

Port of Columbia County

Rural Industrial Land Goal 3 Exception

PA 13-02/ZC 13-01 (*Riverkeeper III*: Third LUBA Remand)

Board of Commissioners Remand Hearing

Columbia County, Oregon

Wednesday, October 7, 2026



Agenda



Source: OPB

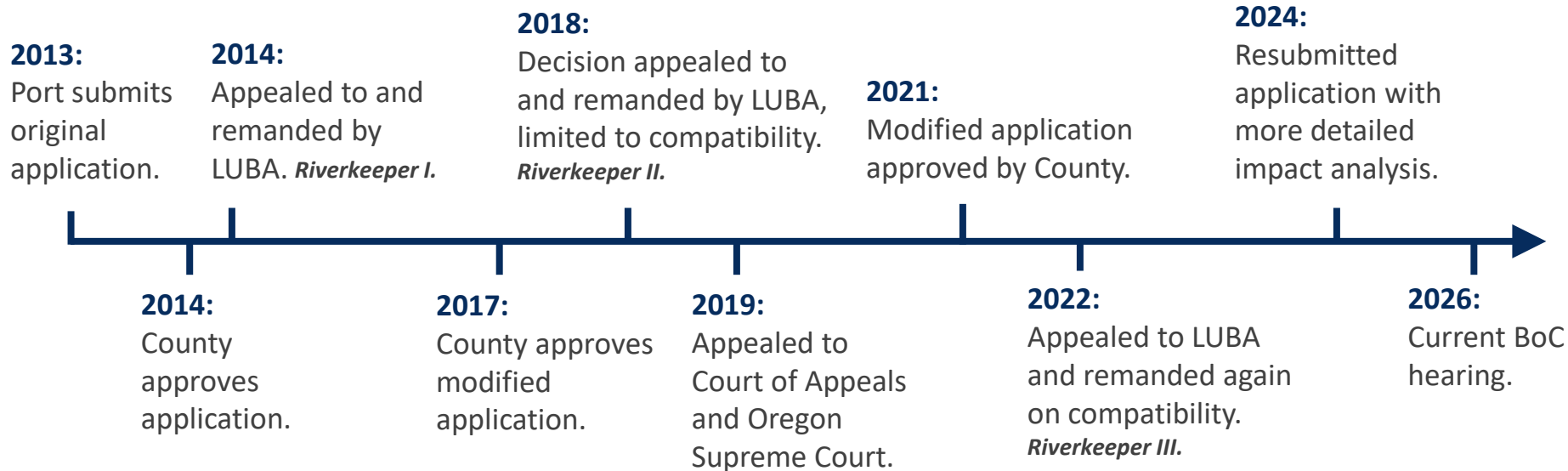
10 min Goal Exception Application and Background

20 min Criterion and Findings

10 min Staff Recommendation

Goal Exception Application and Background

Application History



Request: Post-Acknowledgement Comprehensive Plan Amendment and Zone Change from Primary Agriculture (PA-80) to Resource Industrial Planned Development (RIPD), requiring an Exception to Statewide Planning Goal 3.

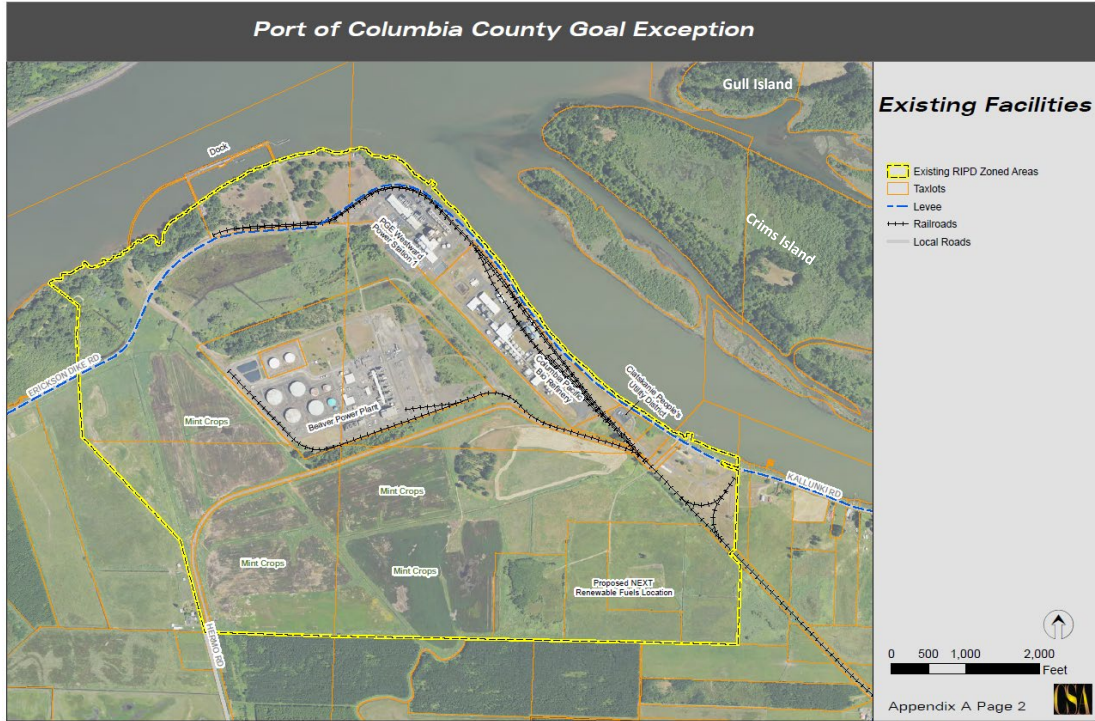
LUBA Proceedings

- Application is on third remand from LUBA since the original application in 2013, which has limited the scope of the application.
- Since Riverkeeper II, limited to compatibility criterion in OAR 660-004-0020(2)(d).
- In response to previous remands, applicant has narrowed to five proposed industrial use categories.

