

## Hayden Richardson

---

**From:** Spencer Parsons  
**Sent:** Monday, June 26, 2023 1:40 PM  
**To:** Stephenson, Garrett H.; Hayden Richardson  
**Cc:** Suzie Dahl; Department-Counsel; Amy Herzog; Kay Clay; Hicks, Jane M.; Laurie Parry; Gene Cotten; Department-Counsel; Department-Counsel; Department-Counsel  
**Subject:** RE: MOD DR 21-03; Re: Comments of Columbia Riverkeeper and 1000 Friends of Oregon

I think that is a reasonable request to present to the PC. Thanks Garrett.

Spencer Parsons (He/Him/His) | Senior Assistant County Counsel | Columbia County | 503-397-3839 |  
230 Strand, Room 20, St. Helens, Oregon 97051 | [spencer.parsons@columbiacountyor.gov](mailto:spencer.parsons@columbiacountyor.gov)

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**From:** Stephenson, Garrett H. <GStephenson@SCHWABE.com>  
**Sent:** Monday, June 26, 2023 1:38 PM  
**To:** Spencer Parsons <Spencer.Parsons@columbiacountyor.gov>; Hayden Richardson <Hayden.Richardson@columbiacountyor.gov>  
**Cc:** Suzie Dahl <Suzie.Dahl@columbiacountyor.gov>; Department-Counsel <department-counsel@columbiacountyor.gov>; Amy Herzog <Amy.Herzog@columbiacountyor.gov>; Kay Clay <Kay.Clay@columbiacountyor.gov>; Hicks, Jane M. <JHicks@SCHWABE.com>; Laurie Parry <Laurie@stewardshipsolutionsinc.com>; Gene Cotten <gene@nextrenewables.com>; Department-Counsel <department-counsel@columbiacountyor.gov>; Department-Counsel <department-counsel@columbiacountyor.gov>  
**Subject:** RE: MOD DR 21-03; Re: Comments of Columbia Riverkeeper and 1000 Friends of Oregon

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I'd rather not, at least not for the first open record period. Notice of this was sent back in April, I believe. Everyone has had an adequate amount of time (more than a month) to digest our application, and I see no reason to extend that further, especially since an appeal to the Board is allowed. The issue I have is that, unlike those who have been able to review and prepare responses to our application for the last month, we will have a comparatively small amount of time to collect, review, collate, and respond to all of these comments, most of which were submitted right before the hearing.

Understanding your point though, maybe the best way to handle this is as follows:

First Open Record Period: closes July 3 (7 days).

Second Open Record Period: closes July 12 (10 days, accounts for the Fourth of July).

Final Written Argument: closes July 19 (7 days).

That way, everyone will get a break for the second open record period to deal with the Fourth. Would that be ok?

## Garrett Stephenson

Shareholder  
D: (503) 796-2893  
C: (503) 320-3715  
[gstephenson@schwabe.com](mailto:gstephenson@schwabe.com)

# Schwabe

---

**From:** Spencer Parsons <[Spencer.Parsons@columbiacountyor.gov](mailto:Spencer.Parsons@columbiacountyor.gov)>  
**Sent:** Monday, June 26, 2023 1:22 PM  
**To:** Stephenson, Garrett H. <[GStephenson@SCHWABE.com](mailto:GStephenson@SCHWABE.com)>; Hayden Richardson <[Hayden.Richardson@columbiacountyor.gov](mailto:Hayden.Richardson@columbiacountyor.gov)>  
**Cc:** Suzie Dahl <[Suzie.Dahl@columbiacountyor.gov](mailto:Suzie.Dahl@columbiacountyor.gov)>; Department-Counsel <[department-counsel@columbiacountyor.gov](mailto:department-counsel@columbiacountyor.gov)>; Amy Herzog <[Amy.Herzog@columbiacountyor.gov](mailto:Amy.Herzog@columbiacountyor.gov)>; Kay Clay <[Kay.Clay@columbiacountyor.gov](mailto:Kay.Clay@columbiacountyor.gov)>; Hicks, Jane M. <[JHicks@SCHWABE.com](mailto:JHicks@SCHWABE.com)>; Laurie Parry <[Laurie@stewardshipsolutionsinc.com](mailto:Laurie@stewardshipsolutionsinc.com)>; Gene Cotten <[gene@nextrenewables.com](mailto:gene@nextrenewables.com)>; Department-Counsel <[department-counsel@columbiacountyor.gov](mailto:department-counsel@columbiacountyor.gov)>; Department-Counsel <[department-counsel@columbiacountyor.gov](mailto:department-counsel@columbiacountyor.gov)>  
**Subject:** RE: MOD DR 21-03; Re: Comments of Columbia Riverkeeper and 1000 Friends of Oregon

Thanks Garrett. I'll just note that the initial open record period would be open to all parties, including the applicant, as would be the following period for responses to evidence and testimony received during the initial open record period.

Perhaps, given the holiday, it would be most appropriate to make each period 10 days in length?

Spencer Parsons (He/Him/His) | Senior Assistant County Counsel | Columbia County | 503-397-3839 |  
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**From:** Stephenson, Garrett H. <[GStephenson@SCHWABE.com](mailto:GStephenson@SCHWABE.com)>  
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**To:** Spencer Parsons <[Spencer.Parsons@columbiacountyor.gov](mailto:Spencer.Parsons@columbiacountyor.gov)>; Hayden Richardson <[Hayden.Richardson@columbiacountyor.gov](mailto:Hayden.Richardson@columbiacountyor.gov)>  
**Cc:** Suzie Dahl <[Suzie.Dahl@columbiacountyor.gov](mailto:Suzie.Dahl@columbiacountyor.gov)>; Department-Counsel <[department-counsel@columbiacountyor.gov](mailto:department-counsel@columbiacountyor.gov)>; Amy Herzog <[Amy.Herzog@columbiacountyor.gov](mailto:Amy.Herzog@columbiacountyor.gov)>; Kay Clay <[Kay.Clay@columbiacountyor.gov](mailto:Kay.Clay@columbiacountyor.gov)>; Hicks, Jane M. <[JHicks@SCHWABE.com](mailto:JHicks@SCHWABE.com)>; Laurie Parry <[Laurie@stewardshipsolutionsinc.com](mailto:Laurie@stewardshipsolutionsinc.com)>; Gene Cotten <[gene@nextrenewables.com](mailto:gene@nextrenewables.com)>; Department-Counsel <[department-counsel@columbiacountyor.gov](mailto:department-counsel@columbiacountyor.gov)>  
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Thanks Spencer. I am asking for 10 days because the public will have, collectively, 14 days to submit testimony and responsive testimony. And, as the party with the burden of proof, I think it is entirely reasonable to allow us 10 days to prepare our final written argument, given the amount of comments (from many different individuals) that I will need to address in that final written argument, and given that some of the second open record period will be over the Fourth of July holiday. There is no burden on the public, which of course has a right to appeal the matter to the County Board, and the FWA will be available to the Planning Commission in plenty of time for them to review our comments. But, if the Planning Commission feels that we should have seven days for final written argument, we will of course accommodate that decision.

## Garrett Stephenson

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Shareholder  
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# Schwabe

---

**From:** Spencer Parsons <[Spencer.Parsons@columbiacountyor.gov](mailto:Spencer.Parsons@columbiacountyor.gov)>  
**Sent:** Monday, June 26, 2023 12:43 PM  
**To:** Stephenson, Garrett H. <[GStephenson@SCHWABE.com](mailto:GStephenson@SCHWABE.com)>; Hayden Richardson <[Hayden.Richardson@columbiacountyor.gov](mailto:Hayden.Richardson@columbiacountyor.gov)>  
**Cc:** Suzie Dahl <[Suzie.Dahl@columbiacountyor.gov](mailto:Suzie.Dahl@columbiacountyor.gov)>; Department-Counsel <[department-counsel@columbiacountyor.gov](mailto:department-counsel@columbiacountyor.gov)>; Amy Herzog <[Amy.Herzog@columbiacountyor.gov](mailto:Amy.Herzog@columbiacountyor.gov)>; Kay Clay <[Kay.Clay@columbiacountyor.gov](mailto:Kay.Clay@columbiacountyor.gov)>; Hicks, Jane M. <[JHicks@SCHWABE.com](mailto:JHicks@SCHWABE.com)>; Laurie Parry <[Laurie@stewardshipsolutionsinc.com](mailto:Laurie@stewardshipsolutionsinc.com)>; Gene Cotten <[gene@nextrenewables.com](mailto:gene@nextrenewables.com)>; Department-Counsel <[department-counsel@columbiacountyor.gov](mailto:department-counsel@columbiacountyor.gov)>  
**Subject:** RE: MOD DR 21-03; Re: Comments of Columbia Riverkeeper and 1000 Friends of Oregon

Hayden, please include with the materials fwded to the Planning Commission.

Garrett, thanks for the continuance request acknowledgment, I was going to give you a call to discuss the request. As required under ORS 197.797(6), staff will make sure that the Planning Commission leaves the record open for responses to any evidence/testimony received after the open record period is closed, and that the applicant has the additional requisite time for final written argument. ORS 197.797(7)(e) specifies a minimum of seven days for final argument. Is there some specific reason you are requesting ten days for final argument? For purposes of neutrality/impartiality, my preference would be for the Planning Commission to set equal lengths of time for all three periods, whether 7 days each or otherwise.

Spencer

Spencer Parsons (He/Him/His) | Senior Assistant County Counsel | Columbia County | 503-397-3839 |  
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**From:** Stephenson, Garrett H. <[GStephenson@SCHWABE.com](mailto:GStephenson@SCHWABE.com)>

**Sent:** Monday, June 26, 2023 10:50 AM

**To:** Hayden Richardson <[Hayden.Richardson@columbiacountyor.gov](mailto:Hayden.Richardson@columbiacountyor.gov)>

**Cc:** Suzie Dahl <[Suzie.Dahl@columbiacountyor.gov](mailto:Suzie.Dahl@columbiacountyor.gov)>; Spencer Parsons <[Spencer.Parsons@columbiacountyor.gov](mailto:Spencer.Parsons@columbiacountyor.gov)>; Department-Counsel <[department-counsel@columbiacountyor.gov](mailto:department-counsel@columbiacountyor.gov)>; Amy Herzog <[Amy.Herzog@columbiacountyor.gov](mailto:Amy.Herzog@columbiacountyor.gov)>; Kay Clay <[Kay.Clay@columbiacountyor.gov](mailto:Kay.Clay@columbiacountyor.gov)>; Hicks, Jane M. <[JHicks@SCHWABE.com](mailto:JHicks@SCHWABE.com)>; Laurie Parry <[Laurie@stewardshipsolutionsinc.com](mailto:Laurie@stewardshipsolutionsinc.com)>; Gene Cotten <[gene@nextrenewables.com](mailto:gene@nextrenewables.com)>

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Hayden:

I am sending email this again because I think the version I sent you yesterday came from my email. As you know, this office represents NEXT Renewable Fuels, applicant in the Type 2 site design modification for DR 21-03. I have reviewed Riverkeeper's comments and initially respond as follows:

This application proposes a minor modification of a site plan approval. It does not change the scope of uses already authorized in the original DR 21-03 decision; its primary effect is to move a section of rail branchline out of land zoned for farming and onto land zoned for industrial uses (RIPD zone). Rail improvements are allowed in that zone. The scope and intensity of the rail use authorized in the original decision is not proposed to be changed in this application.

Against this backdrop, Riverkeeper's arguments miss the mark entirely. They embrace issues far outside of the scope of this limited land use application, such as the Port's proposed RIPD expansion. Riverkeeper does not address the approval criteria in CCZO 1550, which are the approval criteria for this application. For this reason, as well as the points below, the Planning Commission should reject Riverkeeper's arguments and approve the application.

1. The only criteria cited in Riverkeeper's testimony is CCZO 683.1, which is not a criterion applicable to a site design review. Arguments regarding CCZO 683 are irrelevant to this modification of an existing site design review; the use subject to prescribed conditions within the RIPD zone (the Renewable Diesel facility) was approved and not appealed.

The findings of that unappealed decision include full consideration of rail service and rail traffic. Condition 7 of DR 21-03 authorized the following scope for rail activities within the RIPD zone:

"Rail transport to and from the site shall be limited to no more than 318 rail cars per week, excluding return cars. Trains serving the site shall be no more than 100 attached cars in length. A manifest documenting rail transport to and from the site shall be maintained, and shall be provided to the County within seven (7) days of written request from the County."

As noted above, Riverkeeper did not appeal this, and the proposed site design modification will be subject to the same rail operations allowance and restrictions.

Riverkeeper's assertion that all rail transportation approvals were reversed by LUBA is simply incorrect. NEXT's renewable diesel facility, with all of its facilities intended to connect to rail service and a substantial amount of trackage within the RIPD site, was not reversed by LUBA; it was not even appealed. Instead, LUBA reversed the approval for a rail branchline within the PA-80 zone, the vast majority of which was proposed outside of the RIPD site. This application does not propose anything in a PA-80 zone, nor does it propose use of a different site area from that approved as part of the renewable diesel facility itself.

Stated simply, the scope of this amendment is restricted to the site design elements proposed to be changed only. NEXT did not propose any modification to the scope of its approved use; only how the rail connection will be laid out on the RIPD site. The rail branchline proposed to be re-aligned here is a transportation facility, the re-alignment of which does not change the scope, character, or impacts of the approved use.

**2.** Riverkeeper's comments ignore the fact that the scope of all improvements proposed in this application are on land zoned RIPD, which allows rail facilities associated with the approved facility. Riverkeeper's argument that a Goal 2 exception is required is not only irrelevant, it amounts to a collateral attack on the County's existing and acknowledged zoning.

**3.** Riverkeeper's arguments regarding PGE authorization are irrelevant. The land subject to this site design modification is owned by NEXT and the Port of Columbia County. PGE's interests are not implicated in this application but even if they were, PGE has not raised any objections.

**4.** This is a limited land use decision. Under ORS 197.195(1) the application is subject only to those criteria and standards actually incorporated into the County zoning code; many of Riverkeeper's arguments concern issues that are not embraced by the criteria in CCZO 1550, which are where the applicable criteria for this decision are located.

