

November 2, 2021

Columbia County Land Development Services
Attention: Robert Wheeldon
230 Strand Street
St. Helens, OR 97051

Re: **NEXT Renewable Fuels Site Design Review DR 21-03 and Variance V 21-05**
Supplemental Landscape Buffer and Screening Variance Evidence
Project Number 2200315.00

Dear Robert:

Please accept this letter as additional applicant's evidence for the NEXT Renewable Fuels Site Design Review and Variance land use case file (DR 21-03 and V 21-05) regarding Columbia County Zoning Ordinance (CCZO) provisions pertaining to landscape buffering, screening, and fencing.

The findings provided below are intended to replace corresponding text from the narrative report dated July 12, 2021.

SUPPLEMENTAL FINDINGS IN RESPONSE TO SECTION 1562, LANDSCAPING: BUFFERING, SCREENING AND FENCING

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 no buffering or screening is required to the north and west. Adjacent properties to the south and east are agricultural, so buffering is required to the south and east. Buffering is proposed along the south and along the east, but the applicant is seeking a variance to limit the extent of buffering to those areas not precluded by overhead power transmission lines and rail lines. With the approval of the variance request, 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 depicted on Exhibit 3, Sheets C1.13, L1.10, and L1.12, 10 feet of perimeter plantings are provided on the south and east edges where facing other uses and where not precluded by overhead power transmission lines and rail lines. Portland General Electric has provided comments discouraging the planting of any trees under the nearby transmission lines (see Exhibit 17). Therefore, in the vicinity of power lines, the applicant proposes to locate buffer plantings farther west so they will not be under the power lines, and this requires a variance since the plantings will not be directly adjacent to a property line. The applicant is seeking a variance to authorize the perimeter plantings as depicted in the attached plan set. With the approval of the variance request, 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 3, Sheet L1.10, no buildings, roads, or parking are proposed in the required buffers along the south and east boundaries. 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 3, Sheets L1.10 and L1.11, the proposed buffers will have a row of trees, shrubs, and groundcover. 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: All proposed parking areas are at least a third of a mile from Hermo Road. Therefore, no screening is required between parking areas and the road.

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

Response: No berms, walls, or raised planters are proposed in the parking area landscaping.

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

Response: None of the loading areas or outdoor storage areas directly abut other parcels as they are all at least 200 feet from property lines. The applicant is providing buffering but is seeking a variance to authorize a waiver of screening standards due to the need to provide clear sight lines to the facility to maintain security. With the approval of the variance request, this standard is met.

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 illustrated on Exhibit 3, Sheet C1.11, the applicant proposes 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. The applicant is seeking a variance to authorize fencing taller than the specified six-foot limit and to authorize chain link without slats and without a continuous evergreen hedge due to the need to maintain sight lines to the facility. With the approval of the variance request, this standard is met.

SUPPLEMENTAL FINDINGS IN RESPONSE TO SECTION 1504, VARIANCES

1504 Variances

Except as provided in Section 1504.4 below, there are 2 classes of variances to the standards established in this ordinance. A Minor Variance is defined as a request for a variance of less than 25% from a dimensional requirement such as setbacks, height, lot or parcel coverage, lot or parcel width, or lot or parcel depth, or a request for a variance of less than 10% from a minimum lot or parcel size requirement. All other variances are defined as Major Variances. Use variances are not permitted under this ordinance except as permitted under Section 1505.1 "Temporary Permits: Use Not Allowed in District".

Major Variances from the lot or parcel size requirements of the Primary Agriculture (PA-38), Forest Agriculture (FA-19), Primary Forest (PF-76) and Rural Residential (RR-5) zones are not permitted under this ordinance.

Response: The applicant is seeking a Major Variance to three provisions of Section 1562, Landscaping: Buffering, Screening and Fencing:

1. For deviation from CCZO Section 1562.B, which requires buffering along the south and east property lines. The applicant is proposing alternate locations as shown on the plans, with the intent to avoid conflicts with overhead power lines and rail lines.
2. For deviation from CCZO Section 1562.C.5, which requires screening of loading areas, outside storage, and service facilities. The applicant is proposing no screening due to distance from other properties and the need to maintain sight lines for facility security.
3. For deviation from CCZO Section 1562.D, which limits fences to four feet in height in front yards and six feet in height in rear and side yards and also specifies that chain link fences with slats may be used if combined with a continuous evergreen hedge. The applicant is proposing eight-foot fencing (seven feet of chain link topped by one foot of barbed wire per ASTM F2611-15) with no slats or associated plantings (see Exhibit 3, Sheet C1.11).