Proceedings

- **Riverkeeper I (2014):** Several goal exception criteria not met (impacts, alternatives, potential urban uses).
- **Riverkeeper II (2018):** Limited to the compatibility criterion.
- **Riverkeeper III (2022):** Continued compatibility criterion issues.

Existing Conditions



Source: CSA Goal 3 Exception Compatibility Analysis, Appendix A, Page 2.

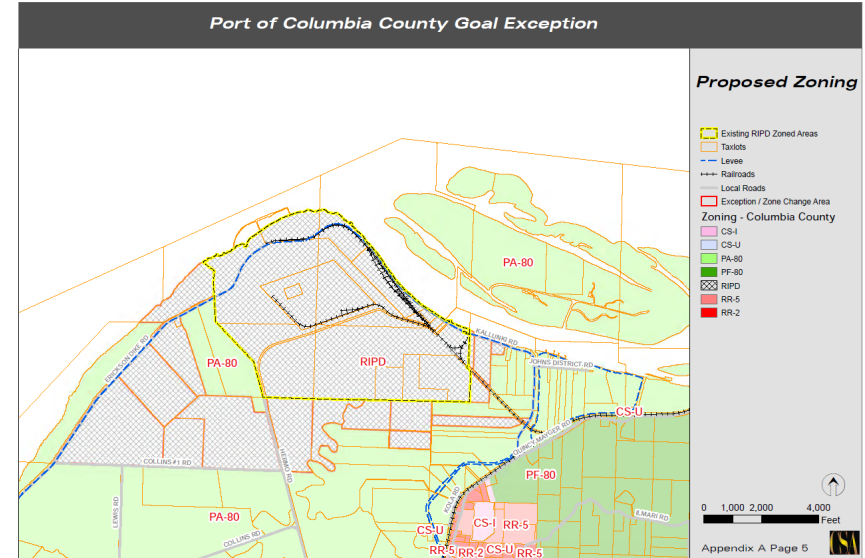


Source: Google Earth, symbols added by Winterbrook Planning (2026).

- Existing Goal 3 Exception RIPD area.
- Surrounding agricultural and forestry areas to east, south, and west.
- Columbia River to north, east, and west.
- Other nearby natural resources.

Current Application

- Seeks approval for 5 categories of industrial uses in RIPD area:
 - Forestry and Wood Products (F&WP)
 - Dry Bulk Commodities (DBC)
 - Liquid Bulk Commodities (LBC)
 - Natural Gas and Derivative Products (NG&DP)
 - Breakbulk Storage (BS)
- 837 acres to be rezoned to RIPD.
- “Customary Development Form” (CDF) Approach: the “typical” or “medium” use allowed in each category, compared to “more” or “less” intense uses.



Source: CSA Goal 3 Exception Compatibility Analysis, Appendix A, Page 5.

Customary Development Form Approach

- Goal of approach: identify the likely scale of development in each category and acknowledge that different use categories have different intensities, facilitating comparative analysis.
- Information is summarized in a matrix for each of the five categories of proposed industrial uses.

Staff Review of CDF Approach:

- Effectively addresses LUBA concerns of consideration of scale and reliance on comparison to existing Port Westward uses.
- Lacks detail by using broad statements rather than analysis of specific impacts to specific vulnerabilities.
 - Very different categories of industrial uses have identical findings.
 - Statements are not correlated to expert analysis.
 - Creates the likelihood that, if appealed again, LUBA would continue to find that the impermissible deferral of compatibility.

③

CDF: Ethanol Processing

More Intense than CDF: Petroleum Storage and Refining

Surrounding Land Uses	Natural Resource Uses
A use more intense than the CDF may generate significantly more emissions than a typical agricultural use. Abutting sensitive uses could experience externalities from PM emissions.	A use more intense than the CDF may generate significantly more emissions than a typical agricultural use. No identified externalities on natural resources, provided there are no changes to Ph in localized precipitation.

Source: CSA Goal 3 Exception Compatibility Analysis, Page 4-19.

①

Less Intense than CDF: Non-hazardous Liquid Bulk Import and Export

Surrounding Land Uses	Natural Resource Uses
No sensitive receptors are expected.	No natural resources are expected to be affected.

Criterion and Findings

Applicable Criterion

OAR 660-004-0020(2)(d):

“The exception shall describe how the proposed use will be rendered compatible with adjacent land uses. The exception shall demonstrate that the proposed use is situated in such a manner as to be compatible with surrounding natural resources and resource management or production practices. ‘Compatible’ is not intended as an absolute term meaning no interference or adverse impacts of any type with adjacent uses.”

