

COLUMBIA COUNTY BOARD OF COMMISSIONERS  
BOARD MEETING  
MINUTES  
January 19, 2022

The Columbia County Board of Commissioners met virtually in a scheduled session with Commissioner Margaret Magruder, Commissioner Casey Garrett and Commissioner Henry Heimuller together with, Robin McIntyre, Sr. Assistant County Counsel, Ed McGlone, Assistant County Counsel and Jacyn Normine, Board Office Administrator via telecommunication with County staff and members of the public.

**CALL TO ORDER**

Commissioner Heimuller called the January 19, 2022 meeting to order at 10:00 A.M.

**MINUTES**

**Commissioner Garrett moved to approve the minutes from the January 12, 2022 Board meeting and the January 12, 2022 Board work session. Commissioner Magruder seconded. The motion carried unanimously.**

**VISITOR COMMENTS - 3 MINUTE LIMIT:**

No Visitor Comment

**CONSENT AGENDA**

**Commissioner Heimuller read the consent agenda, agreements, contracts and amendments in full. Commissioner Garrett moved and Commissioner Magruder seconded to approve the consent agenda, agreements, contracts and amendments as presented. The motion carried unanimously.**

- A. Direct the Finance Department to Elect a Standard Allowance of 10 Million Dollars for ARPA Replacement of Lost Revenue
- B. Approve Board of Property Tax Appeal Pools for 2022: Deborah Hazen as Chairperson Pool, George Hafeman and Renee Leland as Non-office-Holding Pool
- C. Order No. 73-2021, In the Matter of Adopting a Policy for the Columbia County Department of Emergency Management's Use of Emergency Alert and Warning Systems
- D. Order No. 2-2022, In the Matter of Declaring Certain Personal Property Owned by Columbia County to be Surplus to the County's Needs and Directing the Disposal or Sale Thereof (General Services Vehicles)

## **AGREEMENTS/CONTRACTS/AMENDMENTS**

- E. C173-2021 Purchase and Sales Agreement by and between Columbia County and Caseman Thompson for Tax lot 28267 Map ID No. 8N4W27-DC-00800
- F. C183-2021 Subaward Agreement By and Between Columbia Community mental Health for Jail Based Mental Health Services (Justice Reinvestment Grant Program)
- G. C4-2022, Permit and Hold Harmless Agreement with Curative Inc. for COVID Testing at the St. Helens Transit Center and authorize Chair to sign
- H. C5-2022, Public Services Contract with Liquidity Services Operations, LLC, dba GovDeals for Surplus Property Auction Services

## **DISCUSSION ITEMS**

**No discussion items**

## **HEARING(S)**

### **NEXT Renewable Fuels**

<https://www.columbiacountyor.gov/departments/BoardofCommissionersOffice/Hearings>  
Robin McIntyre, Sr. Assistant County Counsel explained that we are here in the Matter of the Application by NEXT Renewable Fuels, Oregon, LLC for a Use Permitted Under Prescribed Conditions, Site Design Review and Variance for a Renewable Diesel Production Facility at Port Westward (DR 21-03; V 21-05) and a Conditional Use Permit for a Rail Branchline near Port Westward (CU 21-04).

Robin explained that the Board took jurisdiction on October 20, 2021 pursuant to zoning ordinance section 1603 and Ordinance 91-2, which is the Planning Commission ordinance. The Planning Commission ordinance says the Board can take jurisdiction of a planning commission application. The Board took jurisdiction because we needed to comply with the 150 day statutory deadline to make final decision in a land use application. Shortly after this application was deemed complete we lost key planning staff, the Director of Land Development Services, Planning Manager and we also lost the County Counsel that was working with them on this application. With the complexity of the application and the staff shortage the County hired a consulting firm, Winderbrook Planning to assist with the review of the application. We needed additional time to review this information, the original deadline was December 12, 2021. The applicant agreed to allow extra time for today's hearing. The 150 day deadline is the date that the final decision must be made by and that includes all appeals. We wouldn't have made

that deadline with the staffing shortage if we went to Planning Commission first. We are past that date without going to the Planning Commission first.

The Commissioners have not had an exparte contacts or conflicts of interest.

Robin McIntrye read the prehearing statement.

Jesse Winterrowd from Winterbrook presented the Staff report. File number DR 21-03, CU 21-4, and V21-05. The zones are: facility: resource industrial planned development (RIPD); branch line: primary agricultural use zone (PA-80); Riparian Corridors (RP), both are wetland area (WA). The proposal is: use permitted under prescribed conditions in the RIPD zone, site design review for a proposed renewable production facility at Port Westward Industrial Park, variance to buffering and screening standards, and conditional use to allow a rail branch line in the PA-80 zone. In general, Staff finds the proposed facility is well-suited to the adopted intent of the Port Westward exception area and its implementing RIPD zone. The RIPD zone is designed to be supportive of large-scale development and has relatively few requirements. As discussed in Staff Findings, Staff finds the facility and associated branchline, driveway access, pipelines and utilities generally meet the development standards of the base zones, or can be met with proposed conditions of approval.