**5. Procedural Matters.** Riverkeeper has requested that the Planning Commission leave the written record open for 7 days. NEXT hereby requests that a second open record period of 7 days be provided for any party to submit evidence and argument responding to evidence in the first open record period, but that new issues or new arguments not raised in the first open record period be prohibited during this second period, except to the extent they are directly in response to evidence and arguments raised in the first open record period. Further, NEXT requests that it be given 10 days for final written argument after the written record closes.

Please place this testimony before the Planning Commission in this matter. I apologize for having to compose this with my phone, but my computer is down.

Thank you.

Garrett Stephenson  
503-320-3715

Please forgive any typos-this was sent from my phone.

Garrett Stephenson

Shareholder

D: (503) 796-2893

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[gstephenson@schwabe.com](mailto:gstephenson@schwabe.com)

**Schwabe**

On Jun 23, 2023, at 2:12 PM, Hayden Richardson  
<[Hayden.Richardson@columbiacountyor.gov](mailto:Hayden.Richardson@columbiacountyor.gov)> wrote:

Comment received June 23<sup>rd</sup>.

**Hayden Richardson**  
Planning Manager  
(503) 397-7216  
[Hayden.richardson@columbiacountyor.gov](mailto:Hayden.richardson@columbiacountyor.gov)  
445 Port Ave, St. Helens, OR 97051

**Please note:**

**Land Development Services has moved to a temporary location at 445 Port Avenue, St. Helens.**

We're available to assist you in person, by phone 503-397-1501 and email:

[building@columbiacountyor.gov](mailto:building@columbiacountyor.gov) or [planning@columbiacountyor.gov](mailto:planning@columbiacountyor.gov)

---

**From:** Dan Serres <[dan@columbiariverkeeper.org](mailto:dan@columbiariverkeeper.org)>  
**Sent:** Friday, June 23, 2023 1:53 PM  
**To:** Planning Department.UserGroup  
<[planning@columbiacountyor.gov](mailto:planning@columbiacountyor.gov)>  
**Subject:** Comments of Columbia Riverkeeper and 1000 Friends of Oregon

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Dear Columbia County Planning Commission and Staff:

Please see the attached public comments and exhibits by Columbia Riverkeeper and 1000 Friends of Oregon regarding NEXT

Renewable Fuels Inc.'s Modification of Prior Approval for a previously approved Site Design Review and Variance (DR 21-03/V 21-05).

Thank you,

Dan Serres  
503.890.2441  
[dan@columbiariverkeeper.org](mailto:dan@columbiariverkeeper.org)  
1125 SE Madison Suite 103A Portland 97214

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Dan Serres | He/Him/His | Conservation Director  
Columbia Riverkeeper | 1125 SE Madison Suite 103A Portland 97214  
Direct: 503.890.2441 | [dan@columbiariverkeeper.org](mailto:dan@columbiariverkeeper.org)

***Currents: The Hanford Issue—Read it Now***  
***(PDF & Interactive)***

***Get inspired to fight for cleanup at the most polluted place in America.***

<Exhibit 1. Menges. 2019. St Helens Chronicle. AT THE PORT \_ Support and criticism for NEXT lease \_ News \_ thechronicleonline.com.pdf>

<Exhibit 2. 2022.01.26 MacKenzie letter.pdf>

<Exhibit 3. JPA 401 \_NEXT p. 26.pdf>

<Exhibit 4. JPA fo4 401 \_NEXT p. 226 of 300 Figure 19.pdf>

<Exhibit 5. PGE Letter 2016.pdf>

<Exhibit 6. Screening Criteria from 2022 Joint Permit Application, p 587 of pdf.pdf>

<Columbia County Planning Commission Rail Comment 6.23.23 submitted.pdf>

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Submitted to: [Planning@ColumbiaCountyOR.gov](mailto:Planning@ColumbiaCountyOR.gov)

To the Columbia County Planning Commission:

My name is Mike Seely, and my family owns and operates Seely Mint Farm at Port Westward. We require access to fields from Kallunki Rd, on the north side of Kallunki Rd. NEXT proposes to block Kallunki Rd. with long trains carrying feedstock or other materials, at least three times per week. Due to the train slowing as it approaches the rail yard, the train will block the road for lengthy periods of time, potentially hours. NEXT and the Staff Report fail to address this issue. I have personally experienced long delays from train traffic in the area, already.

Delays of hours or even minutes - any delay whatsoever - will have a negative impact on our farming. County rules require NEXT to consider and mitigate impacts to land uses in the area. Farming is a long-recognized land use in the area. Our mint can become unusable if not properly handled, quickly after harvest. Further, delays in mint processing that could be caused by the proposed modification will impact our ability to fill our orders in a timely manner. Our farm grows high-value mint, producing unique mint products. We simply cannot afford the risk that the modification would create for our business.

Additionally, our farm relies on water supplies and drainage provided by the Beaver Drainage Improvement District (BDIC). The farm will be negatively impacted if the proposed modification alters the drainage infrastructure in our area. The system of drainages and ditches are interconnected. Pollution entering the water system could harm our mint crops. Altered drainage could impact soil moisture levels in ways that harm our farm and others in the area. No alterations to the operations of the BDIC and the distribution of water resources are allowed without permission from the BDIC and two-thirds of its members.

Air-borne pollution from the proposed rail yard and other modifications could also potentially impact area crops. NEXT and the Staff Report do not evaluate these impacts. Particulate matter or other pollutants could harm mint crops, causing crop failures or unusable products for producing high-grade mint oil.

For these reasons, as well as reasons identified by other commenters, I request that the Planning Commission reject the proposed modification. The findings are inadequate and do not evaluate or mitigate impacts to area farmers.

I request that you keep the record open for no less than 7 days following the public hearing.

Sincerely,

Michael P. Seely

## Amy Herzog

---

**From:** Stephenson, Garrett H. <GStephenson@SCHWABE.com>  
**Sent:** Monday, June 26, 2023 10:50 AM  
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Thank you.

Garrett Stephenson  
503-320-3715

Please forgive any typos-this was sent from my phone.

Garrett Stephenson

Shareholder

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**Schwabe**

On Jun 23, 2023, at 2:12 PM, Hayden Richardson  
<[Hayden.Richardson@columbiacountyor.gov](mailto:Hayden.Richardson@columbiacountyor.gov)> wrote:

Comment received June 23<sup>rd</sup>.

**Hayden Richardson**  
Planning Manager  
(503) 397-7216  
[Hayden.richardson@columbiacountyor.gov](mailto:Hayden.richardson@columbiacountyor.gov)  
445 Port Ave, St. Helens, OR 97051

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Dear Columbia County Planning Commission and Staff:

Please see the attached public comments and exhibits by Columbia Riverkeeper and 1000 Friends of Oregon regarding NEXT

Renewable Fuels Inc.'s Modification of Prior Approval for a previously approved Site Design Review and Variance (DR 21-03/V 21-05).

Thank you,

Dan Serres  
503.890.2441  
[dan@columbiariverkeeper.org](mailto:dan@columbiariverkeeper.org)  
1125 SE Madison Suite 103A Portland 97214

--  
Dan Serres | He/Him/His | Conservation Director  
Columbia Riverkeeper | 1125 SE Madison Suite 103A Portland 97214  
Direct: 503.890.2441 | [dan@columbiariverkeeper.org](mailto:dan@columbiariverkeeper.org)

***Currents: The Hanford Issue—Read it Now***  
***(PDF & Interactive)***

***Get inspired to fight for cleanup at the most polluted place in America.***

<Exhibit 1. Menges. 2019. St Helens Chronicle. AT THE PORT \_ Support and criticism for NEXT lease \_ News \_ thechronicleonline.com.pdf>

<Exhibit 2. 2022.01.26 MacKenzie letter.pdf>

<Exhibit 3. JPA 401\_NEXT p. 26.pdf>

<Exhibit 4. JPA fo4 401\_NEXT p. 226 of 300 Figure 19.pdf>

<Exhibit 5. PGE Letter 2016.pdf>

<Exhibit 6. Screening Criteria from 2022 Joint Permit Application, p 587 of pdf.pdf>

<Columbia County Planning Commission Rail Comment 6.23.23 submitted.pdf>

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## Amy Herzog

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**From:** Dan Serres <dan@columbiariverkeeper.org>  
**Sent:** Monday, June 26, 2023 9:48 AM  
**To:** Planning Department.UserGroup  
**Subject:** Comment Petition from Columbia Riverkeeper members and supporters re: NEXT modification  
**Attachments:** CRK Petition and signers to Planning Commission 6.26.23.pdf

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**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you are expecting this email and/or know the content is safe.

Dear Planning Commission and Staff,

Please see the attached comment, signed by 150 Columbia Riverkeeper members and supporters, urging denial of NEXT's proposed modification.

Thank you,

Dan Serres

--

Dan Serres | He/Him/His | Conservation Director  
Columbia Riverkeeper | 1125 SE Madison Suite 103A Portland 97214  
Direct: 503.890.2441 | [dan@columbiariverkeeper.org](mailto:dan@columbiariverkeeper.org)

*Currents: The Hanford Issue—Read it Now ([PDF](#) & [Interactive](#))*  
**Get inspired to fight for cleanup at the most polluted place in America.**

June 26, 2023

Columbia County  
Land Development Services  
Attn: Planning  
230 Strand Street  
St. Helens, OR 97051

Submitted to: [Planning@ColumbiaCountyOR.gov](mailto:Planning@ColumbiaCountyOR.gov)

Re: Rail Yard and NEXT Modification of Prior Approval

To the Columbia County Planning Commission:

Please see the comment below. The comment is supported by the 150 signers below, gathered through Columbia Riverkeeper's website.

Thank you,

Dan Serres

*To the Columbia County Planning Commission:*

*The Planning Commission should deny NEXT's request to build miles of new rail track at Port Westward. NEXT initially promoted its refinery with a commitment not to use frequent, long trains to bring in feedstock for the refinery. The rail yard is a major bait-and-switch with significant, negative effects on the community and local farms.*

*Because NEXT does not control the property where it would build the rail track, the application is premature and approving it would waste the Planning Commission's time and resources. Specifically, NEXT has failed to demonstrate that it has secured an agreement with PGE to build track on PGE's leasehold. NEXT has also failed to obtain permission to alter drainage systems controlled by the Beaver Drainage Improvement Company (BDIC). Accordingly, the application is premature, and the Planning Commission should not waste its time approving a speculative land use application.*

*The proposed modification conflicts with the County's land use rules, and the application fails to consider relevant local impacts. Instead, NEXT is dodging issues related to the rail yard and trying to rely on prior decisions, such as impacts to farming, water*

*resources, and land uses in the area. The prior review and approval of the refinery facility did not include consideration of the rail, and so NEXT must provide specific analysis about the rail-related impacts on local resources and land uses. LUBA denied a separate approval for the rail yard in 2022, and so the overturned approval should not be relied upon to judge the impacts of the rail yard. Multiple miles of rail tracks are a change in scope and intensity, both.*

*In summary, NEXT has failed to show that the "potential impact upon the area resulting from the proposed use has been addressed and any adverse impact will be able to be mitigated," as required by the County's rules.*

*Please listen to the members of the community with decades of experience living and working at Port Westward. They understand the implications and impact of NEXT's proposed rail yard better than the Houston-based company that is actively working to break its promise to the community.*

<b>First Name</b>	<b>Last Name</b>	<b>City</b>	<b>State</b>	<b>Zip Code</b>
Ryan	Stroud	Clatskanie	OR	97016-2014
Carol	Munro	Saint Helens	OR	97051-9307
Helen	Shaw	Clatskanie	OR	97016-1528
Dee Dee	Lively-Andrews	Clatskanie	OR	97016-0824
Mary	Duvall	Clatskanie	OR	97016-2516
Teressa	Ross	Scappoose	OR	97056
Barbara	Green	Clatskanie	OR	97026
Don	Abing	Astoria	OR	97103-2416
Rachel	Bernstein	St Helens	OR	97051
Elaine	Kelley	Warren	OR	97053-9734
Debbie	Bedell	Cathlamet	WA	98612
Norman	Dick	Longview	WA	98632-5860
Tessa	Carpenter	Kelso	WA	98626-9222
Brian	Davern	Kelso	WA	98626-9523
Ian	Shelley	Portland	OR	97225-6902
Steve	Aydelott	Bend	OR	97701-8274
Mary	Thiel	Portland	OR	97266-5650
Daniel	Serres	Portland	OR	97267-3060
John and Polly	Wood	Hood River	OR	97031-1871
Phillip	Callaway	Crawfordsville	OR	97336-0243
Paul	Borcherding	La Grande	OR	97850-0543
Cynthia	Nielsen	Welches	OR	97067-0814
Bill	O'Brien	Beaverton	OR	97005-1360
Roger	May	Medford	OR	97504-9673
Wendy	Little	Gladstone	OR	97027-2226
Tom	Bugas	Portland	OR	97232-3239
Anthony	Albert	Corvallis	OR	97330-4904
Lawrence	Nagel	Ashland	OR	97520-2803
Janet	Lumiansky	Portland	OR	97211-5883
Bonnie	Newman	Portland	OR	97202-7125
Leslie	Martinsen	Lake Oswego	OR	97035-7951
Anna	Cowen	Oregon City	OR	97045-8505
Donna	Bonetti	North Bend	OR	97459-2020
Dana	Weintraub	Beaverton	OR	97003-4249
Joel	Porter	Portland	OR	97293-0515
Phoenix	Oaks	Portland	OR	97217-2360
Dianne	Ensign	Portland	OR	97219-7655
sharon	kloepfer	Seaside	OR	97138-2512
Stacie	Hall	Oregon City	OR	97045-3461
Phil	Houston Goldsmith	Portland	OR	97229-4051
Sandra	Siegner	Portland	OR	97219-6349
Jerry	Charlson	Oregon City	OR	97045-7618

