

COLUMBIA COUNTY BOARD OF COMMISSIONERS
BOARD MEETING

MINUTES
PORT WESTWARD HEARING

August 2, 2017

The Columbia County Board of Commissioners met for a public hearing on the Port Westward LUBA Remand, with Commissioner Henry Heimuller, Commissioner Margaret Magruder and Commissioner Alex Tardif, together with Robin McIntyre, Assistant County Counsel, Jan Greenhalgh, Board Office Administrator and Julie Stenberg, Paralegal. The hearing was held at the Clatskanie High School, 471 SW Belair, Clatskanie, Oregon.

Commissioner Heimuller called the meeting to order at 6:00 p.m.

HEARING - PORT WESTWARD REMAND:

This is the time set for the public hearing, “In the Matter of the Application by the Port of St. Helens for a Comprehensive Plan Amendment, Zone Change and Goal 3 Exception to Reclassify and Rezone Property from Primary Agriculture (PA-80) to Resource Industrial Planned Development (RIPD) for an 837 Acre Expansion of Port Westward on Remand from the Oregon Land Use Board of Appeals”.

Commissioner Heimuller reviewed the specific issues on remand and the hearing procedure to be followed tonight. The Port’s original application was approved by the County in 2014. The County’s decision was appealed to LUBA, which affirmed parts of the decision and remanded others. In particular, LUBA remanded the decision for the County to determine:

- (1) Whether there is evidence to support an Exception to Goal 3 on the basis that the uses cannot be located within an urban growth boundary due to impacts that are hazardous or incompatible with densely populated areas;
- (2) Whether areas that do not require a Goal Exception cannot reasonably accommodate the use;
- (3) Whether the proposed uses are compatible with adjacent uses or can be rendered so through mitigation; and
- (4) Whether an Exception to Goal 14 is also required.

The Port has modified its application to address the issues on remand. The issues on remand, and how the Port has modified its application to address those issues, is the purpose of this hearing. This hearing is a continuation of the Port’s original application, and all of the evidence and testimony that was admitted into the record on the original application remains part of the record here. Therefore, you do not need to resubmit evidence and/or restate testimony from prior hearings.

As for the hearing procedure, if you want to testify, please sign in. Except for the applicant and the chief petitioners to the LUBA appeal, testimony will be limited to 3 minutes. The applicant will be given as much time as it needs to present its application. The chief petitioners to the LUBA appeal – Riverkeepers and Mike Seeley – will be given 10 minutes each or 20 minutes total to divide as they wish. Everyone else will be limited to 3 minutes. If we do not get through all of the testimony tonight, we will continue the hearing to a date and time certain.

Robin McIntyre, Assistant County Counsel, first asked the Board if there are any conflicts of interest or ex parte contact to declare. None declared. Robin then read the pre-hearing statement into the record. She asked the Board if they intend to take testimony, they would need to officially reopen the record. With that, ***Commissioner Tardif moved and Commissioner Magruder seconded to reopen the record to allow for additional testimony. The motion carried unanimously.***

Robin then entered the following into the record: ***Exhibit "1"*** - County Counsel hearing file and a list of all contents; ***Exhibit "2"*** - letter from Marcia Denison; ***Exhibit "3"*** - testimony from Spencer Parsons; ***Exhibit "4"*** - testimony from Rainier Chamber; ***Exhibit "5"*** - testimony from Michael Sheehan; ***Exhibit "6"*** - additional testimony from Spencer Parsons; ***Exhibit "7"*** - testimony from Chip Bubl; ***Exhibit "8"*** - 2 volume binders from Columbia River; ***Exhibit "9"*** - testimony from Diane Pohl; ***Exhibit "10"*** - testimony from Jim Hoffman; ***Exhibit "11"*** - testimony from Johnathan Roads; ***Exhibit "12"*** - testimony from Randy Birkman; and ***Exhibit "13"*** - Petition from Columbia Riverkeepers.

Glen Higgins, Chief Planner, came before the Board to give the staff report. In January 2014, the County approved an application by the Port of St. Helens for a zone change at Port Westward. That decision was appealed to LUBA, who identified areas in the record that were insufficient for talking a Goal 3 Exception. The application was remanded back to the County to address those specific deficiencies. The Port of St. Helens has since revised their original application to address those issues. After review of the staff report, Glen stated that, based on the facts and findings, the Planning Director recommends approval of the Major Map Amendment PA 13-02 and Zone Change 13-01, as modified to address LUBA remand issues, to re-designate the site from Agriculture Resource to Rural Industrial and to amend the Zoning Map from PA-80 to RIPD, taking an exception to Goal 3 Ag lands, with the 6 conditions as listed in the 7.26.17 LDS Staff Report.

The hearing was opened for public testimony.

PROPONENTS:

Spencer Parson, 1750 SW Harbor Way, Portland, Oregon: He is the attorney for the Port of St. Helens on this application. The Port appreciates the recommendation from staff for approval and is totally on board with the conditions listed. To be clear, LUBA

affirmed most portions of the application and remanded only 4 issues back to the County. This hearing is specific to only those issues. The application has been modified for the proposed uses: forest, dry bulk, and liquid bulk. He read ORS 077.065 – consistent with goals. Based on the criteria and all recommended conditions, the Port would ask that the Board approve this modified application.

Greg Hinkleman, City Manager, City of Clatskanie: On behalf of the city and the Mayor, he is here today to strongly support the amended rezone application submitted by the Port of St. Helens. Economic development is absolutely key to our continued survival of this community. We need to diversify our economy. Think of Wauna Mill and the 50 plus years of jobs they have provided.

Robin then entered a letter from Kristin Edmark into the record marked **Exhibit “14”**.

