

MACKENZIE.

SITE DESIGN REVIEW MODIFICATION

To
Columbia County

For
Next Renewable Fuels Inc.

Dated
September 18, 2023

Project Number
2200315.00



MACKENZIE
Since 1960

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EXHIBITS

1. Site Design Review Application Form and Owner Authorization Letter
2. Vicinity Map and Zoning Map
3. Plans approved by DR 21-03/V 21-05
4. Proposed Plans
5. Flood Insurance Rate Map 41009C0050D, dated November 26, 2010 (annotated)
6. Clatskanie-Quincy CPAC Threatened, Endangered and Sensitive Wildlife and Plant and Natural Areas map, Beak Consultants Inc., June 1995 (annotated)
7. Clatskanie-Quincy CPAC Wildlife Game Habitat map, Beak Consultants Inc., June 1995 (annotated)
8. Clatskanie-Quincy CPAC Wetland and Hydric Soils map, Beak Consultants Inc., June 1995 (annotated)
9. Stream Data Map
10. Excerpt from Lakes of Oregon, Volume 1, Clatsop, Columbia, and Tillamook Counties, U.S. Geological Survey, 1973
11. Statewide Wetland Inventory (annotated)
12. Wetland Delineation Report
13. Oregon Department of State Lands Approval of Wetland Delineation
14. Wetland Memorandum from Anderson Perry & Associates, Inc., December 8, 2021
15. Oregon Department of State Lands Correspondence, December 15, 2021
16. Columbia Soil and Water Conservation Correspondence, January 5, 2022
17. Oregon Department of Fish and Wildlife Correspondence, January 18, 2022
18. Oregon State Register of Natural Heritage Resources
19. Preliminary Stormwater Report
20. Transportation Impact Analysis
21. Traffic Analysis Update Letter
22. Architectural Rendering
23. Pipeline and Water Intake Map



I. PROJECT SUMMARY

Applicant: NEXT Renewable Fuels, Inc., Attn: Gene Cotten
11767 Katy Freeway, Suite 705
Houston, TX 77079
gene@nextrenewables.com
(661) 201-2653

Columbia County Tax Lots: Production Facility: Tax Map 8-4-22, Lots 100, 200, and 300
Driveway and Rail Line: Tax Map 8-4-22, Lot 1100; Tax Map 8-4-21, Lot 700
Pipe rack: Tax Map 8-4-22, Lot 1100; Tax Map 8-4-21, Lot 700; Tax Map 8-4-16, Lots 200 and 300

Site Address: 81009 Kallunki Road
Clatskanie, Oregon

Owners: Port of Columbia County (tax lots 8422-00-00100, 8422-00-00200, 8422-00-01100, 8421-00-00700, 8416-00-00200, 8416-00-00300)
PO Box 190
Columbia City, OR 97018
(503) 397-2888

NEXT Renewable Fuels, Inc. (tax lot 8422-00-00300)

Contact Person: Mackenzie, Attn: Brian Varricchione
1515 SE Water Avenue, Suite 100
Portland, OR 97214
(503) 224-9560
bvaricchione@mcknze.com

Site Area: Approximately 109 acres for production facility

Comprehensive Plan: Rural Industrial

Zoning: Resource Industrial – Planned Development (RIPD)

Adjacent Zoning: Primary Agriculture (PA-80) to the south and east
RIPD to the north and west

Request: Site Design Review Modification to an approved proposed renewable diesel production facility at Port Westward Industrial Park

II. INTRODUCTION

Description of Request

The applicant, NEXT Renewable Fuels, Inc., requests Site Design Review Modification approval for the renewable diesel production facility within the Port Westward Industrial Park previously approved by Columbia County in March 2022. The proposed facility — which will produce renewable diesel fuel from materials such as cooking oil, animal fats and tallow, and corn oil — was approved by the County Board of Commissioners as a “Use Permitted under Prescribed Conditions” in the Resource Industrial – Planned Development (RIPD) zone as part of Site Design Review DR 21-03 and Variance 21-05.

In March 2022, the County Board of Commissioners also approved a Conditional Use Permit (CU 21-04) for a rail branchline within the Primary Agriculture (PA-80) zone. That approval was reversed by the Oregon Land Use Board of Appeals (LUBA). Therefore, as part of this application, NEXT Renewable Fuels is proposing to relocate the rail tracks, tree buffer, and storm facilities northward from the PA-80 zone to the RIPD zone. The proposed modifications do not alter the overall scale or layout of the majority of the facility.

This application package includes plans, drawings, and additional documentation in support of the proposed modifications, together with this narrative, which provides responses primarily focused on those elements which have changed from the original approval.

Existing Site and Surrounding Land Use

The site, located at the Port Westward Industrial Park (Port Westward), consists of portions of multiple parcels owned by the Port of Columbia County (the Port) and one parcel owned by NEXT Renewable Fuels. The combined area of the approved renewable fuels facility is approximately 109 acres (additional off-site acreage encompasses the driveway, pipe rack, rail corridor, etc.). The site is designated Rural Industrial in the Columbia County Comprehensive Plan and has been zoned Resource Industrial – Planned Development (RIPD) through two prior zone changes and Goal Exceptions approved by the Columbia County Board of Commissioners.

Nearby portions of Port Westward have been developed with Portland General Electric (PGE) power generation facilities, the Columbia Pacific Bio-Refinery, the Clatskanie People’s Utility District electrical substation, roadways, rail lines, utilities, drainage facilities, levees, pipelines, a water tower, and electrical transmission lines. The entirety of Port Westward is within the Clatskanie Rural Fire Protection District.

Port Westward is served by private water systems that utilize wells and draw from the river. The industrial park also has a private industrial wastewater system and a discharge system for tenants’ process water. Significantly, Port Westward is home to a 1,500-foot dock on the Columbia River and is one of only five public deepwater ports in the state of Oregon. This reach of the river is part of the U.S. Department of Transportation’s M-84 Marine Highway Corridor and connects to the M-5 Marine Highway Corridor along the Pacific coast.¹ The river has a 43-foot navigation channel to accommodate vessels needing deepwater port access.

¹ <https://cms.marad.dot.gov/sites/marad.dot.gov/files/2021-08/Route%20Designation%20one-pagers%20Aug%202021.pdf>

The site is currently undeveloped wetlands and agricultural cropland. Wetlands are present over most of the property. The surrounding area is zoned RIPD to the north and west and Primary Agriculture (PA-80) to the south and east. Existing land uses to the north are industrial and agricultural, while existing uses to the east, south, and west are agricultural.

The site is protected from flooding by dikes and associated stormwater conveyance and pumps within the Beaver Drainage District. According to the Federal Emergency Management Agency’s (FEMA) Flood Insurance Rate Map 41009C0050D, dated November 26, 2010, as the dike system has been provisionally accredited by FEMA, the site is in shaded Zone X and is therefore outside the Special Flood Hazard Area regulated by Columbia County. See Exhibit 5.

Figure 1 is an aerial photograph illustrating the project area.

