

MACKENZIE.

**USE PERMITTED
UNDER PRESCRIBED
CONDITIONS IN RIPD
ZONE, SITE DESIGN
REVIEW, AND
VARIANCE**

To
Columbia County

For
Next Renewable Fuels Inc.

Dated
January 19, 2021
(Revised July 12, 2021)
(Revised December 14, 2021)

Project Number
2200315.00



MACKENZIE
Since 1960

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1. Site Design Review Application Form, Variance Application Form, and Owner Authorization Letter
2. Vicinity Map and Zoning Map
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4. Flood Insurance Rate Map 41009C0050D, dated November 26, 2010 (annotated)
5. Clatskanie-Quincy CPAC Threatened, Endangered and Sensitive Wildlife and Plant and Natural Areas map, Beak Consultants Inc., June 1995 (annotated)
6. Clatskanie-Quincy CPAC Wildlife Game Habitat map, Beak Consultants Inc., June 1995 (annotated)
7. Clatskanie-Quincy CPAC Wetland and Hydric Soils map, Beak Consultants Inc., June 1995 (annotated)
8. Stream Data Map
9. Excerpt from Lakes of Oregon, Volume 1, Clatsop, Columbia, and Tillamook Counties, U.S. Geological Survey, 1973
10. Statewide Wetland Inventory (annotated)
11. Wetland Delineation Report
12. Oregon State Register of Natural Heritage Resources
13. Preliminary Stormwater Report
14. Transportation Impact Analysis
15. Architectural Rendering
16. Port of Columbia County Utility Service Letter
17. Portland General Electric Correspondence Regarding Trees Near Transmission Lines
18. PIP CVS02830 Chain Link Fence and Gates Installation Specification and Typical Fencing Details
19. Memorandum from Anderson Perry & Associates, Inc., December 8, 2021
20. Pipeline and Water Intake Map



I. PROJECT SUMMARY

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

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

Site Address: 81009 Kallunki Rd
Clatskanie, Oregon

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

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

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

Site Area: Approximately 109 acres for production facility

Comprehensive Plan: Rural Industrial

Zoning: Resource Industrial - Planned Development (RIPD)

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

Request: Use Permitted Under Prescribed Conditions in the RIPD zone, Site Design Review for a proposed renewable diesel production facility at Port Westward Industrial Park, and Variance to Section 1562, Landscaping: Buffering, Screening and Fencing

II. INTRODUCTION

Description of Request

This application package includes narrative, plans, drawings, and additional documentation in support of a proposed renewable diesel production facility at the Port Westward Industrial Park (Port Westward) north of Clatskanie. The facility will produce renewable diesel fuel from materials such as cooking oil, animal fats and tallow, and corn oil.

A pre-application meeting for this project was held on February 6, 2020. Information and recommendations from that meeting have been incorporated into the proposal.

Existing Site and Surrounding Land Use

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

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

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

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

The site is protected from flooding by dikes and associated stormwater conveyance and pumps within the Beaver Drainage District. According to the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Map 41009C0050D, dated November 26, 2010, as the dike system has been provisionally accredited by FEMA, the site is in shaded Zone X and is therefore outside the Special Flood Hazard Area regulated by Columbia County. See Exhibit 4.

¹ <https://www.maritime.dot.gov/sites/marad.dot.gov/files/docs/grants-finances/marine-highways/3061/marine-highway-route-descriptions-8-14-2019.pdf>

Figure 1 is an aerial photograph illustrating the project area.



Figure 1: Aerial Photo

Proposed Development

The project proposed with this application includes the construction of a renewable diesel production facility consisting of multiple buildings (office, laboratory, warehouse, maintenance, process, controls, etc.), parking, private roadways, storage tanks, processing equipment, a gas flare, wastewater treatment facilities, outdoor laydown yards, electrical equipment, landscaping, and security fencing. Site access will be achieved from a driveway to Hermo Road, with secondary access to Kallunki Road for emergency vehicles and for equipment to access barges.

Water, wastewater, and storm drainage utilities operated by the Port will be extended to the site to accommodate this rural industrial development (see Exhibit 16). Electrical, natural gas, and telecommunications facilities will also be extended to the site.

Finished product and raw materials for facility operations will largely be transported by vessels utilizing the Port of Columbia County-owned dock on the Columbia River, so the facility is dependent on access to the dock and the river. A terminaling company that already operates at Port Westward will unload the feedstock and transfer it via their existing pipeline to the confluence with the Applicant's newly constructed pipeline. This is where the Applicant will take possession. The feedstock will be refined into

renewable diesel. Finished products will be stored on-site before being transferred back to the terminal via pipeline to ship via barge and vessel from the Port Westward dock. A gravel service road is proposed adjacent to a portion of the pipe rack to allow maintenance access to the pipes.

A rail branchline is proposed to connect to Portland & Western Railroad's facilities to accommodate shipment of additional materials and potentially a small amount of finished product. Rail transport may amount to approximately 313 rail cars per week, on average. The applicant is seeking a separate conditional use permit (Columbia County file number CU 21-04, not part of this application) for the portion of the rail branchline outside the RIPD zone in the Primary Agriculture (PA-80) zone southeast of the site.

The proposed construction will result in temporary and permanent impacts to wetlands (Exhibit 11). The applicant is seeking approval from the U.S. Army Corps of Engineers and the Oregon Department of State Lands for wetland alterations and will perform approximately 488 acres of off-site wetland mitigation south of the site in accordance with Federal and State law.

Public Improvements and Transportation

Right-of-Way and Public Improvements

The site does not abut any public rights-of-way but is near Hermo Road, which is classified as a local road in the 2017 Columbia County Transportation System Plan (TSP). The TSP recommends an optimum right-of-way width of 50 feet and an optimum roadway width of 28 feet (to accommodate ten-foot lanes and four-foot shoulders). The existing right-of-way width at the driveway location is 60 feet so no right-of-way dedication is merited. Hermo Road is currently gravel near the site but the County TSP identifies a project (TSP Project #9) to improve the road from Quincy Mayger Road to just west of the existing rail spur south of the PGE site. The Applicant will satisfy Public Works requirements for necessary improvements to Hermo Road, either based on conditions of approval or through a road improvement agreement.

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

Transportation Impact Analysis

Mackenzie transportation engineers projected site trip generation (Exhibit 14) based on Land Use Code 140 – Manufacturing in the Institute of Transportation Engineers' (ITE) *Trip Generation Manual, 10th edition*. The Transportation Impact Analysis (TIA) indicates that the proposed development will generate 667 weekday trips, 91 of which will occur in the AM peak hour and 84 of which will occur within the PM peak hour. The report analyzed traffic operations at six study area intersections in 2020 and in 2024, both with and without the proposed development as follows.

The report found that all six (6) study intersections meet applicable Columbia County, Oregon Department of Transportation, and City of Clatskanie mobility standards in 2020, in 2024 without NEXT Renewable Fuels, and in 2024 with NEXT Renewable Fuels. The report also found that existing and future traffic queues can be accommodated within the existing storage areas at all study intersections. Based on this analysis, the TIA does not recommend any mitigation strategies as a result of the proposed facility.

Requested Land Use Approval

The applicant is seeking approval from Columbia County Planning Commission for *Uses Permitted Under Prescribed Conditions* in the RIPD zone and is seeking Site Design Review approval for the proposed facility. The applicant is also 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).

As noted above, a conditional use permit application (Columbia County file number CU 21-04) has been submitted separately for the portion of the rail branchline outside the RIPD zone in the PA-80 zone south and east of the site.

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

Water-Dependent/Water-Related Use

The renewable diesel production facility is proposed to be located at Port Westward because of the presence of the dock and proximity to the Columbia River. As noted above, Port Westward is one of only five public deepwater ports in the state of Oregon. This invaluable resource, which was largely the basis of the County's 1986 and 2007 Goal Exceptions for Port Westward Industrial Park, is necessary for the efficient operation of the production facility.

The 1986 Exception statement codified in the Comprehensive Plan relied in part upon Port Westward's "unique site-specific resource" in the deep draft river port and further noted the following:

I. Proposal

The proposed use designation is Rural Industrial, and it is intended to take advantage of the location on the Columbia River, the existing dock facilities, railroad, and urban services, as well as potential linkages to the electric generating facilities.

V. Proposed Use Of The Property

Probable uses would likely be related to the existing services, including the railroad, the dock, and the tank farm.

*[***]*

Uses likely to be located here are best illustrated by four proposals submitted to the current leaseholder since 1980. Proposals have included a 200-acre oil refinery, a 150-to-200-acre coal port, an 80-acre petrochemical tank farm, and a 230-acre coal gasification plant. [...].

Similarly, the 2007 Exception statement codified in the Comprehensive Plan noted that:

The property is located adjacent to the Port Westward rural industrial area and can take advantage of the location with access to the Columbia River, and the existing dock facilities, railroad and urban services, including PGE's Beaver Power Plant. Allowing future rural industrial development on the Property would benefit the County's economy by bringing jobs to the area for construction of a project and then a lesser level of employment for the operation and management of any facility

Taken together, these Exception statements indicate that the intent of zoning land RIPD at Port Westward was to both accommodate and encourage industrial uses that take advantage of the dock, rail, and energy generating sources.

As explained below, the Renewable Diesel Facility, including its rail component, is a “water-dependent” and/or “water-related” use.

Columbia County Zoning Ordinance (CCZO) Sections 1170 and 1180 allow development within riparian areas and wetland riparian areas for projects that are either “water dependent” or “water related.”² The only identified riparian corridor within or near the site is McLean Slough, which will be crossed by the portion of the proposed rail branchline on PA-80 land (under separate application).³

Neither the CCZO nor the Columbia County Comprehensive Plan define the terms “water-related” or “water-dependent,” except as relevant to the Willamette River Greenway, which is not applicable at this location.⁴ The County’s riparian area and wetland regulations are a component of the County’s Statewide Planning Goal 5 program, which purports to adopt a “safe harbor” approach as discussed in Article X of the Comprehensive Plan. However, the Comprehensive Plan’s Goals and Policies do not categorically intend to prohibit uses conflicting with riparian areas or wetlands; rather, the Plan’s stated intent is to protect such areas from “nonwater-dependent uses.” See, e.g. Article X.E, Policy 9.⁵

The Goal 5 safe harbor process essentially requires local governments to directly implement certain Goal 5 rules in Oregon Administrative Rules (OAR) 660 Division 23. Consequently, the County’s riparian and wetland regulations roughly resemble the riparian rules in OAR 660-023-0090 and -0100, except that they

² Note that allowance of wetland and riparian area impacts for “water-related” and “water-dependent” uses does not turn on whether the project depends upon the specific wetland or riparian area to be impacted. This is because the exception for such uses concerns the use itself, not specific development impacts, and there is no provisions of the CCZO or other governing law that provide otherwise. Even if it the opposite were true, the County could conclude that the Project depends on the wetlands and riparian areas proposed to be impacted in order to fulfill its water-dependent and water-related function.

³ The proposed renewable diesel production facility does not itself impact riparian corridors, as discussed in the findings responding to CCZO Section 1170.

⁴ CCZO Section 1142 provides that the definitions of water-dependent use and water-related use are “for use in this section of the Zoning Ordinance only.”

⁵ The Comprehensive Plan is not directly applicable to the applications with respect to wetland or riparian impacts, but provides some historical context.

notably do not include the variance provisions required under OAR 660-023-0100(4)(b)(B). These sections allow development of “water-dependent or water-related uses” within riparian areas and wetlands and allow removal of riparian vegetation “as necessary for development of water-related or water-dependent uses.” The OARs require less strict riparian protections in farm and forest zones: OAR 660-023-0090(8)(c) provides that “(c) Notwithstanding subsection (b) [regulating removal of riparian vegetation] of this section, the ordinance need not regulate the removal of vegetation in areas zoned for farm or forest uses pursuant to statewide Goals 3 or 4.”

The definition of “water-dependent” and “water-related” in the Statewide Planning Goals is helpful in interpreting those terms in the CCZO. In the current version of the Statewide Planning Goals, those terms are defined as follows:

WATER-DEPENDENT. A use or activity which can be carried out only on, in, or adjacent to water areas because the use requires access to the water body for water-borne transportation, recreation, energy production, or source of water.

WATER-RELATED. Uses which are not directly dependent upon access to a water body, but which provide goods or services that are directly associated with water-dependent land or waterway use, and which, if not located adjacent to water, would result in a public loss of quality in the goods or services offered. Except as necessary for water-dependent or water-related uses or facilities, residences, parking lots, spoil and dump sites, roads and highways, restaurants, businesses, factories, and trailer parks are not generally considered dependent on or related to water location needs.

The County can find that the proposed renewable diesel production facility within the existing RIPD zone is “water-dependent” because the facility *requires* access to the water body (namely, the Columbia River) for riverine transportation. Renewable diesel product and renewable diesel feedstocks are proposed to be imported and exported by water-borne vessels on the Columbia River, including ships and barges. This connection is reflected in Exhibit 20, which shows the piping directly connecting the facility to the Port Westward docks. Also, the facility relies on Columbia River water as part of the renewable diesel production process – namely for steam production, cooling tower process water, and fire water reserve. This is also reflected on Exhibit 20.

In summary, the facility is proposed at Port Westward entirely due to its location at one of Oregon’s few deepwater ports capable of being served by cargo ships.⁶ Therefore, the County can find that the renewable diesel facility within the existing RIPD zone “can be carried out only [...] adjacent to water areas because the use requires access to the water body for water-borne transportation” and as a “source of water.”

For the same reasons, the County can find that the proposed rail branchline located on PA-80 lands (the subject of the separate Conditional Use application CU 21-04) is also “water-dependent.” The purpose of the proposed rail branchline is to deliver renewable diesel feedstocks to the renewable diesel production plant for conversion into renewable diesel, to export such renewable diesel,⁷ and to remove waste products from the facility. As the branchline exists only to serve the renewable diesel production plant and is part of the overall project, it is just as river-dependent as the production plant itself. Put another way, the branchline is water-dependent because, like the renewable diesel production plant, it relies on

⁶ The only other deepwater ports are the Ports of Coos Bay, Astoria, Newport, and Portland.

⁷ The rail connection will also be capable of exporting finished product.

river transportation as the other end of the renewable diesel supply/production chain. The export of waste products also makes the rail line a necessary component of the overall water-dependent use.