Chuck Daughtry, Executive Director, Columbia County Economic Team, PO Box 375, St. Helens: Chuck explained the purpose of the CCET organization, which is a community organization that helps retain, recruit and grow businesses, investment and jobs in Columbia County. CCET strongly supports this application. So why is this property unique - this site provides access to an existing self-scouring dock and that dock provides access to the Army Corp of Engineering to maintain deep draft navigation channel of the Columbia-Snake river system. The impact of this rezoning is jobs - local, sustainable, family wage jobs. It diversifies the economic base of Columbia County and provides economic development in an area of the county where jobs are scarce. The rezoning of the property will also attract private business and public infrastructure. Again, CCET strongly supports the modified rezone application and would encourage the Board to approve it.

Brian Fawcett, 75364 Conyers Creek Rd, Clatskanie: He is the Conservation Lead Council for the Clatskanie PUD and is President of the Rainier Chamber of Commerce. On their behalf, he is here to offer support of this application. He first touched on the \$8 million plus investment already made at the Port and how that benefits our county. He then detailed the benefits of this rezone, i.e. family wage jobs, funding for our schools, road maintenance and increased tax valuation, among other benefits to the community. All responsible opportunities for north county should be explored. He would urge the Board to approve this application.

Michael Thomas 51721 SW 3rd, Scappoose: He is the Vice President of the Local Labor Union and is here to show support of this application. The future of our families and community depend on it.

Deborah Hazen, PO Box 157, Clatskanie: She strongly supports this zone change. There is plenty of under-utilized agriculture land in the Clatskanie areas, but there is a clear and pressing need for family wage jobs. Over the past 3 decades, the Clatskanie area has had continuing job losses, i.e. Wauna Mill down from 1,100 workers to 850; The Clatskanie School District lost 25% of its teaching staff and 40% of its classified staff and three schools have been closed. She would urge the Board to approve this application.

Patrick Wingard, DLCD, 4301 Third Street, Tillamook: The department appreciates the opportunity to continue to work with the County on this proposal. Columbia County and the Port of St. Helens are essential partners in promoting a prosperous economy in the northwest region of the State. Port Westward has significant potential for increased industrial development in job growth in the region. The department recognizes the importance of Port Westward's deep water port, associated dock and intersecting rail infrastructure to the local and regional economy. These distinct resources underlie the applicant's reason for a Goal 3 Exception and must be incorporated into the decision. The department, together with the North Coast Regional Solutions Team offers its support and assistance to develop necessary incentives and controls to ensure that future development activities at the site optimize the unique resources inherent to Port Westward, in accordance with State Law and associated Administrative Rule. The application has been modified to address the criteria and DLCD strongly recommends approval.

Rick Stonex, Castle Rock, Washington: He is here as a representative of Greenwood Resources, an entity of the Lower Columbia Tree Farm. His company manages productive forest and agriculture properties throughout the Americas and Europe and, as such, they are highly dependent on transportation from port type facilities. They generally support development and expansion and specifically the Port's application to development this property.

Gina Dines, President of the Clatskanie Chamber of Commerce, PO Box 635, Clatskanie: The Chamber is pleased to express their support for the Port of St. Helens modified application for a comp plan amendment and zone change to expand the Port Westward industrial site in order to attract large scale industrial users and maritime related businesses. As the Board is aware, economic conditions in the State have been improving generally, but rural areas continue to have a harder time recovering. Our community can benefit from additional economic development opportunities. The Chamber would urge the County Commissioners to consider the benefits to the county and the Clatskanie community when making their decision. They strongly support this application.

Mike Bridges, Longview, Washington: He is here representing the Council of Building Trades. Although he lives in Washington, he had done a lot of work at the Port Westward site. Many of the members of the CBT also benefit from work out there. They have a huge skilled labor force and with the job shortage, the need work. The Council supports this application.

Alta Lynch, PO Box 369, Scappoose: For the record, she is a member of County Planning Commission, however she is here as a citizen. She supports this application and believes that agriculture and industry can co-exist. She knows that, either way this goes, it will be appealed.

OPPONENTS:

Scott Hilgenberg, Craig Law Center, 917 SW Oak Street #417, Portland: He is here on behalf of the Columbia Riverkeepers. He would like to discuss the characterization of the LUBA remand, the nature of the modified application and the fact that the Port has not demonstrated that all of the proposed uses are significantly dependent on a unique resource. We heard today that the LUBA decision was affirmed in part, however that is untrue. The word "affirmed" does not appear in the 62 page LUBA decision, it was remanded in whole. LUBA remanded the decision back to the county because the Port had asked for too many proposed uses under too many reasons exceptions. Today we have heard that there are a narrow subset of uses being proposed, but he didn't hear any uses that had been proposed in 2013, that are not allowed today through the proposal. The only thing he can think of would be research and development laboratories, which he doesn't think anyone would have thought that would be sited on this land anyway. He has heard that the proposed uses constitute 5 specific uses, that is also incorrect. If you look the application, it lists about 18 different uses - use categories for the purposes of State Administrative Rules do not constitute uses for the purposes of doing a Reasons Exception. These broad use categories each provide uses that need to be analyzed independently. For instance, the Port requests a proposed use regarding liquid bulk commodities, production, processing, storage and transportation. Within that particular use, there are a number of different commodities that could be stored, processed, and transported, including tar sand oil, crude oil, liquid propane gas, fuel ethanol, etc. The Port has told us that the uses being proposed today are significantly dependent on a unique resource of the deep water port. If you look at the actual 18 uses that are being proposed, only a few of them have a direct correlation with the deep water port. For instance, take dry good bulk storage - how is that use directly dependent on a deep water port. Maybe if the use was characterized as storage, transportation and export of a use, but that is not what the Administrative Rules require. A reasons exception is intended to be exceptional. The uses that the Port is trying to get approved are the type of uses that need to be approved through an extensive periodic review, not a reasons exception.

