

# Critics claim ruling allows payoffs for farm impacts

## Appeals court ruling under state scrutiny

By **MATEUSZ PERKOWSKI**  
EO Media Group

Critics claim an Oregon Court of Appeals ruling will undermine farmland protections by allowing developers to pay off farmers rather than avoid disrupting agricultural practices.

The state is joined by the Oregon Farm Bureau and the 1,000 Friends of Oregon conservation group in asking the Oregon Supreme Court to overturn that decision.

The dispute emanates from a lawsuit over the planned expansion of the Riverbend Landfill onto farmland, which was permitted by Yamhill County over the protests of neighboring landowners.

Earlier this year, the Court of Appeals decided that Yamhill County didn't violate land use law by requiring Waste Management, the landfill's owner, to compensate farmers for impacts to their operations.



Mateusz Perkowski/EO Media Group

**Ramsey McPhillips, a farmer near McMinnville, discusses impacts from a nearby landfill on his property. A lawsuit over the landfill's expansion will be reviewed by the Oregon Supreme Court.**

For example, Waste Management must either pay a farmer for cleaning up trash blown onto his property from the landfill, or hire a third party to perform the service.

The company must also pay another nearby farmer for orchard crops that are destroyed by waste from birds

that are attracted to the landfill.

Critics argue this type of compensation isn't allowed under Oregon's land use law, which aims to preserve farmland and avoid disruption to agricultural practices.

"I don't want to be paid off. I just want them not to affect my farm," said Ram-

sey McPhillips, the landowner who would be compensated for trash cleanup.

Such compensation should not be a condition of county permits allowing non-farm uses, since farming operations could be rendered unfeasible even if the growers receive money, critics argue.

Such payoffs would make it easier to site other conditional use developments on farmland, such as mines, golf courses, large transmission towers and power facilities, according to critics.

"Now, all they need is to force the farmer to be paid off for the loss, and they can have their development. Where does that end?" said McPhillips.

Under Oregon law, counties can issue such conditional use permits for non-farm uses as long as they don't significantly change or drive up the cost of farm practices on surrounding land.

Conditions imposed on such permits should prevent such impacts, instead of allowing the disruption as long as farmers are compensated, said Tim Bernasek, attorney for the Oregon Farm Bureau, which weighed in on the case.

"That's not how it's supposed work," Bernasek said of the payment requirement.

The landfill dispute is noteworthy because it's poised to define what is a significant impact to farmland, which has been vague up until now, he said.

"This is really the first time the Supreme Court is taking a

broad look at the farm impacts test," Bernasek said.

Opponents of the Court of Appeals' interpretation recently filed their opening briefs with the Supreme Court, to which Yamhill County and Waste Management must respond by the end of September. Oral arguments in the case are scheduled for mid-November.

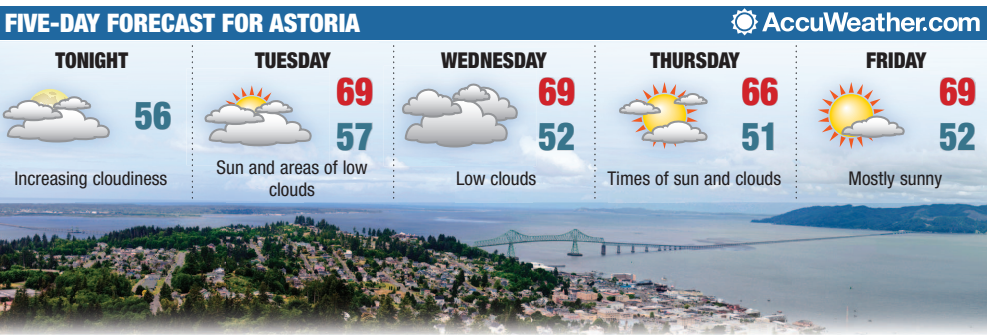
Tim Sadlo, general counsel for Yamhill County, said the planned landfill expansion has been greatly reduced in size but other requirements were imposed on Waste Management to prevent potential adverse effects.

"I don't think we tried to buy anybody off," Sadlo said. "We can fix it with conditions, and that's what we tried to do."

The county set the compensation requirement despite there being limited evidence of birds defecating on fruit and garbage drifting onto neighboring property, he said.

Sadlo said he's surprised the Supreme Court has agreed to review the case and disappointed that the state government wants the previous ruling reversed.

"I think it's regrettable they've decided to pile on," he said.



ALMANAC	
Astoria through Sunday.	
<b>Temperatures</b>	
High/low .....	69°/49°
Normal high/low .....	69°/53°
Record high .....	89° in 1966
Record low .....	43° in 1947
<b>Precipitation</b>	
Sunday .....	0.00"
Month to date .....	0.38"
Normal month to date .....	0.62"
Year to date .....	50.05"
Normal year to date .....	37.56"

# SUN AND MOON


Sunset tonight .....	8:14 p.m.
Sunrise Tuesday .....	6:24 a.m.
Moonrise today .....	6:11 a.m.
Moonset today .....	8:23 p.m.