LUBA Assignments of Error

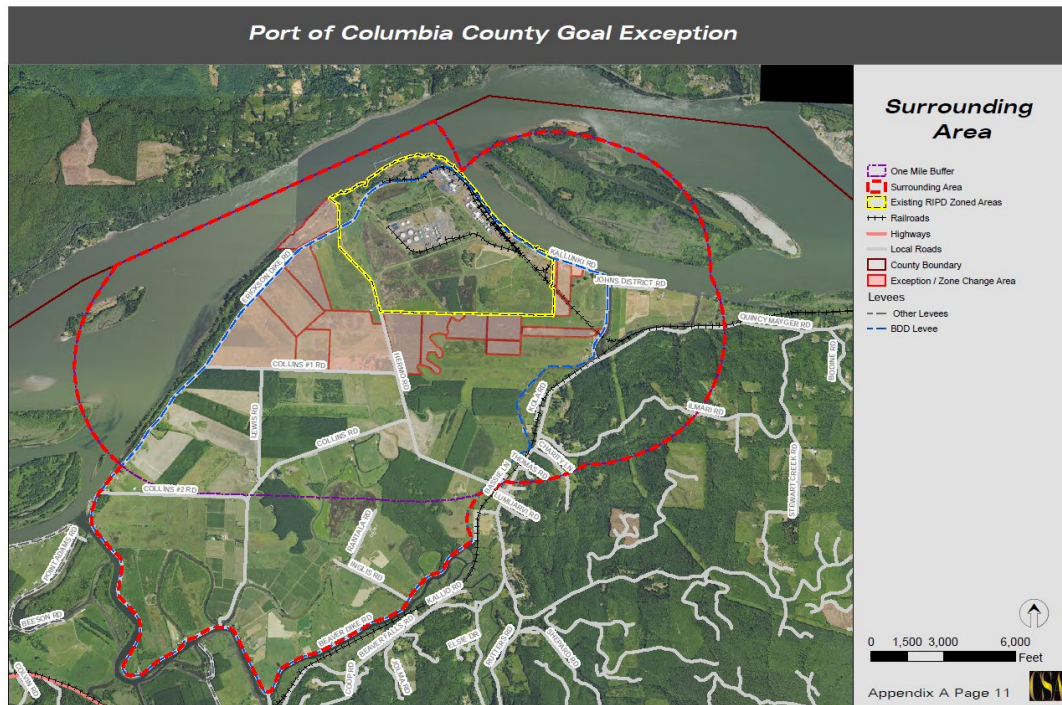
- Issue 1.A: Characteristics and Vulnerabilities of Surrounding Natural Resources
- Issue 1.B: Characteristics and Vulnerabilities of Adjacent Uses
- Issue 2: Lack of Appropriate Scale and Impact Characteristics for Different Uses
- Issue 3: Appropriate Level of Detail and Impermissible Deferral of Compatibility Determination

Issue 1.A.1: Determination of Surrounding Natural Resource Impact Area

Staff Report, Pages 16-18

Description of Error:

- LUBA found that the requirement to be compatible with “surrounding natural resources” is a different geographic area than “adjacent uses.”
- Requires defining the “surrounding area” for natural resource impacts.



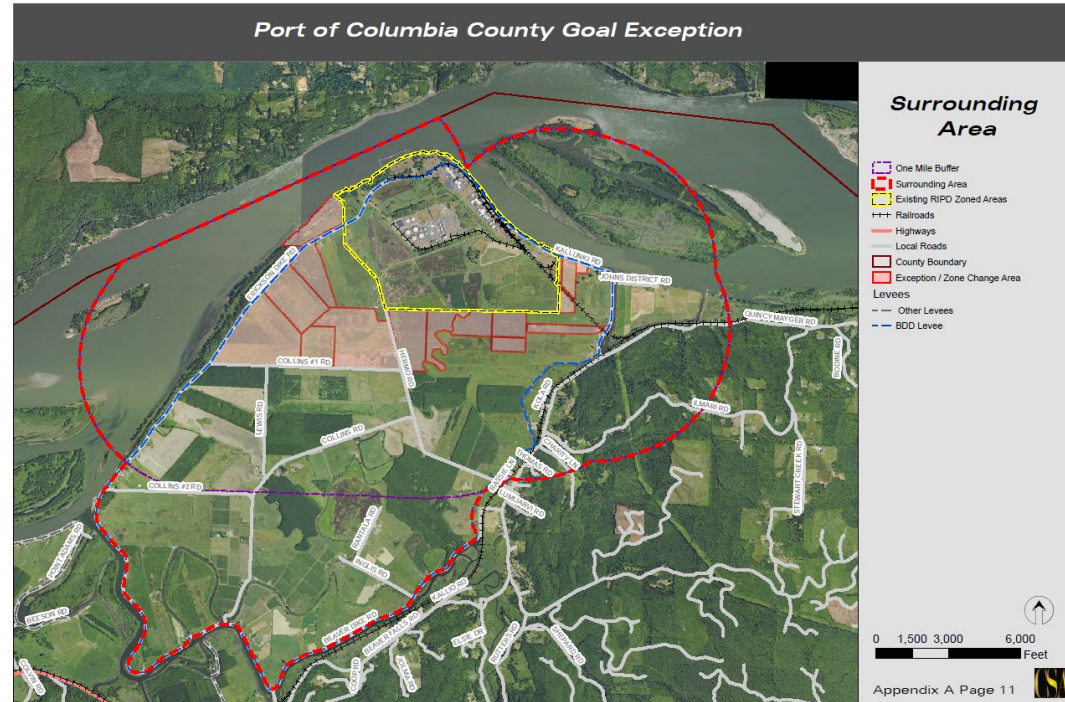
Source: CSA Goal 3 Exception Compatibility Analysis, Appendix A, Page 11.