Although the PA-80 portion of the branchline is requested in a separate application, it is exclusively associated with, part of, and entirely dependent on the renewable diesel plant. It was proposed in a separate application because a portion of the rail branchline is to be located just outside of the existing Port Westward Exception Area and within an exclusive farm use zone, and is therefore subject to the criteria of ORS 215.296; rail not located within that zone is not subject to those criteria.

If the County does not find that the renewable diesel production plant or rail branchline is “water-dependent,” the County can nonetheless find that they are “water-related.” This is because the facility as a whole is intended to provide “goods [...] that are directly associated with water-dependent land or waterway use, and which, if not located adjacent to water, would result in a public loss of quality in the goods or services offered.” There is no dispute that the Project is intended to import and export “goods” (in this case, feedstocks and renewable diesel) to and from the Port Westward Dock via pipeline, shown in Exhibit 20. As explained above, the renewable diesel facility must be located near the water because the use *itself* depends on river water and transportation, and would not be viable without a water-adjacent location. Put in terms of the above definition, without a water-adjacent location, the facility would “result in a public loss of quality in the goods or services offered” because it could not economically provide the proposed goods or services without a river-adjacent location. Likewise, if the PA-80 portion of the proposed branchline is not located adjacent to the renewable diesel production plant, the efficiency of the renewable diesel use would suffer substantially because a large portion of the necessary feedstocks could not be economically imported to the Project, which would make the Project itself infeasible.

III. NARRATIVE & COMPLIANCE

As described in the introduction (Section II), the applicant is seeking multiple approvals in order to develop the site. The approvals requested by the applicant include the following:

- Uses Permitted Under Prescribed Conditions in the RIPD zone;
- Site Design Review approval for the proposed facility; and
- A Variance to Section 1562, Landscaping: Buffering, Screening and Fencing.

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

The approval criteria for a “Use Permitted under Prescribed Conditions” are set forth in CCZO 683.1. The approval criteria for a site Design Review are set forth in CCZO 1563. Variance approval criteria are set forth in CCZO 1504. Aside from responses to CCZO 683.1, 1563, and 1504, responses to the remaining standards and criteria do not serve as a concession that they are applicable to the application; in some cases, responses to non-applicable standards are provided for informational purposes.

A. Use Permitted Under Prescribed Conditions

Section 680 Resource Industrial - Planned Development RIPD

681 Purpose

The purpose of this district is to implement the policies of the Comprehensive Plan for Rural Industrial Areas. These provisions are intended to accommodate rural and natural resource related industries which:

Response: The purpose statement of CCZO Section 681 does not contain approval criteria for uses in the RIPD zone. Nonetheless, responses are provided below to demonstrate that the proposed development is fully consistent with the purpose of the RIPD zone.

.1 Are not generally labor intensive;

Response: As depicted on the site plan, Exhibit 3, Sheet C1.11 and illustrated in Exhibit 15, the majority of the proposed renewable diesel production facility will be composed of exterior tanks, equipment, and storage areas, none of which require high levels of labor to operate. Estimated staffing levels by shift are denoted in the table below.

<i>ESTIMATED STAFFING LEVELS</i>				
<i>Weekdays</i>			<i>Weekends</i>	
<i>Office/Mgt.</i>	<i>Shift 1</i>	<i>Shift 2</i>	<i>Shift 1</i>	<i>Shift 2</i>
<i>8:00 AM – 5:00 PM</i>	<i>6:00 AM – 6:00 PM</i>	<i>6:00 PM – 6:00 AM</i>	<i>6:00 AM – 6:00 PM</i>	<i>6:00 PM – 6:00 AM</i>
83	35	35	35	35

Staffing levels are anticipated to be highest during weekdays between 8:00 AM and 5:00 PM, with a total of approximately 118 employees. Based on the production facility area of approximately 109 acres, this equates to an employment density of 1.08 employees per acre (with lower density of approximately 0.33 employees per acre on weekends when the office is not in use). This

employment level is consistent with other typical rural industrial uses. By comparison, urban industrial uses for suburban⁸ areas area generally average 18.1 and 5.9 jobs per acre for general industrial and warehousing uses, respectively.⁹ For these reasons, the Commission can find that, while the facility will generate new employment, the proposed use will not be “labor intensive.”

.2 Are land extensive;

Response: The proposed facility is relatively land extensive, requiring some 109 acres (plus off-site acreage for the driveway, pipe rack, etc.). Most of the site operations consist of exterior facilities (e.g., tanks, rail spur, etc.) that consume a lot of land area, and only a limited portion of the site will be used for indoor operations (e.g., office, warehouse, etc.). For these reasons, the Commission can find that the proposed use is land extensive.

.3 Require a rural location in order to take advantage of adequate rail and/or vehicle and/or deep water port and/or airstrip access;

Response: Port Westward is home to a 1,500-foot dock on the Columbia River, making it one of only five public deepwater ports in the state of Oregon. The proposed renewable diesel production facility is dependent upon access to this deepwater port, as the river depth at this location is necessary to accommodate the vessels that will serve the facility. Access to this deepwater port is one of the main site selection criteria of this project. Raw materials and finished product will be transported to and from Port Westward by vessels utilizing the dock, with transport between the dock and the site via pipeline. The applicant is also proposing to utilize the existing Portland & Western Railroad facilities to transport raw material to the facility from other areas and potentially to ship a small portion of the fuel to the Portland/Vancouver market. For these reasons, the Commission can find that the proposed use is consistent with this provision.

.4 Complement the character and development of the surrounding rural area;

Response: There are existing agricultural uses to the west, south, and east, whose proximity to other existing industrial development demonstrates how the two (2) use types can coexist. The closest residence is approximately 1,000 feet to the northeast, across the Portland & Western Railroad’s main line. Significantly, the site is located in close proximity to similar rural industrial uses, including the Columbia Pacific Bio-Refinery, the PGE Tank Farm, the PGE Port Westward Generating Facility, the PGE Beaver Generating Facility, the Clatskanie People’s Utility District electrical substation, roadways, rail lines, utilities, drainage facilities, levees, pipelines, electrical transmission lines, the dock, and associated support facilities, such as electrical facilities, stacks, a water tower, wastewater treatment facilities, parking, and wetland conservation. These other uses are within the same industrial park and total upwards of 150 acres. Similar to the proposed renewable diesel production facility, the other existing uses are land extensive, with much of each site taken up by tanks, racks, storage areas, and open yards and only smaller portions devoted to office or warehouse buildings. For these reasons, the Commission can find that the proposed use is consistent with this provision.

⁸ The word “suburban” refers to cities and associated urban growth areas excluding the City of Portland (e.g., Hillsboro, Gresham, etc.).

⁹ Metro. 2014 Urban Growth Report, Appendix 6 (October 2015), <https://www.oregonmetro.gov/sites/default/files/2015/10/27/2014UGR-Appendix-6-employment-land-demand-analysis-Final.pdf>. Jobs per acre computed by Mackenzie using stated floor area ratios (FAR) and square feet per employee assumptions.

.5 Are consistent with the rural facilities and services existing and/or planned for the area; and,

Response: The proposed facility will utilize the existing Port Westward private water system consisting of wells and intake from the river. The facility will also discharge pre-treated stormwater and wastewater to the Port’s existing discharge system. These utilities have the capacity for the proposed project, as noted in the letter from the Port included as Exhibit 16. The applicant’s proposed use of the deepwater port and existing rail facilities minimize amount of truck traffic on area roadways, and the relatively low employee counts minimize the amount of passenger vehicle traffic. Electric power, natural gas, and high-speed telecommunications are readily available at Port Westward and will be extended to the site for the applicant’s use. For these reasons, the Commission can find that the proposed use is consistent with this provision.

.6 Will not require facility and/or service improvements at significant public expense.

Response: As explained above, the proposed facility already has access to sufficient public and private infrastructure (including the Port Westward dock and rail facilities) and both the public and private infrastructure systems have the capacity to accommodate the proposed development (see Exhibit 16). The site’s location within the Clatskanie Rural Fire Protection District benefits from the District’s experience and partnership with existing Port Westward industrial operations and does not require creation of a new fire protection district. The applicant will pay all necessary utility extension expenses. Consistent with TSP Project #9, the Applicant will satisfy Public Works requirements for necessary improvements to Hermo Road, either based on conditions of approval or through a road improvement agreement. For these reasons, the Commission can find that the proposed use relies upon existing facilities or new facilities constructed by the applicant and is consistent with this provision.

The uses contemplated for this district are not appropriate for location within Urban Growth Boundaries due to their relationship with the site specific resources noted in the Plan and/or due to their hazardous nature.

Response: The proposed use relies on the deepwater port facility at Port Westward, which is not located elsewhere within an urban growth boundary in Columbia County. For this reason, the Commission can find that the proposed use is consistent with this provision.

683 Uses Permitted Under Prescribed Conditions

The following uses may be permitted subject to the conditions imposed for each use:

.1 Production, processing, assembling, packaging, or treatment of materials; research and development laboratories; and storage and distribution of services and facilities subject to the following findings:

Response: The proposed renewable diesel production facility falls within the category noted above, which is a permitted use if the conditions below are satisfied. The applicant is proposing a facility and associated accessory infrastructure (pipelines, rail spur, electrical lines, etc.) that will convert recycled organic materials into renewable transportation fuels. Compliance with the Prescribed Conditions is demonstrated below.

A. The requested use conforms with the goals and policies of the Comprehensive Plan - specifically those policies regarding rural industrial development and exceptions to the rural resource land goals and policies.

Response: The following information demonstrates how the use conforms to applicable Comprehensive Plan goals and policies, including those specifically pertaining to the Goal Exceptions to accommodate rural industrial development at Port Westward.¹⁰

1986 Comprehensive Plan Exception Statement

I. Proposal

The proposed use designation is Rural Industrial, and it is intended to take advantage of the location on the Columbia River, the existing dock facilities, railroad, and urban services, as well as potential linkages to the electric generating facilities.

V. Proposed Use Of The Property

Probable uses would likely be related to the existing services, including the railroad, the dock, and the tank farm.

*[***]*

Uses likely to be located here are best illustrated by four proposals submitted to the current leaseholder since 1980. Proposals have included a 200-acre oil refinery, a 150-to-200-acre coal port, an 80-acre petrochemical tank farm, and a 230-acre coal gasification plant. [...].

*[***]*

VII. LCDC Evaluation

A. Goal 2 Factors

1. "Why these other uses should be provided for."

d. Types of industrial users allowed on resource land.

The LCDC rules outline three specific types of industrial uses which might be used to justify an exception on resource land. Port Westward is an appropriate site for all three types of industrial uses.

The first types are "unique site-specific resources" which include a river or ocean port. Port Westward is already a partially developed, deep draft river port.

The second attribute is uses which are "hazardous or incompatible with densely populated areas." Port Westward clearly is an appropriate site for this type of

¹⁰ The first zone change and exception area for Port Westward was approved in 1986 (Columbia County Final Order No. 99-86) and encompassed the majority of the land currently zoned RIPD. The second was approved in 2007 (Columbia County Ordinance 2007-10) and encompassed the remaining two tax lots in the existing exception area, 8422-00-00200 and 8422-00-00300).

user. The 80-acre petrochemical tank farm identified earlier is a clear example. Those uses often require rail, harbor facilities, and large sites.

A third type of use includes those which would have a “significant competitive advantage due to the location of energy facilities.”

Response: The above excerpts explain the intended purpose of the Port Westward Exception Area. This application is consistent with its intended purpose for the following reasons:

- It will take advantage of marine transportation available on the Columbia River, specifically the deepwater port.
- It will use existing dock facilities.
- It will utilize existing rail connections.
- It will allow renewable diesel production to be located far from population centers.
- The proposed facility is similar to the existing tank farm, PGE electrical generating facilities, and the Columbia Pacific Bio-Refinery.

2007 Comprehensive Plan Exception Statement

The [rural industrial] use would have a significant comparative advantage due to its location (e.g., near existing industrial activity, an energy facility, or products available from other rural activities), which would benefit the county economy and cause only minimal loss of productive resource lands. Reasons for such decision should include a discussion of the lost resource productivity and values in relation to the county’s gain from the industrial use, and the specific transportation and resource advantages which support the decision.

*[***]*

The County’s Comprehensive Plan has designated 905 acres of the Port Westward area as a Goal 3 exception. The property is located adjacent to the Port Westward rural industrial area and can take advantage of the location with access to the Columbia River, and the existing dock facilities, railroad and urban services, including PGE’s Beaver Power Plant. Allowing future rural industrial development on the Property would benefit the County’s economy by bringing jobs to the area for construction of a project and then a lesser level of employment for the operation and management of any facility.

Response: The above excerpts explain why the Board of Commissioners expanded the Port Westward Exception Area in 2007. This application is consistent with this statement for the following reasons:

- It will take advantage of the existing infrastructure (noted above).
- It will be in proximity to similar industrial operations.
- It will bring temporary construction jobs and permanent ongoing operations jobs to Port Westward.

Comprehensive Plan Goals and Policies

PART X – ECONOMY

Goals:

1. *To strengthen and diversify the economy of Columbia County and insure stable economic growth.*

Response: The proposed facility will require a significant amount of construction activity, resulting in high-paying construction jobs to build the project for approximately 24 months. Once built, the facility will operate employ office, management, and operations staff, at the following estimated staffing levels:

ESTIMATED STAFFING LEVELS				
Weekdays			Weekends	
Office/Mgt.	Shift 1	Shift 2	Shift 1	Shift 2
8:00 AM – 5:00 PM	6:00 AM – 6:00 PM	6:00 PM – 6:00 AM	6:00 AM – 6:00 PM	6:00 PM – 6:00 AM
83	35	35	35	35

In addition to the on-site employees, the project will also result in supportive jobs such as those for the terminaling company operating at the dock. Employees are also likely to patronize area businesses in and around Clatskanie, creating new indirect employment opportunities in surrounding areas. Products to support this facility will be imported via the river and rail from beyond the County, further contributing to economic growth in the immediate area and beyond.

The applicant will make a significant investment to construct and operate a facility that is the first of its kind in the area, helping to diversify the economy by introducing a new use type and broadening the County’s employment base while complementing the existing uses at Port Westward.