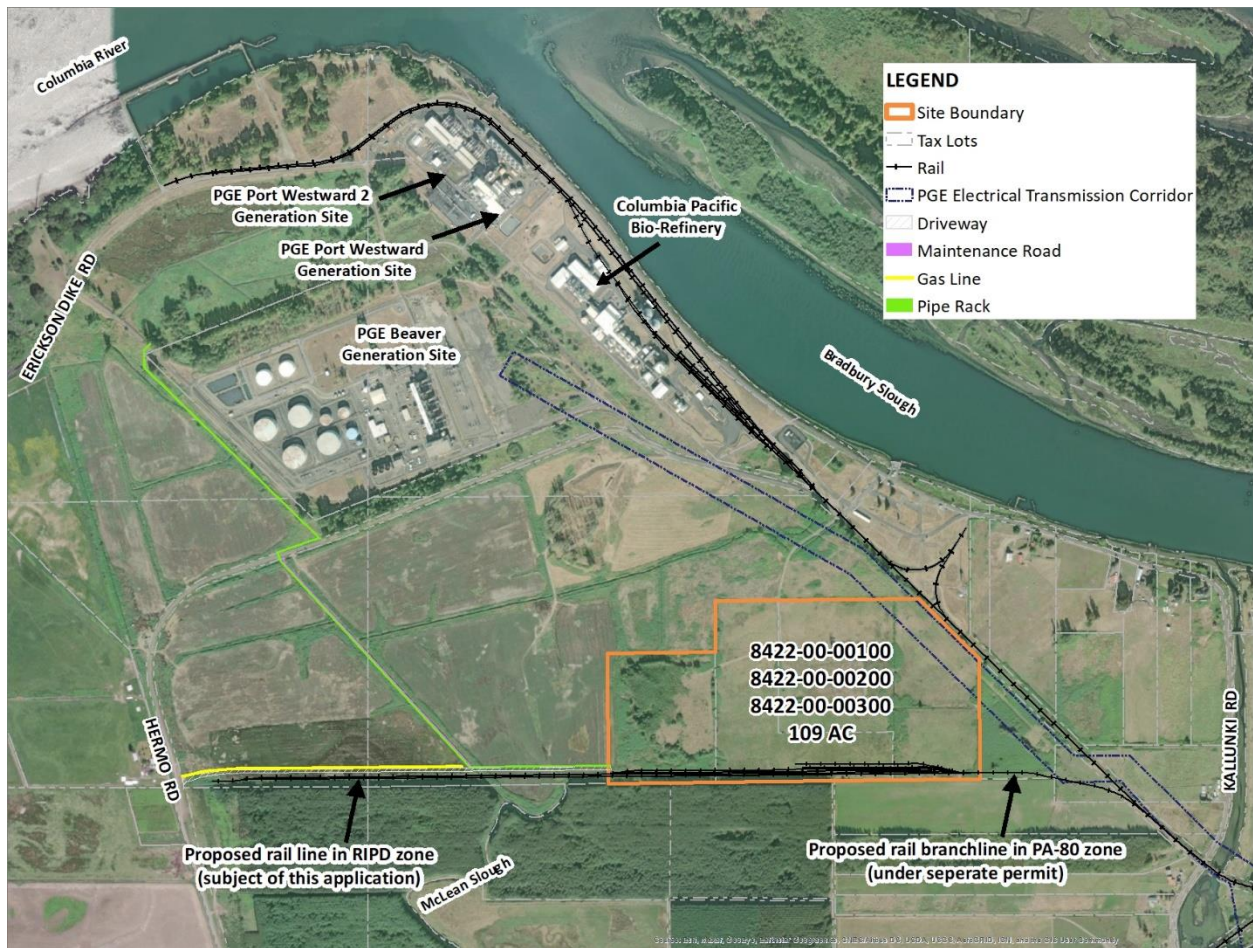


Figure 1: Aerial Photo

Approved Development

The project approved by Site Design Review DR 21-03 and Variance V 21-05 includes the construction of a renewable diesel production facility consisting of multiple buildings (office, laboratory, warehouse, maintenance, process, controls, etc.), parking, private roadways, storage tanks, processing equipment, a gas flare, wastewater treatment facilities, outdoor laydown yards, electrical equipment, landscaping, and

security fencing.² DR 21-03 also approved a driveway to Hermo Road, with secondary access to Kallunki Road for emergency vehicles and for equipment to access barges. No changes to site access are proposed as part of this application.

Water, wastewater, and storm drainage utilities operated by the Port will be extended to the site to accommodate this rural industrial development. Electrical, natural gas, and telecommunications facilities will also be extended to the site.

Finished product and raw materials for facility operations will largely be transported by vessels utilizing the Port of Columbia County-owned dock on the Columbia River, so the facility is dependent on access to the dock and the river. A terminaling company that already operates at Port Westward will unload the feedstock and transfer it via their existing pipeline to the confluence with the Applicant's newly constructed pipeline. This is where the Applicant will take possession. The feedstock will be refined into renewable diesel. Finished products will be stored on-site before being transferred back to the terminal via pipeline to ship via barge and vessel from the Port Westward dock. A gravel service road will be provided adjacent to a portion of the pipe rack to allow maintenance access to the pipes.

A rail branchline is proposed to connect to Portland & Western Railroad's facilities to accommodate shipment of additional materials and potentially a small amount of finished product. Per condition of approval #7, rail transport is limited to 318 rail cars per week, excluding return cars. The applicant has filed a separate conditional use permit application (Columbia County file number CU 23-11) for the portion of the rail branchline outside the RIPD zone in the Primary Agriculture (PA-80) zone southeast of the site.

Facility construction will result in temporary and permanent impacts to wetlands (Exhibit 12). The applicant is seeking approval from the U.S. Army Corps of Engineers for wetlands alterations, and the Oregon Department of State Lands has issued permits for wetland alterations. The applicant will perform approximately 488 acres of off-site wetland mitigation south of the site in accordance with Federal and State law.

Proposed Design Modifications

In this application, NEXT Renewable Fuels is proposing to relocate the rail tracks, tree buffer, and storm facilities northward from the PA-80 zone into the RIPD zone, as detailed in the plans in Exhibit 4. The proposed modifications do not alter the overall scale or layout of the majority of the facility as the proposed improvements will be located within the same area previously approved for the Hermo Road access.

Public Improvements and Transportation

Right-of-Way and Public Improvements

The original proposal, as approved, has primary access to Hermo Road, with secondary access to Kallunki Road for emergency vehicles and for equipment to access barges. No changes to site access are proposed as part of this application.

² The current proposal would relocate fencing based on the rail realignment but would not alter the previously approved fencing design. Therefore, no further variance approval is required to relocate the fence and construct it in accordance with Variance V 21-05.

The site does not abut any public rights-of-way but is near Hermo Road, which is classified as a local road in the 2017 Columbia County Transportation System Plan (TSP). The TSP recommends an optimum right-of-way width of 50 feet and an optimum roadway width of 28 feet (to accommodate ten-foot lanes and four-foot shoulders). The existing right-of-way width at the driveway location is 60 feet so no right-of-way dedication was required by the County. Hermo Road is currently gravel near the site, but the County TSP identifies a project (TSP Project #9) to improve the road from Quincy Mayger Road to just west of the existing rail spur south of the PGE site. The Applicant will satisfy DR 21-03/V 21-05 condition of approval #14 requiring improvements to Hermo Road.³

The TSP also designates the closest segment of Kallunki Road (to which the site will have secondary access for emergency vehicles and for equipment to access barges) as a local road. This roadway has a 40-foot right-of-way, which is below the TSP's stated optimum right-of-way width; however, as the existing roadway (approximately 22 to 24 feet wide) fits within the right-of-way and the site does not immediately abut Kallunki Road, no right-of-way dedication or improvements were required in the prior approval.

Transportation Impact Analysis

Mackenzie transportation engineers projected site trip generation (Exhibit 20) based on Land Use Code 140 – Manufacturing in the Institute of Transportation Engineers' (ITE) *Trip Generation Manual, 10th edition*. The Transportation Impact Analysis (TIA) indicated that the proposed development will generate 667 weekday trips, 91 of which will occur in the AM peak hour and 84 of which will occur within the PM peak hour. The report analyzed traffic operations at six study area intersections in 2020 and in 2024, both with and without the proposed development as follows.