Commissioner Heimuller opened the public hearing for the applicant to testify.

- Derrek Stevenson, attorney with Scwabe, Williamson and Wyatt representing NEXT Renewable Fuels from Portland, Oregon introduced all of the members of their staff that will be presenting.
  - Chris Efrid, NEXT Renewables has been working with many members of his team for the last four years to create this facility. Chris explained why this renewable diesel is good for the environment and the community.
  - Brian Varrichione, NEXT Renewables presented maps showing the proposed renewable diesel production facility and the branchline.
  - Laurie Perry Environments Analyst for NEXT Renewables spoke in regards to wetlands and the wetland mitigation site.
  - Gene Cotton, President of NEXT spoke in regards to the river and rail portion of the project.
    - Commissioner Heimuller asked why the change in the need for the branchline that was originally in only minimal use. Gene explained that the branchline will be used as a backup plan if the river wasn't available.
    - Commissioner Garrett asked Gene to clarify how many cars are in the jumbo manifest. Gene said between sixty to one hundred cars in a large manifest.
    - Commissioner Garrett asked what is the tonnage that is carried in ship compared to manifest jumbo? Gene says that 100 cars times 600 barrels per a string which is roughly 60 thousand and the ship will bring in roughly 175 thousand barrels. So they want to bring everything in by ship if possible.

- Commissioner Garret asked how long the cars are? Are they 60 feet long? Gene says they are 62 to 65 feet long with 2 feet between them. That's why we have a track on the SW side of the facility for them to bring in a string and bring them back out.
- Commissioner Heimuller asked how many railcars you expect the branchline to hold. Gene says that the design will hold close to 200.
- Commissioner Magruder has a question for Laurie that there may be some invasive species that come in with your mitigation site. Having done some mitigation sites, it is interesting that you would bring in some species that are not native to the area. Sue Brady says that the point of the mitigation site is to provide for a more natural habitat for this area. We are not intentionally planting nonnative species. The mitigation plan is to provide native species. There are extensive areas of invasive species already on the ground like blackberry and the canary grass that are the most common. We will not be planting those, but we all know that seeds travel by water, wind, or birds. There are provisions in the mitigation plan to monitor weed growth within the site during the required monitoring period and after that period is over also. That is to be taken care of and steps will be taken as needed to prevent nonnative species from invading the site.
- Gene Cotton corrected his statement before about the site holding around 200 cars to 400 cars.

- **In Favor**

- The following people spoke in favor; Bob Short from Portland, Greg Hinkelman from Clatskanie, Michael Bridges from Longview, Kathy Engel from Clatskanie, Adam Davis from Castle Rock, Paul Vogel, CET from St. Helens, Tony Hyde, HCH from Vernonia, Sean Clark from Rainier, Paul Philpott from Rainier, Karin Hunt from Clatskanie, Cathy Hurowitz from Clatskanie, Robert Blumberg from Lake Oswego, Melanie Veach from Clatskanie, John Kimberling from Vancouver, Paul Diaz from Oregon City, Allie White from Portland, Deborah Hazen from Clatskanie, Stuart Haas from Mayger, Sara Hotchkiss from Portland, Melanie Veach from Clatskanie, and Alta Lynch from Scappoose.

- **In Opposition**

- The following people spoke in opposition; Mark Keely from Kalama, Sally Keely from Kalama, Cambria Keely from Kalama, Jean Avery from Vancouver, Ilona Pierce from Warren, Dan Lawler from Portland, Hailey Vockel from Quincy-Mayger, Tracy MacGregor from Clatskanie, Scott

MacGregor from Clatskanie, Carol Sweet from Scappoose, Cathy Sampson Krusey from Umatilla, Diana Gordon from Washougal, Tom Gordon from Washougal, Warren Seely from Clatskanie, Heidi Cramer from Quincy, Dan Serres from Portland, Dee Dee Lively-Andrews from Quincy-Mayger, Steven Schofding from Clatskanie, Emily Palmer from Clatskanie, Tammy Maygra from Deer Island, John Lillich from Clatskanie, Karin Hunt from Quincy-Mayger, Janet Ault from Portland, Virginia Harris from Clatskanie, Brandon Schilling from Clatskanie, Jasmine Lillich from Clatskanie, Brady Preheim from St. Helens, Sandra Mollenen from Clatskanie, Stuart Gray from Clatskanie, Lisa Phipps from DLCD, Russell Spaulding from Clatskanie, Kristen Edmark from Battle Ground, Mark Uhart from Kalama, Mike Seely from Clatskanie, Jan Bays from Clatskanie, and Barbara Green from Clatskanie

