



CRAG LAW CENTER

LEGAL AID FOR THE ENVIRONMENT SINCE 2001

Eric Wriston
eric@crag.org

VIA CERTIFIED MAIL

July 16, 2024

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

Re: Notices of Intent to Appeal Columbia County Final Order No. 23-2024 and 24-2024

Dear LUBA,

Please find enclosed the original and two copies of notices to appeal for two Columbia County decisions: 1) Columbia County Final Order No. 23-2024, and 2) Columbia County Final Order No. 24-2024 filed on behalf of Columbia Riverkeeper, 1000 Friends of Oregon, and Mike Seely. Also enclosed are two checks for the filing fees for each notice.

Sincerely,

Eric Wriston

cc:
Columbia County
Sarah Hanson, County Counsel
NEXT Renewable Fuels Oregon
Garret H. Stephenson

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

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

LUBA No. _____

NOTICE OF INTENT TO APPEAL

I.

Notice is hereby given that Columbia Riverkeeper, 1000 Friends of Oregon, and Mike Seely intend to appeal that land use decision or limited land use decision of Columbia County entitled Final Order No. 24-2024 “In the Matter of the Application by NEXT Renewable Fuels Oregon, LLC for a Conditional Use Permit for a Rail Branchline in the Primary Agriculture (PA-80) Zone Near Port Westward (CU 23-11)” (Order). A copy of the challenged decision is attached as Attachment A. The Board of Commissioners made the Order final on June 26, 2024.

II.

Petitioner, Columbia Riverkeeper, has a mailing address and telephone number of:
///

1 Columbia Riverkeeper
2 1125 SE Madison Street Suite 103A
3 Portland, OR 97214
4 (503) 432-8927

5 Petitioner, 1000 Friends of Oregon, has a mailing address and telephone number of:

6 1000 Friends of Oregon
7 340 SE 6th Ave
8 Portland, OR 97214
9 (503) 497-1000

10 Petitioner, Mike Seely, has a mailing address and telephone number of:

11 Mike Seely
12 18865 Hermo Rd.
13 Clatskanie, OR 97016
14 (503) 369-4350
15

16 Petitioners, Columbia Riverkeeper, 1000 Friends of Oregon, and Mike Seely, are

17 represented by:

18 Maura Fahey	Eric Wriston (lead counsel)
19 Crag Law Center	Crag Law Center
20 3141 E Burnside Street	3141 E Burnside Street
21 Portland, OR 97214	Portland, OR 97214
22 (503) 525-2722	(360) 773-7265

23 III.

24 Respondent, Columbia County, has as its mailing address and telephone

25 number:

26 Columbia County Board of Commissioners
27 230 Strand Street
28 County Courthouse Room 338
29 St. Helens, OR 97051
30 (503) 397-4322

31 ///

1 and has as its legal counsel:

2 Sarah Hanson
3 Columbia County Counsel
4 230 Strand St.
5 Historic Courthouse, Room 20
6 St. Helens, OR 97051
7 (503) 397-3839

8 IV.

9 Applicant, NEXT Renewable Fuels Oregon, LLC, has as its mailing address

10 and telephone number:

11 Attn: Christopher Efrid
12 11767 Katy Freeway, Suite 705
13 Houston, TX 77079
14 (661) 201-2653

15 Applicant was represented in the proceeding below by:

16 Garrett H. Stephenson
17 Schwabe Williamson & Wyatt
18 Pac West Center
19 1211 SW 5th, Suite 1900
20 Portland, OR 97204
21 (503) 796-2893

22 Other persons mailed written notice of the land use decision or limited land use
23 decision by Columbia County, as indicated by its records in this matter, include those
24 within Attachment B.

25 **NOTICE:**

26 Anyone designated in paragraph IV of this Notice who desires to participate as
27 a party in this case before the Land Use Board of Appeals (the "Board") must file with

1 the Board a Motion to Intervene in this proceeding as required by OAR 661-010-
2 0050.

3 Dated July 17, 2024.

4 CRAG LAW CENTER

5 

6 Eric Wriston, OSB No. 226130

7 Maura Fahey, OSB No. 133549

8
9 Of Attorneys for Petitioners


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CERTIFICATE OF SERVICE

I hereby certify that on July 17, 2024, I served a true and correct copy of this NOTICE OF INTENT TO APPEAL on all persons listed in paragraphs III and IV of this Notice pursuant to OAR 661-010-0015(2) by first class mail or by electronic mail.


Dated July 17, 2024.


Eric Wriston, OSB No. 226130

CERTIFICATE OF FILING

I hereby certify that on July 17, 2024, I filed the original of this NOTICE OF INTENT TO APPEAL together with two copies, with the Land Use Board of Appeals, 775 Summer Street NE, Suite 330, Salem, OR 97301-1283, by Certified Mail.