The report found that all six study intersections meet applicable Columbia County, Oregon Department of Transportation, and City of Clatskanie mobility standards in 2020, in 2024 without NEXT Renewable Fuels, and in 2024 with NEXT Renewable Fuels. The report also found that existing and future traffic queues can be accommodated within the existing storage areas at all study intersections. Based on this analysis, the TIA does not recommend any mitigation strategies as a result of the proposed facility.

Due to the passage of time since the TIA was issued, Mackenzie transportation engineers revisited the analysis to see whether the results were still valid. As explained in the traffic analysis update letter in Exhibit 21, the ITE has now issued the *Trip Generation Manual, 11th edition*, which resulted in revised trip generation consisting of 660 weekday trips, 83 of which will occur in the AM peak hour and 80 of which will occur within the PM peak hour. The updated trip generation estimates reflect a nine percent reduction of AM Peak Hour trips (eight fewer trips), a five percent reduction of PM Peak Hour trips (four fewer trips), and a one percent reduction of average daily trips (seven fewer trips). Based on this comparison, the trip generation in the January 14, 2021, TIA is slightly higher and thus is more conservative than if the trip generation were performed using the latest Trip Generation Manual. Consequently, off-site impacts are projected to be less significant than originally presented in the January 14, 2021, TIA.

³ Condition of approval 14 specifies that "The applicant shall complete the following road improvements: The complete reconstruction of approximately 1.65 miles of Hermo Road between Quincy-Mayger Road and the entrance to the Port Westward Industrial site. These improvements shall include two 12-foot travel lanes, rock shoulders, safety slopes, and roadside ditches. The improvement shall also consist of paving the entire length of Hermo Road to final grade between Quincy-Mayger Road to Kallunki Road and bringing the entire road up to current County road standards. This work includes final design, permitting, and construction."



The traffic analysis update letter also notes that Oregon Department of Transportation (ODOT) traffic volumes have grown one percent in the interim. Therefore, Mackenzie transportation engineers concluded that due to the decreased site trips and slight increase in existing traffic volumes, off-site impacts are projected to be similar to those originally presented in the January 2021 TIA. Furthermore, the proposed site modifications are not anticipated to affect vehicle trips since the modifications do not alter staffing levels. Therefore, the conclusions of the 2021 TIA (Exhibit 20) continue to apply.

Requested Land Use Approval

The applicant is seeking approval from Columbia County Planning Commission for Site Design Review Modification for the proposed alterations to the approved facility.

As noted above, a conditional use permit application (CU 23-11) has been submitted separately for the portion of the rail branchline outside the RIPD zone in the PA-80 zone southeast of the site.

Prior to construction, the applicant will also seek multiple Federal, State, and Local permits which are not part of this application package as they are not land use approvals.

III. NARRATIVE AND COMPLIANCE

As described in the introduction (Section II), the applicant is seeking Site Design Review Modification approval for proposed alterations to the approved facility.

The following narrative addresses how the proposed modifications comply with the Columbia County Zoning Ordinance (CCZO) criteria. In the sections below, standards and criteria are shown in *italics*, while responses are shown in a standard typeface.

The approval criteria for a site Design Review are set forth in CCZO 1563. Aside from responses to CCZO 1563, responses to the remaining standards and criteria do not serve as a concession that they are applicable to the application; in some cases, responses to non-applicable standards are provided for informational purposes.

A. Use Permitted Under Prescribed Conditions

Section 680 Resource Industrial - Planned Development RIPD

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

Response: The County previously determined that the renewable diesel production facility falls within the category noted above and authorized the use based on demonstration of compliance with the Prescribed Conditions. Furthermore, the result of this application will be a reduced-capacity rail improvement (compared to that previously approved by Conditional Use Permit CU 21-04), so there is no basis for the County to conclude that scope and intensity of the use is any greater than that already approved. As the use is not proposed to change with this application, no further analysis is provided here.

685 Standards

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

Response: The previously approved use is allowed under CCZO Section 683 rather than CCZO Section 682. Therefore, the 38-acre minimum parcel size does not apply. Even if it did, the combined site area under the Applicant's control is approximately 109 acres, thereby exceeding this standard.

- .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.*

Response: The site for the production facility, which consists of property owned by NEXT Renewable Fuels and property leased by NEXT Renewable Fuels from the Port of Columbia County, has an area of approximately 109 acres (not counting off-site acreage for the driveway, pipe rack, rail corridor, etc.). As previously satisfied in Site Design Review DR 21-03 and Variance 21-05, the site size is sufficient for facility operations, including office, warehouse, production areas, staging areas, pipe racks, electrical equipment, storage tanks, wastewater treatment, a flare, and a rail spur. The project is not proposed to be developed in phases. This standard is met.

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

Response: Parking requirements in the CCZO are set forth in Section 1400. As discussed in the response to that section, the approved site plan provides 128 parking spaces, which complies with the 118-space minimum requirement for the proposed manufacturing use. The applicant proposes loading docks on the warehouse together with multiple outdoor storage areas and rail loading/unloading areas. This standard is met.

C. Setbacks necessary to adequately protect adjacent properties.

Response: The site for the production facility consists of property owned by NEXT Renewable Fuels and property leased by NEXT Renewable Fuels from the Port of Columbia County. Only minimal setbacks are merited due to the existing and planned development of the adjacent (off-site) properties. Properties to the north and west are within the Port Westward Industrial Park and zoned RIPD. Properties immediately to the south and east are currently in agricultural use (primarily crops) and do not contain sensitive receptors such as residences, schools, churches, hospitals, etc. As previously satisfied in Site Design Review DR 21-03 and Variance 21-05, all buildings are set back at least 95 feet from the site boundary, which is appropriate for the approved use in this site context. Landscape buffers are provided on the south and east boundaries where facing other uses and where not precluded by overhead power lines and rail lines. This standard is met.

.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.

Response: The applicant has been approved to construct a private driveway between the site and Hermo Road. Hermo Road, a public right-of-way, is currently gravel near the site. Consistent with TSP Project #9, the Applicant will satisfy Public Works requirements for necessary improvements to Hermo Road to satisfy condition of approval #15. The TIA (Exhibit 20) demonstrates that the roadway network, following improvements consisting of roadway widening and paving along Hermo Road, will have adequate capacity for the proposed development. The site will have secondary access to Kallunki Road (a public right-of-way) for emergency vehicles and for equipment to access barges, but the secondary access is not proposed for regular use by members of the public since it is within the Port Westward secure area. For the above reasons, the County Board found that the proposed access is “sufficient to support the intended use.”

686 Review Procedures

The Planning Commission shall review, in accordance with Section 1600, all requests made pursuant to Section 683 to assure that:

- .1 The use conforms to the criteria outlined in Section 681.*
- .2 The conditions outlined in Section 683 can be met.*
- .3 The Design Review Board or Planning Commission reviewed the request and found it to comply with the standards set out in Section 1550 and the minimum lot or parcel size provisions set out in Section 684.*

Response: This provision provides procedural guidance to the Planning Commission and does not require the submission of additional evidence. Elsewhere in this narrative and in the accompanying exhibits, the applicant has provided evidence that the proposed use complies with CCZO Sections 681, 683, 684, and 1550. As the use was previously approved by Site Design Review DR 21-03 and Variance 21-05, the Planning Commission need not revisit the use authorization as part of this application.

B. Site Design Review

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.

1551 Types of Site Design Review

- B. Type 2: Projects, developments and building expansions which meet any of the following criteria:*
- 1. have an area of 5,000 sq. ft. or more, or are 10% or more of the square footage of an existing structure.*
 - 2. Change the category of use (e.g., commercial to industrial, etc.).*
 - 3. New off-site advertising signs or billboards.*
 - 4. Any project meeting any of the Type 2 criteria shall be deemed a Type 2 Design Review application.*

Response: The proposed modification to the approved development is classified as a Type 2 project since the rail corridor affects greater than 5,000 square feet (SF). The applicant is seeking Type 2 Design Review approval from the Planning Commission with this application. This standard is met.