Ellen	Bailey	Portland	OR	97209-1640
Theodora	Tsongas	Portland	OR	97215-2940
James	Rankin	Corvallis	OR	97330-6070
Tascha	Babitch	Portland	OR	97214
Benton	Elliott	Eugene	OR	97401-3926
Joanie	Nissenberg	Ashland	OR	97520-2745
Kelly	OHanley	Portland	OR	97213-4056
Melanie	Feder	Philomath	OR	97370-9448
Michael	Burmester	Happy Valley	OR	97086-6074
Emma	Tresemmer	Hood River	OR	97031-1461
John	Nettleton	Portland	OR	97202-3265
Becky	White	Clatskanie	OR	97016
John	Altshuler	Eugene	OR	97408-7389
Nancy	Marshall	Portland	OR	97213-4738
Susan	Haywood	Portland	OR	97210-3526
Charles	Townsend	Portland	OR	97212-3162
Judy	Kinsman	Florence	OR	97439-9606
Sierra	Sanchez	Seattle	WA	98125-3934
Lori	Stefano	Yelm	WA	98597-9086
Kevin	Gallagher	Lake Forest Park	WA	98155-6620
Sharon	Sollenberger	Vancouver	WA	98662-5492
Bill	Hinman	Longview	WA	98632-1837
Elena	Rumiantseva	Redmond	WA	98052-5802
Brice	Crayne	Vancouver	WA	98664-3402
Debby	Jackson	Vashon	WA	98070
James	Mulcare	Clarkston	WA	99403-2576
terrance	ryan	Quilcene	WA	98376-9702
Judith	Hance	Seattle	WA	98115-6108
Josh	Baresh	Carson	WA	98610-3376
Barbara	Scavezze	Woodinville	WA	98072-8758
Cornelia	Teed	Bellingham	WA	98225-7154
Mark	Reback	Battle Ground	WA	98604-8353
Paul	Potts	Raymond	WA	98577
Darla	Austerman	Nine Mile Falls	WA	99026-9248
Emily	Van Alyne	West Richland	WA	99353-7405
Jim	Byrne	Ridgefield	WA	98642-9139
Isabella	Palacios	Seattle	WA	98122-6042
Adina	Parsley	Stanwood	WA	98292-7843
Derek	Benedict	Lynnwood	WA	98036-8606
Frank	Jackson	Vashon	WA	98070
Hollis	Higgins	Spokane	WA	99205-3210
Shary	B	Seattle	WA	98101-1075
Raphael	Ponce	TOULOUSE	AK	31500

Tania	Malven	Tucson	AZ	85719-2441
Barbara	Harper	Castroville	CA	95012-2926
Laura	Herndon	Burbank	CA	91505-4312
John	Oda	San Francisco	CA	94115-3500
JL	Angell	Rescue	CA	95672-9411
Lauren	Murdock	Santa Barbara	CA	93110-1650
Noah	Haydon	Daly City	CA	94015
Ann	Dorsey	Northridge	CA	91325-3844
James	Monroe	Concord	CA	94521-4041
Mark	Houdashelt	Fort Collins	CO	80521-1645
Leila	Mohseni	Boulder	CO	80302-4363
Kevin	Walsh	Madison	CT	06443-3359
Marco	Pardi	Lawrenceville	GA	30043-4095
Jelica	Roland	Buzet	HR-18	52420
Carmen	Chacon	Pocatello	ID	83202-5197
Dennis	Kreiner	Carpentersville	IL	60110-1201
Sandra	Couch	Naperville	IL	60564-4694
Tedd	Ward Jr.	Petersburg	IL	62675-6075
LAURA	LONG	CHICAGO	IL	60616
Michael	Rynes	Naperville	IL	60565-2006
Nancy	McRae	Pepperell	MA	01463-1688
Kathleen	Mireault	Quincy	MA	2169
Beverly	Antonio	Centreville	MD	21617-2322
Georganne	Bendall	Camden	ME	04843-2056
Jean	Bails	Saint Clair Shore	MI	48081-1131
Tom	Schwegler	Kansas City	MO	64152-1744
Megan	Baker	Springfield	MO	65810-1517
Jennifer	Nitz	Missoula	MT	59802-3937
Fred	Coppotelli	Cedar Mountair	NC	28718-9017
Heide	Coppotelli	Cedar Mountair	NC	28718-9017
Vicky	Brandt	Durham	NC	27705-6027
John	Schreiber	Trenton	NJ	08690-3815
Michael	Brandes	Fort Lee	NJ	07024-5212
Julia	Cranmer	Southampton	NJ	08088-8833
Denise	Lytle	Woodbridge	NJ	07095-1141
Chris	Hazynski	Burlington	NJ	08016-3034
John	Dunn	Morristown	NJ	07960-3124
Raymond	Valinoti	New Providence	NJ	07974-2754
les	roberts	Serafina	NM	87569-0199
I.	Engle	Tularosa	NM	88352-2228
Ken	Gibb	Zephyr Cove	NV	89448-3616
fay	forman	New York	NY	10001-4889
Jennifer	Valentine	Massapequa Pa	NY	11762-1850

Janet	Forman	New York	NY	10011-1514
Sharon	Longyear	Port Ewen	NY	12466-5001
Clifford	Provost	New York	NY	10065-6431
Beth	Darlington	Poughkeepsie	NY	12604-0001
Phillip	Hope	New York	NY	10009-1618
steve	hopkins	Rye	NY	10580-4033
Richard	Stern	New York	NY	10023-2504
Jerry	Rivers	Roosevelt	NY	11575-1602
Leo	Kucewicz	Phoenixville	PA	19460
Liana	Lang	White Haven	PA	18661-3828
Donna	Smith	Havertown	PA	19083-2028
Doris	Potter	St-Laurent	QC	H4L 5E7
Carolyn	Nieland	Alamo	TX	78516
Thomas	Nieland	Alamo	TX	78516-9300
Michelle	Macy	Houston	TX	77008-3804
Gary	Hull	Ogden	UT	84405-4036
Juanita	Hull	Ogden	UT	84405-4036
Ellen	Atkinson	Lynchburg	VA	24502-1037
Shauna	Hanisch-Kirkbride	Vancouver	WA	98684-5728
priscilla	martinez	Snoqualmie	WA	98065-9718
Kim	Smith	Beverly	WV	26253-4699
Jane	Butler	Hedgesville	WV	25427-3345

## Hayden Richardson

---

**From:** Elizabeth Stepp <esteppie@gmail.com>  
**Sent:** Saturday, June 24, 2023 6:05 PM  
**To:** Planning Department.UserGroup  
**Subject:** Testimony: DR 21-03 Modification - NEXT Renewable Fuels, Inc.

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Columbia County Land Development Services  
ATTN: Planning  
230 Strand St.  
St. Helens, OR 97051



RE: Planning Commission Consideration of DR 21-03 Modification, NEXT Renewable Fuels

To Whom it May Concern:

I urge you to DENY this modified proposal.

The County's prior review and approval of the refinery facility did not consider the rail yard, which is a significant intensification of land use activity. The proposed modification conflicts with the County's land use rules. Rail yards are not allowed on farm land. The site is at least partially on or adjacent to PA-80 AG land, with high quality Class I, II and II soils. High quality farming is still in active production.

This new rail yard proposal would fill and impact existing drainage and ditch systems which provide water levels consistent with supporting agricultural production for irrigation and drainage. NEXT must assess potential impacts to agricultural uses, including displacement of local farming due to the proposed location of the rail yard and new road infrastructure.

NEXT has no agreement with PGE to use the land that PGE leases at Port Westward. This is land that PGE considers a "buffer" for its future industrial use. (1) Unless NEXT can provide evidence to the contrary, the proposed modification conflicts with PGE's use of the land it leases.

NEXT has not addressed how train traffic service the proposed facility will impact the community, the local County and State road network and agricultural activities.

Finally, Oregon is in the Cascadia subduction zone. The proposed facility's site is on soils that could be subject to liquefaction. According to the Oregon Department of Emergency Management's website "Oregon has the potential for a 9.0+ magnitude earthquake caused by the Cascadia Subduction Zone and a resulting tsunami of up to 100 feet in height that will impact the coastal area. There is an estimated 5-7 minutes of shaking or rolling that will be felt along the coastline with the strength and intensity decreasing the further inland you are." They further state: "Currently, scientists are predicting that there is about a 37 percent chance that a megathrust earthquake of 7.1+ magnitude in this fault zone will occur in the next 50 years. This event will be felt throughout the Pacific Northwest." (2). This site is incompatible with the proposed refinery with a rail yard.

Thank you,  
Elizabeth Stepp  
4223 NE 63rd Ave  
Portland, OR 97218

1. See pdf document pg. 587, NEXT's Joint Permit Application to the Coprs / DSL / DEQ.
2. See: <https://www.oregon.gov/oem/hazardsprep/pages/cascadia-subduction-zone.aspx>

## Hayden Richardson

---

**From:** Jean M. Avery <jeanmavery@gmail.com>  
**Sent:** Sunday, June 25, 2023 6:11 PM  
**To:** Planning Department.UserGroup  
**Subject:** Please deny permits for NEXT; protect Port Westward

Please protect this fragile agricultural land, the rights of local residents, and the Columbia River.

Please deny permits for the proposed NEXT rail lines and refinery, which will also increase pollution from fracked gas.

Sincerely,  
Jean M. Avery, Vancouver, WA  
(I sent a comment earlier, as well.)

## Hayden Richardson

---

**From:** Linda Horst <lindahorst45@gmail.com>  
**Sent:** Sunday, June 25, 2023 9:39 PM  
**To:** Planning Department.UserGroup  
**Subject:** Testimony for NEXT Renewable Fuels, Inc. public hearing

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June 25, 2023

Columbia County  
Land Development Services  
230 Strand Street  
St. Helens, OR 97051

To the Columbia County Planning Commission:

My name is Linda Horst. I live in Kelso, WA part of the lower Columbia River communities located downwind from emissions from present and proposed industries at the Port Westward Industrial Park. I urge this planning commission to deny NEXT Renewable Fuels Inc.'s request for a Modification of Prior Approval for a previously approved Site Design Review (SDR) and Variance (DR 21-03/V 21-05).

**PREVIOUS INVALID LAND USE DECISIONS DO NOT MEET CCZO 683.1.B CRITERIA.**

This rail yard application you are presently considering is a bad idea searching for a home! The rail tracks, tree buffer and storm facilities (in a different location and configuration) were previously approved as part of a separate application (CU 21-04), but that application was appealed and reversed by the Oregon Land Use Board of Appeals (LUBA). Now, NEXT wants the rail yard component of their proposal evaluated as if it had been reviewed and approved under the SDR process just as their refinery facility was.

NEXT must fully address criteria for Columbia County Zoning Ordinance (CCZO 683.1.B). This code requires NEXT to demonstrate that "the potential impact upon the area resulting from the proposed use has been addressed and any adverse impact will be mitigated....". NEXT's application has failed to meet this required criteria.

**INSUFFICIENT ANALYSIS OF THE NEW RAIL YARD SITE SUITABILITY AND MITIGATION.**

CCZO 683.1.B.1 requires NEXT to address and mitigate the "Physiological characteristics of the site (ie, topography, drainage, etc.) and the suitability of the site for the particular land use and improvements." However, because NEXT incorrectly asserts that its previous applications contained this analysis, the current application is incomplete.

Everyone who works or lives at Port Westward knows groundwater is at or near the surface of the ground numerous times throughout the year. NEXT fails to satisfactorily address if and how the rail yard and accompanying infrastructure could be impacted by these groundwater issues. In their Stormwater report (p 7), NEXT even admits that they do not fully understand groundwater and surface water levels at the proposed site.

Furthermore, NEXT does not explain how its proposal will avoid causing water level problems on the site and adjacent lands. They even fail to provide sizing for necessary culverts proposing, instead, to monitor water levels “over the next year to evaluate seasonal fluctuations” (Stormwater report p 3). NEXT nonchalantly defines mitigation activities like the culvert sizing by saying...“when more information about the wetland drainage conditions becomes available” (Stormwater report p 3. NEXT should complete its monitoring and study prior to reaching conclusions about the impacts and the likelihood they can be addressed through mitigation.

In their application, NEXT’s cavalier attitude towards the monumentally important issues of water containment, distribution and management is extremely disconcerting. Anyone who ignores the inherent, myriad water issues at Port Westward does so at not only their peril, but the peril of the entire Port Westward area!

NEXT assessments of impacts to surface or groundwater, or mitigation must be coordinated with the Beaver Drainage Improvement Company (BDIC). Their expertise and experience has served a vital role in ensuring the survivability of the Port Westward area for more than a century!

Void of careful assessment and thorough research, NEXT’s application is incomplete.

### CCZO 683.1.B.3. NEXT’S NEWLY PROPOSED SITE CONFLICTS WITH LAND USES IN THE AREA.

NEXT must fully address the criteria for CCZO 683.1.B.3 which states, “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.

NEXT newly proposed rail yard conflicts with the land uses in the area due to the following:

- 1) With permission, the rail yard and road sites are both being actively farmed.
- 2) The rail yard will directly displace local farming.
- 3) The proposed modification conflicts with PGE’s use of the land it leases.
- 4) The rail facility is going to cause impacts to farming through potential delays and blocked crossings.
- 5) NEXT has not adequately addressed the issue of blocked crossings.
- 6) Ludicrous as it may sound, NEXT has no agreement with PGE to use the land PGE leases, which overlaps with the rail yard.
- 7) According to NEXT’s 2022 Application to the Army Corps, “PGE has informed the Applicant that they are not willing to release their long-term lease at either property for further industrial development. PGE indicated that the property would be utilized as a buffer for their facility and for any future PGE expansion.”

Without NEXT obtaining permission from PGE, the Planning Commission cannot conclude that NEXT can implement actions that may be necessary to mitigate impacts of the proposed change.

We each have a responsibility to be good stewards of our environment by protecting the Columbia River, our air and water quality, and the remaining wetlands and farmlands in the Pacific Northwest. These vital, irreplaceable resources must never be squandered!

I trust that after careful analysis of the myriad, negative impacts and ramifications to water resources, drainage and irrigation systems, and area farms this commission will deny NEXT’s proposed rail yard modification application.

Thank you for the opportunity to provide testimony for this public hearing.

Sincerely,

Linda Horst  
1020 Kool Road  
Kelso, WA 98626

[lindahorst45@gmail.com](mailto:lindahorst45@gmail.com)  
360-442-3059

Sent from my iPhone

## Hayden Richardson

---

**From:** Norm Hale <ndhale33@gmail.com>  
**Sent:** Sunday, June 25, 2023 11:50 PM  
**To:** Planning Department.UserGroup  
**Subject:** NEXT Energy's Rail Yard Application

Some people who received this message don't often get email from ndhale33@gmail.com. [Learn why this is important](#)

Columbia County Commissioners.

I'm addressing a concern over NEXT Energy's application to modify your prior approval for the refinery proposed for Port Westward.

