

Appeals Board Overturns Plans to Expand Port Westward

On December 28, 2018 the Oregon Land Use Board of Appeals rejected Columbia County's second attempt to open 837 acres of agricultural land along the Columbia River to industrial development.

The Port of St. Helens has proposed doubling the size of its rural Port Westward property near Clatskanie for industrial development. Hundreds of people, including local farmers and small-business own-

ers, urged the County to protect farmland and salmon habitat from fossil fuel and other heavy industrial development. Earlier this year, Columbia Riverkeeper and 1000 Friends of Oregon challenged Columbia County's decision to approve the rezone.

As a result of the Land Use Board's decision, the County and Port must address the legal errors identified by the Board in their decision before authorizing new industrial development at the proposed rezone site. The County and Port could also opt to retain the current protections for farmland and salmon habitat instead of making a third attempt at rezoning high-quality farmland.

“Today's decision opens the door for Columbia County to protect high-yield farmland and strong

salmon runs,” stated Jasmine Zimmer-Stucky, senior organizer for Columbia Riverkeeper. “Industrializing rural Columbia County with dirty fossil fuel projects like fracked gas-to-methanol refineries and oil-by-rail ignores the public's legitimate concerns about health and quality of life impacts.”

The Board's decision marks the second time the Oregon Land Use Board of Appeals has weighed-in

Oregon laws designed to protect high-quality farmland and remanded the rezone back to local decision-makers. Despite years of opposition from neighbors, farmers, and conservation groups, the County approved the rezone for a second time in early 2018.

“Converting Oregon's best farmland and salmon habitat for fossil fuel development goes against Oregon's clean energy goals, and it is inconsistent with the state's land use laws, particularly where so much industrial land is already available. We hope the Port of St. Helens will permanently shelve this plan,” stated Meriel Darzen, staff attorney for 1000 Friends of Oregon.

Highlights from the Oregon Land Use Board of Appeals decision include:

- The Port again failed to demonstrate that the broad suite of proposed industrial uses at Port Westward are compatible with adjacent agricultural uses, and the County failed to adequately analyze the impacts of the proposed uses on the surrounding environment.
- The Port will now be required, for the first time, to disclose the specific uses it intends to site at Port Westward, as well as the anticipated impacts on nearby farmland, water quality, and the Columbia River.

While the Board ruled in favor of the County and Port on several issues challenged by Columbia Riverkeeper and 1000 Friends of Oregon, the Board's ruling on a key issue in favor of the environmental organizations means the rezone is not valid until the County and Port address the legal flaws. The County, Port, or environmental organizations have the right to appeal the Board's decision to the Oregon Court of Appeals.

Columbia Riverkeeper is represented by Crag Law Center, a client-focused law center that supports community efforts to protect and sustain the Pacific Northwest's natural legacy.



View of Port Westward from downstream. The proposed area for rezoning and development is shown in the top left-center of photo. Photo courtesy of Columbia Riverkeeper.

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on the legality of opening farmland for industrial development at Port Westward. In 2014, a local farmer and Columbia Riverkeeper challenged a similar proposal. The Board found the County's decision violated



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