1552 Design Review Process

The Planning Director shall review and decide all Type 1 Site Design Review applications. The Planning Commission shall review all Type 2 Design Review applications. Applications shall be processed in accordance with Sections 1600 and 1700 of this ordinance.

Response: The proposed development is classified as a Type 2 project as noted above, so the applicant is seeking Type 2 Design Review approval from the Planning Commission. This standard is met.

1553 Pre-application Conference

A pre-application conference is required for all projects applying for a Site Design Review, unless the Director or his/her designate determines it is unnecessary. The submittal requirements for each application are as defined in this section and the standards of the applicable zone, and will be determined and explained to the applicant at the pre-application conference.

Response: A pre-application conference for this application was held with County staff on February 6, 2020 for the application that was approved by the County in March 2022 pursuant to Site Design Review DR 21-03 and Variance 21-05. Since the proposed modifications are geographically limited and the majority of the approved site plan will remain as previously approved, staff has not required a pre-application conference for the current application.

1558 Planning Commission Review

The Planning Commission shall hold a public hearing for all Type 2 Design Review applications according to Sections 1603, 1604 and 1608 of this ordinance. If the Planning Commission determines that the proposed development meets the provisions of this ordinance, it may approve the project. The Planning Commission may attach any reasonable conditions to its approval of a site plan.

Response: The proposed development is classified as a Type 2 project since it affects greater than 5,000 SF and is thus subject to Planning Commission review pursuant to the quasi-judicial hearings and public notice procedures detailed in Sections 1603, 1604, and 1608. The proposed renewable diesel production facility was previously determined to comply with applicable criteria as demonstrated by the adopted findings for Site Design Review DR 21-03 and Variance 21-05. The present application complies with applicable criteria as demonstrated by this narrative and the exhibits. Thus, no imposition of additional conditions is warranted or necessary to correct deficiencies in the application or ensure follow-through on subsequent permitting requirements.

1560 Existing Site Plan

The degree of detail in the existing site plan shall be appropriate to the scale of the proposal, or to special site features requiring careful design. An existing site plan shall include the following, unless it is determined by the Planning Director that the information is not applicable or is not necessary to determine

compliance with County and State standards, and a short explanation will be given for each item so determined:

- A. A vicinity map showing location of the property in relation to adjacent properties, roads, pedestrian ways and bikeways, and utility access. Site features, manmade or natural, which cross property boundaries are to be shown.

Response: Vicinity maps are included as Exhibit 2, Exhibit 3, Sheet G0.01, and Exhibit 4, Sheet C0.0.

- B. A site description map at a suitable scale (i.e. 1"=100'; 1"=50'; or 1"=20') showing parcel boundaries and gross area, including the following elements, when applicable:

1. Contour lines at the following minimum intervals:
 - a. 2 foot intervals for slopes 0-20%;
 - b. 5 or 10 foot intervals for slopes exceeding 20%;
 - c. Identification of areas exceeding 35% slope.
2. In special areas, a detailed slope analysis may be required. Sources for slope analysis include maps located at the U.S. Natural Resources Conservation Service office.
3. Potential natural hazard areas, including potential flood or high ground water, landslide, erosion, and drainage ways. An engineering geologic study may be required.
4. Wetland areas, springs, wildlife habitat areas, wooded areas, and surface features such as mounds and large rock outcroppings.
5. Streams and stream corridors.
6. Location, species and size of existing trees proposed to be removed.
7. Significant noise sources.
8. Existing structures, improvements, utilities, easements and other development.
9. Adjacent property structures and/or uses.

Response: An existing conditions plan depicting these elements is included as Exhibit 3, Sheets V1.10 and V1.11.

1561 Proposed Site Plan

A complete application for design review shall be submitted, including the following plans, which may be combined, as appropriate, onto one or more drawings, unless it is determined by the Planning Director that the information is not applicable or is not necessary to determine compliance with County and State standards, and a short explanation will be given for each item so determined:

- A. Site Plan: The site plan shall be drawn at a suitable scale (i.e. 1"=100', 1"=50', or 1"=20') and shall include the following:
1. The applicant's entire property and the surrounding area to a distance sufficient to determine the relationships between the applicant's property and proposed development and adjacent properties and developments.
 2. Boundary lines and dimensions of the property and all proposed property lines. Future buildings in phased development shall be indicated.
 3. Identification information, including names and addresses of project designers.
 4. Natural features which will be utilized in the site plan.
 5. Location, dimensions and names of all existing or platted roads or other public ways, easements, and railroad rights-of-way on or adjacent to the property, city limits, section lines and corners, and monuments.
 6. Location and dimensions of all existing structures, improvements, or utilities to remain, and structures to be removed, all drawn to scale.
 7. Historic structures, as designated in the Comprehensive Plan.
 8. Approximate location and size of storm water retention or detention facilities and storm drains.

9. *Location and exterior dimensions of all proposed structures and impervious surfaces.*
10. *Location and dimension of parking and loading areas. pedestrian and bicycle circulation, and related access ways. Individual parking spaces shall be shown.*
11. *Orientation of structures, showing entrances and exits.*
12. *All exterior lighting, showing type, height, wattage, and hours of use.*
13. *Drainage, Stormwater and Erosion Control, including possible adverse effects on adjacent lands.*
14. *Service areas for waste disposal and recycling.*
15. *Noise sources, with estimated hours of operation and decibel levels at the property boundaries.*
16. *Goal 5 Resource Protection Plans. Indicate how project will protect streams, wetlands, riparian areas, natural areas, and fish and wildlife habitat from negative impacts.*
17. *A landscaping plan which includes, if applicable:*
 - a. *Location and height of fences, buffers, and screening;*
 - b. *Location of terraces, decks, shelters, play areas, and common open spaces;*
 - c. *Location, type, size, and species of existing and proposed shrubs and trees; and*
 - d. *A narrative which addresses soil conditions and erosion control measures.*

Response: The approved site plan, grading plan, drainage plan, sign plan, illumination plan, wetland drawings, erosion control plans, and landscaping plans for the facility are included as Exhibit 3. The plans associated with the proposed modifications are included as Exhibit 4. A wetland delineation report is included as Exhibit 12 and a stormwater report is included as Exhibit 19. Noise sources for the approved facility will utilize applicable mechanisms to limit volumes to no more than 85 decibels at the property line.

- B. *Grading Plans: A preliminary grading plan indicating where and to what extent grading will take place, including general contour lines, slope ratios, slope stabilization proposals, and natural resource protection proposals.*

Response: The approved grading plan depicting these elements is included as Exhibit 3, Sheet C1.20, while the plans associated with the proposed modifications are included as Exhibit 4.

C. *Architectural Drawings*

1. *Building elevations and sections;*
2. *Building materials (color and type);*
3. *Floor plan.*

Response: The approved building footprints are depicted on Exhibit 3, Sheet C1.11, while a rendering of the proposed facility is included as Exhibit 22. No changes to the buildings are proposed with this application.

D. *Signs: (see also Zoning Ordinance Section 1300)*

1. *Freestanding sign:*
 - a. *Location of sign on site plan;*
 - b. *Elevation of sign (indicate size, total height, height between bottom of sign and ground, color, materials, and means of illumination).*
2. *On-Building Sign:*
 - a. *Building elevation with location of sign (indicate size, color, materials and means of illumination);*
 - b. *Plot plan showing location of signs on building in relation to adjoining property.*

Response: Approved signage is illustrated in Exhibit 3, Sheet C1.40. No changes to signage are proposed with this application.