Lauren Goldberg, Staff Attorney for Columbia Riverkeepers, 111 Third Street, Hood River, OR: Lauren reviewed errors in the original application by the Port and then repeated again in this application. Her testimony today is going to focus on the particular standard and explain why the Port made a number of errors back in 2014, that LUBA remanded and are again repeated in this application. Specifically, she is going to speak to the "so called" reasonable accommodation standard. This is OAR 660.004.02.02(b). Here the Port must demonstrate that areas that do not require a new exception cannot reasonably accommodate the use. The essential public policy is that if there are other industrial zoned areas that are available for development, we don't need to pave over industrialized high quality farm land. In 2014, the county found that about 445 acres of vacant land were unavailable at Port Westward due to wetlands and a limited term lease with PGE. Starting with the Port's argument on the existing Port Westward site and the 3 factors the Port is saying they can't develop because of the PGE lease, the wetlands and the encumbrances. Turning to the PGE lease, LUBA's decision was very clear that they needed to see a categorical, willingness from PGE to sublease land to other industrial tenants. So the Port went to PGE and asked for a letter, which has been submitted and included in the McKenzie report. Although PGE has a high standard, the letter does not say that PGE is unwilling to sublease land to other industrial use tenants. With regards to the wetland issue, the Port failed to show that development is precluded by wetlands at the site. LUBA's direction was to do a parcel by parcel analysis. In the McKenzie report, the Port looked at what it would take to mitigate all of the wetlands at Port Westward, and they stuck a huge price tag on that. In the evidence that CR submits today, they explain how there have been a number of wetland fills that have happened at the Port Westward site, parcel by parcel. CR has also submitted evidence into the record in a report from DSL that contradicts the McKenzie report. Further, reports shows that wetland mitigations are on the rise, post recession. An example is in Clatsop County, the North Coast Business Park has a number of wetlands on it and they are seeking approval to fill, on a parcel by parcel basis. It's important to note that when looking at the map, you see the Thompson property along the Columbia River, an incredible site of forested wetlands, so that's 50 acres of forested wetlands that the Port has a vision of filling in order to build additional industrial docks. The Port fails to address the possibility of using off site mitigation, which evidence shows that off site mitigation is a common practice in Oregon. Finally, the Port has not taken any action to protect the wetlands at the site. So the Port cannot argue that they cannot fill the wetlands because they are protected under conservation easements. Turning to encumbrances, the Port's argument that the Port Westward site is riddled with encumbrances and therefore not developable is not the fact. The reality is that the Port has a lease option right now for an 82 acre parcel at Port Westward to develop, what would likely be, one of the largest frap gas oil refinery in the world, at the Port Westward site. In looking at potential sites outside of the Port Westward site, the Port has rejected a number of alternative deep water ports, including the Port of Coos Bay, the Port of Astoria or the Port of Portland. The McKenzie analysis set itself up for the conclusion it reached. It created a number of criteria that ultimately left the Port with only 1 option – the Port Westward site. There is evidence in the record

that other ports are looking tenants for their deep water ports. For instance, the Port of Astoria is actively seeking tenants for the Tongue Point site. As for “compatibility”, she will have Jim Huffman address that, however it is important to note that LUBA found that you can’t set conditions on compatibility.

Scott Hilgenberg requested that, after the initial record has been closed, that CR have an additional 14 days to review any submittal or argument today or in the recent past and to submit responding testimony.

Jim Huffman, Blueberry Farmers, 78384 Collins Road, Clatskanie: A lot of communities want new investment to create jobs. Hopville Farms took hay fields and clear cut timber and turned it into a fabulous blueberry farm. The soil is unbelievably good, 30% organic matter and their plants out produce others by 30%. They believe that this location could be 10% of the Oregon blueberry market if given a chance to grow. They need exclusive farm use to do their job. His second point is, you can’t have an industrial use where you’re making food. All the things that are permissible for these industrial companies are on land where the water feeds the plants. You don’t want to irrigate food with the water coming from Port Westward. That won’t pass any food safety test. So they are on hold at this point. They would love to triple their investment on this farm and create new jobs, but they can’t until this matter is settled. The Board needs to determine if they want to have a world market on blueberries or a “pie in the sky” industrial. There are already a number of places up and down the Columbia River for industrial, but not for the blueberry farm. He believes the answer is pretty simple. Warren Buffet said that transporting LNG is like transporting our top soil.

Commissioner Tardif asked how many employees does the blueberry farm have. Jim stated 5-6 depending on the season. However, there would be more if they were able to expand.

Linda Horst, 1020 Kool Road, Kelso, Washington: The saying “don’t bite the hand that feeds you” comes to mind when considering the Port of St. Helens rezoning request of 837 acres of high quality farm land. If governmental agencies all over the US allowed industrial sprawl to overtake limited prime agriculture farm sites, our future ability to feed ourselves will be dramatically curtailed forever. To add insult to injury, this rezoning would also negatively impact the Columbia River, for which ironically, this county is named. Bordering half the county, this river is home to the most critical Pacific northwest salmon nurseries, and of course commercial and recreational fishing. Considering the vital nature of this river, it is imperative that all 7 fossil fuel proposals from Vancouver to Port Westward be evaluated for their negative impacts. It only takes 1 gallon of methanol to kill 198,000 gallons of water and everything in it. The Commissioners have an obligation to this generation and future generations, not to squander our very valuable, irreplaceable resources. We place our trust in you and would urge the Board vote no on this rezoning application.

Mark Keely, 3102 Green Mountain Road, Kalama, WA: For the past two years, he and other concerned citizens have been fighting a proposal for a methanol refinery in Kalama, Washington. Communities along the Columbia River depend on clear air and water for recreation, boating and fishing. We don't want any fossil fuel industry to destroy our life style or risk our safety and health. Only clean, sustainable industry should be allowed along the Columbia. Northwest Innovation Works is a limited liability company backed by the Chinese government and they have never built an oil refinery before. Please preserve Oregon farmlands.

Linda Leonard, 217 Pebble Lane, Kalama, WA: She is here today to ask the Board to vote no on this application. She read her letter of opposition and submitted it into the record.