Issue 1.A.1: Determination of Surrounding Natural Resource Impact Area

Staff Report, Pages 16-18

Staff Finding: Met.

- 1-mile radius around proposed exception area and land protected by the Beaver Drainage Improvement Company (BDIC).
- Terminates with the State Line in the Columbia, but staff finds this representative of river resources.



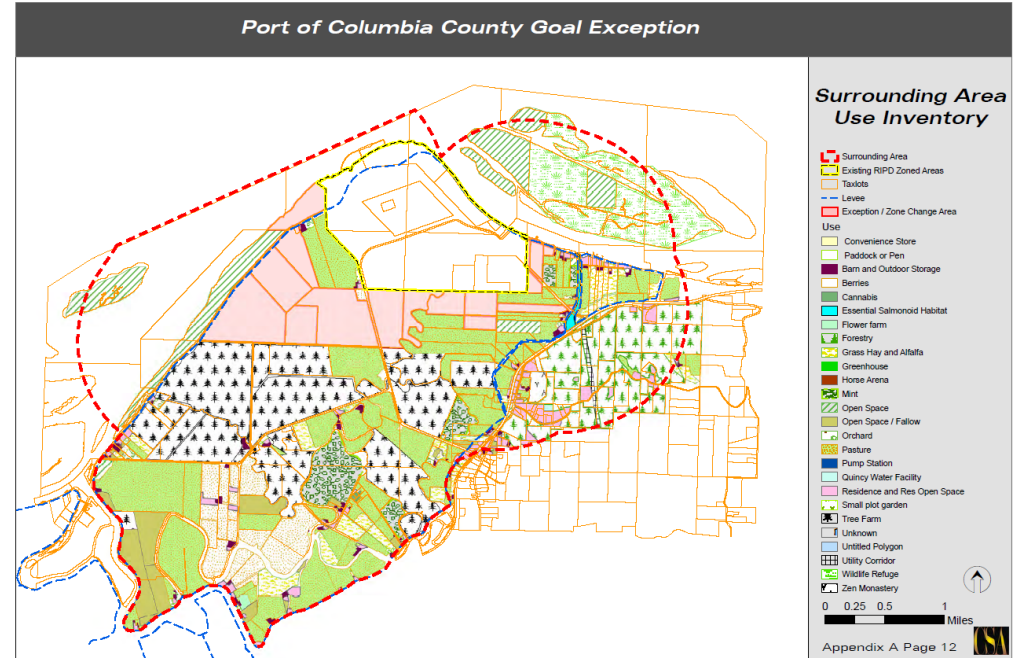
Source: CSA Goal 3 Exception Compatibility Analysis, Appendix A, Page 11.

Issue 1.A.2: Description of Surrounding Natural Resources and Resource Location, Management and Production Practices

Staff Report, Pages 18-19

Description of Error:

- Applicant needs to consider surrounding natural resources, not just natural resources that are tied to adjacent uses (previous approach).
- To determine compatibility, analysis must detail “the **characteristics or vulnerabilities of uses in the adjoining area and natural resources** in the surrounding area.”



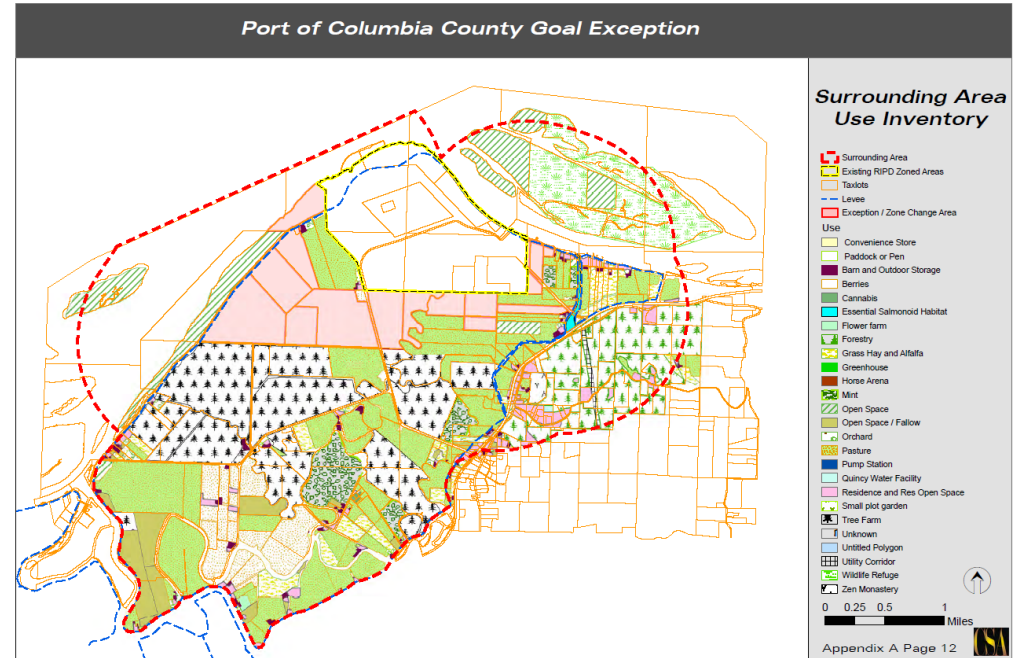
Source: CSA Goal 3 Exception Compatibility Analysis, Appendix A, Page 12.