1562 Landscaping: Buffering, Screening and Fencing

A. General Provisions

1. *Existing plant materials on a site shall be protected to prevent erosion. Existing trees and shrubs may be used to meet landscaping requirements if no cutting or filling takes place within the dripline of the trees or shrubs.*

Response: The majority of existing vegetation will be removed from the site to accommodate the proposed development. The approved erosion control measures for the entire facility will be implemented as depicted in Exhibit 3, Sheets EC1.10-EC5.10, while the erosion control plans associated with the proposed modifications are included as Exhibit 4, Sheets C3.0-C3.7.

2. *All wooded areas, significant clumps or groves of trees, and specimen conifers, oaks or other large deciduous trees, shall be preserved or replaced by new plantings of similar size or character.*

Response: The site is nearly devoid of trees and does not contain wooded areas, significant clumps or groves of trees, or specimen conifers, oaks, or other large deciduous trees. This standard does not apply.

B. Buffering Requirements

1. *Buffering and/or screening are required to reduce the impacts on adjacent uses which are of a different type. When different uses are separated by a right of way, buffering, but not screening, may be required.*

Response: Adjacent properties to the north and west are zoned RIPD and are in the Port Westward Industrial Park, so the County did not require buffering or screening to the north and west when Site Design Review DR 21-03 and Variance 21-05 were approved. Adjacent properties to the south and east are agricultural, so the County did require buffering to the south and east, modified by Variance 21-05 to limit the extent of buffering to those areas not precluded by overhead power transmission lines and rail lines. The proposed modifications do not affect buffering to the east but do alter the location of the buffer to the south, as depicted on Exhibit 4, Sheets C2.0-C2.2 and C2.5-C2.6. This standard is met.

2. *A buffer consists of an area within a required setback adjacent to a property line, having a width of up to 10 feet, except where the Planning Commission requires a greater width, and a length equal to the length of the property line adjacent to the abutting use or uses.*

Response: As previously approved by Site Design Review DR 21-03 and Variance 21-05, 10 feet of perimeter plantings will be provided on the south and east edges where facing other uses and where not precluded by overhead power transmission lines and rail lines (see Exhibit 3, Sheets C1.13, L1.10, and L1.12). The proposed modifications do not affect buffering to the east but do alter the location of the buffer to the south. As depicted on Exhibit 4, Sheets C2.0-C2.2 and C2.5-C2.6, the applicant proposes a 10-foot buffer south of the proposed rail line. This standard is met.

3. *Buffer areas shall be limited to utilities, screening, pedestrian and bicycle paths, and landscaping. No buildings, roads, or parking areas shall be allowed in a buffer area.*

Response: As depicted on Exhibit 4, Sheets C2.0-C2.2 and C2.5-C2.6, no buildings, roads, or parking are proposed in the relocated buffer along the south boundary. No changes are proposed to the buffer along the east boundary. This standard is met.

4. *The minimum improvements within a buffer area shall include:*

- a. *One row of trees, or groupings of trees equivalent to one row of trees. At the time of planting, these trees shall not be less than 10 feet high for deciduous trees and 5 feet high for evergreen trees, measured from the ground to the top of the tree*

after planting. Spacing of trees at maturity shall be sufficient to provide a year-round buffer.

- b. In addition, at least one 5-gallon shrub shall be planted for each 100 square feet of required buffer area.*
- c. The remaining area shall be planted in grass or ground cover, or spread with bark mulch or other appropriate ground cover (e.g. round rock). Pedestrian and bicycle paths are permitted in buffer areas.*

Response: As depicted on Exhibit 4, Sheets C2.0-C2.2 and C2.5-C2.6, a 10-foot buffer is proposed along the south boundary. Per the approved buffer detail in Exhibit 3, Sheet L1.1, the buffer will have a row of trees, shrubs, and groundcover. No changes to the design of the approved buffer are proposed with this application. This standard is met.

C. *Screening Requirements*

1. *Where screening is required, the following standards shall apply in addition to those required for buffering:*
 - a. A hedge of evergreen shrubs shall be planted which will form a four-foot high continuous screen within two years of planting; or,*
 - b. An earthen berm planted with evergreen plant materials shall be provided which will form a continuous screen six feet in height within two years. The unplanted portion of the berm shall be planted in lawn, ground cover or bark mulch; or,*
 - c. A five foot or taller fence or wall shall be constructed to provide a continuous sight obscuring screen. Fences and walls shall be constructed of any materials commonly used in the construction of fences and walls such as wood, brick, or other materials approved by the Director. Corrugated metal is not an acceptable fencing material. Chain link fences with slats may be used if combined with a continuous evergreen hedge.*

Response: The RIPD zone does not have any zone-specific requirements to provide screening. This standard does not apply.

2. *When the new use is downhill from the adjoining zone or use being protected, the prescribed heights of required fences, walls, or landscape screening along the common property line shall be measured from the actual grade of the adjoining property at the common property line. This requirement may be waived by the adjacent property owner.*

Response: Adjoining properties are at the same elevation as the proposed use. This standard does not apply.

3. *If four or more off-street parking spaces are required, off-street parking adjacent to a public road shall provide a minimum of four square feet of landscaping for each lineal foot of street frontage. Such landscaping shall consist of landscaped berms or shrubbery at least 4 feet in total height at maturity. Additionally, one tree shall be provided for each 50 lineal feet of street frontage or fraction thereof.*

Response: No modifications to parking are proposed with this application. The proposed parking areas approved by Site Design Review DR 21-03 and Variance 21-05 are at least a third of a mile from Hermo Road. Therefore, no screening was required between parking areas and the road. This standard does not apply.

4. *Landscaped parking areas may include special design features such as landscaped berms, decorative walls, and raised planters.*

Response: No modifications to parking are proposed with this application. No berms, walls, or raised planters were proposed or approved in the parking area landscaping. This standard does not apply.

5. *Loading areas, outside storage, and service facilities must be screened from adjoining properties.*

Response: No modifications to loading areas or outdoor storage are proposed with this application. The County previously approved a variance to authorize a waiver of screening standards due to the need to provide clear sight lines to the facility to maintain security. This standard does not apply.

D. *Fences and Walls*

1. *Fences, walls or combinations of earthen berms and fences or walls up to four feet in height may be constructed within a required front yard. Rear and side yard fences, or berm/fence combinations behind the required front yard setback may be up to six feet in height.*

2. *The prescribed heights of required fences, walls, or landscaping shall be measured from the lowest of the adjoining levels of finished grade.*

3. *Fences and walls shall be constructed of any materials commonly used in the construction of fences and walls such as wood, brick, or other materials approved by the Director. Corrugated metal is not an acceptable fencing material. Chain link fences with slats may be used if combined with a continuous evergreen hedge.*

4. *Re-vegetation: Where natural vegetation or topsoil has been removed in areas not occupied by structures or landscaping, such areas shall be replanted to prevent erosion.*

Response: As previously approved by Site Design Review DR 21-03, the applicant intends to surround the majority of the facility (except for the office area) with seven-foot-high chain link fencing topped by one foot of barbed wire per ASTM F2611-15 for security as required by U.S. Department of Homeland Security requirements. Due to provisions of the Chemical Facility Anti-Terrorism Standards (CFATS) risk-based performance standard, the County Board of Commissioners granted Variance 21-05 to eliminate the continuous evergreen hedge normally required with chain link fencing. This variance also authorized fencing taller than the specified six-foot limit and to authorize chain link without slats and without a continuous an evergreen hedge due to the need to maintain sight lines to the facility. The proposed rail realignment will result in a corresponding realignment of security fencing, but the fence design will not change. No further variance approval is required to relocate the fence and construct it in accordance with the Variance V 21-05.