Bill Eagle, 151 Allendale Road, St. Helen's: Bill read his testimony and submitted it into the record. "I am a graduate of Oregon State University and majored in agriculture with a minor in soils. He was the District Conservationist for the NRCS in Columbia County from 1980-2000. He assisted in the preparation and development of the Columbia County Soil Survey and authored the section on Agriculture/Settlement and Development in that survey. He also participated in the final soils review. Only 3.6% of land in Columbia County is considered prime agricultural land. Prime ag land is a good place for raising crops. Unfortunately, it is also a good place to grow homes and build factories. Only 1.1% of our county is in cultivated crops and only 3.94% is in hay or pasture, as opposed to 7.67% in urban and industrial lands. We have more urban and industrial lands than we have agriculture. As industrial lands grow, agricultural lands are disappearing. Our county's best agricultural land now has been replaced by rock pits and gravel mines. On May, 29, 1973, Governor Tom McCall signed SB 100 and 101, which set up statewide protections for farmland. From the moment these laws were passed, powerful and wealthy interests have worked hard to overturn them. They paid money to promote initiatives in 1976, 1978 and 1982 to defeat these protections, but all were defeated by a large public vote. In 1976, the Columbia Soil and Water Conservation District passed a resolution to support the preservation of agricultural lands in our county. Agricultural lands are normally shown as lands with soils capability classes I – IV. Our county soils survey shows that 3.4 of the soils in the proposed zone change are Capability Classes II and III and are good productive agricultural land. His fear is that we will lose good agricultural land along with the environmentally friendly jobs that agriculture creates. He also fears that industrial activity will force existing farms and businesses like the Seeley family mint operation to either close or relocate. It is because of this that he believes the Port's request for rezoning and amending our County's Comprehensive Plan is not in the best interest of the county residents and it certainly does not agree with the vision that Governor McCall had for our states future when he signed into law our Statewide Planning Goals. He would urge the County Commissioners to listen to the people as well as to the prior recommendation of their own Planning Commission and deny this zone change request.

Gary Wallis, Cowlitz County: It's interesting to hear all of the statistics, but it really comes down to values and what the people want. This county is a gem and it should not be destroyed. He would urge the Board to do the right thing and deny this application.

Chip Bubl, 32221 Church Road, Warren: He noted that he is expressing his views as a private citizens. LUBA remanded the earlier action by the Board to rezone a roughly 800 acre parcel of exclusive farm use land for industrial purposes because the application failed to prove necessity on two grounds. 1) The owner of the property, the Port of St. Helens, had no prospective tenant that needed land beyond what the Port already could site on property that either they or PGE already had zoned industrial; and 2) That the requirement for taking high quality agricultural ground out of use must align with the natural resource character of the area and be reflected in the companies the Port is entertaining for the site. The remand response before us now doesn't offer any evidence of a specific tenant that needs the additional land that would be provided by the rezone. While there is a letter from PGE stating that they don't have land within their leasehold, they can make available to this mysterious set of prospective clients, the Port continues to advertise for tenants. The response also includes a laundry list of products that the Port wished to pursue to justify the rezone that hardly meshes with the unique natural resource character of the area necessary for the rezone. Oil from North Dakota, potash mined from Canada, coal from Wyoming, automobiles from the Far East or methanol manufactured from natural gas (all subjects of Port pursuit over the last 10 years and embedded in the list of possible tenants) hardly meet this test. There is no need for additional log shipping capacity given the capacity at the Port of Longview and international grain shipments are already well covered by other ports on the Columbia River. The land that the Port wants to rezone, along with much of the land in the Beaver District, has a long history of productive agriculture from the 1930's with crops of mint oil, bentgrass seed for lawns, blueberries and other small fruits, high quality dairy pasture ground and a fair amount of fresh and processed vegetables. In the late 1960's, there was a decline of the high value agriculture due, largely to the opening of the Wauna paper mill and the consolidation of a lot of the Beaver District farms into one large (4,500 acre) entity focused on beef productions. The beef operation failed spectacularly in the mid 1970's and was sold to three farmers (vegetable, bulb and dairy) from Skagit County, who saw the high value potential. But a recession clipped that project and the poplar plantations began. Over the last 25+ years, the acreage devoted to high value crops has grown dramatically. Blueberries are thriving and so is the mint oil production. Both operations are selling to value-added markets and all want to expand. This ag land is not long a secret and in the near term, high quality ag land in Columbia County will only become more important as the climate changes. Northwest Oregon's agriculture will fare better than most areas in the western US as temperatures warm. The Beaver District has excellent irrigation water rights, unique Class II and III soils that are designed for protection in the state land use classification system and a long history of high value agricultural use. There is no compelling reason to rezone land of this quality for uncertain and problematic development by the Port.

Gary Soderstrom, 20716 Johns District Road, Clatskanie: He is a fisherman and a fourth generation Clatskanie resident. He lives right next to the pollution. They talk about natural gas being clean energy. It's clean burn energy, not clean energy. He is really concerned with the Thompson property being some of our best, high tidal area left on the Columbia River. It has one of the best fish estuaries around. The Port can build 1,000 feet up or down river, but the estuary needs to stay. They don't need the Thompson property.

Leonard Peterson, 50776 Dike Road 5A, Scappoose: He is one that believes we do need sustainable economic growth in the community but he also believes that it can be compatible if you find the right ways with agriculture and the health, safety and protection of the public. In looking at the application and hearing testimony, one of the things that LUBA stated is that the use has to be compatible with adjacent uses. When he read what the proposed uses are, it has to be either a solid, a liquid or a gas. The application is not specific enough as to the uses and should be better defined. Secondly, the dock facility is not even on the land being proposed for a rezone and encourages the Board to look at that.