New


First


Full

Last









Aug 21

Aug 29

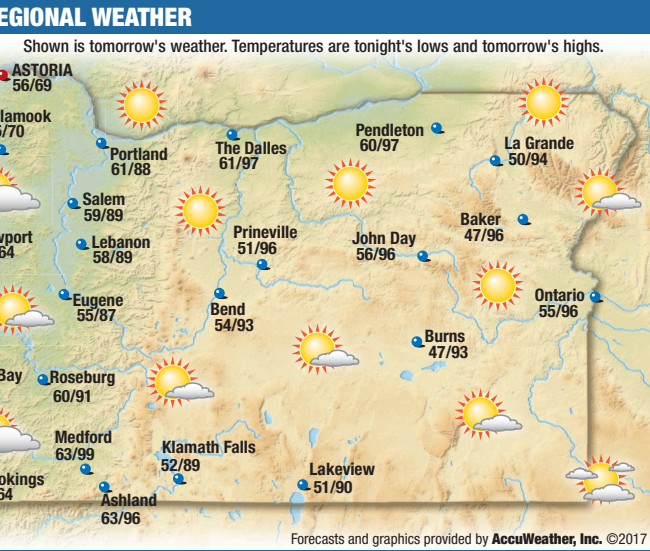
Sep 5

Sep 12

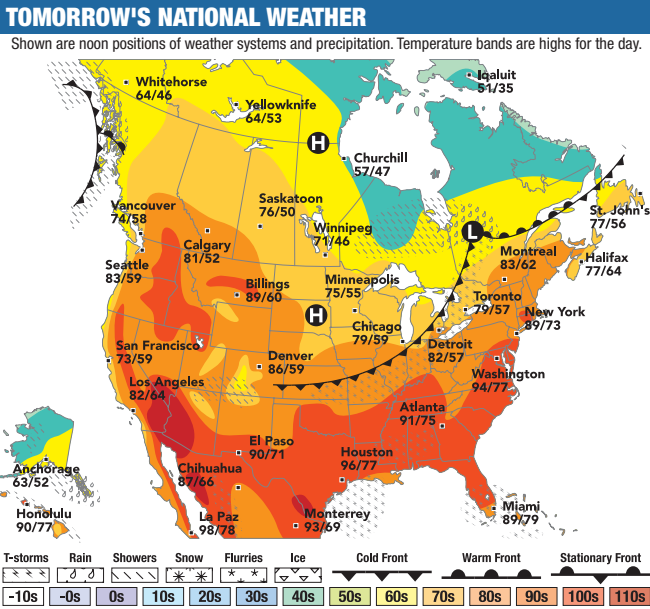
UNDER THE SKY	
Tonight's Sky: Total solar eclipse! Sunrise will be at 6:21 a.m. First contact at 9:05 a.m. Second contact at 10:17 a.m. Totality at 10:18 a.m. Last contact at 1:37 a.m. Sunset will be at 9:07 p.m.	

TOMORROW'S TIDES			
Astoria / Port Docks		Time	Low
Time	High	Time	Low
1:57 a.m.	9.0 ft.	8:43 a.m.	-1.4 ft.
2:56 p.m.	8.2 ft.	8:52 p.m.	0.7 ft.

NATIONAL CITIES						
City	Hi	Lo	W	Hi	Lo	W
Atlanta	92	74	s	91	75	pc
Boston	86	71	pc	87	71	s
Chicago	88	71	pc	79	59	t
Denver	87	58	pc	86	59	pc
Des Moines	92	69	r	81	55	pc
Detroit	89	71	t	82	57	t
El Paso	87	69	t	90	71	t
Fairbanks	66	49	c	62	47	c
Honolulu	89	76	c	90	77	sh
Indianapolis	89	73	pc	80	62	t
Kansas City	84	71	t	83	57	c
Las Vegas	96	78	pc	100	81	s
Los Angeles	80	64	pc	82	64	pc
Memphis	91	77	t	93	74	pc
Miami	93	81	pc	89	79	t
Nashville	90	75	t	89	73	t
New Orleans	91	78	t	89	77	t
New York	88	74	s	89	73	pc
Oklahoma City	95	74	pc	92	67	t
Philadelphia	88	74	t	93	75	pc
St. Louis	85	74	pc	84	62	t
Salt Lake City	94	69	s	92	69	s
San Francisco	73	61	pc	73	59	pc
Seattle	80	58	pc	83	59	s
Washington, DC	90	76	t	94	77	pc