2. *To utilize Columbia County’s natural resources and advantages for expanding and diversifying the economic base.*

Response: The project will utilize one of the County’s best natural resources: the efficient transportation corridor provided by the Columbia River, designated as part of the U.S. Department of Transportation’s M-84 Marine Highway Corridor. This resource was one of the main advantages during the site selection process. The proposed use does not yet exist at the Port, which contributes to the County’s expanding and diversification of its economic base.

Policies: It shall be a policy of the County to:

1. *Encourage the creation of new and continuous employment opportunities.*

Response: As noted above, following construction of the proposed facility, it will provide direct employment opportunities for office, management, and operations staff with approximately 220 new jobs and is anticipated to result in

supportive jobs at area companies. The approximately 24-month construction duration is also expected to create temporary construction jobs on site.

2. *Encourage a stable and diversified economy.*

Response: The proposed facility will increase the size and value of the County's industrial sector, which is an important part of Columbia County's overall economic base. The proposed development is planned to be a long-term facility to support renewable diesel fuel production on the site, showing a long term and stable commitment to the regional economy.

3. *Reflect the needs of the unemployed and of those persons who will enter the labor market in the future.*

Response: The approximately 220 jobs created by the project will be family wage jobs, as opposed to lower-paying retail and consumer-facing service sector jobs.

6. *Preserve prime maritime industrial sites from pre-emptive uses until needed for industrial uses.*

Response: As the project relies on a large site served by river and rail transportation and is isolated from a population center, it is entirely consistent with the intended purpose and uses of Port Westward and fulfills the County's policy of utilizing land set aside for marine-related industrial uses.

8. *Preserve valuable industrial sites for industrial uses.*

Response: The proposed industrial project is proposed to be constructed on land zoned Resource Industrial - Planned Development. The industrial use is consistent with the zone.

[***]

12. *Encourage new industrial growth within the urban areas so as to utilize existing public facilities.*

Response: Port Westward is an exception area located outside urban growth boundaries. When the Port Westward Exception Statement was adopted, the County found that the unique features of Port Westward made it substantially different from urban industrial land, and therefore likely to attract industries that could not necessarily use urban industrial land. "Port Westward, Reichhold Chemicals, and the Bernet site are compatible with industrial uses that are either land extensive, incompatible with the urban environment, marine related or a combination of the above. These types of uses do not compete with industrial areas within urban growth boundaries but are complementary to those uses."¹¹ The proposed use is consistent with the Port Westward Exception Statement as detailed earlier.

¹¹ Columbia County Comprehensive Plan 108.

PART XII – INDUSTRIAL SITING

INDUSTRIAL DEVELOPMENT: GOALS AND POLICIES

Goals

1. *To strengthen and diversify the economy of Columbia County and insure stable economic growth.*

Response: The proposed facility will require a significant amount of construction activity, resulting in high-paying construction jobs to build the project. Once built, the facility will operate employ approximately 220 office, management, and operations staff, at the following estimated staffing levels:

ESTIMATED STAFFING LEVELS				
Weekdays			Weekends	
Office/Mgt.	Shift 1	Shift 2	Shift 1	Shift 2
8:00 AM – 5:00 PM	6:00 AM – 6:00 PM	6:00 PM – 6:00 AM	6:00 AM – 6:00 PM	6:00 PM – 6:00 AM
83	35	35	35	35

In addition to the on-site employees, the project will also result in supportive jobs such as those for the terminaling company operating at the dock. Employees are also likely to patronize area businesses in and around Clatskanie.

3. *To encourage industrial growth in Columbia County to diversify its economy. New industry should locate to take maximum advantage of existing public and private investments.*

Response: The proposed renewable diesel production facility will result in both construction and ongoing operational jobs, which helps improve economic diversification and results in Port fees and local property tax revenue. The site’s location allows the facility to take advantage of the existing deepwater port, rail facilities, and both public and private utilities serving Port Westward.

Policies: It shall be policy of the County to establish, implement, and maintain an industrial development program that:

1. *Encourages the creation of new and continuous employment opportunities.*

Response: As noted above, following construction of the proposed facility, it will provide approximately 220 employment opportunities for office, management, and operations staff and is anticipated to result in supportive jobs at area companies.

5. *Recognizes the existence of sites suitable to be developed as deep-water ports but are not needed at this time.*

Response: The proposed facility will utilize the existing deepwater port at Port Westward, one of five (5) deepwater ports in the state.

11. *Directs industries that are either land extensive, resource related, marine related, and/or incompatible with urban populations to those sites which are appropriate to the use and are currently zoned for that use.*

Response: As detailed above, the proposed facility is land extensive (requiring 109 acres excluding off-site acreage for the driveway, pipe rack, etc.), resource related (utilizing the Columbia River), and marine related (utilizing the existing dock at the deepwater port). The facility will perform operations that are potentially hazardous and are thus appropriate outside urban locations. The site's location in the RIPD zone is consistent with this policy.

12. *Is consistent with the exception statements for those sites requiring an exception to the applicable resource goal.*

Response: Consistency with the exception statements for Port Westward is demonstrated above.

RESOURCE INDUSTRIAL DEVELOPMENT: GOALS AND POLICIES

Goal: It is a goal of the County to provide for industrial development on rural lands when such development can be shown to support, utilize, or in some manner be dependent upon, the natural resources of the area.

Response: The County has provided for industrial development within Port Westward by adopting the Port Westward exception area and the RIPD zone. The proposed facility will utilize a natural resource (the Columbia River) as it will depend on the deepwater port for the tanker vessels that will transport materials to and from Port Westward. As the project is consistent with the intended and allowed uses within Port Westward, it is consistent with this goal.

Policies: It shall be a policy of the County to:

3. *Restrict industrial development on land zoned Resource Industrial Planned Development to those uses that:*
- A. *Are not generally labor intensive;*
 - B. *Are land extensive;*
 - C. *Are located with adequate rail and/or vehicle and/or deep water port and/or airstrip access;*
 - D. *Complement the character and development of the surrounding area;*
 - E. *Are consistent with the rural facilities and existing and/or planned for the area; and,*
 - F. *Will not require facility and/or service improvements at public expense; or,*

Response: Policies 3A through 3F are nearly identical to the purpose statement outlined in CCZO Section 681. The applicant provided responses to that section to demonstrate how the proposed facility is consistent with the purpose of the RIPD zone so the responses to those items are not repeated here. For these reasons, the Commission can find that the proposed use is consistent with Policies 3A through 3F.

- G. *Are not appropriate for location within Urban Growth Boundaries due to their hazardous nature.*

Response: The proposed use will rely on the deepwater port facility at Port Westward. Given the safety protocols and systems required by applicable codes, the Commission can find that the proposed activity can be conducted safely. However, production of renewable diesel involves flammable inputs and outputs, chemical emissions, and heavy transportation infrastructure, which may present potential hazards to incompatible uses, such as residential living. For these reasons, the Commission can find that the proposed use is consistent with Policy 3G.

PART XIII – TRANSPORTATION

Objectives:

1. *To maximize efficient use of transportation infrastructure for all users and modes.*

Response: The project will be served by existing transportation infrastructure, including marine, rail, and roadways. Consistent with TSP Project #9, the Applicant will satisfy Public Works requirements for necessary improvements to Hermo Road, either based on conditions of approval or through a road improvement agreement. The applicant will install a rail branchline connecting to Portland & Western Railroad’s mainline, providing rail access to Astoria and the Portland region.

Policies:

2. *The dedication of adequate rights-of-way to meet the standards set in the Transportation Plan shall be required of any person seeking a Zone Change, Conditional Use Permit, Subdivision, or Partition. [...].*

Response: The applicant is not seeking a Zone Change, Conditional Use Permit, Subdivision, or Partition as part of this application.¹² The closest public roadway is Hermo Road, which is classified as a local road in the 2017 Columbia County TSP. The TSP recommends an optimum right-of-way width of 50 feet and an optimum roadway width of 28 feet (to accommodate ten-foot lanes and four-foot shoulders). The existing right-of-way width at the driveway location is 60 feet. Therefore, no right-of-way dedication is merited.

The closest segment of Kallunki Road (to which the site will have secondary access for emergency vehicles and for equipment to access barges) is also designated as a local road. This roadway has a 40-foot right-of-way, which is below the TSP’s stated optimum right-of-way width. However, as the existing roadway fits within the right-of-way and the site does not immediately abut Kallunki Road, no right-of-way dedication is merited.

¹² The separate conditional use permit application for a rail branchline in the PA-80 zone does not create a need for roadway right-of-way dedication.

3. *All expanding or new development shall contribute a fair and proportionate share toward appropriate off-site improvements to county roads whenever a development results in a major increase in traffic on an existing county road.*

Response: As discussed in the Transportation Impact Analysis (Exhibit 14), the proposed facility is anticipated to generate 667 weekday trips, 91 of which will occur in the AM peak hour and 84 of which will occur within the PM peak hour. The report analyzed traffic operations at six study area intersections in 2020 and in 2024, both with and without the proposed development. The report found that all six (6) study intersections meet applicable Columbia County, Oregon Department of Transportation, and City of Clatskanie mobility standards in 2020, in 2024 without NEXT Renewable Fuels, and in 2024 with NEXT Renewable Fuels. Based on this analysis, the TIA does not recommend any mitigation strategies as a result of the proposed facility. The County has a planned project (TSP Project #9) to improve Hermo Road in the vicinity of the project site. The Applicant will satisfy Public Works requirements for necessary improvements to Hermo Road, either based on conditions of approval or through a road improvement agreement. The applicant will pay appropriate transportation system development charges.

4. *County will manage access to roadways to reduce congestion and conflicting travel patterns. The County will work with the Oregon Department of Transportation (ODOT) to limit the number of access points onto Principle Arterials. Direct access to U.S. Highway 30 will be limited as much as is practical in order to reduce the potential for congestion and conflicting traffic patterns which would disrupt the flow of traffic.*

Response: The project will not have direct access onto Highway 30 or Principal Arterials.

5. *The County shall work to enhance freight efficiency, access, capacity and reliability, including access to intermodal facilities such as ports and airports. Industrial uses shall be encouraged to locate in such a manner that they may take advantage of the water and rail transportation systems which are available to the County.*

Response: Although this is a policy for the County to implement, the project is consistent with this policy because it is specifically located at Port Westward to take advantage of existing water and rail transportation facilities.

6. *The County will support reducing the number of rail crossings and will support measures to enhance safety at rail crossings.*

Response: The project does not require a new public road rail crossing.

7. *The County will work with the Port of St. Helens to encourage the establishment and use of dock facilities.*

Response: The project will utilize the Port of Columbia County’s (the current name of the Port of St. Helens) existing deepwater dock facilities at Port Westward.

9. *Restriction of the location of new pipelines and high voltage transmission lines to within existing rights-of-way will be encouraged whenever possible.*

Response: The project does not include any transmission facilities for high voltage electricity, gas, or petroleum (such as a natural gas pipeline). For this reason, the Commission can find that this policy does not apply. Even if it finds otherwise, the Commission can find that this policy is met because the infrastructure necessary to transfer inputs and products between the facility and the dock is entirely within Port property with the exception of a single crossing of Hermo Road.

20. *The County will coordinate transportation and land use planning and decision-making with other transportation agencies and public service providers, such as ODOT, cities within the County, and the Port, when their facilities or services may be impacted by a County decision or there may be opportunities to increase the efficiency and benefits of a potential improvement.*

Response: As part of its evaluation of land use applications including this one, the County coordinates with affected agencies and partners. The applicant has also coordinated with Port, County, and ODOT staff with respect to site design and transportation analysis.

PART XIV – PUBLIC FACILITIES AND SERVICES

Policies

1. *Require that adequate types and levels of public facilities and be provided in advance of or concurrent with development.*

Response: Port Westward Industrial Park already contains multiple public and private facilities that can accommodate development of the site. Port Westward has the PGE electrical generating facilities, the Clatskanie People’s Utility District electrical substation, roadways, rail lines, utilities, drainage facilities, levees, pipelines, electrical transmission lines, and associated support facilities. The project will be served by existing transportation infrastructure, including marine, rail, and roadways. Consistent with TSP Project #9, the Applicant will satisfy Public Works requirements for necessary improvements to Hermo Road, either based on conditions of approval or through a road improvement agreement. Taken together, these conditions provide adequate types and levels of public facilities for the proposed project.

2. *Require that the level of facilities and provided be appropriate for, but limited to, the needs and requirements of the area(s) to be served. The types and level of public facilities allowed within Rural Residential, Rural Center, Existing Commercial, and Rural Industrial areas are:*
 - A. *Public or community water systems.*

- B. *Public or community sewage systems.*
- C. *Collector and/or arterial street systems.*
- D. *Fire protection by a rural fire protection district, or an equivalent level of service.*

Response: The site is within a Rural Industrial zone (Rural Industrial - Planned Development). Port Westward is served by private water systems and a small private industrial wastewater system (see Exhibit 16), local roads, and the Clatskanie Rural Fire Protection District, consistent with this policy. No expansions to these systems are proposed or required for this project.

- 4. *Encourage new development on lands within urban growth boundaries or built and committed exception areas.*

Response: The site is outside an urban growth boundary but is within an exception area that was created to accommodate industrial development that capitalizes on the unique combination of rail and deepwater port access available at Port Westward. The proposed development is consistent with this policy.

- 13. *Support a level of fire safety and service in all areas of the County sufficient to minimize the risk of fire damage to life and property.*

Response: The site’s location within the Clatskanie Rural Fire Protection District capitalizes on the District’s experience and partnership with existing Port Westward industrial operations to ensure appropriate levels of fire protection.

PART XV – ENERGY CONSERVATION

Policies

- 3. *The County shall encourage the development of recycling facilities and the use of recycled resources.*

Response: The proposed renewable diesel production facility will create fuel by using recycled organic materials such as used cooking oil, which is fully supportive of this policy.

- 4. *The County will encourage the development of alternative energy sources.*

Response: The proposed renewable diesel production facility will create fuel by recycling existing materials rather than by refining fossil fuels. This facility will help implement the County’s policy.