Dated July 17, 2024.


Eric Wriston, OSB No. 226130

**BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON**

In the Matter of the Application by NEXT)	
Renewable Fuels Oregon, LLC for a Site Design)	NOTICE OF FINAL DECISION
Review Modification to an Approved Renewable)	FINAL ORDER NO. 23-2024
Diesel Production Facility at Port Westward (DR)	
21-03 MOD))	

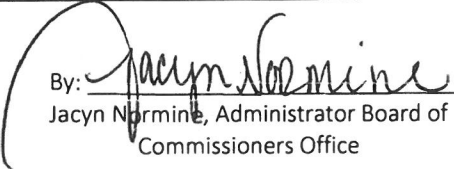
NOTICE IS HEREBY GIVEN that the Board of County Commissioners for Columbia County (hereinafter, the "Board") has issued its final decision on the application of NEXT Renewable Fuels Oregon, LLC ("Applicant") for a Modification to an Approved Renewable Diesel Production Facility at Port Westward (DR 21-03) via Final Order No. 12-2022 (DR 21-03) to relocate rail tracks, a tree buffer and storm facilities outside of the PA-80 zone and into the RIPD zone, for the development of a proposed renewable diesel production facility at Port Westward, near Clatskanie, Oregon, on property identified as Tax Map ID Numbers 8422-00-00100, 8422-00-00200, 8422-00-00300, 8422-00-01100, 8421-00-00700, 8416-00-0200, and 8416-00-00-00300.

On January 10, 2024, the Board held a public hearing on DR 21-03 MOD. The Board closed the hearing, left the record open for additional written evidence and testimony, and continued their deliberations to March 6, 2024. On March 6, 2024, the Board received all written evidence and testimony submitted into the record. The Board voted to tentatively approve the Application, subject to conditions as presented in the staff report, and two additional conditions requested by the Applicant. On June 26, 2024, the Board approved Final Order No. 23-2024, In the Matter of the Application by NEXT Renewable Fuels, Oregon, LLC for a Site Design Review Modification to an Approved Renewable Diesel Production Facility at Port Westward (DR 21-03 MOD).

Persons who participated in the proceedings leading to the adoption of Final Order No. 23-2024, either orally or in writing, may appeal the decision to the Land Use Board of Appeals pursuant to ORS 197.830 to 197.845. A Notice of Intent to Appeal the decision must be filed with the Land Use Board of Appeals not later than 21 days after the date the decision becomes final. The date that this Notice was mailed was July 1, 2024.

A copy of Final Order No. 23-2024 is available on the County's website at: <https://www.columbiacountyor.gov/departments/BoardofCommissionersOffice/Hearings> and may also be obtained by contacting the Board of Commissioners' Office, 230 Strand Street, St. Helens, Oregon 97051, 503-397-4322, or by emailing Jacyn.normine@columbiacountyor.gov.

Dated this 1st day of July 2024

By: 
Jacyn Normine, Administrator Board of County
Commissioners Office

Attachment A

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Diann Benson
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~~Gov. Kate Brown~~
Attr: Gordon Howard
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Attachment B

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Attachment B

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Oregon State Dept. of Agricultural
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Sanitation Dept.

Transportation Planner

Assessor's Office

Surveyor

Building Official

County Counsel

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City of St. Helens
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Attachment B

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3 Portland, OR 97214
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5 Petitioner, 1000 Friends of Oregon, has a mailing address and telephone number of:

6 1000 Friends of Oregon
7 340 SE 6th Ave
8 Portland, OR 97214
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10 Petitioner, Mike Seely, has a mailing address and telephone number of:

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13 Clatskanie, OR 97016
14 (503) 369-4350

15 Petitioners, Columbia Riverkeeper, 1000 Friends of Oregon, and Mike Seely, are

16 represented by:

17 Maura Fahey	Eric Wriston (lead counsel)
18 Crag Law Center	Crag Law Center
19 3141 E Burnside Street	3141 E Burnside Street
20 Portland, OR 97214	Portland, OR 97214
21 (503) 525-2722	(360) 773-7265

22 III.

23 Respondent, Columbia County, has as its mailing address and telephone

24 number:

25 Columbia County Board of Commissioners
26 230 Strand Street
27 County Courthouse Room 338
28 St. Helens, OR 97051
29 (503) 397-4322

30 ///

1 and has as its legal counsel:

2 Sarah Hanson
3 Columbia County Counsel
4 230 Strand St.
5 Historic Courthouse, Room 20
6 St. Helens, OR 97051
7 (503) 397-3839

8 IV.

9 Applicant, NEXT Renewable Fuels Oregon, LLC, has as its mailing address

10 and telephone number:

11 Attn: Christopher Efrid
12 11767 Katy Freeway, Suite 705
13 Houston, TX 77079
14 (661) 201-2653

15 Applicant was represented in the proceeding below by:

16 Garrett H. Stephenson
17 Schwabe Williamson & Wyatt
18 Pac West Center
19 1211 SW 5th, Suite 1900
20 Portland, OR 97204
21 (503) 796-2893

22 Other persons mailed written notice of the land use decision or limited land use
23 decision by Columbia County, as indicated by its records in this matter, include those
24 within Attachment B.

