



Working to enhance the life in the urban and rural communities of Yamhill County by protecting family farms and forests and conserving natural and scenic areas.

PO Box 1083 McMinnville, OR 97128

FYC is affiliated with 1000 Friends of Oregon.

SUMMER 2020

RIVERBEND LANDFILL - ONCE MORE WITH FEELING!

At long last, two Yamhill County Commissioners said NO to Waste Management (WM), and voted against the dump's plan to expand! We've been waiting 12 years for this to happen, and, on August 6th, Commissioners Kulla and Olson voted down the latest scheme from WM. You may (or may not) recall that the Supreme Court ruled against Waste Management, saying that they had failed to show that their expansion would NOT cause significant damage to neighboring farms, especially from garbage that winds up on neighboring farm fields.

Our Supreme Court victory resulted in remand back to the Land Use Board of Appeals (LUBA). LUBA then told the County that the application could not be approved unless WM could prevent trash from flying onto neighboring farms. WM came up with a scheme that would require dump employees to run around the dump, moving fences to catch litter depending upon which way the wind was blowing. Even WM's consultants had to admit that there really is no way to prevent litter from leaving a garbage dump, no matter how hard you might try.

Our side mounted a full-out assault on the plan, and it worked!

The findings, turning down WM's expansion application became official on August 20th. Is this the end? Of course not! WM has until Sept 10th to appeal the county's decision back to LUBA. It's anyone's guess if they will do this. Ground Hog day revisited. But for now, we will savor this exciting victory.



IT IS NO PICNIC

We regret to announce there will be no 2020 Picnic and Farm Tour in compliance with COVID-19 public health and safety recommendations. This gives folks time to think about stepping forward to host in 2021. Decisions about future general meetings will be made based on science and data trends. As you can read in this newsletter not everything is on hold. We are keeping an eye on a number of land use issues in Yamhill County.

Please keep in touch with your interests and concerns. Send us an email at [**friendsofyamhillcounty@gmail.com**](mailto:friendsofyamhillcounty@gmail.com)

Please Renew Your Membership

Your generous donations allow Friends of Yamhill County to continue the work of keeping our towns vibrant and protecting our prime farm and forest lands from over-development and sprawl. Even though FYC is a volunteer organization, we have considerable appeal fees, printing and other expenses.

Thanks to: Ellen Abrego, Tom Abrego, Carr Biggerstaff, Jeanne Biggerstaff, Sid Friedman, Kathryn Jernstedt, Craig Markham, Ilsa Perse, and Marilyn Walster for their contributions to this newsletter.

WASTE MANAGEMENT CITED BY EPA

We're sure you all remember the terrible stench that emanated from the Riverbend garbage dump when it was running at full capacity. The stench was so bad that even the Oregon Department of Environmental Quality (DEQ) took notice. After receiving hundreds of complaints, they agreed to conduct a rare Odor Nuisance Study, something they really didn't want to do. We waited years for the results. Then, in 2019 DEQ said they had referred the matter to the U.S. Environmental Protection Agency (EPA); that EPA needed more information, but it was all kind of vague and Waste Management (WM) claimed it was "routine."

In late June of this year, we learned that EPA had issued a very serious Notice of Violation (NOV) for serious Clean Air Act violations that had been ongoing "for at least five years." There was nothing routine about it.

The EPA lists four violations in their NOV:

1. Failure to Conduct Compliant Surface Emission Monitoring
2. Failure to Ensure Monthly Cover Integrity
3. Failure to Comply with Good Air Pollution Control Practices
4. Failure to Monitor Well RVBD210 on a Monthly Basis

These are major violations. Methane, a very potent green-house gas, leaks from various places at the dump, along with the odor-causing gases. Methane doesn't smell; it just destroys the atmosphere. Serious violations have been going on for years, yet dump management always contends that they are doing a terrific job. The EPA thinks otherwise.

Now that the cat is out of the bag, Riverbend folks of course claim they are being cited for no reason. No one in the county was told about this major development, something that Commissioner Olson found very troubling when he spoke at the hearing on August 16th, where he voted against landfill expansion.

No other landfill in Oregon is in EPA's sights, just Riverbend. Another reason it should not be allowed to expand...ever. We will one day learn the whole story, but for now, we know that Riverbend dump is considered a major polluter by the Environmental Protection Agency. Such an honor.

NEWBERG ECONOMIC OPPORTUNITIES ANALYSIS

Newberg has initiated a review of the economic development section of its comprehensive plan, including an update of its economic opportunities analysis (EOA). The city has already prepared a revised analysis of future housing needs. The project is expected to provide a justification for an expansion to the city's urban growth boundary (UGB) to include land for economic development until 2041.

The city is completing the project with the help of a consultant and two advisory committees. FYC is represented on the citizen advisory committee.

Newberg developed data regarding the amount of commercial and industrial land that is available for development (the "buildable lands inventory" or BLI). FYC made comments on an early draft of the BLI and the city made adjustments responding to our concerns.

(Continued on Page 3)

NEWBERG ECONOMIC OPPORTUNITIES ANALYSIS

(continued from page 2)

The city presented preliminary data on how much land will be needed over the next 20 years to the committees in July. The city calculates it has an adequate supply of commercial land to satisfy its 20-year need. The preliminary data shows a need for about 250 acres of industrial land. For comparison, the 2013 UGB expansion proposal remanded by the Land Conservation and development Commission, the city had identified a 20-year industrial land need of 191 acres.