- B. *The potential impact upon the area resulting from the proposed use has been addressed and any adverse impact will be able to be mitigated considering the following factors:*

- .1 *Physiological characteristics of the site (ie., topography, drainage, etc.) and the suitability of the site for the particular land use and improvements;*

Response: The site is relatively flat, with existing elevations that vary by less than 10 feet across the entire production facility site (see Exhibit 3, Sheet C1.10), which

is ideal for large industrial development. The site is protected from flooding by the Beaver Drainage District's dikes and associated stormwater conveyance and pumps and is therefore adequately drained. As detailed in the preliminary stormwater report (Exhibit 13), sufficient infrastructure is in place or proposed to collect, treat, and discharge runoff. While the site does contain wetlands that will be impacted by the proposed development (Exhibit 11), the applicant is seeking approval from the U.S. Army Corps of Engineers and the Oregon Department of State Lands for wetland alterations and will perform approximately 488 acres of off-site wetland mitigation in accordance with Federal and State law. The site has been planned for industrial development for many years and the proposed use is appropriate given its physiological characteristics.

.2 Existing land uses and both private and public facilities and services in the area;

Response: The site is part of the Port Westward Industrial Park, which is home to multiple industrial uses (PGE power generation facilities, Columbia Pacific Bio-Refinery, Clatskanie PUD substation) and supporting facilities and services (roadways, rail lines, utilities, drainage facilities, levees, pipelines, and electrical transmission lines, private water system, and wastewater system). The nearby industrial uses are not sensitive to expansion of industrial activity at Port Westward. The existing dock serves these industrial uses and is particularly well suited for serving the propose use for shipment of feedstock and finished products. The existing agricultural uses to the east and south are not likely to be negatively impacted by the proposed industrial use due to the applicable County land use regulations and permit standards, fire code provisions implemented by the Clatskanie Rural Fire Protection District, and multiple state and Federal permits which the applicant will need to obtain prior to beginning operation of the facility. The proposed site development is consistent with existing land uses and available facilities and services.

.3 The demonstrated need for the proposed use is best met at the requested site considering all factors of the rural industrial element of the Comprehensive Plan.

Response: The goals and policies of the Comprehensive Plan's rural industrial element were addressed above. As explained, the project is consistent with all the applicable rural industrial goals and policies, and the site is suitable for the proposed use given the existing services available to serve rural industrial development at the site.

C. The requested use can be shown to comply with the following standards for available services:

.1 Water shall be provided by an on-site source of sufficient capacity to serve the proposed use, or a public or community water system capable of serving the proposed use.

Response: The Port has water rights authorizing intake of water from the Columbia River/Bradbury Slough. Port Westward Industrial Park is served by private water systems that utilize wells and draw from the river. As illustrated on Exhibit 3 Sheet C1.30, a connection to the existing water supply will be made near

the north end of the site. The Port has indicated that sufficient capacity is available within the Port's existing water rights (see Exhibit 16).

- .2 *Sewage will be treated by a subsurface sewage system, or a community or public sewer system, approved by the County Sanitarian and/or the State DEQ.*

Response: Port Westward Industrial Park has a private industrial wastewater system and a discharge system for tenants' process water (see Exhibit 16). As illustrated on Exhibit 3 Sheet C1.11, the applicant is proposing a wastewater pretreatment facility for all storm and greywater prior to discharging to the sewer system near the north end of the site. Discharge from domestic use within buildings may be stored in holding tanks prior to being hauled off or may be treated via sand filters and leach fields pending results of on-site system evaluation. The applicant will obtain all necessary permits from County Sanitarian and/or the Oregon Department of Environmental Quality, as applicable.

- .3 *Access will be provided to a public right-of-way constructed to standards capable of supporting the proposed use considering the existing level of service and the impacts caused by the planned development.*

Response: The applicant proposes to construct a private driveway between the site and Hermo Road. Hermo Road, a public right-of-way, is currently gravel near the site. Consistent with TSP Project #9, the Applicant will satisfy Public Works requirements for necessary improvements to Hermo Road, either based on conditions of approval or through a road improvement agreement. The TIA (Exhibit 14) demonstrates that the roadway network, following improvements consisting of roadway widening and paving along Hermo Road, has adequate capacity for the proposed development. In light of the applicant's plan to improve the roadway, the TIA does not recommend any additional mitigation strategies. The site will have secondary emergency access to Kallunki Road (a public right-of-way) for emergency vehicles and for equipment to access barges but the secondary access is not proposed for regular use by members of the public since it is within the Port Westward secure area.

- .4 *The property is within, and is capable of being served by, a rural fire district; or, the proponents will provide on-site fire suppression facilities capable of serving the proposed use. On-site facilities shall be approved by either the State or local Fire Marshall.*

Response: Port Westward Industrial Park has an existing high-pressure fire suppression system designed to accommodate development in the industrial park, and the site is within the Clatskanie Rural Fire Protection District. The proposed on-site fire protection facilities will be designed per Oregon Fire Code standards and industry best practices and will be reviewed and approved by the Fire Marshal prior to utilization.

- .2 *Accessory buildings may be allowed if they fulfill the following requirements:*
- A. *If attached to the main building or separated by a breezeway, they shall meet the front and side yard requirements of the main building.*

- B. *If detached from the main building, they must be located behind the main building or a minimum of 50 feet from the front lot or parcel line, whichever is greater.*
- C. *Detached accessory buildings shall have a minimum setback of 50 feet from the rear and/or side lot or parcel line.*

Response: The proposed site plan (Exhibit 3, Sheet C1.11) depicts the proposed structures within the facility. None of the proposed structures meets the CCZO definition of Accessory Structure or Use¹³ since all of the structures will be integral to the operation of the facility rather than incidental or subordinate. This standard does not apply.

.3 Signs as provided in Chapter 1300.

Response: Prior to sign installation, the applicant will obtain all necessary permits and submit signage designs to County staff for review where required by code. Preliminary signage designs are depicted in Exhibit 3, Sheet C1.40.

.4 Off street parking and loading as provided in Chapter 1400.

Response: The proposed use complies with applicable parking and loading standards, as discussed below in the responses to Section 1400.

685 Standards

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

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

.2 The minimum lot or parcel size, average lot or parcel width and depth, and setbacks for uses allowed under Section 683, shall be established by the Planning Commission, and will be sufficient to support the requested rural industrial use considering, at a minimum, the following factors:

- A. *Overall scope of the project. Should the project be proposed to be developed in phases, all phases shall be considered when establishing the minimum lot size.*

Response: The site for the production facility, which consists of property owned by NEXT Renewable Fuels and property leased by NEXT Renewable Fuels from the Port of Columbia County, will have an area of approximately 109 acres (not counting off-site acreage for the driveway, pipe rack, etc.). As illustrated in the proposed site plan (Exhibit 3, Sheet C1.11), this size is sufficient for facility operations, including office, warehouse, production areas, staging areas, pipe racks, electrical equipment, storage tanks, wastewater treatment, a flare, and a rail spur. The project is not proposed to be developed in phases. This standard is met.

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

Response: Parking requirements in the CCZO are set forth in Section 1400. As discussed in the response to that section, the applicant is proposing 128 parking spaces, which

¹³ Accessory Structure or Use: A structure or use incidental and subordinate to the main use of the property and is located on the same lot or parcel with the main use and contributes to the comfort or convenience of persons occupying the property, but not including the keeping of livestock other than ordinary household pets. CCZO Section 100.3.

complies with the 118-space minimum requirement for the proposed manufacturing use. The applicant proposes loading docks on the warehouse, together with multiple outdoor storage areas and rail loading/unloading areas. This standard is met.

C. Setbacks necessary to adequately protect adjacent properties.

Response: The site for the production facility consists of property owned by NEXT Renewable Fuels and property leased by NEXT Renewable Fuels from the Port of Columbia County. Only minimal setbacks are merited due to the existing and planned development of the adjacent (off-site) properties. Properties to the north and west are within the Port Westward Industrial Park and zoned RIPD. Properties immediately to the south and east are currently in agricultural use (primarily crops) and do not contain sensitive receptors such as residences, schools, churches, hospitals, etc. As illustrated in the proposed site plan (Exhibit 3, Sheet C1.11), all proposed buildings are set back at least 95 feet from the site boundary, which is appropriate for the proposed use in this site context. Landscape buffers are provided on the south and east boundaries where facing other uses and where not precluded by overhead power lines and rail lines (see Exhibit 3, Sheets L1.10-L1.11 and Exhibit 17). This standard is met.

.3 Access shall be provided to a public right-of-way of sufficient construction to support the intended use, as determined by the County Roadmaster.

Response: The applicant proposes to construct a private driveway between the site and Hermo Road. Hermo Road, a public right-of-way, is currently gravel near the site. Consistent with TSP Project #9, the Applicant will satisfy Public Works requirements for necessary improvements to Hermo Road, either based on conditions of approval or through a road improvement agreement. The TIA (Exhibit 14) demonstrates that the roadway network, following improvements consisting of roadway widening and paving along Hermo Road, will have adequate capacity for the proposed development. In light of the obligations in the Development Agreement, the TIA does not recommend any mitigation strategies. The site will have secondary access to Kallunki Road (a public right-of-way) for emergency vehicles and for equipment to access barges but the secondary access is not proposed for regular use by members of the public since it is within the Port Westward secure area. For the above reasons, the County Roadmaster, and by extension the Commission, can find that the proposed access is “sufficient to support the intended use.”

686 Review Procedures

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

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

Response: This provision provides procedural guidance to the Planning Commission and does not require the submission of additional evidence. Elsewhere in this narrative and in the accompanying exhibits, the applicant has provided evidence that the proposed use complies with CCZO Sections 681, 683, 684, and 1550. This standard is met.

B. Site Design Review

Section 1550 Site Design Review

The Site Design Review process shall apply to all new development, redevelopment, expansion, or improvement of all community, governmental, institutional, commercial, industrial and multi-family residential (4 or more units) uses in the County.

1551 Types of Site Design Review

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

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

1552 Design Review Process

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

Response: The proposed development is classified as a Type 2 project since it affects greater than 5,000 square feet. The applicant is seeking Type 2 Design Review approval from the Planning Commission. This standard is met.

1553 Pre-application Conference

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

Response: A pre-application conference for this application was held with County staff on February 6, 2020.

1558 Planning Commission Review

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

Response: The proposed development is classified as a Type 2 project since it affects greater than 5,000 square feet and is thus subject to Planning Commission review pursuant to the quasi-judicial hearings and public notice procedures detailed in Sections 1603, 1604 and 1608. The proposed renewable diesel production facility complies with applicable criteria as demonstrated by this narrative and the exhibits. Thus, no imposition of additional conditions is warranted or necessary to correct deficiencies in the application or ensure follow-through on subsequent permitting requirements.

1560 Existing Site Plan

The degree of detail in the existing site plan shall be appropriate to the scale of the proposal, or to special site features requiring careful design. An existing site plan shall include the following, unless it is determined by the Planning Director that the information is not applicable or is not necessary to determine compliance with County and State standards, and a short explanation will be given for each item so determined:

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

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

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

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

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

1561 Proposed Site Plan

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

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

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

Response: A proposed site plan, grading plan, drainage plan, sign plan, illumination plan, wetland drawings, erosion control plans, and landscaping plans depicting these elements are included as Exhibit 3. A wetland delineation report is included as Exhibit 11 and a stormwater report is included as Exhibit 13. Noise sources will utilize applicable mechanisms to limit volumes to no more than 85 decibels at the property line.

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

Response: A proposed grading plan depicting these elements is included as Exhibit 3, Sheet C1.20.

C. *Architectural Drawings*

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

Response: Building footprints are depicted on the proposed site plan (Exhibit 3, Sheet C1.11), while a rendering of the proposed facility is included as Exhibit 15.

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

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

- b. *Plot plan showing location of signs on building in relation to adjoining property.*

Response: Signage is illustrated in Exhibit 3, Sheet C1.40.

1562 Landscaping: Buffering, Screening and Fencing

A. *General Provisions*

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

Response: The majority of existing vegetation will be removed from the site to accommodate the proposed development. Appropriate erosion control measures will be implemented as depicted in Exhibit 3, Sheets EC1.10-EC5.10.

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

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

B. *Buffering Requirements*

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

Response: Adjacent properties to the north and west are zoned RIPD and are in the Port Westward Industrial Park, so 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 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 proposed facility is required to conform to the Chemical Facility Anti-Terrorism Standards (CFATS), a risk-based performance standard issued by the Cybersecurity & Infrastructure Security Agency (CISA) within the U.S. Department of Homeland Security. CISA states that “The Cybersecurity and Infrastructure Security Agency’s (CISA) Chemical Facility Anti-Terrorism Standards (CFATS) program identifies and regulates high-risk chemical facilities to ensure security measures are in place to reduce the risk of certain hazardous chemicals being weaponized” and notes that “The CFATS regulation applies to facilities across many industries—chemical manufacturing, storage, and distribution, energy and utilities, agriculture and food, explosives, mining, electronics, plastics, universities and laboratories, paint and coatings, and healthcare and pharmaceuticals, among others.”¹⁴ The May 2009 *Risk-Based Performance Standards Guidance: Chemical Facility Anti-Terrorism Standards* publication, issued by the Infrastructure Security Compliance Division, Cybersecurity and Infrastructure Security Agency,¹⁵ identifies fencing as a physical security measure, noting that:

Perimeter barriers reduce the likelihood of unauthorized persons accessing the facility for malicious purposes such as theft, sabotage, or intentional release of chemicals of interest. By securing and monitoring the perimeter of the facility, facility personnel can more easily and effectively control who enters and leaves the facility, both on foot and in vehicles, and are better able to detect, delay, defend

¹⁴ <https://www.cisa.gov/chemical-facility-anti-terrorism-standards>

¹⁵ https://www.cisa.gov/sites/default/files/publications/cfats-rbps-guidance_508.pdf

³ Security Vulnerability Assessment Methodology for the Petroleum and Petrochemical Industries, American Petroleum Institute and National Petrochemical & Refiners Association May 2003, <https://www.nrc.gov/docs/ML0502/ML050260624.pdf>

against, and respond to individuals or groups who seek unauthorized access to the facility. A well-secured perimeter additionally will help to deter intruders from seeking to gain access to the facility or from launching attacks from the area immediately outside a facility's perimeter.

As CFATS is a performance-based standard rather than a prescriptive standard, individuals typically pursue compliance by implementing best practices developed by industry experts. As a renewable diesel production facility, NEXT Renewable Fuels will rely on publications such as the *Security Vulnerability Assessment Methodology for the Petroleum and Petrochemical Industries*.³ This document categorizes 6-foot fences as "Low Security Level," which is the same level as having no fencing. By contrast, an 8-foot fence is categorized as "Moderate to High Security Level." Historically, refineries utilized 6-foot-high chain link fencing, but after the 9/11 terrorist attacks, new security programs were developed (including CFATS). Through the practice of facility security reviews, refineries switched to using 8-foot fencing as an improved security measure. This document also notes that when evaluating facility security, operators should identify whether the fence line is "clear of vegetation, trash, equipment, and other objects that could impede observation" as clear sight lines improve security. As a result, the applicant has requested a variance to eliminate the continuous evergreen hedge normally required with chain link fencing.