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.*

Response: CCZO Section 1102 identifies the “Area of Special Flood Overlay” as “the land in the flood plain within a community subject to a one percent or greater chance of flooding in any given year. Designation on maps always includes the letters A or V.” According to the Federal Emergency Management Agency’s (FEMA) Flood Insurance Rate Map 41009C0050D, dated November 26, 2010, the site is in shaded Zone X, which is outside the Special Flood Hazard Area (see Exhibit 5). Therefore, the Commission can find that this standard does not apply.

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

Response: As detailed in the responses to Sections 1170 and 1180, the site is outside the Riparian Corridors, Wetlands, Water Quality, and Fish and Wildlife Habitat Protection Overlay Zone but within the Wetland Area Overlay. To prepare the site for development, the proposed construction will result in temporary and permanent impacts to wetlands. The applicant is seeking approval from the U.S. Army Corps of Engineers for wetland alterations and the Oregon Department of State Lands has issued permits for wetland alterations. The applicant will perform approximately 488 acres of off-site wetland mitigation south of the site in accordance with Federal and State law.

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

Response: The applicant is proposing modifications to an approved renewable diesel production facility as permitted in the RIPD zone under prescribed conditions. The overall development will impact wetlands so the applicant will perform mitigation as provided by Federal and State law. There are no significant natural areas or features on the site. As detailed in the responses to Sections 1120, 1185, and 1190, the site is outside the Sensitive Bird Habitat Overlay, Natural Area Overlay, and Big Game Habitat Overlay. The applicant will perform stormwater management in accordance with applicable standards (as outlined in the stormwater report, Exhibit 19) and will obtain all necessary environmental permits to minimize impacts on off-site natural areas and features.

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.*

Response: Historic and culturally significant sites and structures are identified in Article XI of the Comprehensive Plan. None of the listed sites and structures are on or adjacent to the site. The Planning Commission can find that this standard does not apply.

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

Response: Lighting is not proposed to change from the approved layout illustrated in Exhibit 3 Sheets C1.50 and C1.51. Light fixtures will be shielded and placed far enough from property lines so they focus light on the work area rather than casting light on adjoining properties or public streets. This standard 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.*

Response: No modifications to building orientation is proposed with this application. This standard does not apply.

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.*

Response: The TIA (Exhibit 20) found that all study intersections meet applicable Columbia County, Oregon Department of Transportation, and City of Clatskanie mobility standards in 2020, in 2024 without NEXT Renewable Fuels, and in 2024 with NEXT Renewable Fuels. The TIA did not identify a need for mitigation strategies. Hermo Road is currently gravel near the site, but the County has a planned project (TSP Project #9) to improve the road from Quincy Mayger Road to just west of the existing rail spur south of the PGE site. The Applicant will satisfy condition of approval #14 requiring improvements to Hermo Road.

There is an existing paved roadway from Kallunki Road to the PGE Beaver Generation site and this road has an existing paved rail crossing. Site Design Review DR 21-03 approved the applicant's proposed use of a secondary gravel driveway that connects to this existing paved roadway west of the rail line, with no requirement for rail improvements at that private crossing.

No changes to off-site auto and pedestrian facilities are proposed with this modification application. This standard is met.

1564 Final Site Plan Approval

If the Planning Director or Planning Commission approves a preliminary site plan, the applicant shall finalize all the site drawings and submit them to the Director for review. If the Director finds the final site plan conforms with the preliminary site plan, as approved by the Director or Planning Commission, the Director shall give approval to the final site plan. Minor differences between the preliminary site plan and the final site plan may be approved by the Director. These plans shall be attached to the building permit application and shall become a part of that permit.

Response: Following preliminary review by the Planning Commission, the applicant will submit refined plans to the Planning Director as part of the building permit review process. This standard is met.

Section 200 General Provisions

215 Ingress and Egress

Every use of property shall hereafter have a defined point of usable ingress and egress onto any street. Such defined points of access shall be approved at the time of issuance of a building permit.

Response: As depicted on the approved design in Exhibit 3, Sheets G0.01 and C1.13, the development will utilize a driveway to Hermo Road as its primary access point, with secondary egress to Kallunki Road for emergency vehicles and for equipment to access barges. Each of these serves as a defined ingress and egress point. As shown on the proposed plans in Exhibit 4, vehicle access locations are not proposed to change with this application. This standard is met.

Section 1100 Flood Hazard Overlay (FH)

Response: The site is protected from flooding by dikes and associated stormwater conveyance and pumps within the Beaver Drainage District. According to the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Map 41009C0050D, dated November 26, 2010, the dike system has been provisionally accredited by FEMA. See Exhibit 5. This map indicates that the site is in FEMA's shaded Zone X, corresponding to areas protected by levees from 1% annual chance flood. The proposed driveway, pipe rack, and rail corridor are also in shaded Zone X. Therefore, the site is not in the Special Flood Hazard Area and is not subject to the standards of this chapter.

Section 1120 Sensitive Bird Habitat Overlay (SBH)

Response: Columbia County Comprehensive Plan, Part XVI, Article VIII(F), Non-Game Wildlife Habitat, lists areas identified as significant nesting sites by the Oregon Department of Fish and Wildlife. Port Westward is not a listed area for Bald Eagle nests, Blue Heron rookeries, or Northern Spotted Owl nests. As illustrated in Exhibit 6, the site is not within any areas identified as Natural Areas, Non-Game Areas, or Sensitive Areas on the County's Threatened, Endangered, and Sensitive Wildlife and Plant and Natural Areas map.

Columbia County Comprehensive Plan, Part XVI, Article VIII(G), Upland Game Habitat lists three mineral spring areas identified as habitats for band-tailed pigeons, none of which include Port Westward. As illustrated in Exhibit 7, the site is not within an identified Upland Game Habitat area in the County's Wildlife Game Habitat map.

Since the site is not within the identified habitat areas, development at the site is not subject to the Sensitive Bird Habitat Overlay Zone.

Section 1130 Historic Overlay (HO)

Response: Historic and culturally significant sites and structures are identified in Article XI of the Comprehensive Plan. None of the listed sites and structures are on or adjacent to the site. Development at the site is not subject to the Historic Overlay.

Section 1170 Riparian Corridors, Wetlands, Water Quality, and Fish and Wildlife Habitat Protection Overlay Zone (RP)

1172 Riparian Corridor Standards

- A. *The inventory of Columbia County streams contained in the Oregon Department of Forestry Stream Classification Maps 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, except as provided in CCZO Section 1172(A)(5), below. 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, except as provided in CCZO Section 1172(A)(5), below. Average annual stream flow information shall be provided by the Oregon Water Resources Department.*
 4. *Other rivers, lakes, streams, and sloughs. Along all other rivers, streams, and sloughs, the riparian corridor boundary shall be 25 feet upland from the top-of-bank, except as provided in CCZO Section 1172(A)(5), below.*
 5. *Wetlands. Where the riparian corridor includes all or portions of a significant wetland, as identified in the State Wetlands Inventory and Local Wetlands Inventories, the standard distance to the riparian corridor boundary shall be measured from, and include, the upland edge of the wetland. Significant wetlands are also regulated under provisions in the Wetland Overlay Zone, Columbia County Zoning Ordinance, Section 1180.*

Response: The site is not subject to CCZO Section 1170, as confirmed by the County Board of Commissioners in Final Order 12-2022 for DR 21-03 and V 21-05:

The County Riparian Corridor Overlay Zone (CCZO 1170) ("Riparian Corridor") states that riparian corridor boundaries will be established based upon streams and lakes as identified in the maps referenced in the CCZO 1172.A and for wetlands if they are significant as identified in the State Wetlands Inventory and the Local Wetlands Inventories. The Board

finds that the Facility is not within the Riparian Corridor boundary because there are no County-designated streams or lakes on the Facility site and because the wetlands on the Facility site are not significant, as explained in more detail below.