I want to say up front that I am in favor of converting oils and fats into biodiesel rather than landfilling them. I am in favor of the use of biodiesel where it can utilize relatively local feedstocks. Maximum efficiency demands that feedstock, production and use are relatively close together.

It seems that NEXT has decided not to honor their original promise to **not** have long unit trains coming into the Port area. This implies that several unit trains at a time could be sided at the facility. It also appears that that would require large amounts of feedstock in excess of what was originally proposed. It also seems that it may be an export project. This is **not acceptable**.

Please deny this requested modification. NEXT has a bad reputation for non-delivery and leaving a mess. Othello, WA caught it last time; don't let Columbia County and your neighbors in Oregon and Washington be hung out to lose.

Norm Hale,  
(resident of South West Washington State, former resident of Lane County, Oregon)



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## Hayden Richardson

---

**From:** Norm Hale <ndhale33@gmail.com>  
**Sent:** Sunday, June 25, 2023 11:52 PM  
**To:** Planning Department.UserGroup  
**Subject:** NEXT Energy's Rail Yard

Some people who received this message don't often get email from ndhale33@gmail.com. [Learn why this is important](#)

Columbia County Commissioners,

As you know this project relies on some questionable and more importantly non-existent agreements for lease of PGE lands and facilities.

Further, there is no agreement from Beaver Drainage for ditch and culvert sizing due in part to lack of analysis on the part of NEXT with respect to these important factors when operating in a wetland with high water table and potential to flood. This sacrifices current agricultural users and potentially the health of the Columbia River

It also fails to consider the impact of increased rail traffic on the local residents and the resultant road damage and blockage due to high volume trains.

Please deny this rail expansion and consider withdrawal of any permits for this project. This seems a very risky proposal for Columbia County as well as the lower Columbia River ecosystem and our citizens who live there and rely on its natural resources.

(Dave) N.D. Hale,  
concerned neighbor citizen of SW Washington .



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## Hayden Richardson

---

**From:** Norm Hale <ndhale33@gmail.com>  
**Sent:** Sunday, June 25, 2023 11:53 PM  
**To:** Planning Department.UserGroup  
**Subject:** NEXT Energy's Rail Yard Application

Some people who received this message don't often get email from ndhale33@gmail.com. [Learn why this is important](#)

Columbia County Commissioners,

Please deny this requested modification of the rail yard expansion. It is not compatible with agricultural and wetland existing resources. This large scale rail and refinery operation could potentially do serious damage to this flood plain area and the adjoining Columbia River.

Existing drainage ditch modifications need to be studied and proper planning based on more extensive hydrological knowledge doesn't seem to be addressed in the application.

NEXT cannot rely on prior application criteria and relatively little analysis of the effects on water management. Prior approval of the project based on little if any consideration of a rail yard as now proposed does significantly increase the scope of the project.

Please deny this attempt to expand this project.

Norm Hale,  
Resident of SW Washington and Columbia River stack holder



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RECEIVED

JUN 23 2023

Land Development Services

**BEAVER DRAINAGE IMPROVEMENT COMPANY, INC.**  
**P.O. Box 201**  
**Clatskanie, OR 97016**  
**Email: [ajvelke@yahoo.com](mailto:ajvelke@yahoo.com) Telephone (360)751-8778**

To the Columbia County Planning Commission:

NEXT's application fails to adequately address criteria from Columbia County Zoning Ordinance (CCZO) 683.1.B. The code requires NEXT to show that the "potential impact upon the area resulting from the proposed use has been addressed and any adverse impact will be able to be mitigated." NEXT has not specifically analyzed the impact of the rail yard, a particular land use and improvement that will impact the Beaver Drainage Improvement Company (BDIC). NEXT must address physiological characteristics of the site, including drainage and the suitability of the site for the particular land use and improvements. NEXT must also show that it has considered impacts to existing land uses and both private and public facilities and services in the area, and mitigated these impacts.

These are specific ways in which NEXT fails to meet the standard for addressing and mitigating impacts upon the area.

Effective drainage is vitally important to farms and farmers at Port Westward. Disrupted drainage could impact people in the area, not just the site itself. NEXT states that its culverts "will be sized during final design when more information about the wetland drainage conditions becomes available." At the same time, NEXT proposes culvert sizes that will be insufficient.

- The 36" diameter culvert in waterway D is insufficient. 48" required.
- The 36" diameter culvert in waterway F is insufficient. 48" required.
- The BDIC reserves the right to require field fit modification to ensure all culverts are placed at correct depth to prevent flow restriction.

NEXT fails to address impacts to the BDIC from interference with access to the drainage systems caused by the proposed modification, the rail yard, gravel road, fencing, and buffers. The BDIC operates a public drainage system, attached to private improvements. The drainage and irrigation provided are highly important to people in the BDIC. Specifically,

- Sediment fencing along waterways is to be removed following construction to ensure access to waterways for maintenance.
- Proposed tree buffers along waterways are on ditch banks and will contribute debris, creating blockages. Additionally, they will restrict maintenance capabilities of the BDIC and thus will not be approved by the BDIC.

- Proposed fencing along waterways could impact BDIC ability to maintain waterways. Additional information needed for review.

NEXT will have additional impacts to the BDIC and people within the BDIC that are not adequately addressed in the application for the modification.

- The soils at the proposed rail yard and facility sites are at high risk of liquefaction in an earthquake. Spill containment plans for the facility and rail yard must be approved by the BDIC prior to any County approval of this proposal.
- No ditch or waterway alterations have been approved by the BDIC Board. Without specific agreements with the BDIC, NEXT cannot claim to have addressed impacts to the BDIC, its resources, or its operations. Further, the BDIC's activities are a recognized land use in the area that is vital to the overall function of the Port Westward area, including the industrial areas. NEXT fails to adequately address conflicts with BDIC's use of the area, its control of the land, and the public services it provides.
- The application provides no provisions for existing irrigation points on waterway G. Interference with irrigation from this waterway and potential pollution of the water resources will impact and harm local farming.
- The application provides no provisions for existing power to be relocated at the Hermo Rd intersection. The power supply in this specific location supports local agriculture.
- No engineering analysis of drainage and irrigation impacts has been presented to the BDIC Board for approval. The BDIC cannot agree to major alterations of BDIC infrastructure without a more in-depth description of the proposed impacts. NEXT cannot claim to have mitigated the impacts without an agreement with the BDIC. The application is premature.
- No engineering impact analysis or compatibility analysis has been performed for the current proposal. Prior submissions for county and BDIC approval are inadequate as location of rail yard has changed, thus impacts have changed. NEXT cannot rely on previous analyses to make conclusions about the impacts in the area. The previous proposals and the current amendment are not the same in scope or intensity with respect to impacts on farmers within the BDIC.
- Increased rail and heavy truck traffic could have impacts on the levee crossing including increased subsidence. This could require a USACE section 408 review. No Engineering analysis has been provided to the BDIC for review. Additionally, the BDIC reserves the right to restrict any and all levee traffic during periods of high water. Kallunki Road sits atop a levee that protects the entire area, including the proposed modification, from flooding.

- The BDIC has broad authority for maintenance of ditches/waterways within its boundaries. Restrictions in this authority, including ability to access for maintenance and alterations to maintenance activities must be approved by a 2/3 majority shareholder vote.
- The BDIC retains broad authority over the lands within its boundaries and approval from the BDIC is required for alterations or impacts to the systems. The BDIC has not approved the offsite wetlands mitigation plans required under state and federal law(1536(B)). Restrictions in the ability of the BDIC to perform maintenance must be approved by a 2/3 majority shareholder vote. Failure to obtain these approvals will result in violation of 1536(B).
- The levee system protecting the Port Westward Development site has not been certified for well over a decade. USACE defines the BDIC levee system as being “Previously certified, but not currently certified”. FEMA inspections in 2014 determined that the BDIC Levee system was 3ft height deficient and required so much work to protect from a 100 year flood that “further analysis for certification at this time is pointless”. Additional significant subsidence has since been noted on both the Erickson Dike Road and Kallunki Road levees. Subsequent construction of a wetlands mitigation site near the Port Westward docks in 2016(completed without BDIC approval) introduced “over 800 ft of clear, active seepage” and has been noted as active several times in recent USACE Periodic Inspections, resulting in Unacceptable ratings on the levee system. It is unknown at this point when the levee system will be certified. The Port Westward Development Exception heavily relies on a certified levee system as a condition of approval(1536(A) Standards for approval, CCZO 1100). Next is using outdated information to justify a FEMA flood zone X and has not met the standards required by CCZO 1100. The Port Westward Development Site, including the proposed driveway, pipe rack, railyard and associated plant site has been, is currently, and will for the foreseeable future, remain at risk of a 1% annual chance of flooding and therefore falls within the Special Flood Hazard Area.

Sincerely,

Beaver Drainage Improvement Company Board of Directors

RECEIVED

JUN 23 2023

Jake Renney

Land Development Services

**From:** Kirk Leonard <kandlleo@kalama.com>  
**Sent:** Friday, June 23, 2023 1:32 PM  
**To:** Planning Department.UserGroup  
**Subject:** Next's Public hearing comment 6/23/2023

Some people who received this message don't often get email from kandlleo@kalama.com. [Learn why this is important](#)

Houston based NEXT renewables LLC promoted the proposed renewal fuels with a commitment NOT to use long trains to bring soybean oil or another feedstock to the refinery.

NEXT renewables are now asking the Columbia County Commission to approve over 3 miles of rail track to bring trains of feedstock into the site. The amended design will shift the rail yard North with impact to farmland and water resources which will be negative and significant.

The changes to the essential drainage, flood control and irrigation infrastructure will adversely impact water quality resulting in the potential contamination of surface water as well as compromising the levee system.

The rail yard will directly displace local farming. The area of the rail yard and road has been recently actively farmed. The farmer has an ongoing right to use and farm that land.

Land Use Board of appeals, May 2022, overturned a key land use decision at Port Westward for the 3rd time, protecting farmland, water and salmon habitat in the lower Columbia. NEXT's proposed modification of prior Approval conflicts with the County's land use rules.

NEXT has No agreement with Portland General Electric to use the land that PGE leases, which overlaps with the proposed rail yard. According to NEXT's 2022 application to the Army Corps, states "PGE has informed the applicant that they are not willing to release their long-term lease at either property for further industrial development.

NEXT has No agreement with Beaver Drainage Improvement Company to alter the drainage systems. Warren Seely, President/Secretary states "The Mitigation Plan proposal to "reconvert" currently farmed lands within the mitigation site to jurisdictional wetlands is antithetical to the best interests of the Drainage Company and it's agricultural landowners and the integrity of the levee system as a whole."

The planning commission should reject NEXT's proposed modifications of Prior Approval for a previously approved site design. This proposal is not compatible with land use and would have adverse impacts to the wetlands, farmland and waters of the Columbia.

Sincerely,

Linda Leonard 217 Pebble Lane Kalama, Washington 98625

## Jake Renney

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**From:** Dan Serres <dan@columbiariverkeeper.org>  
**Sent:** Friday, June 23, 2023 1:53 PM  
**To:** Planning Department.UserGroup  
**Subject:** Comments of Columbia Riverkeeper and 1000 Friends of Oregon  
**Attachments:** Exhibit 1. Menges. 2019. St Helens Chronicle. AT THE PORT\_ Support and criticism for NEXT lease \_ News \_ thechronicleonline.com.pdf; Exhibit 2. 2022.01.26 MacKenzie letter.pdf; Exhibit 3. JPA 401\_NEXT p. 26.pdf; Exhibit 4. JPA fo4 401\_NEXT p. 226 of 300 Figure 19.pdf; Exhibit 5. PGE Letter 2016.pdf; Exhibit 6. Screening Criteria from 2022 Joint Permit Application, p 587 of pdf.pdf; Columbia County Planning Commission Rail Comment 6.23.23 submitted.pdf

Some people who received this message don't often get email from dan@columbiariverkeeper.org. [Learn why this is important](#)

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you are expecting this email and/or know the content is safe.

Dear Columbia County Planning Commission and Staff:

Please see the attached public comments and exhibits by Columbia Riverkeeper and 1000 Friends of Oregon regarding NEXT Renewable Fuels Inc.'s Modification of Prior Approval for a previously approved Site Design Review and Variance (DR 21-03/V 21-05).

Thank you,

Dan Serres  
503.890.2441  
[dan@columbiariverkeeper.org](mailto:dan@columbiariverkeeper.org)  
1125 SE Madison Suite 103A Portland 97214



--  
Dan Serres | He/Him/His | Conservation Director  
Columbia Riverkeeper | 1125 SE Madison Suite 103A Portland 97214  
Direct: 503.890.2441 | [dan@columbiariverkeeper.org](mailto:dan@columbiariverkeeper.org)

***Currents: The Hanford Issue—Read it Now ([PDF](#) & [Interactive](#))***  
***Get inspired to fight for cleanup at the most polluted place in America.***



June 23, 2023

Columbia County  
Land Development Services  
Attn: Planning  
230 Strand Street  
St. Helens, OR 97051



Submitted to: [Planning@ColumbiaCountyOR.gov](mailto:Planning@ColumbiaCountyOR.gov)

To the Columbia County Planning Commission:

Columbia Riverkeeper is a non-profit organization with a mission to restore and protect the water quality of the Columbia River and all life connected to it, from the headwaters to the Pacific Ocean. Columbia Riverkeeper has over 16,000 members and supporters who live, work, and recreate throughout the Columbia River Basin, including members and supporters who live at Port Westward and whose livelihoods depend on the resources at Port Westward.

1000 Friends of Oregon is a 501(c)(3) non-profit organization founded by Governor Tom McCall shortly after the Legislature passed Senate Bill 100, which created the land use planning rules that shape Oregon's communities. Since its founding in 1974, 1000 Friends has served Oregon by defending Oregon's land use system—a system of rules that creates livable communities, protects family farms and forestlands, and conserves the natural resources and scenic areas that make Oregon such an extraordinary place to live. 1000 Friends accomplishes this mission by monitoring local and statewide land use issues, enforcing state land use laws, and working with state agencies and the Legislature to uphold the integrity of the land use system.