Darrel Whipple, 76439 Alston Mayger Road, Rainier: He is a retired Rainier teacher, and currently managing his family's tree farm out of Clatskanie. The Port has asked the county to approve and submit to LUBA its revised application for rezoning it 837 acres of farmland to industrial use. LUBA picked apart the Port's original application, the County's approval of it and the claims made by those who appealed the decision. Now they have a new application that is supposed to fix the flaws in the original or at least make it acceptable to the LUBA as an adequate rationale for removing a broad stretch of farmland at Port Westward, subverting statewide Goal 3 – preserve farmland. The focus of the new application is on showing how the several proposed "rural" uses are ones that would be significantly dependent on the site's "unique resource" – the deep water port and existing dock. This hook – the unique resource – matches one of the legal criteria that can be used to justify an exception to Goal 3. A site-specific resource feature like a river port on ag land can be invoked to allow Goal 3 not to be applied in such a case. The selection of allowable uses, however, must be compatible with existing, neighboring uses. At Port Westward, we have blueberries and mint, crops that are very sensitive to air, water and soil contamination, but which currently thrive under the fortuitous combination of conditions that prevail there. Some of the plants at Poysky's blueberry farm are 75 years old and still producing. He would submit that the proposed uses listed in the new application and their attendant impacts on the land, are not compatible with Port Westward farms. They are talking about a major expansion of industrial activities at full development.. Runoff from paved surfaces alone will become a major threat to ground water. Chemical and fossil fuel spills, even accidental, from bulk liquid facilities will taint plant sites, as has already happened with PGE's energy facility. A new rail spur

would have to be built through soft ground at great public or private expense. He urged the Board to send this application back to the Port saying “thanks, but no thanks”.

Tracy Prescott-MacGregor, 79490 Erickson Dike Road, Clatskanie: She and her husband live not far from the Port Westward site being proposed for a re-zone. They have lived on and farmed their land for the last 17 years. She and another local farmer, Melanie Hudson, own a small local business of brush clearing goat herds. She grows most of their own food and shares the abundance with neighbors and friends. This land has a rich history of farming since the early 1920’s, when these lands were diked. These irreplaceable soils were laid down by 100s of thousands of years of periodic flooding of the Columbia River. In the late 1970’s, the Oregon State Legislature, seeing the rapid disappearance of farmland in the state, voted to reserve this precious land in order to assure that future generations would continue to be fed by the food grown here. That has made it possible for the farmers in this area to continue to farm this very day. Mint, blueberries, cottonwood, beekeeping and grass fed feed are just a few of the products of this rich ecosystem. Many in this community are working hard to create a sustainable, local food system, a key element in earthquake preparedness. She questions the wisdom of placing a methanol plant, an ethanol shipping and storage plan, natural gas and potentially Bakken crude oil, all with hundreds of feet from each other. All of these commodities are flammable and because they are surrounded by the connected waterways, in the event of an accident, these commodities would spread quickly through these dike lands, ruining the soils irreversibly. Our constitution says “we the people”, not “we the corporations”. Vote no on the rezone.

Dennis Carlson, AgriCare, 3705 Independence Hwy, Independence, OR: He is the Asset Manager for Hopville Farms . AgriCare manages farmland all over Oregon and California. You can never find the beautiful, rich, fertile soil as what’s here in Clatskanie. They stopped making farmland a long time ago and it only continues to be reduced. As the world population grows and food consumption grows, we’re going to need all the farmland we have. Currently, there is roughly 300 acres of blueberries in the Clatskanie area. Their goal is to expand the amount of blueberry acreage in this area in order to raise the value of our land and operations. With roughly 1000 acres, they could easily open their own packing facility which could bring more jobs and income to the area. If this rezone is allowed to move forward, it would be putting all of our farmers at risk of contamination. AgriCare strongly opposes this application.

Warren Nakkela, 80183 Kallunki Road, Clatskanie, OR: His property is adjacent to the proposed expansion. He questions the boundary line on the southern side. His family has been on this property since 1921. He wants to address the “elephant in the room”. The Beaver Drainage District is protected by levees which include the Port Westward properties, which is an agricultural levee. Because of that, there is this issue regarding flooding in industrial areas. Those people that provide the insurance and the bankers that put up the money, they want to be in a flood free elevation. PGE has installed 3

power plants and each one on fill that the Army Corps put in. In 1942 when they developed the ammunition shipping port to support the war in the Pacific. In order to fill the property up to the levee, it would cost somewhere between \$400,000 and \$500,000 per acre.

Cheryl Johnson, 44183 Peterson Lane, Astoria, OR: She is a 40 year resident of east Clatsop County and her property is farm and forest. They live within walking distance of the Columbia River and are deeply concerned about the health of the river and the fish habitat. The County must consider and address the cumulative impacts on the surrounding property and the river, which belongs to all of us in the Pacific Northwest. She referred to a report by the Washington Attorney General, completed in 2016, states that a major oil spill from an oil terminal can cause hundreds of millions, even more than a billion dollars of damage to our salmon habitat and our fisheries. What's bad for the fish in this case, is also bad for the farmers. Having clean uncontaminated water and clean air are critical to the farm operations. Because this application lacks the critical analysis of cumulative impacts on adjacent uses, this application must be denied.

Steve Rountin, 75200 Clatskanie Valley Drive, Clatskanie, OR: He asked if the Board has seen the news today. The AP reported today that at 5:00 pm, 3 dozen rail cars carrying hazardous materials derailed, igniting fires and forcing emergency officials to evacuate an area of one mile radius. The rail company apologized for the impact this caused the residents. Rezoning property is a tough business. The State makes it difficult for good reason. Farmland is sacred in Oregon. He is a vendor of the Clatskanie Farmers Market and sees first hand the positive changes taking place in the community through the efforts of a small dedicated group of Clatskanie citizens. The increased intensity of these proposed heavy industrial uses represents a setback of all the progress our farmers have made. Industrial use is not compatible with agriculture use. He asked that the Board be proactive, compassionate, clear headed when considering the fate of our vulnerable farmlands and community.

Dary Rountin, 75200 Clatskanie Valley Drive, Clatskanie: she and her husband grow food and honey on their property and sell it at the local farmers market. The soil is rich and healthy. She is opposed to this rezone because of what it can do to agriculture.