The Facility will not enter or abut any lake, river, or stream areas mapped in the Columbia County Stream Classification Maps and in the map “Lakes of Columbia County”, which are attached to the Comprehensive Plan, Technical Appendix Part XVI, Article X(B). The Board recognizes that under CCZO 1172, the Riparian Corridor boundary may apply to also include all or portions of a “significant wetland.” (CCZO 1172.A.5). Applicant submitted a wetland delineation report for the Facility with its Application. (Exhibit 11 to Application, Anderson Perry Wetland Delineation Report). The report indicates there are wetlands in the Facility site. The Oregon Department of State Lands (“DSL”) reviewed the wetland delineation report for the Facility site and agreed with its delineation. DSL provided a memorandum dated December 15, 2021, which recommended that the County find the wetlands are not significant. The County agrees with DSL’s recommendation and finds that Applicant has provided substantial evidence that the wetlands on the Facility site are not significant and therefore, are not regulated by the County’s Riparian Corridor overlay. (CCZO 1172).

The modifications proposed with the current application fall within the same Facility boundaries as previously analyzed and no modifications are proposed within the 25-foot riparian buffer around McLean Slough (Exhibit 4). Therefore, this application does not trigger application of the Riparian Corridors, Wetlands, Water Quality, and Fish and Wildlife Habitat Protection Overlay Zone.

Section 1180 Wetland Area Overlay (WA)

1181 Purpose

The purpose of this zone is to protect significant wetlands within the identified Wetland Areas as shown on the State Wetland Inventory and Local Wetland Inventories, from filling, drainage, or other alteration which would destroy or reduce their biological value. The Wetland Area Overlay does not apply to land legally used for commercial forestry operations or standard farm practices, both of which are exempt from these wetland area corridor standards. The use of land for commercial forestry is regulated by the Oregon Department of Forestry. The use of land for standard farm practices is regulated by the Oregon Department of Agriculture, with riparian area and water quality issues governed by ORS 568.210 to ORS 568.805.

1182 Definition

A significant wetland is an area that is inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions. In case of dispute over whether an area is of biological value and should be considered a significant wetland, the County shall obtain the recommendation of the Oregon Department of Fish and Wildlife, the Columbia County Soil and Water Conservation District, and the Division of State Lands.

Response: Multiple potential wetlands exist within the site boundaries as illustrated in the Statewide Wetlands Inventory excerpt in Exhibit 11 and in the County’s map in Exhibit 8. The applicant therefore engaged a wetlands consultant to perform a site-specific wetland delineation, with the resulting report attached as Exhibit 12. The wetland delineation report, which reveals considerable differences in wetland size and location compared to the Statewide Wetlands Inventory, has been approved by the Oregon Department of State Lands (DSL) (Exhibit 13). As discussed in Exhibit 14, based on the wetland delineation report approved by DSL, the presence of plants adapted solely to wetlands is very low, as most of the plants consist of species that grow in wetlands and non-wetlands. Since the vegetation within the

delineated wetland does not constitute a prevalence of plants “adapted for life in saturated soil conditions,” the wetlands do not meet the County’s adopted definition of significant wetlands.

In addition to the vegetation profile, the biological value of the delineated wetlands is limited. Exhibit 14 notes that the wetland delineation report analyzed 17 functions, of which only four received higher ratings, while five received moderate ratings and seven received lower ratings. Since the wetland delineation report has been approved by DSL, there does not appear to be any dispute by subject matter experts on whether these wetlands have little biological value. DSL issued a written statement explaining the non-significance of affected wetlands in December 2021 (Exhibit 15). The Columbia Soil and Water Conservation District and the Oregon Department of Fish and Wildlife also provided comments, attached as Exhibits 16 and 17 respectively. Based on this evidence, the County Board of Commissioners concluded that the wetlands do not meet the County’s adopted definition of “significant” wetlands, as confirmed by the County Board of Commissioners in Final Order 12-2022 for DR 21-03 and V 21-05:

The Board finds the County’s Wetland Area Overlay set forth in CCZO 1180 does not prohibit development of the Facility because the wetlands that will be impacted by Applicant’s Facility are not “significant wetlands.” As discussed above, Applicant’s wetlands consultant delineated the wetlands on the Facility site and DSL approved the delineation. The County’s Wetland Area Overlay states that use and development activities in the overlay zone are permitted outright or conditionally if they will not destroy or degrade a “significant wetland” as defined in CCZO 1182. (CCZO 1183).

[...]

Accordingly, the Board finds the wetlands on the Facility site lack the biological value to be considered significant for purposes of CCZO Chapter 1180. Therefore, the Board finds that development of the Facility within delineated non-significant wetlands is permitted pursuant to CCZO 1183.

The applicant is seeking approval from the U.S. Army Corps of Engineers for wetland alterations and the Oregon Department of State Lands has issued permits for wetland alterations. The applicant will perform approximately 488 acres of off-site wetland mitigation south of the site in accordance with Federal and State law.

The modifications proposed with the current application fall within areas previously delineated as non-significant wetlands and are therefore permitted under Section 1180.

Section 1185 Natural Area Overlay (NA)

Response: The Oregon State Register of Natural Heritage Resources, attached as Exhibit 14, does not include any sites in the vicinity of Port Westward. Furthermore, the Nature Conservancy does not own any natural areas within Columbia County. Finally, the inventory of natural areas in Columbia County Comprehensive Plan, Part XVI, Article IX, Natural Areas does not identify any sites in the vicinity of Port Westward. Therefore, development at the site is not subject to the Natural Area Overlay Zone.

Section 1190 Big Game Habitat Overlay (BGR)

Response: Columbia County Comprehensive Plan, Part XVI, Article VIII(A), Big Game Wildlife Habitat identifies three types of big game habitat. As depicted in Exhibit 7, the site is not within a Big Game Habitat area, Peripheral Big Game Habitat area, or Columbia white-tailed deer range in the County’s Wildlife Game Habitat map. Therefore, development at the site is not subject to the Big Game Habitat Overlay Zone.

Section 1300 Signs

1301 Use

No sign may be established, altered, or expanded hereafter in any district in Columbia County, except in accordance with the provisions outlined in this Section. The sign provisions apply to signs established in conjunction with any use in the county.

Response: Prior to sign installation, the applicant will obtain all necessary permits and submit signage designs to County staff for review where required by code. No signage changes are proposed with this application.

Section 1400 Off-Street Parking and Loading

1401 General Provisions

At the time of the erection of a new building, or an addition to an existing building, or any change in the use of an existing building, structure, or land which results in an intensified use by customers, occupants, employees, or other persons, off-street parking and loading shall be provided according to the requirements of this section.

1402 Continuing Obligation

The provisions for and maintenance of off-street parking and loading facilities shall be a continuing obligation of the property owner. No building or any other required permit for a structure or use under this or any other applicable rule, ordinance, or regulation shall be issued with respect to off street parking and loading, or land served by such land, until satisfactory evidence is presented that the property is, and will remain, available for the designated use as a parking or loading facility.

Response: The applicant acknowledges the ongoing responsibility to maintain the parking and loading areas. No changes are proposed to the parking areas approved by DR 21-03/V 21-05. This standard is met.

1407 Change of Use

In case of enlargement or change of use, the number of parking or loading spaces required shall be based upon the total area involved in the enlargement or change in use.

Response: No enlargement or change of use is proposed with this application. The applicant will provide the number of parking spaces and loading spaces approved by DR 21-03/V 21-05. This standard does not apply.