Columbia Riverkeeper and 1000 Friends of Oregon (collectively, "we") urge the Planning Commission to deny Houston-based NEXT Renewable Fuels Inc.'s (hereinafter, NEXT) request for a Modification of Prior Approval for a previously approved Site Design Review (SDR) and Variance (DR 21-03/V 21-05). We further request that the Planning Commission keep the record open for no less than 7 days following the June 26, 2023, hearing. The application proposes moving the rail tracks, tree buffer, and stormwater infrastructure into an area that is actively

farmed, impacting land, drainage infrastructure, roads, and public services important to the community at Port Westward. NEXT has failed to provide adequate analysis to address impacts of the proposed modification or potential mitigation for the impacts, and NEXT lacks permission to use the land and drainage system where the proposed modification would be located.

NEXT has broken trust with the community. The proposed modification would allow the company to establish miles of rail tracks at Port Westward. NEXT initially promoted its refinery with a frequent, firm commitment not to use frequent, long trains to bring in feedstock for the refinery.<sup>1</sup> The rail yard is a major bait-and-switch.<sup>2</sup> NEXT's proposal would impact both the local community and people who live near the rail line along Highway 30 by increasing long train traffic. Columbia County should hold NEXT to its original promise not to use long trains.

### **1. NEXT cannot rely on previous, invalid land use decisions.**

NEXT's application fails to adequately address criteria from Columbia County Zoning Ordinance (CCZO) 683.1.B. The County's code requires NEXT to demonstrate that "the potential impact upon the area resulting from the proposed use has been addressed and any adverse impact will be able to be mitigated. . . ." Instead of meeting this standard, NEXT's application (and the Staff Report) attempt to avoid the standard entirely by citing NEXT's previous application for a rail yard in a different location and configuration—which was ultimately invalidated by LUBA.

NEXT's approach and the Staff Report are flawed for several reasons. First, the County's prior land use decision approving NEXT's refinery did not address the rail yard, accompanying stormwater infrastructure, gravel road, and tree buffer; the rail yard and other modifications were reviewed and approved under a separate land use application. Hence, it is incorrect to argue that the SDR amendment application for the refinery will result in a project of the "same scope and intensity." Adding more than three miles of rail track into the area considered in the previous site design review is an intensification of the use of the area, and a change in the use and its impacts. NEXT must provide further analysis specific to the particular land uses proposed in the modification, and it has failed to do so.

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<sup>1</sup> In their previous deliberation regarding the rail yard, Columbia County Commissioners noted that addition of rail was a significant shift from the original proposal. This is the meeting video: <https://evogov.s3.us-west-2.amazonaws.com/meetings/143/videos/469.mp4>. At 1:24:50, Commissioner Heimuller notes that the original discussion and design of the project involved only incidental use of rail, very minimal. He then refers to it as a "bit of a sorting yard" at 1:26:15.

<sup>2</sup> Christine Menges. St Helens Chronicle. "At the Port: Support and Criticism for NEXT Lease." August 2019. "It was a common theme throughout the presentation that the project would not use the rail, and that propane must be used on-site." [https://www.thechronicleonline.com/news\\_paid/at-the-port-support-and-criticism-for-next-lease/article\\_abd19278-b4fa-11e9-b8e6-bb9300fe2bd0.html](https://www.thechronicleonline.com/news_paid/at-the-port-support-and-criticism-for-next-lease/article_abd19278-b4fa-11e9-b8e6-bb9300fe2bd0.html). Exhibit 1.

Additionally, the prior rail approval was reversed by LUBA. LUBA unequivocally reversed the County's conditional approval of the rail yard in the previous location. Accordingly, there is no basis to rely on that decision to draw any conclusions regarding the potential impacts associated with the rail yard and other aspects of the modification. Furthermore, the rail yard component of the proposal and other aspects of the modification were never evaluated under the criteria that apply to the SDR process, much less in the specific locations now proposed. The County cannot just import its prior conclusions to this amendment without additional analysis and findings that are specific to the new rail facility and other modifications. NEXT must specifically consider the *particular land use and improvements* with respect to the rail yard, road infrastructure, stormwater facilities, and other modifications.

**2. NEXT fails to demonstrate that the physiological characteristics of the new site are suitable for a rail yard.**

The Commission should reject NEXT's application because it fails to explain why the newly proposed area is suitable for a rail yard or how potential unsuitability would be mitigated. CCZO 683.1.B.1 requires NEXT to address and mitigate the "Physiological characteristics of the site (ie., topography, drainage, etc.) and the suitability of the site for the particular land use and improvements." However, because NEXT incorrectly asserts that its previous applications contained this analysis, the current application is incomplete.

The presence of a high water table and important drainage and irrigation infrastructure raise significant questions about whether this new site is suitable for a rail yard and accompanying infrastructure. During many times of the year, groundwater is at or near the surface of the ground; everyone who lives and works at Port Westward knows this. Nevertheless, NEXT fails to adequately address if and how the rail yard and accompanying infrastructure could be impacted when groundwater levels remain close to the surface for long periods of time. Tellingly, NEXT even admits that it does not fully understand groundwater and surface water levels at the proposed site.<sup>3</sup> Absent this type of information, NEXT's application is incomplete for failing to show that the site is compatible with the proposed use.

NEXT's application and stormwater plan also fail to show that NEXT could mitigate the impacts of the proposed modification. NEXT does not explain how its proposal will avoid causing water level problems on the site and adjacent lands, and it fails to provide sizing for necessary culverts. Instead, NEXT's stormwater report proposes to monitor water levels "over the next year to evaluate seasonal fluctuations" and define mitigation activities like culvert sizing

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<sup>3</sup> (See, e.g. Stormwater report [p. 7](#) which states, "Groundwater elevations will be further studied, and the pond design may be refined during the final design phase to minimize groundwater intrusion, if needed." See also [Stormwater report p. 3](#) which states, "The culvert will be sized during final design when more information about the wetland drainage conditions becomes available. Wetland water levels will be monitored over the next year to evaluate seasonal fluctuations.")

“when more information about the wetland drainage conditions becomes available.”<sup>4</sup> NEXT should complete its monitoring and study prior to reaching conclusions about the impacts and the likelihood that they can be addressed through mitigation, and its application is therefore incomplete.

By altering the topography and drainage of the new rail yard area, NEXT could affect resources on or near the site, including resources connected to the drainage system. Any assessment of impacts to surface or groundwater, or mitigation, must be coordinated with the Beaver Drainage Improvement Company (BDIC). The lack of any such coordinated assessment or agreement with BDIC makes NEXT’s application, at least, premature.

### **3. NEXT fails to address or mitigate effects to existing land uses and public facilities and services.**

NEXT’s application fails to address how a new rail yard and other modifications would affect farming and PGE’s use of its leasehold. CCZO 683.1.B.2 requires NEXT to address and mitigate the impact of the proposed use on “[e]xisting land uses.” NEXT’s new rail yard location and other modifications will directly displace farming,<sup>5</sup> specifically an active mint farming operation.<sup>6</sup> Nothing in NEXT’s application (or previous applications) explains how building miles of rail track over what is currently a mint farm would impact that existing land use—let alone how NEXT might mitigate that impact. In reality, NEXT’s proposed development would occupy actively farmed acreage and likely interfere with soil health, irrigation, and access for the farmer. NEXT’s application also provides no information on how the development of a rail yard and other modifications on this new site might affect PGE’s use of the land for an industrial buffer, as NEXT has acknowledged and as we describe further below. Because NEXT incorrectly asserts that its previous applications contained information about the effects of the modification’s construction and operation on these existing land uses, the current application is incomplete.

NEXT’s application is also incomplete because it fails to address how a new rail yard would affect public facilities and services including the publicly owned drainage and irrigation system at Port Westward. CCZO 683.1.B.2 requires NEXT to address and mitigate the impact of the proposed use on “public facilities and services in the area.”<sup>7</sup> BDIC is a public body that provides drainage and irrigation services to Port Westward farmers and maintains facilities and infrastructure necessary to provide such services. The rail yard, road, vegetation and stormwater

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<sup>4</sup> Id p. 3.

<sup>5</sup> Columbia County explicitly permits farming as a land use in RIPD zoning. CCZO 682.2.

<sup>6</sup> See generally Comments of Warren Seely.

<sup>7</sup> Additionally, individual farmers have private irrigation and drainage infrastructure linked to BDIC’s system. That infrastructure is a “private” facility within the meaning of CCZO 683.1.B.2, and NEXT’s application is also incomplete for failing to address and mitigate impacts to such private facilities.

facilities proposed in the modification may interfere with the BDIC's ability to access its facilities for maintenance and to maintain the function of the BDIC drainage system without interruption or changes. NEXT's application does not address impacts to these resources or relationships, or provide any reasonable assurance that the impacts can be mitigated. For years, farmers in the area have identified significant conflicts between NEXT's proposal and the ability of the BDIC to manage its drainage system. We urge the Planning Commission to listen to the farmers who know the area and operate the drainage system: their testimony should carry more weight than NEXT's vague application.

Relatedly, BDIC's comments explain that NEXT does not have permission to use or modify drainage and irrigation systems under the BDIC's control.<sup>8</sup> NEXT cannot obstruct or modify drainage systems maintained by the BDIC without the BDIC's permission,<sup>9</sup> and BDIC has the legal authority to unilaterally remove any fill or other impediments to its drainage infrastructure that may result from NEXT's proposed construction activities.<sup>10</sup> Without an agreement to address impacts to the BDIC, NEXT cannot demonstrate to the Planning Commission that impacts are addressed and mitigatable as proposed.

NEXT's application is also incomplete because it fails to address how a new rail yard would affect public facilities and services such as public roads and traffic patterns. The proposed modification will impair the ability of nearby farmers to make use of public roads. Blockage of Kallunki Road will delay access to farming operations, disrupt the time-sensitive movements of crops, and harm farmers in the area, including farmers outside the proposed modification area. The record does not include any evidence addressing the issue. For example, the application does not address the speed of trains coming into or out of the proposed rail facility and the potential for lengthy delays as a result of the proposed modification. A January 2022 letter from Mackenzie submitted on behalf of NEXT indicates that trains will block the section on PA-80 land, including the Kallunki Road crossing, for one hour per train.<sup>11</sup> Importantly, the letter explains that "if Section B of the branchline were smaller than proposed, the total time utilizing Section A would likely increase." This indicates that the smaller rail yard now proposed by NEXT could increase delay times at Kallunki road. NEXT has reduced the overall length of track in order to squeeze it into the RIPD land, so the delays at Kallunki Road and on the PA-80 section may increase to over an hour. The application and staff report fail to address these new potential impacts, as required under CCZO 683.1.B.2.

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<sup>8</sup> We incorporate by reference comments on NEXT's application for a Modification of Prior Approval filed by BDIC and its members Warren Seely and Mike Seely.

<sup>9</sup> ORS 547.425

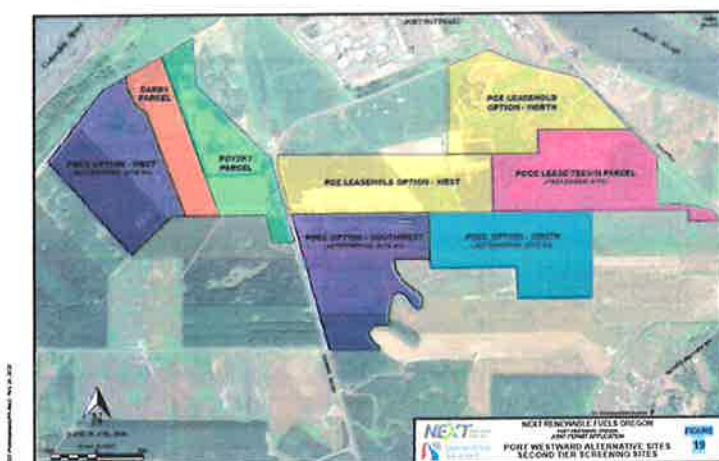
<sup>10</sup> ORS 547.410; .415; .420.

<sup>11</sup> Mackenzie letter to Columbia County. January 26, 2022. p. 3. Attached as Exhibit 2.

**4. NEXT fails to show that the need for the proposed use is best met at the requested site.**

NEXT has failed to show that 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” as required in CCZO 683.1.B.3. In fact, NEXT informed the Army Corps of just the opposite in its alternatives analysis for its Joint Permit Application (JPA). In its revised Joint Permit Application, NEXT states,

The Applicant identified seven potential sites at Port Westward to be evaluated in the second-tier analysis (See Figure 19, All Port Westward Alternative Sites). Second-tier criteria were developed utilizing the guideline of cost, existing technology, and logistics as outlined in the US Army Corp of Engineers Alternative Analysis Framework...Through initial screening and evaluation of the seven sites located at Port Westward, the Applicant eliminated sites 5, 6 and 7 due to the landowner approval and land accessibility criteria. The Applicant was not able to gain landowner approval and/or the estimated timeline for rezoning the property deemed them infeasible, thus leaving four sites to be evaluated under the second-tier criteria...Of the four sites evaluated in the second-tier screening utilizing the developed project criteria, only one met the overall project criteria used to determine if a site had the ability to achieve the defined project purpose and was therefore a practicable alternative. Only the POCC parcel/Teevin property met all project criteria and was deemed a practicable alternative.<sup>12</sup>



PGE's leasehold is depicted in Figure 19 (above, and attached) as one of the excluded alternatives. PGE's leasehold is depicted in yellow, and NEXT expressly told the Corps that the area now proposed for the rail yard is not feasible for them to use as part of the facility. *See also*

<sup>12</sup> Joint Permit Application, 2023. p. 26. Attached as Exhibit 3. See also Figure 19 from Joint Permit Application, Exhibit 4.

Exhibit 2, p.5 (“The applicant examined alternative designs for Section B of the proposed rail branchline, but no viable alignment was found when coordinating with Portland & Western Railroad to meet the railroad operator’s standards.”).

The County has repeatedly found that *none* of the RIPD land leased by PGE at Port Westward is available for industrial development as a basis for justifying a new goal exception for 837 acres of PA-80 land at Port Westward. In 2018, LUBA upheld the County’s determination that “the vacant PGE lands are not available because PGE is unwilling to sublease any portion of its leasehold.” *Columbia Riverkeeper v. Columbia County*, 78 Or LUBA 547, 576 (2018).<sup>13</sup>

Finally, NEXT has no agreement with PGE to use the land that PGE leases, which overlaps with the rail yard. PGE considers the area a “buffer” for its future industrial use. According to NEXT’s 2022 Application to the Army Corps, “PGE has informed the Applicant that they are not willing to release their long-term lease at either property for further industrial development. *PGE indicated that the property would be utilized as a buffer for their facility and for any future PGE expansion.*”<sup>14</sup> Unless NEXT can provide evidence to the contrary, the proposed modification conflicts with PGE’s use of the land it leases. Further, buffers between uses are a reasonable use of land within the RIPD zone, as CCZO 681 specifically notes that RIPD zoning is for “land extensive” uses that may be hazardous in nature. Additionally, without NEXT obtaining permission from PGE, the Planning Commission cannot conclude that NEXT can implement actions that may be necessary to mitigate impacts of the proposed change.