Based on the CFATS performance standards and best practices recommended by industry experts, the applicant is proposing to construct an 8-foot fence at Port Westward. Specifications and details for the type of fencing that are typically used at such facilities are found in Exhibit 18. Exhibit 3, Sheet C1.11 provides a detail of the fencing proposed for this site.

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 an evergreen hedge due to the need to maintain sight lines to the facility. With the approval of the variance request, this standard is met.

1563 Standards for Approval

The Planning Commission or Director shall make a finding with respect to each of the following criteria when approving, approving with conditions, or denying an application:

A. *Flood Hazard Areas: See CCZO §1100, Flood Hazard Overlay Zone. All development in Flood Hazard Areas must comply with State and Federal Guidelines.*

Response: CCZO Section 1102 identifies the "Area of Special Flood Overlay" as "the land in the flood plain within a community subject to a one percent or greater chance of flooding in any given year. Designation on maps always includes the letters A or V." According to the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Map 41009C0050D, dated November 26, 2010, the site is in shaded Zone X, which is outside the Special Flood Hazard Area (see Exhibit 4). Therefore, the Commission can find that this standard does not apply.

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

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

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

Response: The applicant is proposing a renewable diesel production facility as permitted in the RIPD zone under prescribed conditions. The development will impact wetlands so the applicant will perform mitigation as provided by Federal and State law. There are no significant natural areas or features on the site. As detailed in the responses to Sections 1120, 1185, and 1190, the site is outside the Sensitive Bird Habitat Overlay, Natural Area Overlay, and Big Game Habitat Overlay. The applicant will perform stormwater management in accordance with applicable standards (as outlined in the stormwater report, Exhibit 13) and will obtain all necessary environmental permits to minimize impacts on off-site natural areas and features.

D. Historic and Cultural sites and structures: All historic and culturally significant sites and structures identified in the 1984 Comprehensive Plan, or identified for inclusion in the County Periodic Review, shall be protected if they still exist.

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

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

Response: Proposed lighting will be provided as illustrated in Exhibit 3 Sheets C1.50 and C1.51. Light fixtures are proposed to be shielded and placed far enough from property lines so they focus light on the work area rather than casting light on adjoining properties or public streets. This standard is met.

F. Energy Conservation: Buildings should be oriented to take advantage of natural energy saving elements such as the sun, landscaping and land forms.

Response: The proposed buildings will be oriented along axes corresponding to cardinal directions, allowing for solar effects to the east, south, and west faces. The site is relatively flat so slopes do not affect building orientation.

G. Transportation Facilities: Off-site auto and pedestrian facilities may be required by the Planning Commission, Planning Director or Public Works Director consistent with the Columbia County Road Standards and the Columbia County Transportation Systems Plan.

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

There is an existing paved roadway from Kallunki Road to the PGE Beaver Generation site and this road has an existing paved rail crossing. The applicant's proposed secondary driveway is the existing gravel driveway that connects to this existing paved roadway west of the rail line, so no rail improvements are required. No changes are proposed to this existing paved roadway or rail crossing. Sheet C1.11 specifies that the secondary driveway will be 20 feet wide and surfaced with gravel. Final design of signage and gates will be deferred to the building permit stage of the project, though conceptual wording of the "emergency access only" signage is shown on Sheet C1.40.

1564 Final Site Plan Approval

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

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

Section 200 General Provisions

215 Ingress and Egress

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

Response: As depicted on Exhibit 3, Sheets G0.01 and C1.13, the proposed development will utilize a driveway to Hermo Road as its primary access point, with secondary egress to Kallunki Road for emergency vehicles and for equipment to access barges. Each of these serves as a defined ingress and egress point. This standard is met.

Section 1100 Flood Hazard Overlay (FH)

Response: The site is protected from flooding by dikes and associated stormwater conveyance and pumps within the Beaver Drainage District. According to the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Map 41009C0050D, dated November 26, 2010, the dike system has been provisionally accredited by FEMA. See Exhibit 4. This map indicates that the site is in FEMA's shaded Zone X, corresponding to areas protected by levees from 1% annual chance flood. The proposed driveway and pipe rack are also in shaded Zone X. Therefore, the site is not in the Special Flood Hazard Area and is not subject to the standards of this chapter.

Section 1120 Sensitive Bird Habitat Overlay (SBH)

Response: Columbia County Comprehensive Plan, Part XVI, Article VIII(F), Non-Game Wildlife Habitat, lists areas identified as significant nesting sites by the Oregon Department of Fish and Wildlife. Port Westward is not a listed area for Bald Eagle nests, Blue Heron rookeries, or Northern Spotted Owl nests. As illustrated in Exhibit 5, the site is not within any areas identified as Natural Areas, Non-Game Areas, or Sensitive Areas on the County's Threatened, Endangered and Sensitive Wildlife and Plant and Natural Areas map.

Columbia County Comprehensive Plan, Part XVI, Article VIII(G), Upland Game Habitat, lists three mineral spring areas identified as habitat for band-tailed pigeons, none of which include Port Westward. As illustrated in Exhibit 6, the site is not within an identified Upland Game Habitat area in the County's Wildlife Game Habitat map.

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

Section 1130 Historic Overlay (HO)

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

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

1172 Riparian Corridor Standards

- A. *The inventory of Columbia County streams contained in the Oregon Department of Forestry Stream Classification Maps specifies which streams and lakes are fish-bearing. Fish-bearing lakes are identified on the map entitled, "Lakes of Columbia County." A copy of the most current Stream Classification Maps is attached to the Comprehensive Plan, Technical Appendix Part XVI, Article X(B) for reference. The map, "Lakes of Columbia County" is attached to the Comprehensive Plan, Technical Appendix Part XVI, Article X(B), and is incorporated therein. Based upon the stream and lake inventories, the following riparian corridor boundaries shall be established:*
1. *Lakes. Along all fish-bearing lakes, the riparian corridor boundary shall be 50-feet from the top-of-bank, except as provided in CCZO Section 1172(A)(5), below.*
 2. *Fish-Bearing Streams, Rivers and Sloughs (Less than 1,000 cfs). Along all fish-bearing streams, rivers, and sloughs with an average annual stream flow of less than 1,000 cubic feet per second (cfs), the riparian corridor boundary shall be 50-feet from the top-of-bank, except as provided in CCZO Section 1172(A)(5), below. Average annual stream flow information shall be provided by the Oregon Water Resources Department.*
 3. *Fish-Bearing and Non-Fish-Bearing Streams, Rivers and Sloughs (Greater than 1,000 cfs). Along all streams, rivers, and sloughs with an average annual stream flow greater than 1,000 cubic feet per second (cfs), the riparian corridor boundary shall be 75-feet upland from the top-of-bank, except as provided in CCZO Section 1172(A)(5), below. Average annual stream flow information shall be provided by the Oregon Water Resources Department.*
 4. *Other rivers, lakes, streams, and sloughs. Along all other rivers, streams, and sloughs, the riparian corridor boundary shall be 25 feet upland from the top-of-bank, except as provided in CCZO Section 1172(A)(5), below.*
 5. *Wetlands. Where the riparian corridor includes all or portions of a significant wetland, as identified in the State Wetlands Inventory and Local Wetlands Inventories, the standard distance to the riparian corridor boundary shall be measured from, and include, the upland edge of the wetland. Significant wetlands are also regulated under provisions in the Wetland Overlay Zone, Columbia County Zoning Ordinance, Section 1180.*

Response: The site does not contain or abut any lakes, rivers, streams, or sloughs. Oregon Department of Forestry Stream Classification data do not identify any fish-bearing streams, lakes, or sloughs at the site (see Exhibit 8). Similarly, the "Lakes of Columbia County" map (attached as Exhibit 9) illustrates that there are no identified lakes in the vicinity of Port Westward.¹⁶

As illustrated in Exhibit 8, McLean Slough is located south of the site in proximity to the proposed driveway. However, the slough and its 25-foot buffer do not fall within the site boundaries. The existing ditches through the site are not streams, sloughs, or wetlands; the site-specific Wetland Delineation Report (Exhibit 11) identifies numerous non-wetland irrigation ditches which "...drain

¹⁶ Columbia County Comprehensive Plan, Part XVI, Article X, Water Resources, specifies that the "Lakes of Columbia County" was prepared by the U.S. Department of the Interior, Geological Survey, in 1973. An excerpt from this report is attached as Exhibit 9.

south to the Columbia River via McLean Slough, Beaver Slough, and the Clatskanie River.” Neither these sloughs nor the Clatskanie River flow through the site.

The wetland delineation report (Exhibit 11) indicates that the wetlands in the study area are supported by precipitation, irrigation water, surface runoff, and groundwater rather than rivers, streams, or sloughs (the wetlands fall into the “flats” rather than “riverine” hydrogeomorphic class). Therefore, the distance to the riparian corridor boundary need not be measured from the edge of the wetlands since the wetlands are not riparian in nature.

As the site does not contain an identified fish-bearing stream or lake and the 25-foot riparian buffer around McLean Slough is outside the site boundaries, development at the site is not subject to the Riparian Corridors, Wetlands, Water Quality, and Fish and Wildlife Habitat Protection Overlay Zone.

Section 1180 Wetland Area Overlay (WA)

1181 Purpose

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

Response: The applicant engaged a wetlands biologist to perform a site-specific wetland delineation as documented in Exhibit 11. The wetland delineation report, which reveals considerable differences in wetland size and location compared to the Statewide Wetlands Inventory, has now been approved by the Oregon Department of State Lands (DSL). As discussed in Exhibit 19, the State Wetland Inventory does not identify significant wetlands near the site, and Columbia County has not adopted its own Local Wetland Inventory (LWI). Furthermore, as the site is not located within an urban growth boundary, it does not fall within the study area of any nearby LWIs (such as the City of Clatskanie LWI). Therefore, most wetlands on site—which are not depicted in the SWI or any LWI—are not subject to Section 1180. Furthermore, the wetlands on site do not meet the County’s definition of significant wetlands per CCZO Section 1182. Thus, the County can find that the applicant’s proposed wetland alterations are not inconsistent with the stated purpose of protecting significant wetlands.

1182 Definition

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

Response: Multiple potential wetlands exist within the site boundaries as illustrated in the Statewide Wetlands Inventory excerpt in Exhibit 10 and in the County’s map in Exhibit 7. The applicant therefore engaged a wetlands consultant to perform a site-specific wetland delineation, with the resulting report attached as Exhibit 11. As discussed in Exhibit 19, based on the wetland delineation report approved by DSL, the presence of plants adapted solely to wetlands is very low, as most of the plants consist of species

that grow in wetlands and non-wetlands. Since the vegetation within the delineated wetland does not constitute a prevalence of plants “adapted for life in saturated soil conditions,” the wetlands do not meet the County’s adopted definition of significant wetlands.

In addition to the vegetation profile, the biological value of the delineated wetlands is limited. Exhibit 19 notes that the wetland delineation report analyzed 17 functions, of which only four received higher ratings, while five received moderate ratings, and seven received lower ratings. Since the wetland delineation report has been approved by DSL, there does not appear to be any dispute by subject matter experts on whether these wetlands have little biological value. The Applicant expects DSL to issue a written statement explaining the non-significance of affected wetlands in December, 2021. This further supports the contention that the wetlands do not meet the County’s adopted definition of “significant” wetlands.

The Board of County Commissioners can interpret and apply this definition with (or without) input and consensus from the above-listed agencies and can rely upon the evidence from the applicant’s qualified wetland biologists and environmental consultants with respect to significance. Since the wetlands on site do not meet the regulatory definition of “significant wetland,” CCZO Section 1183 allows any other uses otherwise permitted by the base RIPD zoning at this location.

1183 Permitted Uses

Uses and development activities permitted outright or conditionally in the underlying zone shall be permitted in the Wetland Area Overlay Zone if they will not result in filling, drainage, removal of vegetation, or other alteration which would destroy or degrade a significant wetland as defined in Section 1182. Minor drainage improvements necessary to ensure effective drainage on surrounding agricultural lands under Oregon Department of Agriculture wetland rules shall be allowed where such an action has been fully coordinated with the Oregon Department of Fish and Wildlife, the Columbia County Soil and Water Conservation District, and the Division of State Lands. Existing drainage ditches may be cleared to original specifications without County review.

Response: The applicant is proposing a renewable diesel production facility as permitted in the RIPD zone. As explained in the response to Section 1182 and further detailed in the Exhibit 19, the on-site wetlands do not meet the threshold of significance under Section 1182. Thus, the remaining restrictions of Section 1180 do not prohibit alterations to the Project’s wetland impact area, as Section 1180 protects only significant wetlands. To prepare the site for development, the proposed construction will result in temporary and permanent impacts to wetlands (Exhibit 11). The applicant is seeking approval from the U.S. Army Corps of Engineers and the Oregon Department of State Lands for wetland alterations and will perform over 480 acres of off-site wetland mitigation in accordance with Federal and State law.

1184 Development Standards

- A. *Riparian Corridor Standards for Wetlands. For the purposes of this Section, “Fish-bearing streams” shall mean all streams identified as being fish-bearing, by the Oregon Department Forestry in the Stream Classification Maps, as amended, and “Fish-bearing lakes” shall mean those streams identified in “Lakes of Columbia County”. The current Oregon Department of Forestry Stream Classification Map is attached to the Comprehensive Plan, Technical Appendix, Part XVI, Article X(B), for reference. The Map, “Lakes of Columbia County” is also attached to the Comprehensive Plan, Technical Appendix, Part XVI, Article X(B), and is incorporated therein. Significant Wetlands are identified on the State Wetlands Inventory (SWI), and Local Wetlands Inventories (LWI’s). The SWI is attached to the Comprehensive Plan, Part XVI, Article X(A), for reference.*

1. *Fish-Bearing Lakes. Along all wetlands associated with fish-bearing lakes, the riparian corridor boundary shall be 50 feet from the upland edge of the wetland.*

Response: As discussed in the response to Section 1172, there are no fish-bearing lakes at the site. This standard does not apply.