The applicant has provided evidence below responding to applicable approval criteria for the requested variance.

.1 Major Variances: The Planning Commission may permit and authorize a variance from the requirements of this ordinance when unusual circumstances cause undue hardship in the application of it. The granting of such a variance shall be in the public interest.

A. A variance shall be made only when all the following conditions and facts exist:

1. *The granting of the variance will not be detrimental to the public safety, health, or welfare, or injurious to other property;*

Response: Granting the proposed variance will help improve public safety and maintain health and welfare as follows:

- PGE staff has requested that the applicant refrain from planting any trees under power lines (see Exhibit 17). Locating vegetated buffering away from overhead power lines protects essential utilities from tree damage and limits the potential for critical power loss to area PGE electrical users.
- Utilizing the proposed fencing ensures that the facility complies with U.S. Department of Homeland Security's Chemical Facility Anti-Terrorism Standards, as discussed in Mackenzie's September 23, 2021, letter (as revised November 2). Security around the facility requires that the surrounding area be visible in order to detect any unauthorized persons attempting to enter the site. A chain link fence provides security with good visibility. By contrast, providing vegetated screening that complies with CCZO Section 1562.C and utilizing fencing that complies with CCZO Section 1562.D would create a security risk that could result in serious harm due to impaired sightlines and inadequate height. The proposed fencing will be located within the site boundaries and thus will not be injurious to other properties.

2. *The conditions upon which the request for a variance is based are unique to the property for which the variance is sought and are not applicable generally to other property;*

Response: The proposed variance is unique in that the Port Westward Industrial Park is one of the locations in the County where a facility such as this could be authorized under the zoning designation. The site's proximity to high-power transmission lines requires creative landscaping

solutions that provide the requisite buffering while not interfering with utility lines; namely, shifting the plantings away from the power lines and site boundary. Other nearby areas outside Port Westward are in agricultural or rural residential use and thus do not require the type of security fencing necessary for a fuel production facility. The need for the fence is related to the unique security requirements of the facility.

3. *Approval of the application will allow the property to be used only for purposes authorized by the Zoning Ordinance;*

Response: Approval of the proposed variance will have no effect on the types of uses occurring at the site; the applicant proposes a renewable diesel fuel production facility which is consistent with *Uses under Prescribed Conditions* in the RIPD zone.

4. *Strict compliance with the Zoning Ordinance would create an unnecessary hardship;*

Response: Compliance with the buffering standards of CCZO Section 1562.B would result in tree locations that do not conform to PGE's best practices, as noted in Exhibit 17. Compliance with the screening standards of CCZO Section 1562.C would impair clear sightlines and compliance with the fencing standards of CCZO Section 1562.D would result in security fencing that did not comply with Department of Homeland Security regulations (i.e., Chemical Facility Anti-Terrorism Standards) and could impact the viability of the facility. Further discussion of fencing security provisions is provided in Mackenzie's September 23, 2021, letter (as revised November 2).

5. *The granting of the variance will not adversely affect the realization of the Comprehensive Plan nor violate any other provision of the Zoning Ordinance.*

Response: This narrative demonstrates how the proposed use is consistent with applicable portions of the Comprehensive Plan and how the proposal complies with the CCZO. The proposed variance does not adversely affect this determination of consistency. Rather, the variance will allow productive use of the land for which this site has been planned for many years. The proposed chain link fence will provide the requisite level of security, and the proposed perimeter plantings provide sufficient buffering without adversely affecting the objectives of the Comprehensive Plan or violating the CCZO.

B. *A variance so authorized shall become void after the expiration of 1 year if the next step in the development process has not been applied for.*

Response: The applicant intends to seek appropriate approvals and permits prior to the specified expiration period.

C. *The Planning Commission may impose whatever reasonable requirements it feels will fulfill the intent of this ordinance.*

Response: Based on the evidence that the proposed variance does not cause negative impacts on area properties, no additional requirements are necessary in this instance.