#### **5. A new Goal 2 exception is required for the proposed modification.**

A new Goal 2 exception is required for the proposed modification. The present application represents an expansion of use exceeding the scope of the two prior goal exceptions taken on the subject properties at Port Westward. The county must follow the exceptions process for the newly proposed rail lines and other modifications required by ORS 197.732 and LCDC’s implementing rules. *See* OAR 660-004; *see also e.g.* OAR 660-012-0070. The county and the applicant must determine how the exceptions process required by law applies to the applicant’s proposal and which provisions apply. ORS 197.797. LCDC’s rules contain specific requirements depending on the type of exception required. OAR 660-004-0018, -0020, -0022, -0025, and -0028.

A new reasons exception is required “[w]hen a local government changes the types or intensities of uses or public facilities and services within an area approved as a ‘Reasons’

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<sup>13</sup> See attached letter 2016 from PGE, Exhibit 5. Note LUBA relied on the PGE letter for its conclusions. If Columbia County approves the rail yard on PGE’s leasehold, it directly undermines any future argument by the Port that the additional rezone is justified.

<sup>14</sup> See NEXT’s 2022 [Joint Permit Application](#) to the Department of State Lands. Pdf p. 587. Exhibit 6.

exception." OAR 660-004-0018(4)(b); *see also* OAR 660-004-0018(1) ("Exceptions to one goal or a portion of one goal do not relieve a jurisdiction from remaining goal requirements and do not authorize uses, densities, public facilities and services, or activities other than those recognized or justified by the applicable exception."); *See Hood River Valley Residents Committee v. Hood River County* (Opinion, LUBA No. 2017-014, June 29, 2017). Similarly, for an "irrevocably committed" exception, the County must ensure that the proposed use is consistent with other applicable goal requirements and "will not commit adjacent or nearby resource land to uses not allowed by the applicable goal[.]" OAR 660-004-0018(2)(b); *see also* OAR 660-004-0018(2), (3) (listing additional requirements, including requirements for industrial uses).

The subject property is subject to two goal exceptions: the Port Westward Exception Statement and Ordinance 2007-010 (applicable to TLs 8422-00-0200 and 8422-00-0300). These exceptions were both related to different uses than applicable here and were based on justifications that the proposed use would be contained to the subject property and would not impact adjacent land.

For example, the Port Westward Exception Statement includes findings that:

1. The 900-acre site is large enough to allow [an] adequate buffer area to protect adjacent agricultural users.
2. These types of large-scale industrial users do not create pressure for housing or other uses on adjacent farmland.

CCCP, Part XII at 134. The proposed modification clearly has impacts that will conflict with the Port Westward Exception Statement. The proposed location of the rail facility on the Port Westward exception lands necessarily creates pressure for a non-farm use on the adjacent PA-80 parcel that NEXT must rely on to connect to the main rail branchline. The County must analyze whether and how the proposed rail facility is consistent with the scope and limitations of the Port Westward Exception.

Additionally, Ordinance 2007-010, which was specifically applying the reasons exception criteria to a proposed (but never built) power generating facility, states:

Including the Property in the Port Westward Goal 3 exception area allows for access to the existing services, dock structure and rail system. Further, given the existing transportation system, the need to construct new roads over resource land is small to nonexistent.

Columbia County Ord. 2007-10. The current proposal is a change in type and intensity of both of these prior exceptions used to justify converting agricultural land to industrial land. It proposes to expand rail lines and road infrastructure, including onto adjacent land, and will require expanding rail line and road infrastructure onto resource land rather than relying on the existing services and rail system. Neither the application nor the staff report address how the proposal is consistent with these prior exceptions or attempt to justify a new exception. Pursuant to the standards in OAR 660-004-0018 and standards referenced therein, the proposal requires the county to comply with the exceptions process for the additional infrastructure. ORS 197.732.

### **Conclusion**

In conclusion, we urge the Planning Commission to reject the proposed modification, and to listen to the local community and the farmers with in-depth knowledge of the proposal and its impacts.

Sincerely,



Dan Serres  
Columbia Riverkeeper  
Conservation Director  
503.890.2441  
[dan@columbiariverkeeper.org](mailto:dan@columbiariverkeeper.org)



Andrew Mulkey  
1000 Friends of Oregon  
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(971) 420-0916  
[andrew@friends.org](mailto:andrew@friends.org)

**List of Exhibits:**

Exhibit 1. Christine Menges. St Helens Chronicle. "At the Port: Support and Criticism for NEXT Lease." August 2019. "It was a common theme throughout the presentation that the project would not use the rail, and that propane must be used on-site."

[https://www.thechronicleonline.com/news\\_paid/at-the-port-support-and-criticism-for-next-lease/article\\_abd19278-b4fa-11e9-b8e6-bb9300fe2bd0.html](https://www.thechronicleonline.com/news_paid/at-the-port-support-and-criticism-for-next-lease/article_abd19278-b4fa-11e9-b8e6-bb9300fe2bd0.html).

Exhibit 2. Mackenzie letter to Columbia County. January 26, 2022. p. 3.

Exhibit 3. Revised Joint Permit Application. 2023. p. 26.

Exhibit 4. Figure 19 from NEXT Revised Joint Permit Application. 2023.

Exhibit 5. PGE letter. 2016.

Exhibit 6. NEXT 2022 [Joint Permit Application](#) to the Department of State Lands. Pdf p. 587.



[https://www.thechronicleonline.com/news\\_paid/at-the-port-support-and-criticism-for-next-lease/article\\_abd19278-b4fa-11e9-b8e6-bb9300fe2bd0.html](https://www.thechronicleonline.com/news_paid/at-the-port-support-and-criticism-for-next-lease/article_abd19278-b4fa-11e9-b8e6-bb9300fe2bd0.html)

## AT THE PORT: Support and criticism for NEXT lease

Christine Menges [chronicle2@countrymedia.net](mailto:chronicle2@countrymedia.net)  
Aug 4, 2019



St. Helens resident and former Port Commissioners Paulette Lichatowich, expresses her concerns about the lease during the Port meeting.

Christine Menges / The Chronicle

More discussion is expected concerning a lease for NEXT at the Port of Columbia County during a town hall set for Aug. 6 at the Columbia City Community Hall.

The community turned out for a presentation and discussion about an upcoming lease with NEXT Renewable Fuels, Inc., expected to be located at Port Westward in

At 8:30 a.m. on Wednesday, July 24, the Port of Columbia County held a work session at the Columbia Learning Center in the St. Helens Public Library, 375 S. 18th Street in St. Helens. The location, different from where typical port meetings are held, was to ensure there was enough room for everyone, as the community has expressed a lot of interest in the lease, according to Gina Sisco, Public Relations Representative for the port.

Bob Salisbury, Legal Counsel for the port, and Lou Soumas, NEXT Renewable Fuels President and Director, led a presentation about the lease, expected to take effect at Port Westward in Clatskanie in the spring of 2020. The presentation covered the general timeline for the lease, the lease's security deposit, general uses outlined in the lease, and the hazardous substances review process. Port commissioners commented throughout the presentation, and the public was allowed to comment at the end.

The full presentation is available online on the port's website, but during the presentation, Salisbury and Soumas answered a few questions from port commissioners. Salisbury said that the project can be canceled until the Project Approval Decision, estimated to be in the spring of 2020. Commissioner Nancy Ward asked to clarify if the cancellation could be done by either the port or by NEXT. Salisbury answered that only NEXT could choose to cancel.

Port Commissioner Chris Iverson commented about the potential fall-out of an environmental disaster. "It should be on NEXT's dime," Iverson said, if things don't go well, such as if there is a big environmental clean-up. "We have been burned once on that."

Salisbury also stressed different parts of permitted uses, outlined in the contract. In red, outlined in the power point presentation is that "The Project will be limited to processing only renewable feedstocks, received by oceangoing vessels, limited to manifest rail as agreed between Port and Lessee, and no unit trains."

Also in the presentation, Salisbury stressed that products include "used cooking oils; animal fats and tallows; yellow, white and brown greases; and virgin seed and vegetable oils." It states that products from the project include renewable diesel and renewable propane, and that "propane is to be retained and used on-site as process gas."

It was a common theme throughout the presentation that the project would not use the rail, and that propane must be used on-site. Virgin palm oil is not an approved use, the project states.

The presentation also includes a map of the project. The map is not finalized, as Soumas said that the pipeline indicated on the map was going to change because of issues with PGE, because PGE leases some land from the port, and the pipeline runs through their land. The pipeline is also going to stay about 2,000 feet away from the river because of seismic issues, Soumas said.

After the presentation, the floor was open for public comment.

Greg Hinkelman, Clatskanie City Manager, said he was supportive of the project, because on a macro level, Clatskanie needs a diversity of jobs, it can't be a one-industry town, and they need bigger industries to come in.

Bob Brajcich, Clatskanie Mayor, said he supported the project, that it was perfect for Clatskanie, and he saw this as a balance between creating jobs and protecting the environment.

Several county residents expressed concerns, however.

Brady Preheim, of St. Helens said he was concerned about the port not vetting the company enough.

"Your responsibility is to do due diligence and vet this company as much as you can," Preheim said, saying he believed the port has often not vetted companies enough in the past. He also said he felt that two weeks was not enough time to approve the lease, and the port needed to have a fund in place for cleanup "whether that's in five years or a hundred years," because the plant would eventually close and need to be cleaned up.

Paulette Lichatowich of Columbia City, and a former port commissioner, said that after looking over the contract, "I don't see the mention of the use agreements. And to go ahead with this project and not have those dock and rail agreements between Global, PGE and NEXT tied down seems very foolish, because we know that it's taken a long time for the port to negotiate with PGE for dock usage and there's very limited space."

Lenny Peterson of Scappoose said that the project "looks good on paper," but that he thought "there's still some areas that need to be improved in the lease agreement." Peterson said he thought the port should increase the required security deposit, because he saw that inflation was not taken into account. He also said the lease should require NEXT to add a minimum amount of jobs to the county.

At the end of the work session, Iverson said he heard “really good input. I appreciate it. I appreciate constructive criticism.”

Due to the meeting being a work session, no action on the lease was taken.

A previous informational meeting about the lease was held on July 25 at the Clatskanie Cultural Center.

There will be one final meeting on August 7, a regular port commission meeting, where the lease will be on the agenda as a resolution. According to Sisco, that meeting will also likely be held at the Columbia Learning Center, rather than the typical port location, due to interest from the community.

In other port news, the port had a brief re-election at the beginning of the meeting to change certain port positions. Previously, Chip Bubl had been elected as Vice President of the port, but port commissioners realized port by-laws stipulate that port commissioners elected for either President or Vice President must have served on the commission for at least one year.

Due to this stipulation, Robert Keyser was elected as Vice President and Chip Bubl was elected as Treasurer. All other port positions remain the same.



**Terminated: NEXT Renewable Fuels president fired**

# MACKENZIE.



January 26, 2022

Columbia County Board of Commissioners  
County Courthouse, Room 338  
230 Strand Street  
St. Helens, OR 97051

Re: **NEXT Renewable Fuels Design Review, Variance, and Conditional Use Permit (DR 21-03, V 21-05, & CU 21-04)**  
*Response to January 18, 2022 DLCD Comments Regarding Farm Impacts Test*  
Project Number 2200315.00

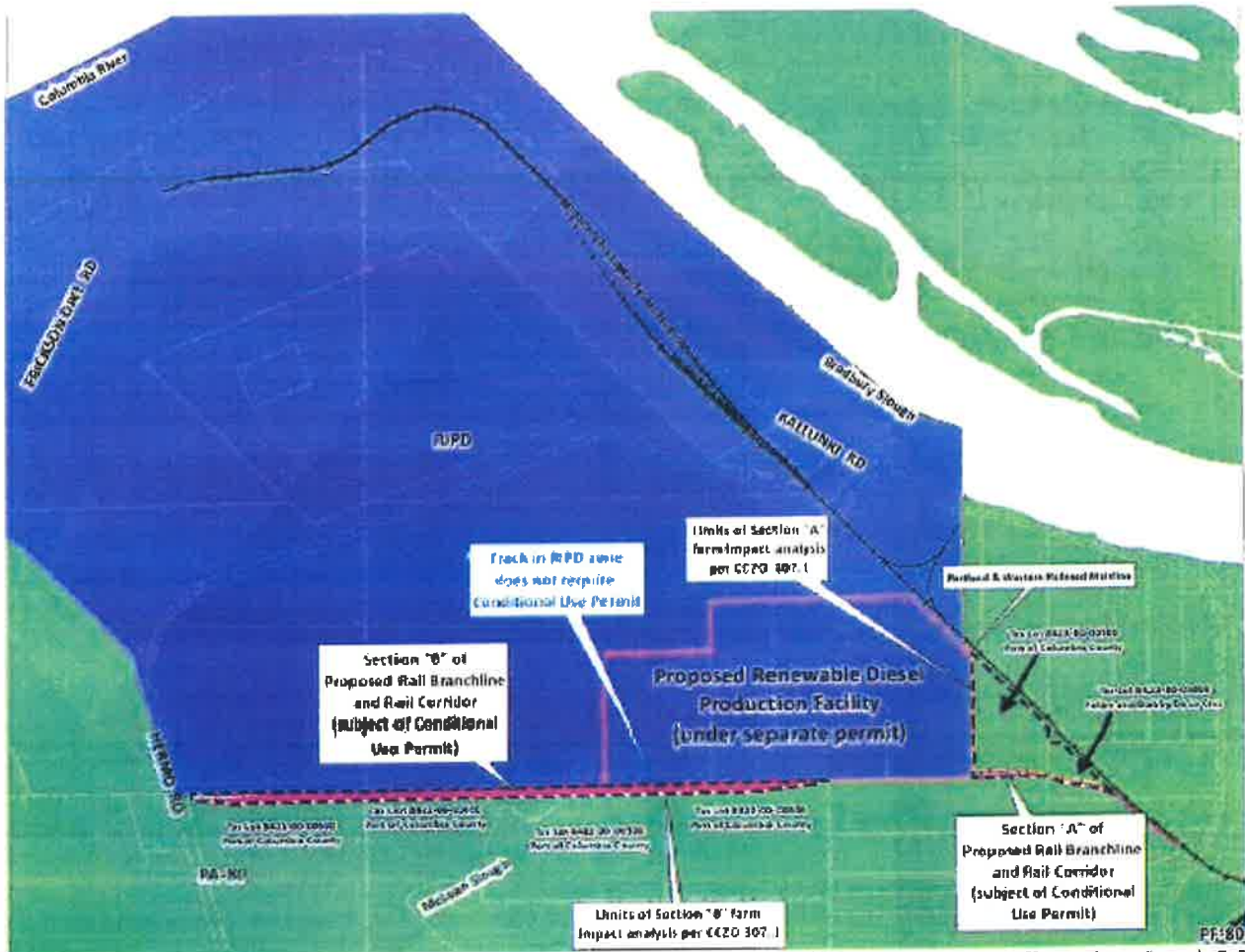
Dear Chair Heimuller, Vice Chair Garrett, and Commissioner Magruder:

On behalf of NEXT Renewable Fuels, please accept this letter in response to the January 18, 2022 written comments provided by staff from the Oregon Department of Land Conservation and Development (DLCD) pertaining to the farm impacts test. As some of the topic areas overlap with concerns raised by others at the County level and during the public notice period associated with wetland fill-removal permits, we are also enclosing copies of related supplemental materials.

