

## Amy Herzog

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**From:** TOM GORDON <tndgardens@comcast.net>  
**Sent:** Tuesday, January 9, 2024 4:44 PM  
**To:** Planning Department.UserGroup  
**Subject:** NXT's Conditional Use Application - Comments for Hearing on 1/10/24

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Dear Commissioners,

I am sending in my comments for the hearing because I came down with a bad cold. My concerns, however, are very similar to the ones I expressed at the hearing in June. I'm just surprised that we are revisiting very nearly the same issues: a rail line built in a sensitive wetlands surrounded by established farms and in a liquefaction zone.

A rail line is still a rail line even if it has been moved a little way. It has the same problems it had before: possible sparks, spills, and leaks, and the usual oil and debris associated with rail cars. Surely the refinery - now with a rail yard attached - should have a separate application. Its proximity to agricultural lands is not a compatible use. Even losing the small amount of agricultural land owned by the Port will have a negative impact.

The area here is diked and these dikes are not in great condition - they received just a 'provisional' rating by the Army Corps of Engineers and may overtop in case of a flood. Drainage issues in this area are very important and are now handled well by the Beaver Drainage District. Modification, especially of the ditches, could affect adjacent users and cause problems not able to be mitigated.

I think you should deny this conditional use application - it changes not only the rail line but the impact of the refinery itself.

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