Issue 1.A.2: Description of Surrounding Natural Resources and Resource Location, Management and Production Practices

Staff Report, Pages 18-19

Staff Finding: Met.

- Within Surrounding Area, CSA Analysis identifies location, characteristics, and management practices for:
 - Major Waterfowl, Wildlife Game, and Essential Salmonoid Habitat
 - Endangered Species
 - Crims Island Wildlife Refuge
 - Columbia River
 - Etc.



Source: CSA Goal 3 Exception Compatibility Analysis, Appendix A, Page 12.

Issue 1.A.3: Description of Natural Resource Vulnerabilities to Potential Adverse Impacts from Specific Allowed Industrial Uses

Staff Report, Pages 19-21

Description of Error:

- Similarly, to determine compatibility, analysis must detail “the **likely adverse impacts of proposed uses on those adjoining uses and natural resources**, along with any specific identified mitigation or other conditions necessary to ensure compatibility.”
- LUBA recommended worst-case scenario approach.



Issue 1.A.3: Description of Natural Resource Vulnerabilities to Potential Adverse Impacts from Specific Allowed Industrial Uses

Staff Report, Pages 19-21

Staff Finding: Met with Conditions.

- LUBA recommended “Worst Case Scenario” not taken, instead CDF approach.
- Staff finds conclusions about impact unspecific to natural resources and their vulnerabilities.
 - E.g., DEQ representatives indicated air quality permits don’t guarantee uses are compatible.
- Staff recommends a limited set of uses generally consistent with “less intensive than CDF” uses in each category.

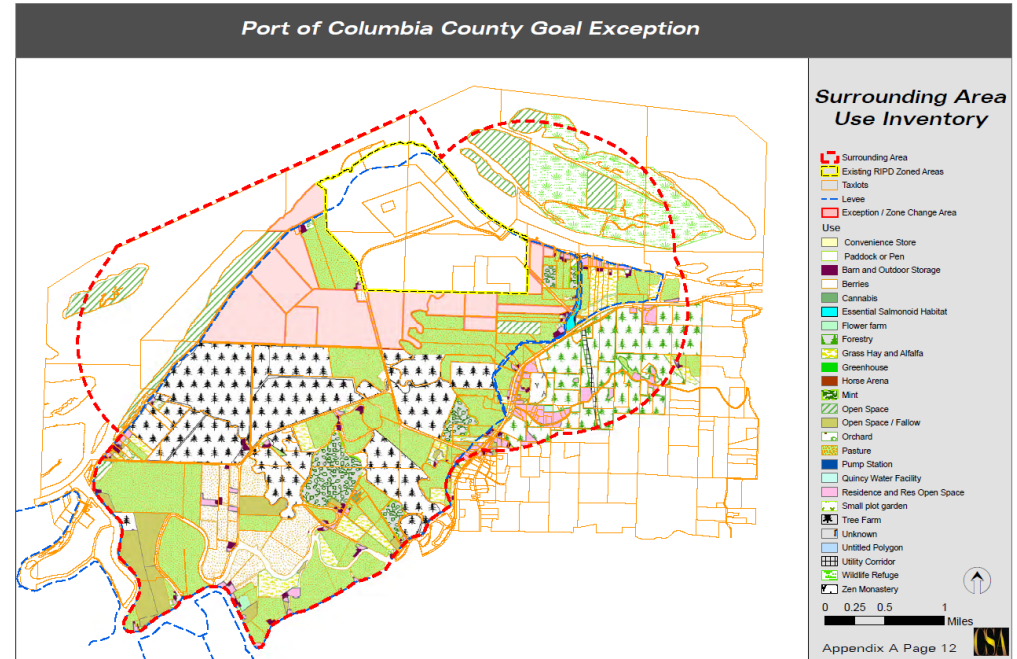


Issue 1.B.1: Description of Adjacent Land Farm and Forest Uses

Staff Report, Page 22

Description of Error:

- To determine compatibility, analysis must detail “the **characteristics or vulnerabilities of uses in the adjoining area and natural resources in the surrounding area.**”



Source: CSA Goal 3 Exception Compatibility Analysis, Appendix A, Page 12.

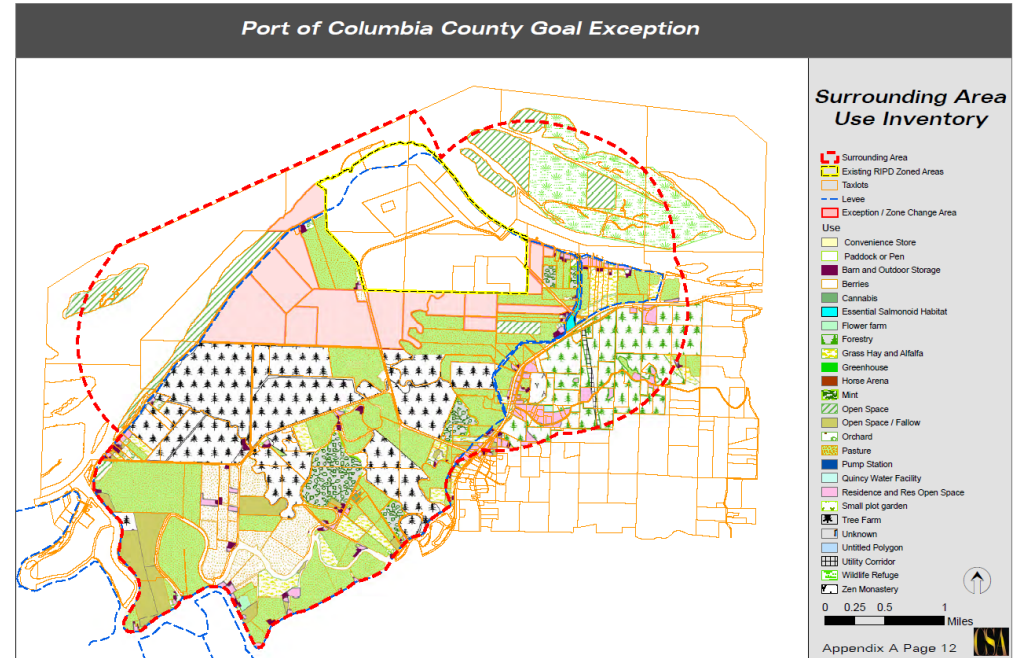
Issue 1.B.1: Description of Adjacent Land Farm and Forest Uses