Thank you for considering these additional findings, which together with the project narrative and exhibits demonstrate that the proposed landscaping variance is justified based on the unique conditions applicable to this facility. If you have any questions or comments on the material, please do not hesitate to contact me at (971) 346-3742.

Columbia County Land Development Services
NEXT Renewable Fuels Site Design Review DR 21-03 and Variance V 21-05
Project Number 2200315.00
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Sincerely,



Brian Varricchione
Land Use Planner

Enclosure(s): Sheet L1.10, Revised 10/28/21

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

SHEET INDEX

- L1.10 LANDSCAPE GENERAL INFORMATION AND PLANTING PLAN
- L1.11 PLANTING PLAN - ENLARGEMENTS
- L1.12 PLANTING PLAN - DRIVEWAY AND RAIL MAINTENANCE ROAD
- L5.10 PLANT DETAILS
- L5.11 IRRIGATION DETAILS

ZONING COMPLIANCE

NORTH PARKING AREA	7,967 SF
NORTH PARKING LANDSCAPE AREA	3,450 SF
SOUTH PARKING AREA	31,551 SF
SOUTH PARKING LANDSCAPE AREA	6,225 SF
CENTRAL PARKING AREA	11,951 SF
CENTRAL PARKING LANDSCAPE AREA	3,870 SF