Issues raised by DLCD are identified below in *italicized text*, while responses are provided in standard text.

- DLCD's statement that the discussion of agricultural impacts required under ORS 215.296 for the proposed rail branchline is inadequate and does not address the cumulative impacts test.*  
**Response:** The applicant submitted an updated Conditional Use Permit narrative to Columbia County on December 14, 2021. In response to Columbia County Zoning Ordinance CCZO Section 307.1, the revised narrative included additional evidence regarding the farm impacts analysis to assess whether construction of the proposed rail branchline would force a significant change in accepted farm practices or significantly increase the cost of farm practices. The findings provided a farm-by-farm analysis of the area directly affected by the branchline itself, which is relatively small since the affected area is limited to two areas: the impact area associated with Branchline Section A (which extends from the Portland and Western Railroad mainline to the proposed renewable diesel production facility) and the impact area associated with Branchline Section B (which begins at the southern boundary of the proposed renewable diesel production facility and extends westward toward Hermo Road), as illustrated in the following graphic from the Conditional Use Permit narrative.





Section A of the proposed rail branchline, at 1.6 acres, equates to 10.1% of the area of the affected tax lots (15.9 acres), while Section B of the proposed rail branchline, at 10.7 acres, equates to 5.7% of the area of the affected tax lots (186.7 acres).

The applicant's proposal to transport raw materials and finished product by rail and by water will minimize truck traffic on area roadways. Furthermore, the applicant has made provisions to construct an agricultural crossing at Section A and no farm crossing is needed at Section B (see Conditional Use Permit Exhibit 3, Sheets C1.17 and C1.18); Condition of Approval #3 proposed in the January 11, 2022 staff report<sup>1</sup> requires the applicant to develop a rail management plan in cooperation with the County.

During a typical week, the applicant estimates rail usage consisting of approximately 310-315 rail cars to the facility, anticipated to be in three (3) trains. The proposed rail branchline has been designed to accommodate the

<sup>1</sup> Staff's recommended Condition of Approval #3: Applicant shall prepare a management plan for the rail crossing providing clear timeframes for unobstructed use of the rail crossing consistent with farm activity requirements and a means to resolve conflicts.

proposed rail traffic without blocking the existing Portland and Western rail line. While a train is being delivered or departing, it will temporarily occupy Section A of the proposed branchline for an estimated one hour per train.<sup>2</sup>

As discussed in the Conditional Use Permit narrative, the anticipated changes to farm practices in the two (2) impact areas are minor (e.g., alterations to access routes and increased time to access those fields owned and operated by the same owners who have granted easements to the applicant), so the cumulative effect does not require farm operators to significantly change their practices and does not significantly increase the cost of farm practices in the impact areas.

2. *Questions about potential impacts of the proposed relocation of drainage ditches.*

**Response:** As depicted on the site plans and discussed in the Conditional Use Permit narrative, culverts are proposed where existing ditches will be crossed by the rail infrastructure, and ditches will be relocated around the branchline as needed to accommodate flows. The proposed culverts will be designed and sized as part of final engineering drawings during the permitting phase of the project, as will the proposed ditch relocation. Utilizing standard engineering practice, the design engineer will ensure that the cross-section and slope of the culverts and the relocated ditches provide adequate hydraulic capacity to convey water flows from their upstream contributing areas to their existing downstream channels. Condition of Approval #8 proposed in the January 11, 2022 staff report<sup>3</sup> provides a mechanism to verify compliance by ensuring that final stormwater design will be reviewed by County staff prior to construction.

Existing ditches within the footprint of the proposed renewable diesel production facility<sup>4</sup> do not convey flow through the site but rather collect runoff from the site, so these ditches are proposed to be filled since site runoff will be managed by the proposed stormwater collection system described in Site Development Review Exhibit 13, Conditional Use Permit Exhibit 13, and Attachment A to the enclosed November 15, 2021 letter to the Oregon Department of Environmental Quality.

In summary, the drainage alterations associated with the proposed renewable diesel production facility (e.g., filling ditches) and with the proposed rail branchline (e.g., relocating ditches and installing culverts) are not proposed to limit flow capacity. Furthermore, County staff would not authorize reduced hydraulic capacity during the permit review phase.

3. *Questions about potential impacts to the water table associated with crossing and relocating existing drainage infrastructure ditches and filling wetlands.*

**Response:** Crossing existing drainage infrastructure with the rail branchline will be achieved via construction of culverts where needed to accommodate flows. The existing east-west ditch along the southern edge of the industrially zoned property is proposed to be relocated south of the proposed rail branchline (approximately 100 feet south of its present location), as illustrated on Sheets C1.15 and C1.16 in Conditional Use Permit Exhibit 3. As the culverts and ditches will continue to convey water in nearly the same locations as today, then the impact on the water table will presumably be negligible.

Construction of the proposed rail branchline would result in filling approximately 12 acres of wetlands. As discussed in the Conditional Use Permit narrative, since the wetlands do not meet the County's regulatory

<sup>2</sup> By contrast, if Section B of the branchline were smaller than proposed, the total time utilizing Section A would likely increase.

<sup>3</sup> Staff's recommended Condition of Approval #8: *The applicant shall prepare a Final Stormwater Plan including specific swale design plan and profile details; a Building Permit will not be issued until the plan is approved by the county.*

<sup>4</sup> Construction within the RIPD zone is subject to Site Design Review and not Conditional Use Permit approval standards.

definition of "significant wetland," the proposed wetland impacts are allowed by County zoning at this location. However, the proposed wetland alterations are still subject to permitting requirements of the Oregon Department of State Lands (DSL) and the U.S. Army Corps of Engineers, which only issue permits after a thorough review of the proposed wetland activities and their anticipated impacts. Accordingly, water table impacts will be assessed before any construction begins.

As described in Attachment E to the enclosed November 15, 2021 Stewardship Solutions, Inc. letter to the Oregon Department of Environmental Quality (namely, the November 12, 2021 memorandum from GSI Water Solutions, Inc., regarding Groundwater Protectiveness Measures at the NEXT Renewable Fuels Facility, Port Westward, Oregon), the proposed renewable diesel production facility will obtain applicable DEQ permits to protect groundwater quality during construction and operation. Furthermore, the facility will implement best management practices to protect groundwater quality in accordance with DEQ standards.

4. *Questions about spill containment or potential hazards of spills of raw material or processed fuel on surrounding agricultural crops.*

**Response:** There are multiple regulatory programs that require water quality preservation systems such as spill containment plans, erosion control measures, and treatment of process water and stormwater. Therefore, the December 14, 2021 narratives acknowledge that the applicant will need to obtain Federal, State, and Local permits that are not land use approvals. As noted in the enclosed December 3, 2021 Stewardship Solutions, Inc. letter to DSL, "NEXT will develop a Facility Response Plan, a DEQ approved Oil Spill Contingency Plan (OSCP), and an EPA approved Spill Prevention Control and Countermeasure Plan. NEXT will operate the facility utilizing Best Management Practices (BMP) outlined in the above plans to prevent spills and be prepared with onsite equipment for a quick response in the event of a spill." This letter further details specific spill containment measures that will be implemented as required by other agencies.

To graphically illustrate spill containment measures at the proposed facility, Mackenzie engineers have annotated the facility drainage plan (Sheet C1.30, attached) to depict the proposed spill containment berms around tanks, the equipment pads with spill containment areas, and the proposed stormwater swales. The equipment pads will be fully paved and graded to isolate runoff in areas where stormwater could come in contact with fuel products. All runoff from the facility will be conveyed to a centralized treatment facility designed to remove potential contamination from the stormwater before it is discharged from the site.

Railroad operators are further required by Federal and state law to prepare oil spill response plans and to utilize rail cars meeting the latest safety standards to minimize the potential for impacts on nearby lands.

5. *Questions about participation in the drainage district and about maintenance of drainage facilities.*

**Response:** As noted in the enclosed December 3, 2021 Stewardship Solutions, Inc. letter to DSL, all landowners in the Beaver Drainage District are assessed an annual fee, and NEXT Renewable Fuels will pay the assessment as required. The applicant will maintain its own private stormwater maintenance facilities and will provide access to the Beaver Drainage Improvement Company to maintain their facilities in accordance with their access rights conveyed under existing easements.

The proposed stormwater management system for the facility will convey runoff to a centralized stormwater treatment facility, which will discharge treated water to the Port's outfall within their existing NPDES<sup>5</sup> permit for

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<sup>5</sup> National Pollutant Discharge Elimination System

discharge to the Columbia River. In this way, the system will divert a substantial portion of the facility's stormwater away from the Drainage District's system.

6. *Questions about relocating the rail branchline onto industrial-zoned property or delaying rail branchline construction until the pending zone change<sup>6</sup> becomes effective.*

**Response:** Section A of the proposed rail branchline is not possible to be constructed on RIPD-zoned property since there is intervening PA-80 property between the existing rail mainline and the long east-west dimension of the proposed site; furthermore, PGE's electrical transmission towers and guy wires provide only a narrow corridor in which the branchline can be located. The applicant examined alternative designs for Section B of the proposed rail branchline, but no viable alignment was found when coordinating with Portland & Western Railroad to meet the railroad operator's standards.

Due to the uncertainty associated with the timing of the effective date of the pending zone change, the applicant is requesting approval of the rail branchline based on current zoning.

Thank you for the opportunity to submit this information for the Board's consideration.

Sincerely,

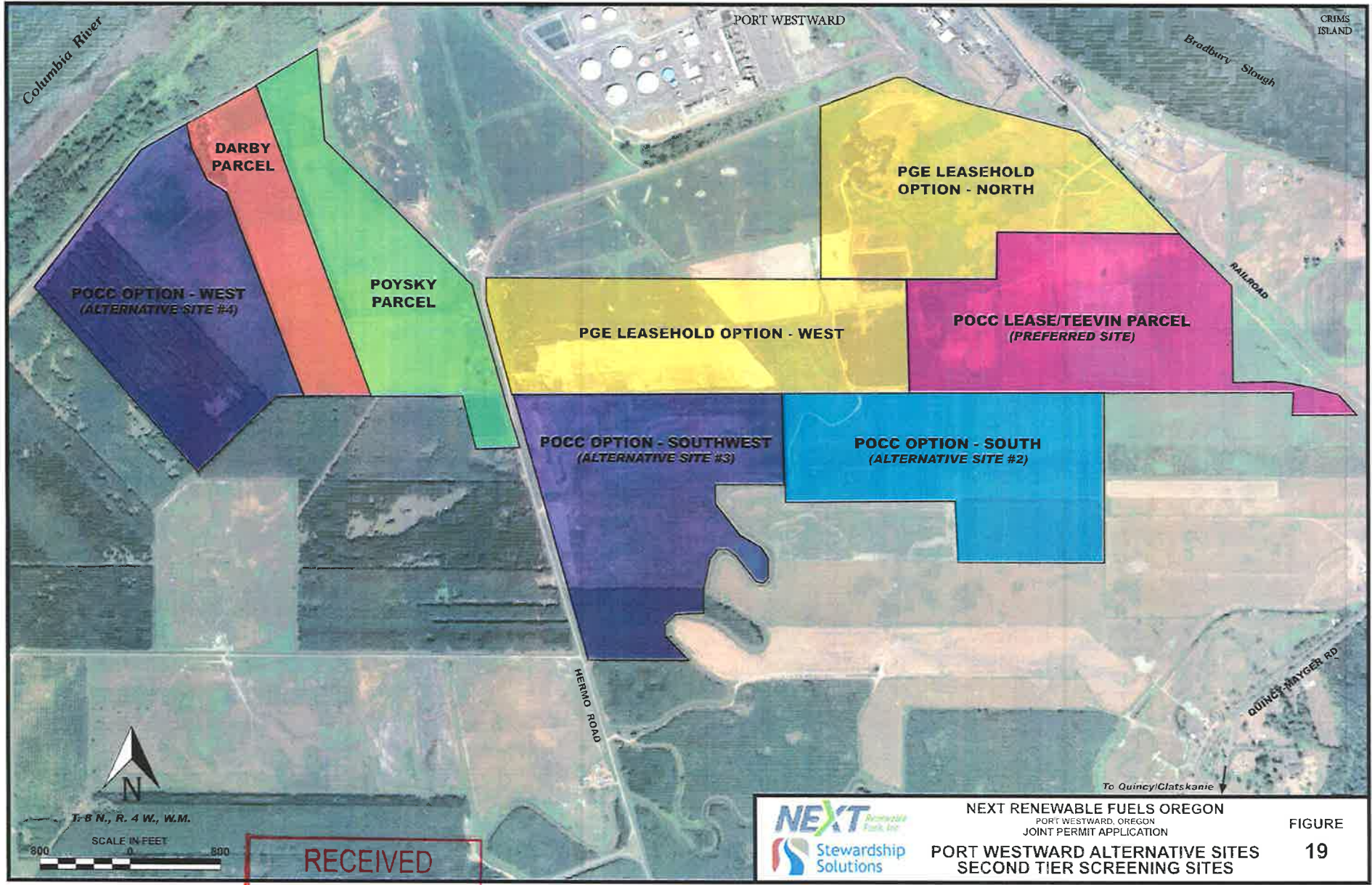


Brian Varricchione  
Land Use Planning

**Enclosures:** Attachment A: Oregon Department of State Lands Wetland Delineation Concurrence Letter WD#2020-0663, September 21, 2021  
Attachment B: NEXT Renewable Fuels Oregon Post-Construction Stormwater Management Plan, Mackenzie, Revised October 15, 2021  
Attachment C: Groundwater Protectiveness Measures at the NEXT Renewable Fuels Facility, Port Westward, Oregon, GSI Water Solutions, Inc., January 25, 2022  
Attachment D: Sheet C1.30 with spill containment annotation, Mackenzie  
Attachment E: DSL 63077 – RF Permit Application, Response to Public Review Comments, Stewardship Solutions, Inc., December 3, 2021

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

<sup>6</sup> Columbia County file PA 13-02 and ZC 13-01.