Annie Christensen, 35234 Hazel Street, St. Helens, OR: She attended the Board meeting where this was discussed, read the application and listened tonight to testimony and still, she does not know what the Port is planning. As for coal, what they know now that they didn't know before is the accident in Moiser last year. It was a nice day and not caused by operator error, so it shows that accidents can happen anywhere and at any time.

Anne Morten, 484 Grey Cliffs Drive, St. Helens, OR: There are concerns with opening 800+ acres of prime farmland to industrial use. This would allow the fossil fuel magnets

to store fuel, increasing rail use and greatly increase the risk of explosion. This is push from the Port of St. Helens and is not in the best interest of the residents of Columbia County. We don't want to take these risks to harm our fish and wildlife, increase health risks. The benefactors are the fossil fuel corporations who are getting wealthy at the huge expense to the people who live here. Please reject this proposal. We need our farms because you can't eat oil and coal.

Paulette Lichatowich, PO Box 439, Columbia City, OR: She submitted a report and Jim Lichatowich's written testimony into the record. She noted that she is here today speaking as a citizen, not an elected official. Farmland is being picked apart by an economy that only values natural resources that can be quickly converted into cash. Farmland is traded for questionable corporate promises of jobs, creating false hope for vulnerable populations. In this case, the corporations will urbanize this rural area of Clatskanie so that the surrounding farms and residents will be compromised. The request you are considering: To continue the process to rezone prime agriculture land to industrial land, is truly a heartbreaking experience. The modified application uses Goal 2 reasons to justify an exception to Goal 3. OAR 660.004.0022(3) "*Rural Industrial Development: For the siting of industrial development on resource land outside an urban growth boundary, appropriate reasons and facts may include, but are not limited to, the follow: (a) The use is significantly dependent upon a unique resource located on agricultural or forest land. Examples of such resources and resource sites include geothermal wells, mineral or aggregate deposits, water reservoirs, natural features, or river or ocean ports*". In this case, the unique resource is the deepwater port and dock. I believe, that in order for LUBA to approve the modified application, they will have to answer the following questions in the affirmative and thus the Board must do the same. 1) Is the unique resource, the deepwater port and dock, located on agriculture PA-80 land? (NO); 2) Is the unique resource, the deepwater port and dock located on industrial RIPD land and not on agricultural land? (YES); Because the deepwater port and dock is located on industrial land and not agricultural land, would the Goal 2 justification apply? Furthermore, will LUBA be satisfied that a letter of intent for access to a deep water port, sufficiently links the dock and agricultural land and thus meet the requirement of Goal 2? (NO); and 4) Is there a project ready to locate on this land? (NO). Thank you for allowing her to testify.

Doug Thompson, PO Box 411, Astoria, OR: He is here tonight to speak on behalf of the Clatsop County Democratic Central Committee. This is not a partisan decision, but he was asked to come here tonight and comment in opposition. They oppose development of Oregon Coastal regions for the export of fossil fuels. Clatsop County has defeated 2 LNG proposals, but it took a dozen years of citizens, volunteers and activism to do so. If the Port of St. Helens proposes to export fossil fuels development of any kind, they are in for a long and costly fight. Since the Port first applied for a rezone 5 years ago, there was not demand for the property then and there is no demand for it now.

Pamela Mattson-McDonald, Astoria, OR: She urged the Board to vote no on the Ports proposal to rezone farmland for industrial purposes. Rezoning 837 acres of rich farmland to industrial uses will urbanize the agricultural communities surrounding Port Westward. The Port claims that high impact industrial development, like a fracked gas or a methanol refinery, etc are rural in character. Not so. The county needs to protect our river fronts, salmon habitat, clean air and the citizens of this community, for our future.

Kristen Amwar, Battleground, WA: Please do not allow this valuable farmland to be rezoned. The land already provides jobs and agriculture, which is appropriate for this fertile land. She does not believe that this rezone is compatible with the adjacent land use. The types of facilities expected at Port Westward will be financially risky, demand large amounts of water and electricity, and will cause dangerous pollution and health risks. Please do what is best for the community.

Diana Gordon, Clark County, WA: Her concerns with the rezoning of this property comes as a user of the Columbia River. They like to fish and the salmon runs are important to her. Fishing is a major source of recreation as well as an economic resource. If this land is rezoned, it's not hard to imagine that some very large projects will move in, i.e. oil by rail, ethanol refinery, etc. and will have some devastating effects to our local farmers. She would urge the Board to vote no on the rezone proposal.

Thomas Gordon, 640 I Street, Washougal, WA: His concerns are with the oil trains coming down the Columbia Gorge. The proposed rezone area is not completely protected by dikes. With the increasing rise in the river due to heavy rains, 100 year flood events will happen more often. Keep this land as farm land. A few weeks ago, he saw an NBC report that China now has 11% of their energy coming from solar cells and is putting billions into renewable energy sources. Vote no on this application.

Jan Bays, 79640 Quincy Mayger Road, Clatskanie: Fifteen years ago, she moved to Clatskanie to establish a monastery. Over 1,500 people come to the monastery every year from all over the US and the world. Many of those people also patronize the businesses in Columbia County. They are very grateful for the farms around them and support them and their livelihood. She has 4 points to make. This proposal is counter to Oregon's far seeing land use laws on farmland. The proposal contains no proof that it is financially sound. The proposed uses are inconsistent with rural use and will lead to increased urbanization and industrialization over time. Finally, rezoning this huge track of land is not necessary at this time. This amounts to a land grab because there is already industrial land at Port Westward. Wait to rezone this property when there is a concrete proposal. The quiet serenity of the land below the monastery is vital to them.

Christie Smith, 79640 Quincy Mayger Road, Clatskanie: She is strongly opposed to this rezone application. When thinking about this river as a whole, she can't help but notice the massive disconnect in the way it is sometimes managed. We have decided

that it's worth the huge price tag to continue to support the fisheries, yet we continue to heighten the risk to the lower Columbia. If operations at just one of these facilities go south during a salmon run, it could be disastrous. What is the cumulative risk of all these discreet projects to the lower Columbia. Converting high quality farmland can't be reversed. It would be gone forever. This is a farming community that's already been adversely impacted by loss of farmland to external pressures. The disconnect and unwillingness to look at the big picture is simply irresponsible. This is a blind effort to enrich a very few corporations at the expense of the river and those who depend on it.