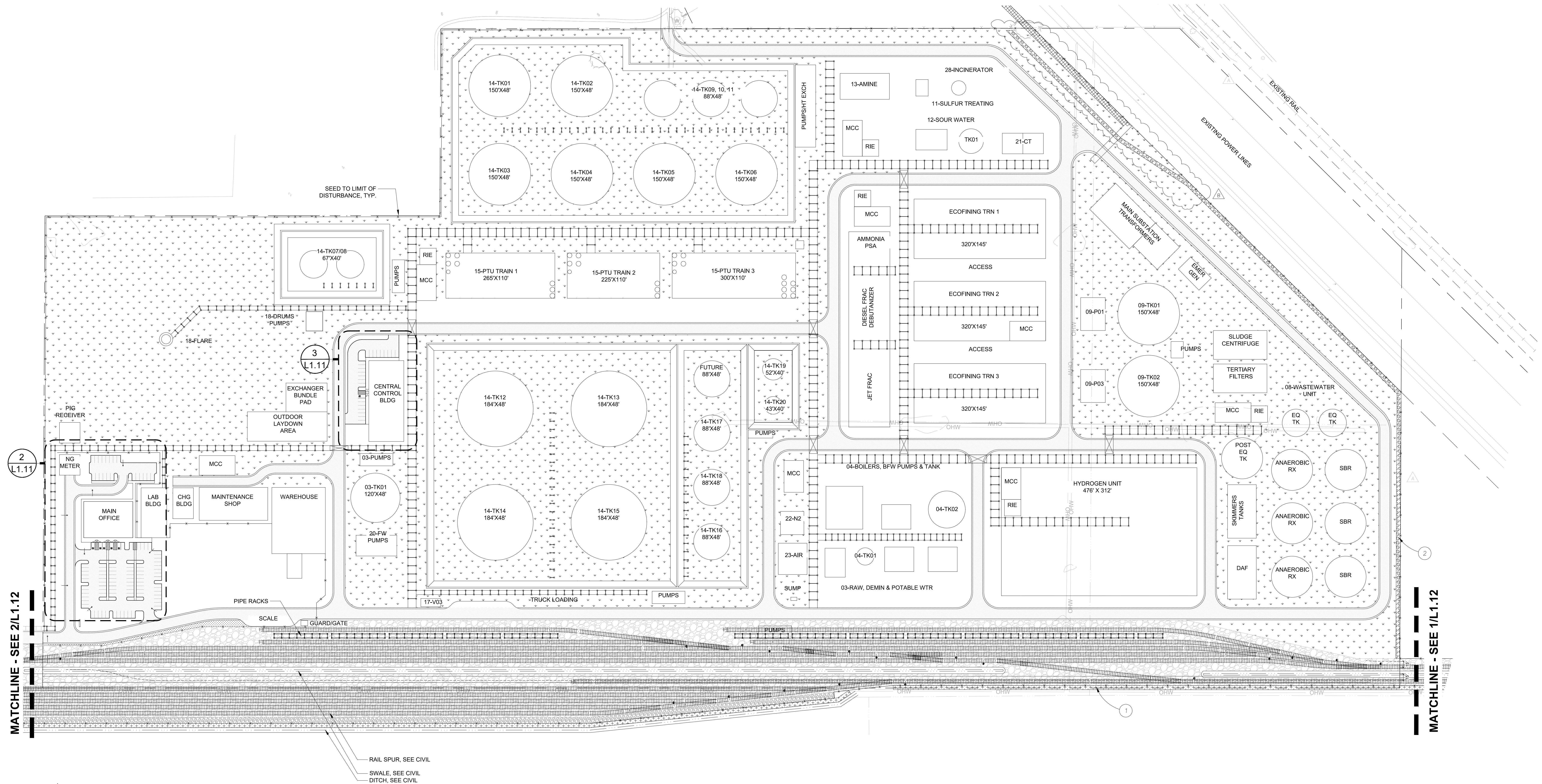
LANDSCAPE NOTES

- GENERAL**
- CONTRACTOR SHALL CONFIRM ALL EXISTING CONDITIONS PRIOR TO COMMENCING WORK.
 - CALL BEFORE YOU DIG. CONTRACTOR SHALL VERIFY INVERT ELEVATIONS OF ALL UNDERGROUND UTILITIES AND NOTIFY LANDSCAPE ARCHITECT IF THERE ARE ANY DISCREPANCIES WITH PLANTING ROOT ZONES. TO REQUEST LOCATES FOR PROPOSED EXCAVATION CALL 1-800-332-2344 (OR 811) IN OREGON.
 - NOTIFY THE OWNER OR OWNER'S REPRESENTATIVE OF ANY DISCREPANCIES OR CONFLICTS WITH EXISTING CONDITIONS PRIOR TO COMMENCEMENT OF ANY WORK.
 - LOCATION OF EXISTING TREES SHALL BE VERIFIED IN THE FIELD BY THE CONTRACTOR PRIOR TO COMMENCEMENT OF WORK.
 - DAMAGE TO EXISTING CONCRETE CURB, ASPHALT PAVING, OR OTHER STRUCTURE SHALL BE REPAIRED OR REPLACED TO PRE CONSTRUCTION CONDITIONS.
 - CONTRACTOR SHALL COORDINATE WITH THE OWNER ANY DISRUPTION TO VEHICULAR CIRCULATION PRIOR TO COMMENCEMENT OF ANY WORK.
- PLANTING**
- ALL EXISTING TREES, PLANTS, AND ROOTS SHALL BE PROTECTED FROM DAMAGE FROM ANY CONSTRUCTION PREPARATION, REMOVAL OR INSTALLATION ACTIVITIES WITHIN AND ADJACENT TO PROJECT LIMITS.
 - SHRUBS ADJACENT TO PARKING AREAS SHALL BE PLANTED 2 FT MINIMUM AWAY FROM THE BACK OF CURB. SHRUBS AND GROUND COVER ALONG OTHER PAVEMENT EDGES SHALL BE PLANTED A MINIMUM OF ONE HALF THEIR ON CENTER SPACING AWAY FROM PAVEMENT EDGE.
 - ALL PLANT MATERIAL SHALL BE HEALTHY NURSERY STOCK, WELL BRANCHED AND ROOTED, FULL FOLIAGE, FREE FROM INSECTS, DISEASES, WEEDS, WEED ROT, INJURIES AND DEFECTS WITH NO LESS THAN MINIMUMS SPECIFIED IN AMERICAN STANDARDS FOR NURSERY STOCK, ANSI Z60.1-2004.
 - DO NOT PLANT TREES ABOVE WATERLINES, UTILITIES, OR OTHER UNDERGROUND PIPING.
 - IF DISTURBANCE IS NECESSARY AROUND EXISTING TREES, CONTRACTOR SHALL PROTECT THE CROWN AND ALL WORK WITHIN THE TREE DRIPZONE SHALL BE LIMITED TO THE USE OF HAND TOOLS AND MANUAL EQUIPMENT ONLY.
 - REPLACE, REPAIR AND RESTORE DISTURBED LANDSCAPE AREAS DUE TO GRADING, TRENCHING OR OTHER REASONS TO PRE-CONSTRUCTION CONDITION AND PROVIDE MATERIAL APPROVED BY THE OWNER AND OWNER'S REPRESENTATIVE UNLESS OTHERWISE INDICATED. ALL DISTURBED SOIL SHALL RECEIVE TYPE B NATIVE SEED MIX. IF SEEDING DURING DRY SEASON PROVIDE IRRIGATION THROUGH ESTABLISHMENT. THIS APPLIES TO ALL DISTURBED SOIL ALONG LINEAR IMPROVEMENTS.
