individually or cumulatively significantly increase the cost of farm or forest practices.

## MODIFICATION OF AN APPROVED SITE DESIGN REVIEW (DR 21-03 MOD) IN RIPD ZONE

### Landscape Buffer Proximity to Ditches

The Beaver Drainage Improvement Company (BDIC) letter raises several points with respect to the proposed landscape buffer on the south edge of the development within the RIPD zone. Issues raised by BDIC are identified below in italicized text, while responses are provided in standard text.

- a. *Sediment fencing along waterways is to be removed following construction to ensure access to waterways for maintenance.*

**Response:** The sediment fences depicted in the plan set (Exhibit 4 of the applicant's submittal) are a temporary erosion control measure intended to minimize sediment transport during the course of construction. Standard practice calls for removal of these fences once permanent vegetation has been established and construction has ended.

- b. *Proposed tree buffers along waterways are on ditch banks and will contribute debris, creating blockages. Additionally, they will restrict maintenance capabilities of the BDIC and thus will not be approved by the BDIC.*

**Response:** The landscape buffers along the south edge of the development within the RIPD zone are proposed to satisfy the requirements of CCZO 1562. These standards require planting of trees, shrubs, and ground cover. While some fraction of the tree leaves will fall within BDIC ditches, the quantity of leaves is likely to be smaller than that associated with the long-standing tree farm previously planted with over 100 acres of trees immediately to the south of the ditches.

The landscape buffer approved by Site Design Review DR 21-03 and Variance 21-05 called for trees placed at 40 feet on center based on the proposed tree species, with 20-foot-wide grassy breaks to facilitate maintenance access between the gravel access road and the ditch (see Sheets L1.10 and L1.12 and Detail 3 on Sheet L1.11 in Exhibit 3 of the applicant's submittal). With the proposed modification, this buffer would be relocated out of the PA-80 zone and into the RIPD zone. The applicant welcomes BDIC's comments on this proposed tree spacing and maintenance access.

- c. *Proposed fencing along waterways could impact BDIC ability to maintain waterways. Additional information needed for review.*

**Response:** The applicant has proposed gravel access roads in the vicinity of ditches and waterways to accommodate maintenance activities (see Sheets C2.0-C2.6 of Exhibit 4 of the applicant's submittal). Many of these access roads would be located outside the proposed security fence for the renewable diesel production facility. For those segments of access road within the proposed security fence, the applicant will consider input

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from BDIC to identify gate locations and width and to establish maintenance protocols that do not compromise the security of the facility.

Thank you for the opportunity to submit this additional information, which together with the project narratives and exhibits demonstrate that the proposed applications are consistent with applicable approval criteria.