Mary Duvall, 73151 Lost Creek Road, Clatskanie: Do you feel like you were in Beijing when you drove out here today? She did because it was hard to breathe. She knows that the Board cares about Columbia County and hears what the people are saying. We love this land, we love the river, we love growing our own food. What she sees out there is pollution and extreme weather – this is not Oregon weather. She knows that the Board loves this county and that is why you are going to protect it. Thank you.

Mike Oldenberg, 79144 Erickson Dike Road, Clatskanie: He came to this area 15 years ago to start a winery. Five years ago, he got his license, put trees in and is waiting for those to mature, which can take years. He has put in a lot of money and time into this operation. He has also put in a lot of time fighting for farmland. To allow this rezone, it would be like adding oil to your water and food. Why would anyone want to do that? By saying yes to this industrial use, you are saying no to a lot of other opportunities for Columbia County. He would urge the Board to vote no on this rezone application.

Amy Kostameyer, 79640 Quincy Mayger Road, Clatskanie: She lives at the monastery, which overlooks the Columbia River and also the area that being considered for a rezone. She is deeply concerned about the rezone of 800+ acres of prime farmland to industrial use. The Port claims that the proposed uses are rural in nature, yet on page 19 of the proposal, they urbanize over time. Rural environments are precious and having healthy soils are a precious resource. A resource that human beings have depended on forever. We have all probably driven through a town where their industry has shut down due to economic reasons. Now they sit empty, storing hazardous materials. If the 800+ remains ag land, there is only potential. Think generations out and what is most precious.

Chelsie Stroutman, St. Helens: In the 5 years she has lived here, she has built a small agricultural business which generates substantial employment and revenue for this county. She is also an attorney and keeps her practice to social justice issues. She is also the mother of a pre-school age child. It is in all of these capacities that she stands here today to oppose the industrial development at Port Westward. She has no doubt that since this case was remanded, the number of attorneys employed by the Port have worked hard on every word of the ordinances and statutes to try to find a technical argument to convince the county to approve this project. She would like to turn the

attention to the actual goals and visions that the Board is elected to enforce. The Board is tasked with doing what is within your power to grow our community responsibly, sustainably and with a relentless devotion to the safety and integrity of our families and our small businesses and, most importantly, our environment. Turning to the State Planning Goals, they require you to consider “what are the long term environmental, economic, social and energy consequences to the locality, region or to the State of not applying the goal or permitting an alternative use”. Turning to the environmental issue, the Port says that by removing 500 acres of suitable soil, pastures, hay, blueberries, is justifiable, yet there is no mention of impacts of introducing numerous rail cars per day, carrying highly flammable crude oil and other hazardous materials would cause to our region. No mention of the detrimental consequences of what this does to the ground water, soil quality, marine habitat and the surrounding agricultural lands. Turning to the economic issue, in the Columbia County Comprehensive Plan Industrial Siting, the Port Westward exception language claims that “the positive aspect of allowing industrial use would mean additional jobs and additional value to the County’s tax base. The McKenzie report states that the proposal may generate 1.5 jobs per acre, is that really the best use of our tax dollars. She would urge a no vote.

Marsha Dennison, PO Box 1463, Rainier: She lives in Rainier and is terrified that Global Partners are trying to expand across farmland that grows our local food and expand unit train traffic, eventually to an average of 18 trains per day, coming and going. Both ethanol and Bakken crude are highly explosive. The fire retardant in the crude causes lung cancer when inhaled. Ethanol, when burned, causes photo-chemical smog or bad ozone that turns blue sky white and causes severe breathing problems to people with asthma, increasing their medical costs. It also raises climate temperatures that are already too high. Ethanol is highly corrosive and rusts storage tanks and pipes. If they are made of stainless steel, corroded tanks and pipes will explode when hydrogen sulfide runs through them. Bakken crude is high in iron and souring in earthen reservoirs. If an ethanol tank were to be used with Bakken crude, high in hydrogen sulfide, it would explode in a huge fireball, much larger than any train explosion so far, showering the river, and farmlands with crude petroleum that would ruin them for a hundred years for food production, the fishery and estuary. Well water would be contaminated from the blast and people would be killed. We aren’t dealing with oil and booze here. We are dealing with incompatible hazardous materials that are highly explosive and toxic to all life. Most jobs will go to the Longview Longshoremen with the most seniority, not locals. Businesses on A Street would be ruined and access to the Federal Post Office, where we rent a box, would be obstructed. Safety of the rail route has been completely ignored by Global, who only wants profits. The only reason they stopped crude transport was because the rotten Fox Creek trestle was washing out in a flood and they were forced to stop to rebuild it as prices plummeted. The tracks in East Rainier are welded together because they don’t hold spikes anymore, but they didn’t care. They didn’t rebuild the tracks. The new plan excludes the sharp curve at the east end coming into town, instead of replacing the 112 year old decay with spikeable ties and rails that don’t swing back and

forth. Students and grownups are awakened all night now by train whistles, but the plan puts clanging bells and flashing lights at every intersection. Students shouldn't be given Attention Deficit Disorder for Global Partner's profits and we shouldn't be forced to breathe toxic fumes vented from tankers, especially people who live along the tracks. P&W engines spew carbon not allowed on mainlines. A lady at the condos said that several times a day she has to wipe the soot off her furniture. Port expansion rezoning was found in court to be illegal. No timely appeal was filed. Rainier needs its railway renewed without lights, bells and bridges but the Port expansion has already been proven to be dead in the water. Please be stewards of the future and vote against rezoning Port Westward. It serves no one and only causes harm.