 - A SOILS ANALYSIS, BY AN INDEPENDENT SOILS TESTING LABORATORY RECOGNIZED BY THE STATE DEPARTMENT OF AGRICULTURE, SHALL BE USED TO RECOMMEND AN APPROPRIATE PLANTING SOIL AND/OR SPECIFIED SOIL AMENDMENTS.
 - TOPSOIL SHALL BE AMENDED AS RECOMMENDED BY AN INDEPENDENT SOILS TESTING LABORATORY AND AS OUTLINED IN THE SPECIFICATION.
 - ALL LANDSCAPED AREAS SHALL BE COVERED BY A LAYER OF ORGANIC MULCH TO A MINIMUM DEPTH OF 2-INCHES.
- IRRIGATION**
- UNLESS OTHERWISE INDICATED, ALL NEW LANDSCAPE AREAS TO BE IRRIGATED WITH A FULLY AUTOMATIC UNDERGROUND IRRIGATION SYSTEM. PROVIDE LOOP SYSTEM FOR OPTIMUM EFFICIENCY.
 - CONTRACTOR SHALL SUBMIT SHOP DRAWINGS (IRRIGATION PLANS) TO LANDSCAPE ARCHITECT PRIOR TO CONSTRUCTION. DRAWINGS TO INDICATE HEAD TYPE, GALLONS PER MINUTE, LATERAL LINES, AND BE AT MINIMUM SCALE OF 1"=20'
 - CONTRACTOR TO DETERMINE STATIC WATER PRESSURE AT THE P.O.C. PRIOR TO PREPARING SHOP DRAWINGS.
 - CONTRACTOR SHALL ESTABLISH MINIMUM PRESSURE AND MAXIMUM DEMAND REQUIREMENTS FOR IRRIGATION SYSTEM DESIGN, AND PROVIDE INFORMATION IN AN IRRIGATION SCHEDULE.
 - IRRIGATION SYSTEM AS DESIGNED AND INSTALLED SHALL PERFORM WITHIN THE TOLERANCES AND SPECIFICATIONS OF THE SPECIFIED MANUFACTURERS.
 - SYSTEM SHALL BE DESIGNED TO SUPPLY MANUFACTURER'S SPECIFIED MINIMUM OPERATING PRESSURE TO FARTHEST EMITTER FROM WATER METER.
 - SYSTEM SHALL PROVIDE HEAD TO HEAD COVERAGE WITHOUT OVERSPRAY ONTO BUILDING, FENCES, SIDEWALKS, PARKING AREAS, OR OTHER NON-VEGETATED SURFACES.
 - ALL IRRIGATION PIPE MATERIAL AND INSTALLATION SHALL CONFORM TO APPLICABLE CODE FOR PIPING AND COMPONENT REQUIREMENTS.
 - PROVIDE SLEEVING AT ALL AREAS WHERE PIPE TRAVELS UNDER CONCRETE OR HARD SURFACING.
 - VALVES SHALL BE WIRED AND INSTALLED PER MANUFACTURER'S RECOMMENDED INSTALLATION PROCEDURES AND CONNECTED TO THE IRRIGATION CONTROLLER.
 - REFER TO CIVIL DETAILS AND DETAILS ON L5.10 FOR POINT OF CONNECTION AND BACKFLOW PREVENTION INFORMATION.
 - CONTROLLER TO BE MOUNTED ON BUILDING EXTERIOR. GENERAL CONTRACTOR TO COORDINATE LOCATION WITH OWNER'S REPRESENTATIVE.
 - ZONE THE FOLLOWING AREAS SEPARATELY: TEMPORARY AREAS, PERMANENT LANDSCAPE AREAS, AND TREES.
 - QUICK COUPLERS TO BE PLACED EVERY 300 LINEAR FEET MAX.
 - IRRIGATION SHALL BE WINTERIZED THROUGH LOW PRESSURE, HIGH VOLUME AIR BLOWOUT CONNECTION THROUGH QUICK COUPLER.
 - THE SYSTEM SHALL BE GRAVITY DRAINED. THE CONTRACTOR SHALL PROVIDE APPROPRIATE MANUAL DRAINS AT LOW POINTS.