**RECEIVED**  
**JUN 23 2023**  
 Land Development Services

**NEXT** Renewable Fuels, Inc.  
 Stewardship Solutions

NEXT RENEWABLE FUELS OREGON  
 PORT WESTWARD, OREGON  
 JOINT PERMIT APPLICATION

PORT WESTWARD ALTERNATIVE SITES  
 SECOND TIER SCREENING SITES

FIGURE 19



**Portland General Electric Company**  
131 SW Salmon Street • Portland, Oregon 97204

RECEIVED  
JUN 23 2023  
Land Development Services

June 16, 2016

Port of St. Helens  
PO Box 190  
Columbia City, OR 97018

Dear Patrick Trapp:

Portland General Electric is writing in support of the Port of St. Helens' pending application to the Columbia County Board of Commissioners to expand the Port Westward Industrial Site by adding additional acres of industrial land to the Port in support of economic development in Columbia County. As a long-standing member of the community, PGE supports the goal of improving the region's economic health.

As you know, PGE has a 99-year lease of 854 acres at Port Westward ending in 2062. Beaver, Port Westward Unit 1 and Port Westward Unit 2 generating plants are PGE's largest concentration of electricity generating resources. With a total installed capacity of 1,141 megawatts, the power generated at the Port Westward site serves 30 percent of PGE customers at peak load and represents hundreds of millions of dollars in investment and maintenance to serve PGE customers with reliable and cost-effective energy. The site plays an important role in PGE's diversified portfolio of resources and also provides critical support for the reliability and stability of the western electric grid.

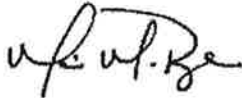
Maintaining and protecting PGE's assets at Port Westward is imperative to the company's current and future operations. Protecting the long-term interests of the electric generation capabilities at the site requires PGE to maintain adequate land buffers around the facilities for security and reliability purposes, thus restricting third-party use on the 854 acre leasehold. In addition, it is important to our future operations there is adequate space in our leasehold for building future generating plants. This limits the physical space, location, and other related dynamics that might otherwise make the area available to third-parties. Given the company's investment at Port Westward and the critical nature of the site to support reliable electric service, third-party compatibility is a high bar which some proposed industrial facilities in the past could not meet. Due to this high bar, PGE supports the Port's effort to bring additional industrial land outside the buffer into Port Westward.

PGE continually evaluates additional investments at the Port Westward site – both new investments and upgrades to existing facilities. Long-term resource planning is a complex

process for the company, and the Port Westward site is critical to support PGE's diverse portfolio due to the access to natural gas pipelines and storage reserves.

PGE is a long-standing member of the community in Columbia County and neighbor to the Port of St. Helens. Beginning with the Trojan Nuclear Plant in the 1960s, PGE and its employees have been proud to live and work in Columbia County. It is our intention to continue our commitment to the county for many years to come.

Sincerely,

A handwritten signature in black ink, appearing to read "M. Pope".

Maria Pope  
Senior Vice President of Power Supply and Operations and Resource Strategy

A handwritten signature in black ink, appearing to read "Brad Jenkins".

Brad Jenkins  
Vice President of Power Supply Generation



## **First-Tier Screening Conclusions**

The Applicant identified a total of 24 sites in Oregon (10) and Washington (14). The 24 were then screened against the tier-one criteria. Sites that did not have availability of suitable acreage for project construction were screened out. Other sites were screened out if they did not have access to a navigable waterway.

Others were eliminated if there was no access to or ability to reasonably construct two berths. Additionally, two sites were eliminated as there was no access to manifest rail service. (See Appendix 2, Tier-One Site Narrative.)

In summary, 24 prospective sites were identified and subjected to first-tier screening. As a result, only one location, Port Westward, met the selection criteria and was carried forward to second-tier screening. The Applicant identified seven potential sites at Port Westward to be evaluated in the second-tier analysis.

## **Evaluation of Sites at Port Westward Against Identified Second-Tier Project Criteria**

The applicant identified a total of seven sites at Port Westward for evaluation of ability to meet the project purpose. (See Figure 5, Port Westward Alternative Sites/Second-Tier Screening Sites.)

- Site 1: POCC Parcel/Teevin Property
- Site 2: Port Westward Option – South Parcel
- Site 3: Port Westward Option – Southwest Parcel
- Site 4: Port Westward Option – West Parcel
- Site 5: Port Westward-PGE Leasehold – West
- Site 6: Port Westward-PGE Leasehold – North
- Site 7: Poysky-Darby Combined Parcel

Through initial screening and evaluation of the seven sites located at Port Westward, the Applicant eliminated sites 5, 6 and 7 via Project Criteria, Landowner Approval, and Land Accessibility. The Poysky-Darby Parcel, Site 7, is privately owned. When the Applicant approached the landowners with a proposal to purchase or lease the parcel, the landowners expressed that they had no interest in selling the property and would not be willing to lease it for any use. Both of the PGE Leasehold Properties, Sites 5 and 6, were also eliminated from further analysis. PGE has informed the Applicant that they are not willing to release their long-term lease at either property for further industrial development. PGE indicated that the property would be utilized as a buffer for their facility and for any future PGE expansion.



Sandra Moilanen <moilanensk@gmail.com>

**Public Hearing CC23-1807 June 26, 2023 (not) N-e-x-t Fuels**

1 message

Sandra Moilanen <moilanensk@gmail.com>

*Attn Deborah Jacob*

Wed, Jun 21, 2023 at 1:08 PM

To: Planning@columbiacountyor.gov

Bcc: Jasmine Lillich <jasmine.lillich@gmail.com>, Wendy Schmidt <>windykitty03@gmail.com>

Follow-up to my telephone inquiry with you about 9:30 AM June 21, 2023 at 503-397-1501:

- 1) I allege this Public Meeting Notice, posted in the Friday June 16,, 2023 issue of The Chief, is not adequate time for public response. I allege this violates Oregon's statutes for timely legal notice. I believe it must be posted 14-21 days prior to meeting. This would allow for 10 working days. June 17 was Sat. June 18 was Sun. June 19th or Juneteenth, Mon. was a Federal Holiday. I received my newspaper Notice by mail Sat. June 17. I allege the only "countable" days would be: 1) June 16- Fri. 2) June 20, 21,22,23-Tues.Weds.Thurs.Fri. I count this as 5 (five) working days prior to date of meeting. If Mon. June 26 is counted, that is 6 (six).

HOW DO YOU COME UP WITH 10 DAYS? Counting week-ends and holidays?  
 You responded: the Notice was posted in the Chronicle on June <sup>14</sup>24 and in the Chief June <sup>16</sup>26.

- 2) I challenge the Planning Commission to provide proper lawful Public Notice in a timely manner. I request you RE-SCHEDULE this June 26, 2023 Public Hearing to provide adequate time for public review and educated comments.

Thank you. Sandra Moilanen 503-728-1252

*79330 Stewart Creek Rd.  
Clatskanie, Or. 97016*





Sandra Moilanen <moilanensk@gmail.com>

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## Correction: Public Hearing CC23-1807

1 message

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**Sandra Moilanen** <moilanensk@gmail.com>  
To: Planning@columbiacountyor.gov

Wed, Jun 21, 2023 at 2:09 PM

Attn:Deborah: Sorry, I accidentally typed June 24 and 26 as dates of Notice of publication instead of the 14th and 16th of June dates in the Chronicle and The Chief. (your response).  
I did not see a specific email for you-only a phone number.

How do you get 10 working days for proper lawful notice? I get 5 or 6.  
Sandra

## Hayden Richardson

---

**From:** Pollyhelenshaw <pollyhelenshaw@yahoo.com>  
**Sent:** Tuesday, June 20, 2023 4:06 PM  
**To:** Planning Department.UserGroup

Some people who received this message don't often get email from pollyhelenshaw@yahoo.com. [Learn why this is important](#)

To whom it may concern...I am vehemently opposed to Next proposing a rail yard near Clatskanie ... I am opposed to any of Next plans in our community..I live 3 miles from Clatskanie and do not want to hear trains or any noise pollution from Next... not to mention potential pollution of our Columbia River... This land is too fragile and too close to our Columbia for ANY refinery to be considered here..we are a farming and fishing community.. they need to give it up or move elsewhere if any community would really want them...sincerely Helen Shaw..

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR COLUMBIA COUNTY, OREGON

In the Matter of the Application by NEXT )  
Renewable Fuels Oregon, LLC for a Use )  
Permitted Under Prescribed Conditions, Site ) FINAL ORDER NO. 12-2022  
Design Review and Variance for a Renewable )  
Diesel Production Facility at Port Westward (DR )  
21-03; V 21-05)

WHEREAS, on January 19, 2021, NEXT Renewable Fuels Oregon, LLC (hereinafter, the “Applicant” or “applicant”), submitted an application for a Use Permitted Under Prescribed Conditions in the Resource Industrial - Planned Development (RIPD) Zone and a Site Design Review for a proposed renewable diesel production facility and a Variance to buffering and screening requirements for the development; and

WHEREAS, the proposed site, which is approximately 150 acres, is located in the RIPD Zone in the Port Westward Industrial Park, near Clatskanie, Oregon, and identified as Tax Map ID Numbers 8422-00-00100, 8422-00-00200, 8422-00-01100, 8421-00-00700, 8416-00-00200, 8416-00-00300 and 8422-00-00300; and

WHEREAS, County planning staff deemed the application incomplete on February 17, 2021, and on July 13, 2021, the Applicant submitted revised application materials to address some of the outstanding items identified in the County’s incompleteness letter. The Applicant also requested that the County deem the application complete in accordance with ORS 215.427; and

WHEREAS, staff consequently deemed the application complete on July 15, 2021, and proceeded with processing the application; and

WHEREAS, staff transitions and multiple revisions of application materials resulted in a lengthier review of the application, and in order to comply with statutory review timeframes, the Board of County Commissioners (hereinafter, the “Board”) took original jurisdiction over the application on October 20, 2021, in accordance with Sections 1603 and 1612 of the Columbia County Zoning Ordinance and Section 11 of the Columbia County Planning Commission Ordinance (Ordinance No. 91-2, as amended); and

WHEREAS, the Applicant submitted revised application materials on December 14, 2021, to address critical issues raised by staff; and

WHEREAS, following proper notice by publication in the *Clatskanie Chief* and the *Chronicle* on December 29, 2021, and the *Spotlight* on December 31, 2021, and notice by mailing to those entitled on December 23, 2021, the Board held a hearing on the application on January 19, 2022, at which time the Board admitted all written evidence submitted prior to the hearing; and

8422-00-00200, 8422-00-01100, 8421-00-00700, 8416-00-00200, 8416-00-00300 and 8422-00-00300, **subject to the following conditions:**

1. This Design Review approval, Use Permitted under Prescribed Conditions in the RIPD Zone, and Variance shall remain valid for two (2) years from the date of the final decision. This permit shall become void, unless the proposal has commenced in conformance with all conditions and restrictions established herein within the two-year validity period. Extensions of time may be granted by the Planning Director if requested in writing with the appropriate fee before the expiration date, given the applicant is not responsible for failure to develop.
2. 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 site clearing or development activities.
3. The applicant shall obtain necessary approvals for required onsite wastewater and sewage systems in accordance with Oregon DEQ regulations. Required approvals and plans shall be provided to the County prior to the issuance of any facility building permits.
4. Any proposal to discharge stormwater and/or industrial wastewater under an NPDES permits shall be authorized by the appropriate permitting authority. Engineered storm water plans or ground water protection plans shall be reviewed by the authority having jurisdiction. Required approvals and plans shall be provided to the County prior to the issuance of any facility building permits.
5. Operation of the facility shall comply with all state and federal requirements. Permit approvals shall be obtained prior to receiving occupancy permits. Documentation of the permits and ongoing compliance shall be maintained and provided to the County within seven (7) days of written request from the County.
6. Transport of feedstock and/or fuel products to and from the facility shall be by water, or as a contingency, by rail. Transport of feedstock and/or fuel products to and from the facility by more than twenty (20) truck trips per day shall require an amendment to the Site Design Review and the approval of a revised Traffic Impact Study.
7. Rail transport to and from the site shall be limited to no more than 318 rail cars per week, excluding return cars. Trains serving the site shall be no more than 100 attached cars in length. A manifest documenting rail transport to and from the site shall be maintained, and shall be provided to the County within seven (7) days of written request from the County.
8. All applicable permits for any proposed future signage shall be obtained. These proposals shall meet all requirements in Section 1300 as well as any other applicable sections of the Columbia County Zoning Ordinance.

17. Prior to occupancy, Planning Staff shall conduct a site visit and shall verify that all required parking and landscaping improvements have been constructed as approved.

DATED this 23<sup>rd</sup> day of March, 2022.

BOARD OF COUNTY COMMISSIONERS FOR  
COLUMBIA COUNTY, OREGON

By:   
Henry Heimuller, Chair

By:   
Casey Garrett, Commissioner

By:   
Margaret Magruder, Commissioner

Approved as to form  
By:   
Office of County Counsel