Sincerely,










Brian Varricchione  
Land Use Planning

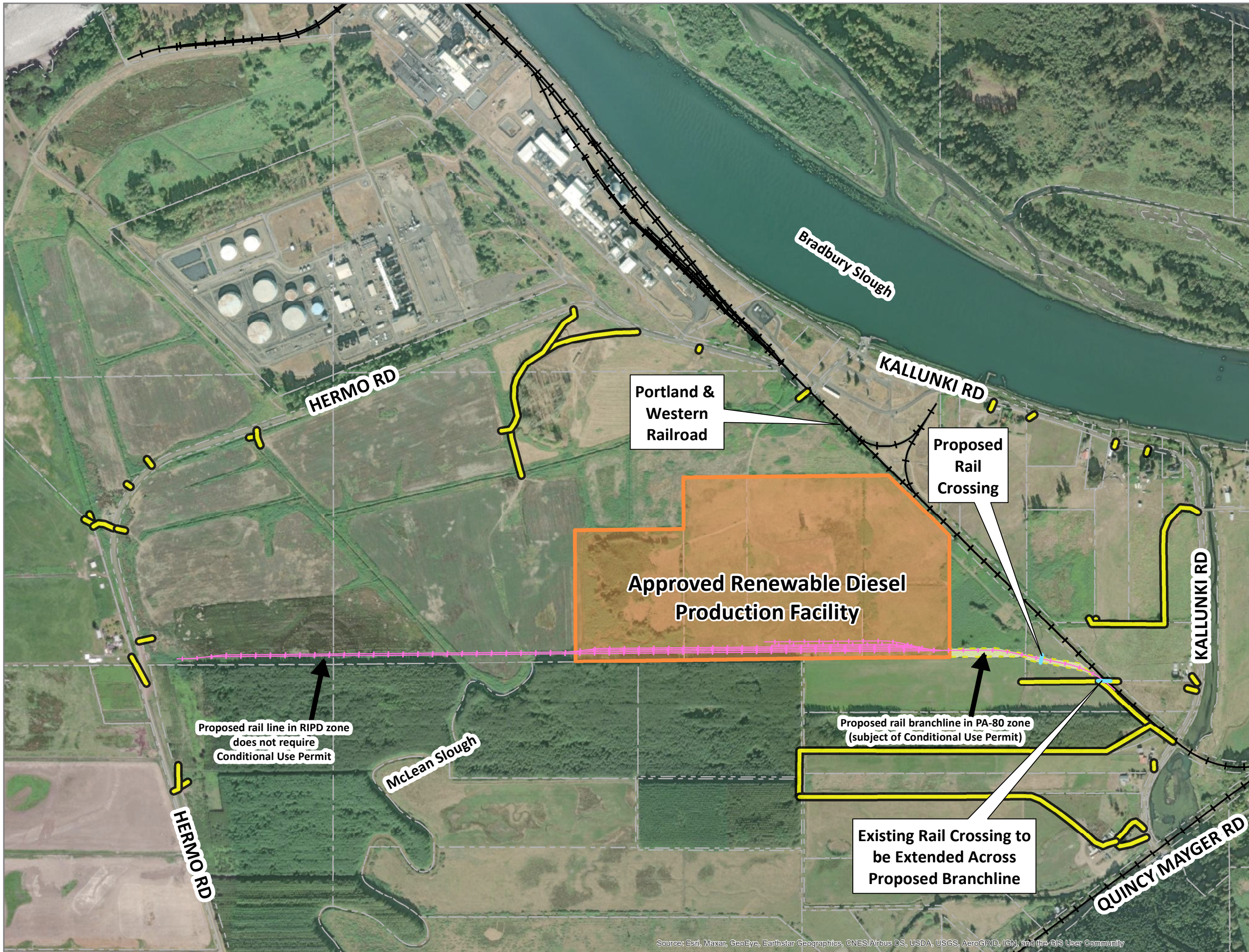
Enclosure(s): Attachment A – Field Access Map (Exhibit 21 from applicant’s Conditional Use Permit submittal)

c: Christopher Efird, Gene Cotten – NEXT Renewable Fuels  
Garrett Stephenson – Schwabe, Williamson & Wyatt

# NEXT RENEWABLE FUELS INC. Columbia County, Oregon Nearby Field Access

## LEGEND

-  Tax Lots
-  Approved Renewable Diesel Production Facility
-  Existing Rail Mainline
-  Proposed Rail
-  Proposed Rail Corridor
-  Existing Field Access
-  Rail Crossing Alteration

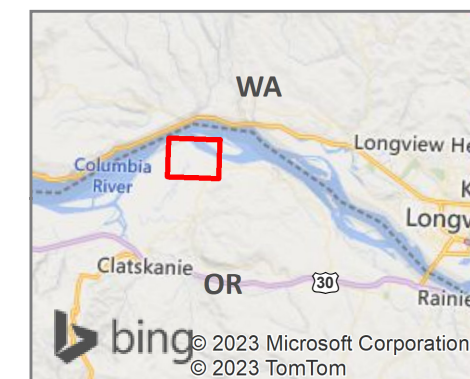


1 inch = 800 feet

SOURCE DATA:  
Columbia County GIS Data,  
Oct 2016

GEOGRAPHIC PROJECTION:  
NAD 83 HARN, Oregon North  
Lambert Conformal Conic

Date: 4/30/2023    Map Created By: BJV  
File: FieldAccess2    Project No: 2200315.00



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