



CRAG LAW CENTER

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April 13, 2022

~~Land Use Board of Appeals
DSL Building
775 Summer Street NE, Suite 330
Salem, Oregon 97301~~

Columbia County
Board Of Commissioners

APR 15 2022

~~VIA CERTIFIED MAIL~~

**Re: Notice of Intent to Appeal Columbia County Board of Commissioners
Final Order No. 13-2022**

Dear LUBA,

Please find enclosed the original and two copies of a **Notice of Intent to Appeal** submitted on behalf of 1000 Friends of Oregon, Columbia Riverkeeper, and Mike Seely. Also enclosed is a check for the \$300 filing fee, payable to the Land Use Board of Appeals.

Sincerely,

Maura Fahey

cc:

- ✓ Columbia County Board of Commissioners, Respondent
- Sarah Hanson, Counsel for Respondent
- NEXT Renewable Fuels Oregon, LLC, Christopher Efrid, Applicant
- Garrett H. Stephenson, Counsel for Applicant

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BEFORE THE LAND USE BOARD OF APPEALS
OF THE STATE OF OREGON

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1000 FRIENDS OF OREGON,)
COLUMBIA RIVERKEEPER, and)
MIKE SEELY,)
)
Petitioners,)
)
vs.)
)
COLUMBIA COUNTY,)
)
Respondent.)

LUBA No. _____

NOTICE OF INTENT TO APPEAL

I.

Notice is hereby given that 1000 Friends of Oregon, Columbia Riverkeeper and Mike Seely intend to appeal that land use decision or limited land use decision of Columbia County entitled Ordinance No. 13-2022 "In the Matter of the Application by NEXT Renewable Fuels Oregon, LLC for a Conditional Use Permit for a Rail Branchline in the Primary Agriculture (PA-80) Zone Near Port Westward (CU 21-04)." (Ordinance). A copy of the notice of the challenged decision is attached as Attachment A. The Board of Commissioners approved the Ordinance on March 23, 2022.

II.

Petitioners, 1000 Friends of Oregon, Columbia Riverkeeper, and Mike Seely are represented by:

///

1 Maura Fahey
2 Crag Law Center
3 3141 E Burnside St
4 Portland, OR 97214
5 (503) 525-2722

6 Petitioner 1000 Friends of Oregon is also represented by:

7 Dan Lawler
8 1000 Friends of Oregon
9 PO Box 40367
10 Portland, OR 97240
11 (503) 497-1000 x139

12 III.

13 Respondent, Columbia County, has as its mailing address and telephone
14 number:

15 Columbia County Board of Commissioners
16 230 Strand St.
17 County Courthouse Room 338
18 St. Helens, OR 97051
19 (503) 397-5153

20 and has, as its legal counsel:

21 Sarah Hanson
22 Columbia County Counsel
23 230 Strand St.
24 Historic Courthouse, Room 20
25 St. Helens, OR 97051
26 (503) 397-3839

27 IV.

28 Applicant, NEXT Renewable Fuels Oregon, LLC, has as its mailing address
29 and telephone number:

30 ///

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CERTIFICATE OF SERVICE

I hereby certify that on April 13, 2022, I served a true and correct copy of this NOTICE OF INTENT TO APPEAL on all persons listed in paragraphs III and IV of this Notice pursuant to OAR 661-010-0015(2) by first class mail or by electronic mail.

Dated: April 13, 2022



Maura C. Fahey, OSB No. 133549

CERTIFICATE OF FILING

I hereby certify that on April 13, 2022, I filed the original of this NOTICE OF INTENT TO APPEAL together with two copies, with the Land Use Board of Appeals, 775 Summer Street NE, Suite 330, Salem, OR 97301-1283, by Certified Mail.

Dated: April 13, 2022



Maura C. Fahey, OSB No. 133549

BEFORE THE BOARD OF COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

In the Matter of the Application by NEXT
Renewable Fuels Oregon, LLC for a Conditional
Use Permit for a Rail Branchline in the Primary
Agriculture (PA-80) Zone near Port Westward (CU
21-04)

NOTICE OF FINAL ORDER NO. 13-2022

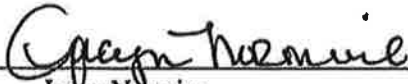
NOTICE IS HEREBY GIVEN that the Board of County Commissioners for Columbia County (hereinafter, the "Board") has issued its final decision on the application of NEXT Renewable Fuels Oregon, LLC for a Conditional Use Permit (Application CU 21-04) for a Rail Branchline in the Primary Agriculture (PA-80) Zone adjacent to Port Westward, near Clatskanie, Oregon, on property identified as Tax Map ID Numbers 8421-00-00600, 8422-00-00400, 8422-00-00500, 8422-00-00600, 8423-B0-00700 and 8423-B0-00800.

On January 19, 2022, the Board held a public hearing on CU 21-04. The Board closed the hearing, left the record open for additional written evidence and testimony, and continued their deliberations to February 9, 2022. On February 9, 2022, County staff presented a revised recommendation in response to the evidence and testimony received at the hearing and during the open record period. The Board voted to tentatively approve the application, subject to conditions as presented in staff's revised recommendation. On March 23, 2022, the Board issued its written decision on CU 21-04 in Final Order No. 13-2022.

Persons who participated either orally or in writing in the proceedings leading to the approval of Final Order No. 13-2022 may appeal the decision to the Land Use Board of Appeals pursuant to ORS 197.830 to 197.845. A Notice of Intent to Appeal the decision must be filed with the Land Use Board of Appeals not later than 21 days from the date this decision becomes final. The date that this Notice was mailed is the indicated on the reverse of this Notice.

A copy of Final Order No. 13-2022 is available on the County's website at: <https://www.columbiacountyor.gov/departments/BoardofCommissionersOffice/Hearings>, and may also be obtained by contacting the Board of Commissioners' Office, 230 Strand Street, St. Helens, Oregon 97051, (503) 397-4322, or by emailing jacyn.normine@columbiacountyor.gov.

DATED this 4th day of April, 2022.

By: 
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Board Office Administrator

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Lower Columbia Wildlife District
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