Section 1450 Transportation Impact Analysis

1450 Transportation Impact Analysis

A Transportation Impact Analysis (TIA) must be submitted with a land use application if the proposal is expected to involve one or more of the conditions in 1450.1 (below) in order to minimize impacts on and protect transportation facilities, consistent with Section 660-012-0045(2)(b) and (e) of the State Transportation Planning Rule.

- .1 Applicability – A TIA shall be required to be submitted to the County with a land use application if the proposal is expected to involve one (1) or more of the following:*
 - A. Changes in land use designation, or zoning designation that will generate more vehicle trip ends.*
 - B. Projected increase in trip generation of 25 or more trips during either the AM or PM peak hour, or more than 400 daily trips.*
 - C. Potential impacts to intersection operations.*
 - D. Potential impacts to residential areas or local roadways, including any non-residential development that will generate traffic through a residential zone.*

- E. *Potential impacts to pedestrian and bicycle routes, including, but not limited to school routes and multimodal roadway improvements identified in the TSP.*
- F. *The location of an existing or proposed access driveway does not meet minimum spacing or sight distance requirements, or is located where vehicles entering or leaving the property are restricted, or such vehicles are likely to queue or hesitate at an approach or access connection, thereby creating a safety hazard.*
- G. *A change in internal traffic patterns may cause safety concerns.*
- H. *A TIA is required by ODOT pursuant with OAR 734-051.*
- I. *Projected increase of five trips by vehicles exceeding 26,000-pound gross vehicle weight (13 tons) per day, or an increase in use of adjacent roadways by vehicles exceeding 26,000-pound gross vehicle weight (13 tons) by 10 percent.*

Response: Mackenzie transportation engineers estimate that the proposed development will generate more than 400 weekday trips and more than 25 peak hour trips. Accordingly, the applicant has provided a TIA as required (Exhibit 20) and has provided a supplemental letter regarding the continuing applicability of the TIA (Exhibit 21). This standard is met.

.2 Consistent with the County’s Guidelines for Transportation Impact Analysis (TIA), a landowner or developer seeking to develop/redevelop property shall contact the County at the project’s outset. The County will review existing transportation data to establish whether a TIA is required. It is the responsibility of the applicant to provide enough detailed information for the County to make a determination. An applicant should have the following prepared, preferably in writing:

- A. *Type of uses within the development*
- B. *The size of the development*
- C. *The location of the development*
- D. *Proposed new accesses or roadways*
- E. *Estimated trip generation and source of data*
- F. *Proposed study area*

If the County cannot properly evaluate a proposed development’s impacts without a more detailed study, a TIA will be required. The County will provide a scoping summary detailing the study area and any special parameters or requirements, beyond the requirements set forth in the County’s Guidelines for Transportation Impact Analysis, when preparing the TIA.

Response: The applicant’s transportation engineers submitted a scoping letter for review and approval by Columbia County staff and Oregon Department of Transportation staff prior to commencing the TIA. The scoping letter identified those items that would be addressed as part of the analysis (Exhibit 20). This standard is met.

.3 Approval Criteria. When a TIA is required, a proposal is subject to the following criteria:

- A. *The TIA addresses the applicable elements identified by the County Public Works Director and the County’s Guidelines for Transportation Impact Analysis;*
- B. *The TIA demonstrates that adequate transportation facilities exist to serve the proposed development or, identifies mitigation measures that resolve identified traffic safety problems in a manner that is satisfactory to the County Public Works Director and, when state highway facilities are affected, to ODOT;*
- C. *For affected non-highway facilities, the TIA establishes that mobility standards adopted by the County have been met; and*

- D. *Proposed public improvements are designed and will be constructed consistent with County Road Standards and access spacing standards in the Transportation System Plan.*

Response: The project TIA (Exhibit 20) addresses those items identified in the scoping letter approved by County and ODOT staff to ensure compliance with approval standards. The TIA indicates that the proposed development will generate 667 weekday trips, 91 of which will occur in the AM peak hour and 84 of which will occur within the PM peak hour. The report analyzed traffic operations at six study area intersections in 2020 and in 2024, both with and without the proposed development.

The report found that all six study intersections meet applicable Columbia County, Oregon Department of Transportation, and City of Clatskanie mobility standards in 2020, in 2024 without NEXT Renewable Fuels, and in 2024 with NEXT Renewable Fuels. The report also found that existing and future traffic queues can be accommodated within the existing storage areas at all study intersections. Based on this analysis, the TIA does not recommend any mitigation strategies as a result of the proposed facility.

Due to the passage of time since the TIA was issued, Mackenzie transportation engineers revisited the analysis to see whether the results were still valid. As explained in the traffic analysis update letter in Exhibit 21, the ITE has now issued the *Trip Generation Manual, 11th edition*, which resulted in revised trip generation consisting of 660 weekday trips, 83 of which will occur in the AM peak hour and 80 of which will occur within the PM peak hour. The updated trip generation estimates reflect a nine percent reduction of AM Peak Hour trips (eight fewer trips), a five percent reduction of PM Peak Hour trips (four fewer trips), and a one percent reduction of average daily trips (seven fewer trips). Based on this comparison, the trip generation in the January 14, 2021, TIA is slightly higher and thus is more conservative than if the trip generation were performed using the latest Trip Generation Manual. Consequently, off-site impacts are projected to be less significant than originally presented in the January 14, 2021, TIA.

The traffic analysis update letter also notes that Oregon Department of Transportation (ODOT) traffic volumes have grown one percent in the interim. Therefore, Mackenzie transportation engineers concluded that due to the decreased site trips and slight increase in existing traffic volumes, off-site impacts are projected to be similar to those originally presented in the January 2021 TIA. Furthermore, the proposed site modifications are not anticipated to affect vehicle trips since the modifications do not alter staffing levels. Therefore, the conclusions of the 2021 TIA (Exhibit 20) continue to apply.

The site does not abut any public rights-of-way but is near Hermo Road, which is classified as a local road in the 2017 Columbia County Transportation System Plan (TSP). The TSP recommends an optimum right-of-way width of 50 feet and an optimum roadway width of 28 feet (to accommodate ten-foot lanes and four-foot shoulders). The existing right-of-way width at the driveway location is 60 feet so no right-of-way dedication is merited. Hermo Road is currently gravel near the site, but the County has a planned project (TSP Project #9) to improve the road from Quincy Mayger Road to just west of the existing rail spur south of the PGE site. The Applicant will satisfy DR 21-03/V 21-05 condition of approval #14 requiring improvements to Hermo Road.

Based on the information noted above and the full TIA, the applicant has demonstrated compliance with the identified approval criteria.

.4 *Conditions of Approval.*

- A. *The County may deny, approve, or approve a proposal with conditions necessary to meet operational and safety standards; provide the necessary right-of-way for improvements; and to require construction of improvements to ensure consistency with the future planned transportation system.*
- B. *Construction of off-site improvements may be required to mitigate impacts resulting from development that relate to capacity deficiencies and public safety; and /or to upgrade or construct public facilities to County Standards.*

Improvements required as a condition of development approval, when not voluntarily provided by the applicant, shall be roughly proportional to the impact of the development on transportation facilities. Findings in the development approval shall indicate how the required improvements directly relate to and are roughly proportional to the impact of development.

Response: The Applicant will satisfy DR 21-03/V 21-05 condition of approval #14 requiring improvements to Hermo Road.

IV. CONCLUSION

Based on the information presented and discussed in this narrative and the attached supporting plans and documentation, this application meets applicable standards necessary for approval of Site Design Review Modification. The development complies with all applicable standards of the Zoning Ordinance. The applicant respectfully requests approval by the County.