Staff Report, Page 22

Staff Finding: Met.

- CSA Analysis includes the location and operating characteristics of 12 farm and forest uses in the Surrounding Area:

- Pasture
- Hybrid Poplar Tree Farms
- Forestry and Woodlots
- Berries
- Grass Hay and Alfalfa
- Mint
- Paddock or Pen
- Flower Farm
- Etc.



Source: CSA Goal 3 Exception Compatibility Analysis, Appendix A, Page 12.

Issue 1.B.2: Applicant's Description of Vulnerabilities of Specific Farm and Forest Uses and Practices to Specific Allowed Industrial Uses.

Staff Report, Pages 22-25

Description of Error:

- To determine compatibility, analysis must detail “the **likely adverse impacts of proposed uses on those adjoining uses and natural resources**, along with any specific identified mitigation or other conditions necessary to ensure compatibility.”
- LUBA recommended worst-case scenario approach.



The Wheat Dust Example

Staff Report, Pages 45-48

LUBA flagged wheat dust from dry bulk operations as a risk to an adjoining 80-acre mint farm's gluten-free certification

- Mint farm practices are described, but not all specific vulnerabilities are identified, such as gluten-free certification.
- DEQ permits limit emissions and protect air quality, but no evaluation is provided on whether permitted emissions are compatible with certification.
- No expert analysis shows the suggested buffers prevent dust contamination of mint and berry crops.
- No expert evidence on other controls needed (baghouses, scrubbers, etc.) to keep dust on site.



Issue 1.B.2: Applicant's Description of Vulnerabilities of Specific Farm and Forest Uses and Practices to Specific Allowed Industrial Uses.

Staff Report, Pages 22-25

Staff Finding: Met with Conditions.

- Not adequate detail on a variety of potential impacts to natural resources and adjacent use vulnerabilities.
 - No expert analysis of specific vulnerabilities to specific adverse impacts from allowed uses.
- Again, staff recommends a limited set of uses generally consistent with “less intensive than CDF” uses in each category.



Issue 2.A: Scale of Proposed Industrial Uses and Impacts.

Staff Report, Pages 26-30

Description of Error:

- Previous application ignored the difference between scale and intensity: e.g., a farm truck leaking oil is very different than a million-gallon oil storage tank.
- Previous application “does not explain why potential **future application of state and federal regulations** to some or all of the proposed industrial uses **obviates the need to evaluate the scale or intensity of the industrial uses**, and their potential adverse impacts, to satisfy the required compatibility analysis.”



Issue 2.A: Scale of Proposed Industrial Uses and Impacts.

Staff Report, Pages 26-30

Staff Finding: Met with Conditions.

- The CDF approach provides detail to differentiate types and scale of proposed industrial uses.
- Setbacks reduce adverse impacts but are insufficient alone to ensure compatibility without specific analysis.
 - Air pollution is influenced by winds.
 - Water pollution is influenced by streams.
- A limited set of uses is proposed for approval.



Issue 2.B: Comparison with Existing Port Westward Uses.

Staff Report, Page 30

Description of Error:

- Previous applications have included comparisons to existing Port Westward uses as a basis for compatibility.
- Existing uses do not guarantee compatibility: e.g., a power-generating station may share some of the potential adverse impacts of an oil terminal, but if those adverse impacts are greater in scale or intensity, then the comparison doesn't necessarily support compatibility.



Issue 2.B: Comparison with Existing Port Westward Uses.

Staff Report, Page 30

Staff Finding: Met.

- Updated Application does not rely on comparison with existing Port Westward Uses for compatibility.



Issue 2.C: Impacts Not Addressed.

Staff Report, Pages 30-33; Pages 48-58

Description of Error:

- LUBA raised two specific use concerns:
 - High risk of soil liquefaction in the event of a large earthquake for bulk fuel storage facilities.
 - Future development impacts on hydrology in the area (specifically raising the water table for agricultural crops vulnerable to flooding or requiring well-drained soils).



Issue 2.C: Impacts Not Addressed.

Staff Report, Pages 30-33

Staff Finding: Met with Conditions.

- From previous remand, two categories of unaddressed impacts:
 1. Major earthquake on bulk fuel facilities.
- Describes applicable state regulatory requirements for seismic vulnerabilities and bulk oil/liquid fuel terminals.
- Notes all structures must meet OSSC seismic design standards for relevant use categories.
- Applicant recommends additional condition for facilities with Extremely Hazardous Substances (EHS) to be designed for magnitude 9 earthquake.