REGIONAL CITIES						
City	Hi	Lo	W	Hi	Lo	W
Baker City	90	47	s	96	53	s
Bend	90	54	s	93	55	s
Brookings	66	54	pc	65	55	pc
Eugene	89	55	pc	87	56	s
Ilwaco	68	58	pc	66	59	c
Klamath Falls	92	52	s	89	56	s
Medford	99	63	s	99	64	s
Newberg	90	59	pc	89	58	s
Newport	63	52	pc	64	54	pc
North Bend	65	54	pc	66	56	pc
City	Hi	Lo	W	Hi	Lo	W
Olympia	83	53	pc	84	55	s
Pendleton	91	60	s	97	65	s
Portland	88	61	pc	88	60	s
Roseburg	92	60	pc	91	60	s
Salem	92	59	pc	89	59	s
Seaside	72	57	pc	69	58	c
Spokane	86	58	pc	91	62	s
Springfield	90	57	pc	88	58	s
Vancouver	87	59	pc	87	59	s
Yakima	92	54	s	97	62	s



# New education union president seeks conservative inclusion

## Larson has bipartisan approach

By **PARIS ACHEN**  
Capital Bureau

SALEM — John Larson has been involved in working bipartisan relationships since he was born.

Both schoolteachers, his mother was a Republican, and his father was a Democrat.

As the freshly minted president of the Oregon Education Association, Larson hopes to bring his bipartisan background to make the state's largest labor union more effective in building support for public education.

"We tend to be viewed as a liberal organization, but reality is more than one-third of our members are conservatives," Larson said.

In his career as an English teacher and union representative in Eastern Oregon, Larson routinely worked across party lines. He worked in both the Morrow County School District and, most recently, the Hermiston School District.



Paris Achen/Capital Bureau

**John Larson, the new president of the Oregon Education Association, hopes to bring his bipartisan background to make the state's largest labor union more effective in building support for public education.**

Larson, who is unaffiliated with any political party, plans to revive a plan for an Oregon Education Association Republican caucus, a group of conservative educators who want to advocate for public education.

"We are in the beginning stages but we firmly believe as Oregonians we need all to get on the same page," he said. "There is not a single member who doesn't believe public education is important. We have differences on how it should be funded, but there isn't anyone who doesn't think we should have public education."

Such inclusion may seem at odds with an association that most closely aligns with Democratic candidates and ballot measures. Larson sees the shift as following the mission of the association to do what is best for the students in public education.

As the son of schoolteachers in Montana, Larson grew up in a culture that values union ideals. His first stint as union representative came early in his career when he volunteered as a building representative for the Morrow County Education Association. He later served as president for the association for four years.

During his involvement in the Oregon Education Association, he has served as bargaining chair, president of the Hermiston Association of Teachers, the National Education Association board director, NEA PAC captain, on resolution committees for NEA and OEA, and on the OEA Executive Committee.

He was elected as OEA president in April and started his four-year term in July.

*The Capital Bureau is a collaboration between EO Media Group and Pamplin Media Group.*

## PUBLIC MEETINGS

**MONDAY**  
**Astoria City Council**, 7 p.m., City Hall, 1095 Duane St.

**TUESDAY**  
**Port of Astoria Commission**, 4 p.m., special session to interview candidates, 5 p.m.,

regular meeting, Port offices, 10 Pier 1, Suite 209.  
**Warrenton City Commission**, 6 p.m., City Hall, 225 S. Main Ave.  
**Astoria Planning Commission**, 6:30 p.m., City Hall, 1095 Duane St.

## LOTTERIES

**OREGON**  
**Sunday's Pick 4:**  
1 p.m.: 6-8-1-1  
4 p.m.: 6-2-9-0  
7 p.m.: 0-7-3-0  
10 p.m.: 5-4-3-8  
**Saturday's Megabucks:** 8-11-19-38-45-46  
Estimated jackpot: \$6.2 million  
**Saturday's Powerball:** 17-19-39-43-68, Powerball: 13  
Estimated jackpot: \$650 million  
**Saturday's Pick 4:**  
1 p.m.: 1-5-8-3  
4 p.m.: 6-2-0-1  
7 p.m.: 8-2-6-3

10 p.m.: 4-8-4-7  
**Friday's Pick 4:**  
1 p.m.: 6-4-8-6  
4 p.m.: 0-8-9-7  
7 p.m.: 1-1-9-9  
10 p.m.: 0-1-6-8  
**Friday's Mega Millions:** 1-31-34-40-75, Mega Ball: 6  
Estimated jackpot: \$25 million

**WASHINGTON**  
**Sunday's Daily Game:** 8-5-2  
**Sunday's Keno:** 05-07-14-16-17-22-26-34-41-44-48-49-53-57-59-62-68-70-71-75  
**Sunday's Match 4:** 05-15-21-24

## DEATH

**Aug. 19, 2017**  
BEIGH, George Ronald, 69, of Seaside, died in Seaside. Ocean View Funeral & Cremation Service of Astoria is in charge of the arrangements.

SATURDAY  
AUGUST  
26

## Astoria Fire Open House

555 30TH STREET 11AM-3PM

### Food, Fun, Firefighters!

- ★ Free hot dogs, chips, coffee and soda compliments of the members of the IAFF Local 696
- ★ Fire safety and tsunami/disaster information available
- ★ All AFD Apparatus will be on display
- ★ SPARKY and SMOKEY will be on hand!
- ★ Jr. Firefighter Challenge Course

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