2. *Streams, Rivers, and Sloughs (Greater than 1,000 cfs). Along all wetlands associated with all fish-bearing rivers, streams and sloughs, with an average annual stream flow greater than 1,000 cubic feet per second (cfs), the riparian corridor boundary shall be 75 feet from the upland edge of the wetland. Average annual stream flow information shall be provided by the Oregon Water Resources Department.*

Response: As discussed in the response to Section 1172, there are no fish-bearing streams, rivers, or sloughs at the site. This standard does not apply.

3. *Fish-Bearing Streams, Rivers and Sloughs (Less than 1,000 cfs). Along all wetlands associated with fish bearing streams, rivers, and sloughs, with an average annual stream flow less than 1,000 cubic feet per second (cfs), the riparian corridor boundary shall be 50 feet from the upland edge of the wetland. Average annual stream flow information shall be provided by the Oregon Water Resources Department.*

Response: As discussed in the response to Section 1172, there are no fish-bearing streams, rivers, or sloughs at the site. This standard does not apply.

4. *Other Rivers and Streams, or Sloughs. For all other wetlands associated with streams, rivers, or sloughs, the riparian corridor boundary shall be 25 feet from the upland edge of the wetland.*

Response: Based on the wetland delineation report (Exhibit 11), the wetlands in the study area are supported by precipitation, irrigation water, surface runoff, and groundwater (the wetlands fall into the “flats” rather than “riverine” hydrogeomorphic class). As the wetlands on site are not associated with streams, rivers, or sloughs, this standard does not apply.

5. *Wetlands not associated with Streams, Rivers, Sloughs, or Fish-Bearing Lakes. Along all wetlands not associated with a stream, river, slough, or non-fish-bearing lake, there shall not be a protective riparian corridor boundary. However, development is prohibited from encroaching within a delineated wetland boundary.*

Response: Based on the wetland delineation report (Exhibit 11), the wetlands in the study area are supported by precipitation, irrigation water, surface runoff, and groundwater (the wetlands fall into the “flats” rather than “riverine” hydrogeomorphic class). As the wetlands on site are not associated with streams, rivers, sloughs, or lakes, there is no additional protective riparian corridor boundary around the wetlands.

Section 1184(A)(5) should not be construed to prohibit development in *all* wetlands, as this would conflict with the express provisions of Sections 1181, 1182, and 1183 which limit activities solely in *significant* wetlands. As the wetlands on site do not meet the threshold of significant wetlands, the development restrictions on significant wetlands do not apply. Furthermore, the County can find that the encroachments in wetlands are specifically permitted for water-dependent and water-related uses under CCZO 1184(E)(2)(e). The County can find that the project is water-dependent or at least water-related because it largely relies on riverine transportation provided by the Columbia River for export of renewable diesel and import of renewable diesel feedstock, as further discussed in the “Water-Dependent/Water-Related Use” section of the Introduction.

The Applicant will comply with CCZO 1184(G)(1) by obtaining Oregon Department of State Lands and U.S. Army Corps of Engineers permits allowing fill of the impacted wetlands and requiring compensatory wetland mitigation. The applicant is proposing over 480 acres of wetland mitigation south of the site.

- B. *Corridor Boundary Measurement: The riparian corridor boundary begins at the upland edge of the wetland and is measured outward, further upland, the required riparian corridor boundary distance.*

Response: As the wetlands on site are not associated with streams, rivers, sloughs, or lakes, there is no protective riparian corridor boundary around the wetlands.

- C. *Activities Prohibited within the Wetland Riparian Corridor Boundary. In addition to the prohibitions of the underlying zone, the following development activities are prohibited in wetland riparian corridor boundaries, except as provided for in Sub-sections 1184(E) and (F) of this Sub-section:*
1. *The alteration of the wetland riparian corridor by grading, the placement of fill material, and/or impervious surfaces, including paved or gravel parking areas or paths, and/or the construction of buildings or other structures which require a building permit under the State of Oregon Uniform Building Code, as amended, or other land use permit.*
 2. *The removal of riparian trees or vegetation.*

Response: As the wetlands on site are not associated with streams, rivers, sloughs, or lakes, there is no protective riparian corridor boundary around the wetlands pursuant to Section 1184(A)(5).

- D. *Exempted Activities. This Overlay Zone does not apply to land legally used for commercial forestry operations or standard farm practices, both of which are exempt from the riparian corridor protection standards of this Section. The use of land for commercial forestry is regulated by the Oregon Department of Forestry. The use of land for standard farm practices is regulated by the Oregon Department of Agriculture, with riparian area and water quality issues governed specifically by ORS 568.210 to ORS 568.805.*

Response: The applicant is not proposing commercial forestry operations or standard farm practices or seeking use of this exemption.

- E. *Exceptions to prohibited activities. Notwithstanding the prohibitions set forth in sub-section (C), above, the following development activities are allowed within the wetland riparian corridor boundary:*
1. *The following wetland riparian vegetation may be removed:*
 - a. *Non-native vegetation, invasive species, and noxious weeds, if replaced with native plant species. The replacement vegetation shall cover, at a minimum, the area from which vegetation was removed, and shall provide for maximum soil retention and shade cover. Replacement vegetation shall, upon maturity, maintain 75%-100% canopy and ground cover.*
 - b. *Vegetation which is necessarily removed for the development of water related and water dependent uses. Vegetation removal shall be kept to the minimum necessary to allow the water dependent and/or water related use.*
 - c. *Trees and vegetation in danger of falling and/or posing a hazard to life or property. If no hazard will be created, the trees, once felled, shall be left in place in the riparian area.*
 2. *The following development is allowed within the riparian corridor boundary:*
 - a. *Streets, roads, and driveways, if:*

- i. *It is not possible to locate the street, road or driveway outside of the riparian corridor boundary; and*
- ii. *The street, road or driveway is designed to minimize intrusion into the riparian corridor boundary;*
- b. *Pedestrian walkways, paths and trails;*
- c. *Fencing and signs, not including billboards;*
- d. *Drainage facilities, utilities and irrigation pumps;*
- e. *Water-related and water-dependent uses;*
- f. *New or expanded shoreline stabilization and flood control grading and structures;*
- g. *Portable furniture, and other portable outdoor equipment for the private use of the property owner/resident. For purposes of this subsection, "portable" shall mean that the item is not affixed to the ground, other than with a chain or other lock which is capable of being removed at any time.*

Response: Notwithstanding the findings in the response to Sections 1182, 1183, and 1184(A)(5) stipulating that the WA Overlay Zone does not prohibit development within non-significant wetlands, the County can find that the encroachments in wetlands are specifically permitted for water-dependent and water-related uses under CCZO 1184(E)(2)(e). The County can find that the project is water-dependent or at least water-related because it largely relies on riverine transportation provided by the Columbia River (specifically, the deepwater port) for export of renewable diesel and import of renewable diesel feedstock, as further discussed in the "Water-Dependent/Water-Related Use" section of the Introduction. The project is also water-dependent because it relies on water from the Columbia River for steam production, cooling tower process water, and fire water reserve.

- F. *Legal non-conforming uses are allowed to continue within the wetland riparian corridor boundary subject to the requirements in Section 1506, ORS 215.130, applicable state laws, and the following additional requirements:*
- 1. *For replacement of legal non-conforming structures with new structures, any new structure shall be located in the same location and in the same footprint as the existing structure, and shall not disturb additional riparian surface area within the wetland riparian corridor boundary.*
 - 2. *For expansion or alteration of legal non-conforming structures existing fully or partially within the riparian corridor, the expansion or alteration shall not occur within the wetland riparian corridor boundary. If the pre-existing structure is completely within the riparian corridor, expansion is allowed only on the side opposite the water resource.*
 - 3. *Legal non-conforming lawn within the riparian corridor boundary may be maintained. However, such lawn shall not be expanded within the riparian corridor boundary.*
 - 4. *Legal non-conforming shoreline stabilization and flood control structures may be maintained.*

Response: There are no existing non-conforming structures, lawns, or shoreline stabilization and flood control structures on site. This standard does not apply.

- G. *New activities and development identified in Sub-section 1184(E) and 1184(F), above, shall be allowed in the wetland riparian corridor boundary subject to the following requirements:*
- 1. *All applicable permits from state and federal agencies, such as the Oregon Division of State Lands (DSL) and Oregon Department of Fish and Wildlife (ODFW) must be obtained by the land owner prior to commencing the use or activity.*
 - 2. *For activities and development for which land use permits, building permits, grading permits, variances or stormwater/erosion control permits are required, the County shall provide notification to ODFW of the proposed development activity. The County shall*

consider the recommendations of ODFW, including any mitigation recommendations, prior to issuance of permits and may condition permit approval on recommended measures to mitigate loss of fish and wildlife habitat pursuant to applicable provisions of OAR Chapter 635, Division 415.

Response: The use is dependent upon the dock and falls under the category of water-related and water-dependent uses (as further discussed in the “Water-Dependent/Water-Related Use” section of the Introduction), which is authorized under Subsection 1184(E)(2)(e). The applicant is seeking approval from the U.S. Army Corps of Engineers and the Oregon Department of State Lands for wetland alterations and will perform over 480 acres of off-site wetland mitigation south of the site in accordance with Federal and State law, as permitted by this subsection. The County will provide notice to ODFW as part of its review process, as will the Oregon Department of State Lands. This standard is met.

H. Variance Provisions

1. *In cases where encroachment into the riparian corridor boundary by activities and development not otherwise allowed by Sub-section 1184(E), or 1184(F) cannot be avoided, a property owner may request a Variance to the riparian corridor boundary prohibition. In addition to the criteria found in Section 1504, and the requirements in Sub-section 1184(G), a variance to the riparian corridor boundary prohibitions shall not be granted unless all of the following criteria are met:
[...]*

Response: As the wetlands on site are not associated with streams, rivers, sloughs, or lakes, there is no protective riparian corridor boundary around the wetlands pursuant to Section 1184(A)(5). Therefore, the applicant is not seeking a variance under this subsection.

Section 1185 Natural Area Overlay (NA)

Response: The Oregon State Register of Natural Heritage Resources, attached as Exhibit 12, does not include any sites in the vicinity of Port Westward. Furthermore, the Nature Conservancy does not own any natural areas within Columbia County. Finally, the inventory of natural areas in Columbia County Comprehensive Plan, Part XVI, Article IX, Natural Areas, does not identify any sites in the vicinity of Port Westward. Therefore, development at the site is not subject to the Natural Area Overlay Zone.

Section 1190 Big Game Habitat Overlay (BGR)

Response: Columbia County Comprehensive Plan, Part XVI, Article VIII(A), Big Game Wildlife Habitat, identifies three types of big game habitat. As depicted in Exhibit 6, the site is not within a Big Game Habitat area, Peripheral Big Game Habitat area, or Columbia white-tailed deer range in the County’s Wildlife Game Habitat map. Therefore, development at the site is not subject to the Big Game Habitat Overlay Zone.

Section 1300 Signs

1301 Use

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

Response: Prior to sign installation, the applicant will obtain all necessary permits and submit signage designs to County staff for review where required by code.

1302 General Provisions

- .1 *Design Review: In addition to complying with the standards in this Section, the design and color of commercial and industrial signs and supporting structures of signs 100 square feet or larger in size shall be compatible with the architectural design and color of existing and proposed buildings on the site as determined during site design review according to the provisions of Section 1550 of this Ordinance.*

Response: The applicant is not proposing any signage over 100 square feet. See Exhibit 3, Sheet C1.40. This standard does not apply.

.2 *Setbacks:*

- A. *All signs shall be situated in a manner so as not to adversely affect safety, corner vision, or other similar conditions and shall not overhang or encroach upon public rights of way.*

Response: As illustrated in Exhibit 3, Sheet C1.40, no signage is proposed in locations that affect vehicle sight lines or overhang or encroach upon Hermo Road or Kallunki Road. This standard is met.

- B. *Unless otherwise specified, all signs in residential zoning districts shall observe the yard setback requirements of the zoning district in which they are located.*

Response: The site is not in a residential zoning district. This standard does not apply.

- C. *No setbacks from property lines shall be required for signs in non-residential zoning districts except that in all zoning districts, setbacks shall be required at corners as may be necessary to provide adequate corner vision or in cases where a sign is placed adjacent to a street, as provided is 1302.2(D), below.*

Response: As illustrated in Exhibit 3, Sheet C1.40, no signage is proposed in locations that obstruct corner vision. This standard is met.

- D. *Setbacks shall be required which comply with setback requirements of the abutting residential zoning district when a sign is placed on a parcel abutting a street (except Highway 30), which separates a non-residential parcel from a residential parcel or when a sign is placed on a property line separating a non-residential parcel from a residential parcel.*

Response: The site does not abut a residential zoning district and is not near a residential parcel. This standard does not apply.

- .3 *Visual Obstructions: No sign shall be situated in a manner which results in the complete visual obstruction of an existing sign.*

Response: There are no existing signs in the vicinity of the site. This standard does not apply.

- .4 *Illuminated Signs: Artificially illuminated signs, or lights used to indirectly illuminate signs, shall be placed, shielded, or deflected so as not to shine into residential dwelling units or structures. The light intensity of an illuminated sign shall not exceed the following standards:*

- A. *No exposed reflective type bulb, par spot or incandescent lamp, which exceeds twenty-five (25) Watts, shall be exposed to direct view from a public street or*

highway, but may be used for indirect light illumination of the display surface of a sign.

Response: As depicted on Exhibit 3, Sheet C1.40, the proposed sign near Hermo Road will be externally illuminated. The proposed LED lamps will be shielded so as not to be directly visible from the street. This standard is met.

B. When neon tubing is employed on the exterior or interior of a sign, the capacity of such tubing shall not exceed three hundred (300) milliamperes rating for white tubing or one hundred (100) milliamperes rating for any colored tubing.

Response: No neon tubing is proposed. This standard does not apply.

C. When fluorescent tubes are used for the interior illumination of a sign, such illumination shall not exceed:

- 1) Within Residential Zoning Districts: Illumination equivalent to four hundred twenty-five (425) milliamperes rating tubing behind a Plexiglas face with tubes spaced at least seven (7) inches apart, center to center.*
- 2) Within Non-Residential Zoning Districts: Illumination equivalent to eight hundred (800) milliamperes rating tubing behind a Plexiglas face spaced at least nine (9) inches apart, center to center.*

Response: No fluorescent tubes are proposed. This standard does not apply.