Source: OPB

Issue 2.C: Impacts Not Addressed.

Staff Report, Pages 48-58

Staff Finding: Met with Conditions.

- From previous remand, two categories of unaddressed impacts:
 2. Impact of filling and grading on water table and vulnerable crops [mint and berries, etc.].
- Applicant relies on state and federal permits for water table sufficiency. Conversations with DEQ found they don't regulate the water table explicitly.
- BDIC's ongoing management combined with staff recommendation for stormwater systems designed for a 100-year storm event (secured by condition 3.b) is sufficient.



Issue 3.A: Application of State and Federal Programs to Ensure Compatibility.

Staff Report, Pages 34-38

Description of Error:

- Previous applications did not clearly “**explain the relationship between any state and federal environmental regulations and the compatibility standard.**”
 - LUBA noted where those regulations reduce the likelihood/severity of impact to adjoining land; can be considered.
- Previous findings did not have an “appropriate level of detail” to determine compatibility and address the goal exception criteria resulting in impermissible deferral based on state/federal regulation.

Issue 3.A: Application of State and Federal Programs to Ensure Compatibility.

Staff Report, Pages 34-38

Staff Finding: Met with Conditions.

- CSA Analysis does thoroughly explain state/federal permits that may be applicable, but doesn't clearly demonstrate how they ensure compatibility.
- Conversations with DEQ indicated permits cannot guarantee compatibility for a broad variety of uses without additional analysis.
- Again, recommended a limited set of approved uses generally consistent with “less intensive than CDF” uses in each category.

Issue 3.B: Reliance On Proposed Local Conditions of Approval.

Staff Report, Pages 38-44

Description of Error:

- “...conditions of approval can replicate, at a finer scale and to a greater degree, the analysis required under goal exception criteria” but cannot substitute for findings that fully address Goal 2 exception criteria.
- Previous findings did not have an “appropriate level of detail” to determine compatibility and address the goal exception criteria, resulting in impermissible deferral based on proposed local conditions.

Applicant Suggested Conditions of Approval:

Staff Report, Pages 38-44; Appendix 5

- Universal conditions of approval:
 - Future development application review (RIPD Use Permitted Under Prescribed Conditions).
 - Identify allowed use categories and uses specifically not allowed (e.g., coal loading).
 - Confirmation of State, Federal, and Local permits.
 - Further compatibility analysis and requirements:
 - Transportation requirements (TIA and traffic study).
 - Agricultural impact assessment.
 - Endangered species habitat consideration.
 - Maintain existing natural features.
 - Establish buffers.
 - Water quality sampling.
 - Hazardous materials response plan and cleanup.
 - Allowed noise levels.
 - Fire Protection Plan.
 - Dust mitigation
 - Runoff control.
 - Rail crossing management.

Applicant Suggested Conditions of Approval:

Staff Report, Pages 38-44; Appendix 5

- Series of related conditions broken down by use categories and relation to CDF:
 - **Land Use Buffers:** From 150 feet to 1,000 feet between lands not RIPD or owned by the Port.
 - **Air Quality:** Modeling requirements for proposed use, County may require paving/sweeping of internal roads.
 - **Levee Accreditation:** Mostly required for higher intensity, particularly with significant quantities of EHS.
 - **Floodproofing:** Mostly required for higher intensity, particularly for EHS facilities.
 - **Seismic improvement Standards:** Mostly required for higher intensity, particularly for EHS, explosive materials, and very large liquid bulk facilities or as otherwise required by County.
 - **Fire/Life Safety Emergency Response and Bridge Financing:** Agreements with Fire District to financially support, given new, typically higher intensity development.
 - **Industrial Fire Brigade:** Provide on-site, typically for higher-intensity development.
 - **Quincy Fire Station:** Add capacity to the existing Fire Station, for more intense than CDF in Natural Gas & Derivative Products and Breakbulk Storage categories only.

Issue 3.B: Reliance On Proposed Local Conditions of Approval.

Staff Report, Pages 38-44; Appendix 5

Staff Finding: Met with Conditions.

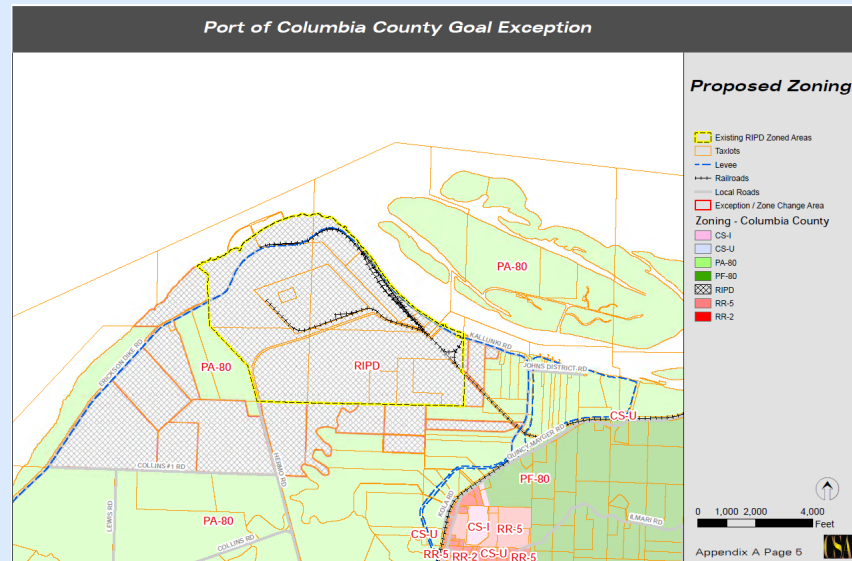
- The CSA Analysis provided a detailed list of recommended conditions that apply generally or to different CDF scales of impact.
- Several conditions continue to defer compliance with the compatibility criterion.
 - E.g., Agricultural Impact Assessment to determine adverse impacts on agricultural land.
- Staff recommends several changes to the proposed CSA Analysis conditions to allow for approval of a more limited set of uses.
 - Generally, staff is proposing more specific conditions for additional analysis or “a finer scale” of compatibility analysis.
 - E.g., Extremely Hazardous Substances (EHS) Management Plan for uses involving EHS.