Next steps in the EOA project include review of refined data on land need and consideration of conclusions drawn from the data. Whether the city can accommodate any of its land need inside the existing UGB, and where to locate any UGB expansion, will be examined during subsequent phases of the UGB review.

FUTURE OF THE NEWBERG PAPER MILL SITE

Newberg's large mill site along the Willamette River (the "WestRock site") is presently idle and the owner is actively seeking a buyer. The city has received many inquiries regarding potential redevelopment of the site, but nothing has materialized yet.

The site, formerly a paper mill, contains about 100 acres zoned Industrial. The site is built out to the extent that it is deemed "developed" (rather than "partially vacant") in the city's draft buildable lands inventory (see companion article "Newberg Economic Opportunities Analysis"). It is part of an area the city is considering for changed land-use designations through update of its Riverfront Master Plan.



The draft riverfront plan update (available on Newberg's website) would change the zoning designation on about 21 acres of the WestRock Site (along with some other adjacent properties) to Mixed Use. This zone would permit a mixture of commercial, office, employment, and high-density residential uses. The remainder of the site would retain its existing Industrial zone. The city planning director expects the Riverfront Master Plan to go to hearing in October and to the city council for adoption in November.

The WestRock Site is also within a proposed urban renewal district. The entire riverfront planning area, along with downtown Newberg and some land connecting the two areas, is proposed for inclusion in the district. Urban renewal is a financing tool that directs some future tax revenue to revitalization projects within the district. The projects can include improvement to public and private assets such as construction of streets and utilities and rehabilitation of existing buildings. The city expects adoption of the urban renewal plan and related actions in the Fall of 2020.

Although the city is considering actions to facilitate productive use of the WestRock site and positive development in the larger riverfront area, any actual changes will depend on the vision and plans of the eventual owner. It will probably be some time before we see anything happen on the WestRock site.

Not On Our Email List?

Between issues of the newsletter we occasionally send alerts and other notices via email. If you haven't received these notifications, but would like to, please provide a valid email address to friendsofyamhillcounty@gmail.com. We will not share your information and use the blind CC feature, so others are not able to see names on the distribution. Thank you.

SETTLEMENT REACHED ON FARMLAND BAKERY

This March, Friends of Yamhill County and 1000 Friends of Oregon jointly appealed the planning director's approval of a commercial retail bakery on farmland outside of Perrydale. A flour mill and a farm stand with a broad list of non-farm products were also approved. After close work with the applicants, a settlement has been reached.

The mill is a positive addition to local farm infrastructure, but we appealed because the planning director's original conditions of approval inadequately tied the operation to local farm products and were insufficient to prevent transformation of the bakery and farm stand into a café and/or convenience store.

We appreciated working directly with the applicants, who had their own concerns regarding the original conditions. The settlement we reached prioritizes the farm operation and mill, and minimizes the impacts of non-farm activities. It allows for limited sales of bread and other baked goods, but only made with locally-grown grains milled on-site.

Oregon consistently ranks near the top of efforts to preserve farmland, in part by directing non-farm businesses and housing into towns and cities. When farmers are not competing against urban development for farmland, land prices are moderated and conflicts with urban uses are reduced.

In the 1970's, less than 10 uses were allowed on land zoned for exclusive farm use; now it's over 60. You can read 1000 Friends' recent report highlighting these non-farm uses at <https://friends.org/news/2020/6/death-1000-cuts-10-point-plan-protect-oregons-farmland>.

We take farmland protection seriously but each case must be evaluated separately. As Commissioner Olson said before endorsing the settlement, "Two parties were able to come together and work out some differences. Both gave up a little. I'd like to congratulate both sides."

UPDATE: Another local farmer has appealed the settlement to the Board of Commissioners. As of this writing, that appeal is pending.

MAC UGB UPDATE

McMinnville is pursuing an Urban Growth Boundary (UGB) expansion. It will likely include agricultural land; the key question is where. The city's last effort was challenged by Friends of Yamhill County and 1000 Friends. In 2011 the Oregon Court of Appeals remanded because the inclusion of prime farmland, instead of less productive land, was not justified. The current effort began in 2018 with a new analysis. The city hoped to circumvent the laws that protect prime farmland by establishing a 45-year "Urban Reserve," and then selecting the prime farmland within that reserve for the UGB.

After the Oregon Department of Land Conservation and Development refused to support that stratagem, the city decided to respond to the 2011 remand using its old analyses from 2003. The city is planning for an expansion of about 1140 buildable acres and is reviewing which lands to select. The city also decided to establish an urban reserve once the UGB expansion is complete, based on the new data and analysis begun in 2018.

Hundreds of higher paying jobs in McMinnville depend on productive farmland nearby. McMinnville's tourism-related jobs pay an annual average of \$18,600. In contrast, McMinnville's agricultural jobs average over \$31,000 and the hundreds of food and beverage manufacturing jobs that rely on agriculture pay an average of \$49,700.

Urbanizing farmland is sometimes necessary, but we shouldn't pretend there isn't an economic cost.

The views and opinions in this newsletter are those of the various writers and may or may not reflect the views of Friends of Yamhill County.

To view previous Friends of Yamhill County newsletters, go to <http://www.viclink.com/~fyc/>.