PLANT SCHEDULE

SYMBOL	BOTANICAL / COMMON NAME	SIZE	SPACING
○	ACER RUBRUM "OCTOBER GLORY" OCTOBER GLORY MAPLE	10" HT. MIN. B&B	
○	FRAXINUS LATIFOLIA OREGON ASH	10" HT. MIN. B&B	
○	QUERCUS GARRYANA OREGON OAK	10" HT. MIN. B&B	
○	RHAMNUS PURSHIANA CASCARA	10" HT. MIN. B&B	
●	SHRUBS		
○	BOTANICAL / COMMON NAME	SIZE	SPACING
○	AMELANCHIER ALNIFOLIA SERVICEBERRY	6"-8" HT. MIN., B&B	180" o.c.
○	ARBUTUS UNEDO "COMPACTA" DWARF STRAWBERRY TREE	5 GAL.	60" o.c.
○	CORNUS SERICEA "WELSEY" KELSEY DWARF REDTIG DOGWOOD	1 GAL.	24" o.c.
○	COTONEASTER GLAUCOPHYLLUS BRIGHT BEAD COTONEASTER	5 GAL.	72" o.c.
○	GALLTHERIA SHALLOW SALAL	5 GAL.	60" o.c.
○	HOLIDISCUS DISCOLOR OCEAN-SPRAY	5 GAL.	96" o.c.
○	LONICERA INVOLUCRATA TWINBERRY	5 GAL.	72" o.c.
○	MAHONIA AQUIFOLIUM OREGON GRAPE	5 GAL.	94" o.c.
○	ROSA X "NOARE" TM FLOWER CARPET RED GROUNDCOVER ROSE	3 GAL.	36" o.c.
○	SPIRAEA BETULIFOLIA BIRCH LEAF SPIREA	1 GAL.	24" o.c.
○	SPIRAEA DOUGLASSII WESTERN SPIREA	1 GAL.	48" o.c.

SYMBOL	BOTANICAL / COMMON NAME	SIZE	SPACING
○	VACCINIUM OVATUM EVERGREEN HUCKLEBERRY	5 GAL.	36" o.c.
○	VIBURNUM DAVIDII DAVID VIBURNUM	5 GAL.	36" o.c.
▨	PERIMETER PLANTING TYPE A SEE 3/L1.11	---	
▨	PERIMETER PLANTING TYPE B SEE 4/L1.11	---	
▨	BOTANICAL / COMMON NAME	SIZE	SPACING
▨	ARCTOSTAPHYLOS UVA-URSI KINNICKINICK	1 GAL.	24" o.c.
▨	MAHONIA REPENS CREEPING MAHONIA	1 GAL.	18" o.c.
▨	SEED MIX TYPE A LAWN	1 LB / 1000 SF	
▨	SEED MIX TYPE B NATIVE UPLAND MIX	1 LB / 1000 SF	



- KEYNOTES**
- PERIMETER PLANTING, TYPE A, SEE 3/L1.11
 - PERIMETER PLANTING, TYPE B, SEE 4/L1.11

M
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COLUMBIA COUNTY,
OR



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REVISION SCHEDULE

Delta	Issued As	Issue Date
A	PLAN CHECK	03/17/2021
B	PLAN CHECK	10/28/2021

SHEET TITLE:
LANDSCAPE GENERAL INFORMATION AND PLANTING PLAN

DRAWN BY: RAC, OKL
CHECKED BY: SPT
SHEET

L1.10

JOB NO. **2200315.01**

COMPLETENESS SUBMITTAL SET - 6/18/2021
220031500DRAWINGS\LANDSCAPE\15-L0.01.DWG.L1.10 10/28/21 21:00 1.0.00