.6 Sign Clearance: A minimum of 8 feet above sidewalks and 15 feet above driveways shall be provided under free-standing signs.

Response: As illustrated in Exhibit 3, Sheet C1.40, no signage is proposed over sidewalks or driveways. All signage will be monument signage. This standard does not apply.

1313 Commercial and Industrial Districts

.1 Signs Permitted: Signs shall be permitted in Commercial and Industrial zoning districts subject to the provisions of this Section, except to the extent such provisions conflict with the specific development standards for signs in the underlying zoning district.

Response: Prior to sign installation, the applicant will obtain all necessary permits and submit signage designs to County staff for review where required by code. The RIPD zone has no specific development standards for signage and instead defers to the provisions of Section 1300.

.2 Limit on Sign Area: Except as otherwise permitted in Section 1302.5, no sign having a sign area greater than 200 square feet shall be permitted.

Response: As illustrated in Exhibit 3, Sheet C1.40, no sign over 200 square feet is proposed. This standard is met.

.3 Aggregate Sign Area Per Parcel.

A. Except as otherwise provided herein, the maximum permitted area of all signs, including the total area of each face of a double-faced sign, or the sole face of a single faced sign for each parcel, is as follows: 40 square feet; plus

- 1) For the first fifty (50) linear feet of building frontage on a public road, an additional square foot of sign area per linear foot of building frontage on such public road; plus*

2) *For the next two hundred and twenty (220) linear feet of building frontage on a public road, an additional one-half (½) square foot of sign area per linear foot of building frontage on such public road.*

B. *For the purpose of this section, “building frontage” means the linear length of a building facing a public right of way or the linear length of the public right of way facing a building, whichever is smaller.*

Response: This standard allows the site to have 40 square feet of signage plus an additional 160 square feet for the 285 feet of buildings facing Hermo Road, for a total allowable sign area of 200 square feet. The proposed signage depicted on Exhibit 3, Sheet C1.40 will have a total area of approximately 65 square feet. This standard is met.

C. *The area of any legal non-conforming sign which is greater than 200 square feet in size shall not be included in the calculation of maximum sign area per parcel under this Section.*

Response: The site has no existing signage. This standard does not apply.

D. *The area of any temporary sign permitted under 1313.7 shall not be included in the calculation of maximum sign area per parcel under this section.*

Response: Any temporary signage will be permitted in accordance subsection 1313.7, irrespective of the area limits for permanent signage.

.4 *Free Standing Signs: Free standing signs, including ground mounted signs, must comply with the following additional standards:*

A. *Height: Free standing signs shall not exceed 20 feet in height above grade or above road grade, whichever is higher.*

Response: The proposed signage depicted on Exhibit 3, Sheet C1.40 will have a height of approximately 4 feet. This standard is met.

B. *Total Area: The total sign area of all freestanding signs allowed by this section plus the area of all other allowed signs on the parcel shall not exceed the aggregate sign limits for the parcel as provided in Section 1313.3.*

Response: Section 1313.3 allows up to 200 square feet of signage at this location. The proposed signage depicted on Exhibit 3, Sheet C1.40 will have a total area of approximately 65 square feet. This standard is met.

C. *Center/Complex Signs: Only one freestanding sign shall be allowed for a center/complex even when there is more than one parcel in or owner of the center/complex, unless one additional sign is needed to provide identification of the development at a major public access point on a different roads. No more than two freestanding signs will be allowed. For purposes of this Section, “Center/Complex” means any number of businesses greater than one which share the same site using common points of ingress and egress and/or common parking facilities. Legal non-conforming signs shall not be included in the calculation of the number of freestanding signs per parcel under this Section.*

Response: No center/complex signage is proposed. This standard does not apply.

D. *Illumination: Free standing signs may be illuminated subject to subsection 1302.4.*

Response: Compliance with the illumination standards is addressed in the response to subsection 1302.4. This standard is met.

- .5 *Building Mounted Signs: Signs mounted or painted on buildings must comply with the following additional standards:*
- A. *Area. The total sign area of all building mounted signs allowed pursuant to this section in addition to the area of all other allowed signs per parcel shall not exceed the aggregate sign limits for the parcel as provided in section 1313.3.*
 - B. *Height. Building mounted signs shall not extend more than four (4) feet above the roof of the building on which it is mounted.*
 - C. *Illumination. Building mounted signs may be illuminated subject to the illumination standards set forth in subsection 1302.4.*

Response: The applicant may later choose to paint a logo on one or more tanks. If the County classifies a logo on a tank as a building sign, the applicant will seek the appropriate permits prior to installation.

6. *Traffic Control/Directional Signs: On-site traffic control and directional identification signs shall be required as may be necessary, commensurate with the size and use of the site, in conjunction with site design review, if such review is required. Centers/ complexes combining several uses shall provide tenant directories, or building identification and directional signing oriented toward on-site vehicle and pedestrian circulation.*

Response: No directional signs are needed for the facility with the exception of the information proposed on the signage depicted on Exhibit 3, Sheet C1.40. The applicant proposes to defer internal site signage design to the permitting stage to provide the opportunity for coordination with the Fire Marshal. The anticipated protocol is that emergency responders would be escorted by facility staff from the security gate to any locations requiring assistance. This standard is met.

- .7 *Temporary Signs. Signs of a temporary nature may be allowed provided they meet the following standards. For purposes of this section, "temporary" shall mean not to exceed one year.*
- A. *The temporary sign area shall not exceed 60 square feet.*
 - B. *The temporary sign shall observe the setback provisions under subsection 1302.2.*
 - C. *Only one temporary sign shall be permitted per parcel.*
 - D. *The temporary sign shall not be artificially illuminated.*
 - E. *The temporary sign shall be removed from the premises after the one year temporary sign period has expired.*

Response: Any temporary signage will be permitted in accordance with this section.

- .8 *Animated or Video Signs Prohibited: No sign shall contain, include, or be illuminated by any flashing, intermittent, revolving, rotating, or moving light or move or have any animated or moving parts except that this Section shall not apply to:*
- A. *Traffic control signs.*
 - B. *Signs, displays, devices, or portions thereof with lights that may be changed at intermittent intervals by electronic process or remote control. The maximum size of the display area for such changing numbers or letters is ten (10) square feet.*

Response: No animated or video signs are proposed. This standard is met.

1314 Calculating Sign Area

The structure supporting or appearing to support a freestanding sign shall not be included in the area of the sign, unless such structural element is typically used to carry signage. In calculating the square footage of a sign, the width shall be measured at the widest part of the sign, including any cut-outs, and the length shall be measured at the longest part of the sign, including any cut-outs. The maximum square footage limitation of the sign shall be calculated such that no cutouts or other Copy shall be permitted outside of the size limitation.

Response: The proposed signage depicted in Exhibit 3, Sheet C1.40 has been measured in accordance with this provision.

1315 Copy Area.

Copy is allowed only on the face of the sign. Copy is prohibited in the ledger area of the sign, on the post of the sign, or other structure of the sign, except to the extent that the sign owner's logo or other disclosure is required by law to be placed on the ledger, post or other structure of the sign. For purposes of this Section, "copy" is defined as any text or image.

Response: The proposed signage depicted in Exhibit 3, Sheet C1.40 has been designed in accordance with this provision.

Section 1400 Off-Street Parking and Loading

1401 General Provisions

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

Response: The applicant proposes to provide parking and loading for the new facility for the convenience of site users and employees. As detailed below, the proposed parking and loading conforms to applicable code standards. This standard is met.

1402 Continuing Obligation

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

Response: The applicant acknowledges the ongoing responsibility to maintain the parking and loading areas. This standard is met.

1403 Use of Space

- .1 *Required parking spaces shall be available for parking of vehicles of customers, occupants, and employees.*

Response: The applicant proposes to construct the parking areas illustrated in Exhibit 3, Sheets C1.11 and C1.12 for use by vehicles of site users as required. Most of the proposed parking is located on the southeast portion of the site, near the main office building, with the balance near the central control building. This standard is met.

- .2 *No parking of trucks, equipment, or the conduct of any business activity shall be permitted on the required parking spaces.*

Response: The applicant does not propose to park trucks or equipment in the required off-street parking spaces. This standard is met.

.3 Required loading spaces shall be available for the loading and unloading of vehicles concerned with the transportation of goods and services.

Response: The applicant proposes to construct truck loading areas including docks on the warehouse building as illustrated in Exhibit 3, Sheets C1.11 and C1.12. This standard is met.

.4 Excepting residential and local commercial districts only, loading areas shall not be used for any other purpose than for loading and unloading.

Response: The applicant does not propose to utilize loading areas for any use other than loading. This standard is met.

.5 In any district it shall be unlawful to store or accumulate goods in a loading area in a manner which would render the area temporarily or permanently incapable of immediate use for loading operations.

Response: The applicant does not propose to serve store goods in a loading area in such a way that the loading spaces become unusable. As illustrated in Exhibit 3, Sheets C1.11 and C1.12, the applicant proposes outdoor storage areas which are separate from loading areas. This standard is met.

1404 Joint Usage of Facilities

Owners of two or more uses, structures, or parcels of land may agree to utilize jointly the same parking and loading spaces when hours of operation do not overlap, provided that satisfactory legal evidence is presented to the Planning Director in the form of deeds, leases, or contracts securing full access to such parking or loading areas for all the parties jointly using them.

Response: The applicant does not propose to share parking spaces with uses on other sites. This standard does not apply.

1405 Plans Required

A plot plan shall be submitted in duplicate to the Director with each application for a building permit or for a change of classification to OP. The plot plan shall include the following information:

- .1 Dimensions of the parking lot.*
- .2 Access to streets and location of curb cuts.*
- .3 Location of individual parking spaces.*
- .4 Circulation pattern.*
- .5 Grade and drainage.*
- .6 Abutting property.*
- .7 A landscaping plan which shall include the location and names of all vegetation, and the location and size of fencing or other screening material. This plan shall be approved by the Director.*

Response: The proposed site plan depicts the parking areas in Exhibit 3, Sheets C1.11 and C1.12, while Sheet C1.20 depicts proposed grading and Sheets L1.10-L1.11 depict proposed landscaping. This standard is met.

1406 Location

- .1 Spaces required by this section shall be provided on the site of the primary uses, provided that, when practical difficulties prevent their establishment upon the same site, the*

Planning Director may permit the facility to be located within 300 feet therefrom, measured in a straight line (including streets and alleys) from the nearest property line to the nearest parking space; but in any case the location shall meet all provisions of this ordinance which apply.

- .2 Loading spaces and maneuvering area shall be located only on or abutting the property served.*

Response: As illustrated on Exhibit 3, Sheet C1.11 and C1.12, parking and loading spaces are proposed within the site boundaries. Truck turning diagrams are included where necessary to demonstrate that adequate clearance has been provided. This standard is met.

1407 Change of Use

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

Response: No enlargement or change of use is proposed as the site currently has no structures or parking areas. This standard does not apply.

1408 Design Standards

- .1 Scope:*
 - A. These design standards shall apply to all parking, loading, and maneuvering areas except those for single and two-family residential dwellings on individual lots.*
 - B. All parking and loading areas shall provide for the turning, maneuvering, and parking of all vehicles on the lots.*

Response: As illustrated on Exhibit 3, Sheet C1.11, parking and loading areas are proposed with widths adequate to allow for efficient site circulation of vehicles. Truck turning diagrams are included where necessary to demonstrate that adequate clearance has been provided. This standard is met.

1409 Loading Spaces

- .1 Apartment: Each required space shall be at least 12 feet in width and 25 feet in length.*
- .2 Commercial: Each required space shall be at least 12 feet in width and 35 feet in length.*
- .3 Industrial: Each required space shall be at least 12 feet in width and 60 feet in length.*
- .4 Clearance: The height of each required loading space shall provide a minimum vertical clearance of 13 feet.*

Response: As illustrated on Exhibit 3, Sheet C1.12, in conformance with the Industrial standard noted above, three loading dock spaces are proposed on the warehouse, with widths exceeding 12 feet and lengths of 60 feet and no limitations on vertical clearance. This standard is met.

1410 Size

- .1 The standard size of a parking space shall be 9 feet by 18 feet.*
- .2 Handicapped parking spaces shall be 12 feet by 18 feet.*
- .3 Parallel parking, the length of the parking space shall be increased to 22 feet.*

Response: As illustrated on Exhibit 3, Sheet C1.12, all standard parking spaces are proposed to be 9 feet wide and 18 feet long, while handicapped parking spaces are proposed to be 9 feet wide and 18 feet long with 9-foot access aisles. No parallel parking spaces are proposed. This standard is met.

1411 Aisles

Aisles shall not be less than:

- .1 25'0" in width for 90 degree parking;*

- .2 20'0" in width for 60 degree parking;
- .3 20'0" in width for 45 degree parking; and
- .4 12'0" in width for parallel parking.

Response: As illustrated on Exhibit 3, Sheet C1.12, all parking areas are proposed to utilize 90-degree parking with aisles at least 25 feet wide. This standard is met.

1412 Access

There shall be no more than one 45-foot-wide curb cut driveway per 150 feet of street frontage, or fraction thereof, permitted per site.

Response: As illustrated on Exhibit 3, Sheet C1.13, the proposed driveway will utilize a 45-foot curb cut to Hermo Road. Mackenzie civil engineers have performed truck turning simulations to confirm that the driveway connection has adequate width for incoming and outbound vehicles. This standard is met.

1413 Surfacing and Marking

- .1 *The surfacing of each parking area shall meet minimum County standards to handle the weight of the vehicles which will use the parking area. All areas used for parking and maneuvering of vehicles shall be marked in accordance with the approved plan and such marking shall be continuously maintained. Handicapped parking spaces shall be marked with a wheelchair symbol.*
- .2 *The parking and loading areas for commercial, industrial, or apartment uses shall be paved with concrete, asphaltic concrete, or another comparable surface.*

Response: The proposed driveway and all parking areas will be hard-surface paved, with parking spaces marked with paint and handicapped spaces marked in accordance with the Oregon Structural Specialty Code. This standard is met.

1414 Drainage and Lighting

Adequate drainage shall be provided to dispose of the run-off generated by the impervious surface area to the parking area. The drainage system shall function so it will not adversely affect adjoining property. Artificial lighting shall be provided in such a manner as to insure the safety of the parking area without interfering with adjoining properties or creating traffic hazards on adjoining streets.