Fallon Roberts, 79640 Quincy Mayger Road, Clatskanie: Beyond the tireless arguments which we have all heard before, there is an important perspective that every single person in this room lives and breathes everyday as an Oregonian and American citizen. The first few lines of the Oregon Constitution say "that all power is inherent in the people, and all free governments are founded on their authority, and instituted for their peace, safety, and happiness". When corporations are allowed to exercise constitutional "rights", citizens of this county are no longer in control and our right to make decisions about our land, air, and water are taken away from us. There are countless examples from all over this country and the world of the devastating economic, ecological, and social consequences of allowing corporations to exercise constitutional rights. We have to learn from these examples and decide not to replicate these tragedies in Columbia County. We The People of this county have the right to maintain our livelihoods through family farms and agricultural businesses, rather than a few jobs in polluting big business and industry. We The People have the right to steward our land, waterways, and air to pass on a healthy and safe environment for future generations. We The People have the right to refuse state and federal preemption, as it is a fundamental violation of our rights as The Sovereign People. Remember, government is required to serve US! WE THE PEOPLE! And can you please explain to me why it's entirely legal for the large corporations pushing for this rezone to destroy our farmland and industrialize our precious Columbia River? This is unarguably against the Oregon Constitution and the desires of the citizens of Columbia County. County Commissioners, you are required to serve the majority, don't neglect your responsibility!

Jeff Whitaker, 19396 Hermo Road, Clatskanie: He is a farmer in the Beaver Diking district, where Port Westward is located. I have farmed this area extensively, including contract farming for Greenwood Resources. I ran tractors and equipment over the 750 acres of property formerly owned by Greenwood Resources that is the bulk of the acreage in this application. The applicant in the proposal tries to make the case that the Port Westward Industrial Park is constrained by a lack of available acreage for development. The applicant purports that rezoning the 750 acres of prime agricultural land purchased from Greenwood Resources will satisfy this need. He listed three reasons to argue that this is not the case: 1) The applicant is very misleading when

discussing 497 acres at the existing Port Westward Industrial Park. The applicant tries to paint a picture that 497 acres is "wetlands" and is therefore too expensive to utilize, therefore creating a shortage of usable space for development. (refer to the Mackenzie Goal Exception Analysis, pages 2 thru 8). Figures 3 and 4 indicate this area to be "wetlands". Only by reading subscript 2 below is the applicant's definition of "wetlands" understood. *"As used in the document, the term 'wetlands' includes delineated naturally occurring wetlands, potential wetlands that have not been delineated, and wetlands created through previous mitigation activities."* Most of this area in question is being farmed by Seely Mint Farms. Is this the area considered "potential wetlands"? If so, there is a huge area that has the potential for industrial development. The applicant needs to specify acreages available in the area and not just paintbrush the whole area as "wetlands." South and contiguous to the 497 acres of Port property is the 750 acres purchased from Greenwood Resources. These parcels of land have the same characteristics. They are both high value farmland, they are at the same elevation, they have the same soil characteristics, they utilize the same drainage system, they are currently farmed, and they both contain wetlands. Using the definition of "wetlands" listed above by the applicant, the 750 acre parcel could also be defined as wetlands. Every argument the applicant makes to discredit the suitability of utilizing the 497 acres already existing at the industrial park also applies to the 750 acre parcel under consideration in this application. It makes absolutely no sense to discredit property the Port already has at the industrial park by saying it is wetlands and too expensive to utilize, but then apply to convert high value farmland that has the exact same characteristics. The Port of St. Helens, if this is approved, would then have 497 plus 750 acres of ground this applicant would consider "wetlands" and too expensive to convert.

2) The application goes to great lengths to propose there is a shortage of industrial property like Port Westward. Purporting that these properties are in great demand. Where is the proof? PGE is the only entity that has built at Port Westward since the Ethanol plant was built. PGE has room to build whether or not this application is successful. The Ethanol plant was proposed way back in the year 2000. Where are all the other suitors for this industrial site? The Port of St. Helens website advertises 1400 acres available with 786 acres requiring rezoning. Therefore it has had 614 acres available for the last decade with few if any suitors. The Port wants us to think it is constrained by available industrial acreage when in fact they haven't been able to utilize their own available property.

Dan Sears, Columbia Riverkeepers, 111 3rd Street, Hood River: The Board has heard about the train derailment a year ago in the Columbia Gorge. The water and soil is still contaminated. As for the issue of compatibility between the proposed uses and farmland, it isn't. The Board has a responsibility to look at the impacts this could have on the Columbia River and make the right decision.

Heidi Copley, 80039 Quincy Mayger Road, Clatskanie: She hunts, fishes, farms and loves it. She's lived all over the United States, Finland, Russia and Scotland. She loves

it here. She has done work at the Seely Mint farm and knows that they are hard working people. Seely Mints were the highest selling product at Whole Foods last year, which says a lot. This is a beautiful area and she would like to see that be the norm for years to come.

REBUTTAL:

Chris Crain, 750 SW Harbor Way, Portland: Due to the late hour, he won't go through all the points but will touch on some. As for compatibility, there is clearly farming taking place already along the side of the industrial site, so clearly no compatibility issue there. Two important things – this is a big deal and there is a reason the State of Oregon passed legislation on deep water port development. Business Oregon wrote a letter in support of this application. This is just the first stage of the process- getting a zone change. Any business that wants to site at Port Westward will have to go through the entire planning process. Nothing is going to happen for a least the next couple of years. This site will jump to the front of the line as a deep water port.

With no further testimony coming before the Board, the hearing was closed. The record will remain open for 2 week for written testimony, with an additional 2 weeks for rebuttal and deliberations will be held on Wednesday, September 13, 2017 at or after 10:00 a.m.

With nothing further coming before the Board, the meeting was adjourned.

Dated at St. Helens, Oregon this 12th day of July, 2017.

NOTE: An audio CD of this meeting is available for purchase by the public or interested parties. A video of the meeting is also posted on our website at www.co.columbia.or.us

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