Staff Recommendation

Recommendation

Staff Report, Pages 59-66

- Current application lacks evidence supporting higher-intensity uses; may be supported with additional expert analysis.
- Staff recommends the Board of Commissioners approve the PA/ZC and Goal Exception expansion area, but only for a limited set of use categories.
- Conditions of approval are streamlined as Staff moved away from the CDF approach.
- Additional conditions of approval recommended to ensure compatibility is demonstrated for the supportable uses.



Source: CSA Goal 3 Exception Compatibility Analysis, Appendix A, Page 5.

Recommended Uses

Staff Report, Pages 62-66

(Condition 1 – Staff recommended)

- a. Forestry and wood processing, production, storage, and transportation;
 - Log Yard for Export
 - Wood Chip Manufacturing
- b. Dry bulk commodities transfer, storage, production, and processing;
 - Food Stuff Import or Export with Minimal Processing (must not generate wheat dust)
- c. Liquid bulk commodities processing, storage, and transportation;
 - Non-hazardous (per 49 CFR Part 172 Subpart B) Liquid Bulk Import and Export (e.g., cooking oils, milk, or juice)
- d. Natural gas and derivative products, processing, storage, and transportation;
 - Utility Peaker Plant
- e. Breakbulk storage, transportation, and processing; and
 - Non-hazardous (per 49 CFR Part 172 Subpart B) Import Facility (e.g., lumber, unitized cargo, automobiles, and machinery)
- f. Farm and natural resource uses.

Other Recommended Conditions

Staff Report, Pages 62-66

- More detailed or additional impact analysis conditions, which ensure compatibility at a “finer scale” and appropriate review authorities.

(Conditions 3 and 9 – Refined from applicant, with some staff additions)

- Transportation Impact Analysis (refined)
 - Stormwater and Erosion Control Plan (staff recommended)
 - Rail Plan (refined)
 - Noise Study (refined)
 - Fire Protection Plan (refined)
-
- Land use separation requirements set at a flat 150-foot buffer only, as only low-intensity uses are recommended for approval.

(Condition 4 – Refined from Applicant)

- Also limits loading/unloading cargo in the buffer area and requires landscaping.

Other Recommended Conditions

Staff Report, Pages 62-66

- Allows county to require paving of frontage and internal roads, sweeping of these roads, and allows county to suspend operations if air quality permits cannot be provided upon request.

(Condition 5 – Refined from applicant)

- Demonstration of state and federal permits requires written documentation from agencies themselves.

(Condition 10 – Refined from applicant)

- Department of State Lands Wetland Delineation Concurrence requirement, provided with application.

(Condition 11 – Staff recommendation)

Extremely Hazardous Substances (EHS)

Staff Report, Pages 62-66

- Staff have taken additional considerations for EHS, as the applicant recommended using a definition and threshold that do not match.
 - Staff are not EHS experts, so recommended conservative conditions; could be refined with expert testimony.

Conditions Relating to EHS:

- Prohibit outdoor storage of EHS materials.

(Condition 2 – Staff recommended)

- EHS Management Plan for any sites with EHS, with specific additional plans as required (E.g., Oil Spill Contingency Plan).

(Condition 4.e – Refined from applicant)

Extremely Hazardous Substances (EHS)

Staff Report, Pages 62-66

Conditions Relating to EHS:

- Levee Accreditation for any use involving EHS to ensure no contamination during a known 50-year flood event (overtopping).

(Condition 6 – Refined from applicant)

- Also permits alternative design by a qualified engineer in lieu of accreditation.
 - Floodproofing for facilities with EHS, for any CCZO-defined structure.
- #### **(Condition 7 – Refined from applicant)**
- Seismic Improvements required for facilities with EHS above threshold quantities, development with 10 million gallons or more of liquid storage, or as required by the county for CCZO-defined structures.

(Condition 8 – Refined from applicant)

Next Steps in the Remand Hearing Process

- Open Record Period – ends 5:00 pm on November 6, 2026
 - All interested parties may submit evidence, arguments, and testimony.
- Response Period – ends 5:00 pm on December 12, 2026
 - All interested parties in response to materials submitted during Open Record Period.
- Final Arguments – ends 5:00 pm on December 23, 2026
 - Only the applicant.
- BoC Deliberations – 10:00 am on January 20, 2027

Thank you!

Questions?

Board of Commissioners Remand Hearing

Columbia County, Oregon

Wednesday, October 7, 2026