Response: The proposed grading and drainage patterns are depicted in Exhibit 3, Sheets C1.20 and C1.30, respectively. Stormwater will flow into catch basins in the parking area before being conveyed to the wastewater treatment facility at the north end of the site, which will discharge to the existing Port Westward stormwater system. Further discussion of stormwater management is included in Exhibit 13. Parking lot lighting will be provided as illustrated in Exhibit 3, Sheets C1.50 and C1.51; light fixtures are proposed to be placed far enough from property lines so they will not cast light on adjoining properties or public streets. This standard is met.

1415 Parking Areas

All parking areas, excluding one and two-family dwellings, shall meet the following requirements:

- .1 *All parking areas of less than 20 parking spaces shall have one handicapped parking space. Parking areas with more than 20 spaces shall provide one handicapped parking space for every 50 standard parking spaces.*

Response: The proposed handicapped spaces will be provided at the rate specified in the Oregon Structural Specialty Code, which is higher than that required by this code provision. This standard is met.

- .2 *All parking areas shall be divided into bays of not more than 20 parking spaces. Between, and at the end of each parking bay, there shall be planters which have a minimum width of 5 feet and be at least 17 feet in length. Each planter shall contain one major structural tree and ground cover which has been deemed appropriate by the Director. Truck loading areas need not comply with the preceding requirements.*

Response: As illustrated on Exhibit 3, Sheet C1.12, the proposed parking area utilizes landscape islands to separate the space into bays with 20 or fewer spaces. Landscaping is provided in each of the planter bays as illustrated on Exhibit 3, Sheet L1.11. This standard is met.

- .3 *Parking areas shall be separated from the exterior wall of a structure, exclusive of paved pedestrian entranceways, by a 5 foot strip of landscaping.*

Response: As illustrated on Exhibit 3, Sheet C1.12, all proposed parking areas are at least five feet from buildings, with sidewalks provided between the parking and buildings as illustrated on Exhibit 3, Sheets C1.11 and C1.12. Since these sidewalks are paved, landscaping is not required between the parking and the building. This standard is met.

- .4 *Industrial or commercial parking areas, which abut a residential or apartment district, shall meet the building setback of the most restrictive adjoining residential or apartment district.*

Response: The site does not abut a residential or apartment district. This standard does not apply.

- .5 *When industrial or commercial parking areas adjoin a residential or apartment district, there shall be a sight obscuring planting, which is at least 80 percent opaque and when viewed horizontally from between 2 and 8 feet above ground level. This planting shall be composed of materials which are an adequate size so as to achieve the required degree of screening within 12 months after installation.*

Response: The site does not adjoin a residential or apartment district. This standard does not apply.

- .6 *Parking areas shall be set back from a lot or parcel line adjoining a street. The setback area shall be landscaped.*

Response: As illustrated on Exhibit 3, Sheets G0.01 and C1.11, no parking area is proposed near a lot line adjoining a street. All parking areas are at least a third of a mile from Hermo Road. Given this vast distance, setback landscaping is not necessary to screen the parking area. The applicant proposes parking area landscaping consisting of trees, shrubs, and groundcover as illustrated on Exhibit 3, Sheet L1.11. This standard is met.

- .7 *All parking area setbacks shall be landscaped with major trees, shrubs, and ground cover as approved by the Director.*

Response: As illustrated on Exhibit 3, Sheet L1.11, all parking areas are at least a third of a mile from Hermo Road. Given this vast distance, setback landscaping is not necessary to screen the parking area. The applicant proposes parking area landscaping consisting of trees, shrubs, and groundcover. This standard is met.

- .8 *A minimum of 10 percent of the parking area shall be landscaped and maintenance of the landscaping shall be the owner's responsibility.*

Response: Based on the parking area and landscape areas denoted on Exhibit 3, Sheet L1.10, the north parking lot will include 46% landscaping, the southern parking lot will include 20% landscaping, and the central control building parking lot will include 32% landscaping. The applicant acknowledges the continuing obligation to maintain landscaping. This standard is met.

.9 Internal pedestrian connections shall be provided in parking lots with greater than ten (10) parking spaces. These connections shall be a minimum of five (5) feet wide and distinguished from vehicular areas through changes in elevation or contrasting paving materials (such as light-color concrete inlay between asphalt). Paint or thermo-plastic striping and similar types of non-permanent applications may be approved for crossings of parking lot areas that do not exceed 24 feet in crossing length.

Response: As illustrated on Exhibit 3, Sheet C1.12, parking lots have more than 10 parking spaces and thus provide the required pedestrian connections. The pedestrian connections are five feet wide. This standard is met.

.10 In urban growth boundaries and urban unincorporated communities, parking lots for commercial, industrial, and public/quasi-public uses that have designated employee parking and more than 20 parking spaces shall provide at least 10% of the employee parking spaces (with a minimum of two spaces) as preferential long-term carpool and vanpool parking spaces. Preferential carpool and vanpool parking spaces shall be closer to the entrances of the building than other parking spaces, with the exception of ADA accessible parking spaces.

Response: The site is not within an urban growth boundary and is not within an urban unincorporated community. This standard does not apply.

.11 A portion of existing parking areas may be redeveloped for transit-oriented improvements, such as a bus stops and pullouts, bus shelters, park and ride stations, transit-oriented developments, and similar facilities, where identified in or consistent with an adopted County transit plan. Subject sites incorporating transit improvements as part of a development proposal are eligible for up to a 10% reduction in required vehicular parking spaces.

Response: The site does not have an existing parking area, and no transit improvements are proposed. This standard does not apply.

1416 Minimum Required Off-Street Parking Space

*.5 Industry
Manufacturing: One space per employee on the largest shift.*

Response: Estimated staffing levels by shift are denoted in the table below.

ESTIMATED STAFFING LEVELS				
Weekdays			Weekends	
Office/Mgt.	Shift 1	Shift 2	Shift 1	Shift 2
8:00 AM – 5:00 PM	6:00 AM – 6:00 PM	6:00 PM – 6:00 AM	6:00 AM – 6:00 PM	6:00 PM – 6:00 AM
83	35	35	35	35

Based on this information, the largest shift will occur weekdays between 8:00 AM and 5:00 PM, during which time there will be a total of 118 employees. As illustrated on Exhibit 3, Sheets C1.11 and C1.12, the

applicant proposes 128 parking spaces which meets the standard of at least one space per employee of the largest shift. This standard is met.

1417 Unspecified Uses

Any use not specifically listed in the foregoing list shall have the requirements of the listed use or uses deemed equivalent by the Director.

Response: The proposed manufacturing use has a parking ratio specified in Section 1416. This standard does not apply.

1418 Minimum Required Off-Street Loading Spaces

.3

MINIMUM REQUIRED OFF-STREET LOADING SPACES (EXCERPT)		
USE	SQUARE FEET OF FLOOR USE OR LAND AREA	MINIMUM LOADING SPACES REQUIRED
<i>Manufacturing, Wholesale Storage or Hospital</i>	<i>under 5,000</i>	<i>0</i>
	<i>5,000 - 39,999</i>	<i>1</i>
	<i>40,000 - 99,999</i>	<i>2</i>
	<i>100,000 - 159,999</i>	<i>3</i>
	<i>160,000 - 239,999</i>	<i>4</i>
	<i>240,000 - 319,999</i>	<i>5</i>
	<i>320,000 - 399,999</i>	<i>6</i>
	<i>400,000 - 489,999</i>	<i>7</i>
	<i>490,000 - 579,999</i>	<i>8</i>
	<i>580,000 - 669,999</i>	<i>9</i>
	<i>670,000 - 759,999</i>	<i>10</i>
	<i>760,000 - 849,999</i>	<i>11</i>
	<i>850,000 - 939,999</i>	<i>12</i>
	<i>940,000 - 1,029,999</i>	<i>13</i>
<i>over 1,030,000</i>	<i>14</i>	

Response: As noted on Exhibit 3, Sheet C1.11, the combined floor area for the proposed buildings is approximately 78,330 square feet. Based on the table above, the facility therefore will need at least two loading spaces. The applicant proposes loading docks on the warehouse building to serve loading needs, together with multiple outdoor storage areas and rail loading/unloading areas. The proposed loading dock area shown on Exhibit 3, Sheet C1.12 can accommodate three trucks. This standard is met.

1419 Minimum Required Bicycle Parking Spaces

- .1 *All Public and Semi-Public buildings and uses, Retail uses, Apartment Dwelling uses and Commercial Recreation uses where required new vehicle parking areas exceed 10 motor vehicle spaces must include a designated area for bicycle parking within 50 feet of a public entrance.*
- .2 *The following are the required number of bicycle parking spaces:*
 - A. *Apartment Dwelling. Every residential use of four (4) or more dwelling units shall provide at least one (1) sheltered bicycle parking space for each unit. Sheltered bicycle parking spaces maybe located within a garage, storage shed, basement,*

utility room or similar area. In those instances in which the residential complex has no garage or other easily accessible storage unit, the required bicycle parking spaces shall be sheltered under an eave, overhand, an independent structure, or similar cover.

- B. *Parking Lots.* All public and commercial parking lots and parking structures shall provide a minimum of one (1) bicycle parking space for every 10 motor vehicle parking spaces.
 - C. *Schools.* Elementary and junior high schools, including private or parochial, shall provide one bicycle parking space for every 10 students and employees. High schools shall provide one bicycle parking space for every five (5) students and employees. All spaces shall be sheltered under an eave, overhang, independent structure, or similar cover.
- .3 *Single-family dwellings, mobile homes, warehouse, storage and wholesale businesses, and manufacturing establishments shall be exempted from the requirements of Subsection 1419 Bicycle Parking.*

Response: The proposed manufacturing use is exempt from providing bicycle parking via criterion .3. This standard is met.

Section 1450 Transportation Impact Analysis

1450 Transportation Impact Analysis

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

- .1 *Applicability – A TIA shall be required to be submitted to the County with a land use application if the proposal is expected to involve one (1) or more of the following:*
 - A. *Changes in land use designation, or zoning designation that will generate more vehicle trip ends.*
 - B. *Projected increase in trip generation of 25 or more trips during either the AM or PM peak hour, or more than 400 daily trips.*
 - C. *Potential impacts to intersection operations.*
 - D. *Potential impacts to residential areas or local roadways, including any non-residential development that will generate traffic through a residential zone.*
 - E. *Potential impacts to pedestrian and bicycle routes, including, but not limited to school routes and multimodal roadway improvements identified in the TSP.*
 - F. *The location of an existing or proposed access driveway does not meet minimum spacing or sight distance requirements, or is located where vehicles entering or leaving the property are restricted, or such vehicles are likely to queue or hesitate at an approach or access connection, thereby creating a safety hazard.*
 - G. *A change in internal traffic patterns may cause safety concerns.*
 - H. *A TIA is required by ODOT pursuant with OAR 734-051.*
 - I. *Projected increase of five trips by vehicles exceeding 26,000-pound gross vehicle weight (13 tons) per day, or an increase in use of adjacent roadways by vehicles exceeding 26,000-pound gross vehicle weight (13 tons) by 10 percent.*

Response: Mackenzie transportation engineers estimate that the proposed development will generate 667 weekday trips, 91 of which will occur in the AM peak hour and 84 of which will occur within the PM peak hour. Accordingly, the applicant has provided a TIA as required (Exhibit 14). This standard is met.

- .2 *Consistent with the County's Guidelines for Transportation Impact Analysis (TIA), a landowner or developer seeking to develop/redevelop property shall contact the County at the project's outset. The County will review existing transportation data to establish whether a TIA is required. It is the responsibility of the applicant to provide enough detailed information for the County to make a determination. An applicant should have the following prepared, preferably in writing:*
- A. *Type of uses within the development*
 - B. *The size of the development*
 - C. *The location of the development*
 - D. *Proposed new accesses or roadways*
 - E. *Estimated trip generation and source of data*
 - F. *Proposed study area*
- If the County cannot properly evaluate a proposed development's impacts without a more detailed study, a TIA will be required. The County will provide a scoping summary detailing the study area and any special parameters or requirements, beyond the requirements set forth in the County's Guidelines for Transportation Impact Analysis, when preparing the TIA.*

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

- .3 *Approval Criteria. When a TIA is required, a proposal is subject to the following criteria:*
- A. *The TIA addresses the applicable elements identified by the County Public Works Director and the County's Guidelines for Transportation Impact Analysis;*
 - B. *The TIA demonstrates that adequate transportation facilities exist to serve the proposed development or, identifies mitigation measures that resolve identified traffic safety problems in a manner that is satisfactory to the County Public Works Director and, when state highway facilities are affected, to ODOT;*
 - C. *For affected non-highway facilities, the TIA establishes that mobility standards adopted by the County have been met; and*
 - D. *Proposed public improvements are designed and will be constructed consistent with County Road Standards and access spacing standards in the Transportation System Plan.*

Response: The project TIA (Exhibit 14) addresses those items identified in the scoping letter approved by County and ODOT staff to ensure compliance with approval standards. The TIA indicates that the proposed development will generate 667 weekday trips, 91 of which will occur in the AM peak hour and 84 of which will occur within the PM peak hour. The report analyzed traffic operations at six study area intersections in 2020 and in 2024, both with and without the proposed development.

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

The site does not abut any public rights-of-way but is near Hermo Road, which is classified as a local road in the 2017 Columbia County Transportation System Plan (TSP). The TSP recommends an optimum right-of-way width of 50 feet and an optimum roadway width of 28 feet (to accommodate ten-foot lanes and four-foot shoulders). The existing right-of-way width at the driveway location is 60 feet so no right-of-way dedication is merited. Hermo Road is currently gravel near the site but the County has a planned project (TSP Project #9) to improve the road from Quincy Mayger Road to just west of the existing rail spur south of the PGE site. The Applicant will satisfy Public Works requirements for necessary improvements to Hermo Road, either based on conditions of approval or through a road improvement agreement.

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

.4 Conditions of Approval.

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

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

Response: The Applicant will satisfy Public Works requirements for necessary improvements to Hermo Road, either based on conditions of approval or through a road improvement agreement.

C. Variance

Section 1500 Discretionary Permits

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:

4. 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.
5. 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.
6. 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 the response to CCZO Section 1562 (D). 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 the response to CCZO Section 1562 (D).

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.

IV. CONCLUSION

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