- **Rebuttal**

- Garrett Stephenson says we will be going over the comments and addressing those. The general flavor I hear are concerns that address the apolitical criteria. By and large, I think that this is coming down to a concern that the facility somehow represents a sea change at Port Westward, as regards to agricultural land. As I pointed out in my letter I submitted on Monday that is not the case. The area that we are using is zoned and intended for this. It was marketed by the Port of Columbia County for this use and for a very good reason. Columbia County has a very unique and inviable resource in that deep water port. That is why this area has been zoned for Resource and Industrial Planned Development since 1984. If you go back to WWII this was an ammunition depot, and then it was a host of a diesel fired power plant and the tank farm for that is still there, and there was a gas fired power plant and an ethanol plant. Nothing we are proposing is out of character or unusual for the RIPD part of Port of Westward. In order to change into a low carbon economy we will need to build something. This is not a petroleum diesel or oil refinery that was talked about up in Clark County. As far as the proposed rail piece is concerned, we got DLCD comments at 9:30 last night. We didn't know if they were going to comment or not today. We intended to address some of those in our written responses. I think the fundamental issue here is that there is no statewide definition of what a rail branchline is. That why we sought any resources we could, primarily those in the rail industry to find out if that was a rail branchline. I fully acknowledge the original proposal that was submitted with pre-application was a much smaller track layout then it is now. This larger layout is there for a few a couple good reasons. The first is that Portland and Western is requiring us to install enough storage of railroad cars so, in the worst case scenario, we don't back traffic out on the railroad. The plan you see now is developed fundamentally with the input from Portland and Western and based on

those comments. We don't want to build things that we don't necessarily need. The other reason for it is, we are unsure going forward whether or not the river will be 100 percent adequate all the time. We want to keep this facility operating. We don't reach those greenhouse gas reductions if we can't keep it in operation. So the rail is a backup if the river isn't fully meeting our needs, which we hope it will. We will be able to rely on the rail somewhat, to pick up the slack. As far as the idea of this being a rendering plant that, is simply untrue. The feedstock for renewable diesel come in sealed containers. It is nothing like a rendering plant. It is specifically for renewable diesel. As far as the wetland concerns are to the mitigation area, that is something from the testimony that we have developed with the school district and that even ODFW thinks we are doing a good job. Back to Commissioner Magruder's comment about the plant list. We are supportive if the Board impose a condition to provide a plant list. We have an initial bonding period for five years and anyone who owns after that is going to be obligated to maintain that mitigation area. We feel pretty confident that you will not see plants go in and suddenly die. As far as the DLCD comment about the cumulative impact test, we believe the findings in the application and the staff report are sufficient. They might disagree, but we had talked about whether or not the analysis we did for port expansion was necessary. We are not obligated, nor do we want to engage in the same level of analysis that was done in the expansion. We are using much less ground then what was contemplated in that proposal. This is not a zone change or a state wide planning goal exception. This is a quasi-judicial permit and we believe that we meet the criteria and the staff agrees with us. There was some concern for spill prevention. Spill prevention plan and containment is required by DEQ before we can operate and the Port of Portland also wants to see that plan. It has always been a part of the requirements. We are working on that right now.

- Chris Eford wraps it up: NEXT is ready to make a positive difference today. The planet doesn't have a really long time and we are ready to build the economy in the region, create high paying green jobs for local residents, help local students with training and experience that they need to succeed in tomorrow's world. We want to position Columbia County as a key node in the transition to a post carbon future. I appreciate all the comments and all the passion. We want people to help design, construct, and operate a world class facility. It is something that all of us can be proud of both now and in the future. It is NEXT's commitment, and quite frankly my promise going forward. I want to thank the Commission for their time and look forward to working with everyone in the future.

**Commissioner Magruder moved to leave the record open for seven days for evidence and testimony. Then an additional seven days for rebuttal testimony**

and evidence. And then the final seven days for the applicant's final argument. Then continue our deliberations to February 9. Commissioner Garrett seconded. After discussion the motion carried unanimously.

**COMMISSIONER GARRETT'S COMMENTS**

Today was an interesting day. Lots of great input on both sides and appreciate everybody's time. See you next week.

**COMMISSIONER MAGRUDER'S COMMENTS**

No comment today and thank everyone for the comments throughout this hearing.

**COMMISSIONER HEIMULLER'S COMMENTS**

Thank you for attending!

**EXECUTIVE SESSION**


No executive session

**ADJOURNMENT**


With nothing further to come before this Board, this meeting adjourned.

BOARD OF COUNTY COMMISSIONERS  
FOR COLUMBIA COUNTY, OREGON

By:  \_\_\_\_\_  
Henry Heimuller, Chair

By:  \_\_\_\_\_  
Casey Garrett, Commissioner

By:  \_\_\_\_\_  
Margaret Magruder, Commissioner

By:  \_\_\_\_\_  
Jacyn Normine,

Board Office Administrator