25 **NOTICE:**

26 Anyone designated in paragraph IV of this Notice who desires to participate as
27 a party in this case before the Land Use Board of Appeals (the "Board") must file with

1 the Board a Motion to Intervene in this proceeding as required by OAR 661-010-
2 0050.

3 Dated July 17, 2024.

4 CRAG LAW CENTER

A handwritten signature in black ink, appearing to be 'Eric Wriston', written over a horizontal line.

5
6 Eric Wriston, OSB No. 226130
7 Maura Fahey, OSB No. 133549

8
9 Of Attorneys for Petitioners

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CERTIFICATE OF SERVICE

I hereby certify that on July 17, 2024, I served a true and correct copy of this
NOTICE OF INTENT TO APPEAL on all persons listed in paragraphs III and IV
of this Notice pursuant to OAR 661-010-0015(2) by first class mail or by electronic
mail.

Dated July 17, 2024.


Eric Wriston, OSB No. 226130

CERTIFICATE OF FILING

I hereby certify that on July 17, 2024, I filed the original of this NOTICE OF
INTENT TO APPEAL together with two copies, with the Land Use Board of Appeals,
775 Summer Street NE, Suite 330, Salem, OR 97301-1283, by Certified Mail.

Dated July 17, 2024.


Eric Wriston, OSB No. 226130

**BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON**

In the Matter of the Application by NEXT)	
Renewable Fuels Oregon, LLC for a)	NOTICE OF FINAL DECISION
Conditional Use Permit for a Rail Branchline in)	FINAL ORDER NO. 24-2024
the Primary Agriculture (PA-80) Zone Near)	
Port Westward (CU 23-11))	

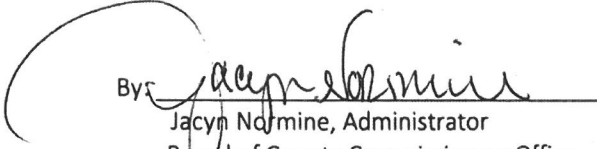
NOTICE IS HEREBY GIVEN that the Board of County Commissioners for Columbia County (hereinafter, the "Board") has issued its final decision on the application of NEXT Renewable Fuels Oregon, LLC ("Applicant") for a Conditional Use Permit for a Rail Branchline in the Primary Agriculture (PA-80) Zone Near Port Westward (CU 23-11) on property near Clatskanie, Oregon, identified as Tax Map ID Numbers 8423-B0-00700 and 8423-B0-00800.

On January 10, 2024, the Board held a public hearing on CU23-11. The Board closed the hearing, left the record open for additional written evidence and testimony, and continued the hearing to March 6, 2024, for Board deliberations. On March 6, 2024, the Board received all written evidence and testimony submitted into the record. The Board voted to tentatively approve the application, subject to conditions as presented in the staff report, and two additional conditions requested by the Applicant. On June 26, 2024, the Board approved Final Order No. 24-2024 In the Matter of the Application by NEXT Renewable Fuels Oregon, LLC for a Conditional Use Permit for a Rail Branchline in the Primary Agriculture (PA-80) Zone Near Port Westward (CU 23-11).

Persons who participated in the proceedings leading to the adoption of Final Order No. 24-2024, either orally or in writing, may appeal the decision to the Land Use Board of Appeals pursuant to ORS 197.830 to 197.845. A Notice of Intent to Appeal the decision must be filed with the Land Use Board of Appeals not later than 21 days after the date the decision becomes final. The date that this Notice was mailed was July 1, 2024.

A copy of Final Order No. 24-2024 is available on the County's website at: <https://www.columbiacountyor.gov/departments/BoardofCommissionersOffice/Hearings> and may also be obtained by contacting the Board of Commissioners' Office, 230 Strand Street, St. Helens, Oregon 97051, 503-397-4322, or by emailing Jacyn.normine@columbiacountyor.gov.

Dated this 1st day of July 2024

By: 
Jacyn Normine, Administrator
Board of County Commissioners Office

Attachment A

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Building Official

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Attachment B

