

Are Government-Sanctioned Economic Development Teams Undermining Democratic Processes in Columbia County?

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A few high-level state employees and elected officials, working through groups such as the Columbia Pacific Economic Development District (Col-Pac) and Regional Solutions Teams, are shaping the future of Columbia County and its Columbia River corridor. The process is characterized by meetings that are not widely publicized, nor is the public encouraged to attend, a lack of transparent and readily accessible records, the failure to include stakeholders from agriculture and environment and the failure to engage the public before decisions are made. This imbalance in the attention paid to various pieces of the “community stewardship pie” was the subject of a recent Op Ed piece in the South County Spotlight (April 4, 2014) by Danner Christensen.

We believe Columbia County is at a tipping point. The question is: Will the future of the county be determined by the skewed vision of a few or will an open, consensus process create a shared vision of the future? The outcome of this tipping point will have a significant impact on the county’s economy, health, safety and environment. Our concerns fall into three areas: land use and economic development, transportation, and natural resources.

Land Use and Economic Development

- 1. Rezoning of a Large Tract of Agricultural Land.** The County Board of Commissioners used a Statewide Goal 2 exception to rezone 837 acres of prime agricultural land at Port Westward to industrial. The rezone request by the Port of St. Helens required public hearings before the county Planning Commission and the Board of Commissioners. The Planning Commission, following overwhelming public testimony against the rezone, voted 5 to 1 to recommend denial.

The Board of Commissioners scheduled their two public hearings on the rezoning to minimize opposing public testimony. An editorial in the *South County Spotlight*, “County hearing concerning port property belongs in St. Helens,” dated August 30, 2013 states;

“The decision to change venues plays into the hands of those who believe the county commissioners’ true incentive is to reduce participation from a vocal opposition that appeared en masse at earlier Columbia County Planning Commission meetings at the courthouse....” And the article continues: “The three elected commissioners... should know better than to purposefully impede that participation, which they have done.”

The County Board of Commissioners ignored the Planning Commission’s recommendation and approved the rezone with a vote of 3 to 0. In their public deliberations the Board of Commissioners simply ignored the Planning Commission’s recommendation for denial of the rezone. The Planning commission and its citizens testimony were not even mentioned.

During the hearings before the Planning Commission, county planning staff and the Port of St. Helens’s representative told the public that the hearing was limited to the rezone only. The ultimate use of the rezoned land would be the subject of other decisions at other times. The Board of Commissioners took the same limiting approach. Important decisions about the future of the county are being broken into several parts designed to make each step appear innocuous and unimportant. Each part is isolated from the others by the bureaucratic equivalent of silos that confine public input within narrowly defined limits. This siloing of big issues into many small parts, insulates elected officials from responding to citizens’ concerns about the ultimate consequences of their decisions and tries to discourage citizens from “connecting the dots” to see where the process is heading. While this approach to decision making creates an insulated comfort zone for elected officials, it leaves the public frustrated. Elected officials appear insensitive to citizens’ real concerns. This is especially true following the attempt to push coal trains through the county, which was soundly rejected by the public. But then, citizens of Columbia County woke up one day to find mile-long unit trains hauling highly explosive Bakken crude oil through their neighborhoods.

All of the above led many to believe that the public hearings held by the County Board of Commissioners was a sham, the decision pre-orchestrated regardless of public opinion.

2. **Use of Senate Bill 766.** The intent of Senate Bill 766 passed in 2011 was to expedite review of proposed industrial projects for land that **does not require a change to the acknowledged comprehensive plan or land use regulation of the local government** and which **does not require an exception to any statewide planning goal** (emphasis added). When the Board of Commissioners rezoned agricultural land to industrial at Port Westward they justified their decision with a Statewide Goal 2 exception. In their rezoning application, the Port of St. Helens documented their intention to apply for certification of the rezoned land under Senate Bill 766. This action, if carried out, is a misuse of the intent of SB 766 and it amounts to a backdoor attempt to circumvent Oregon’s land use laws. The siloing mentioned above prevented open discussion of the Port’s intent to misuse SB 766.

3. **Displacing Viable Farms.** This industrial zoning will potentially displace economically viable farms in the Port Westward area. A 10 million dollar mint enterprise, known as the Seely Mint Farm grows mint for oil, specialty teas and makes handmade mint patties. The rezone has put Seely's farm in jeopardy. Other value added and exportable agricultural crops such as organic blueberries, and other local farm-to-table enterprises may not be compatible with future industries located on the rezoned prime agricultural land. The Port's attorney, who presented the rezone plan before the county Planning Commission and the Board of Commissioners, did not discuss any of the tradeoffs associated with the rezone such as the impact on local agriculture and the loss of agricultural jobs.

Transportation

1. **Rail Shipment of Bakken Crude Oil through Columbia County.** Rob Davis, reporter for *The Oregonian*, recently published a series of articles about the dangers in shipping the highly volatile and explosive Bakken crude oil through residential and business areas of Scappoose, St. Helens, Columbia City, Prescott and Rainier to Port Westward at Clatskanie. He also exposed the lack of Oregon Department of Transportation (ODOT) railroad and bridge inspections. The Port of St. Helens approved a significant increase in the number of unit trains hauling Bakken crude oil through those cities in November 2013. That decision was made without prior public discussion of the danger involved and before firm plans were in place to deal with the kind of explosive accidents that have occurred elsewhere in the U.S. and Canada. The Port of St. Helens has belatedly begun public discussions of the safety of the mile-long, oil trains, but have not taken steps to halt the trains until adequate safety measures including evacuation plans are in place. Clearly this was a decision that needed full public airing and discussion.
2. **Emergency Management.** Local communities are unprepared and financially unable to protect people in case of explosive rail disasters. River habitat and aquatic species, city drinking water sources such as Ranney wells may be impacted by a chemical spill or crude oil explosion and spill. In February 2014, the Secretary of State's audit report for Oregon's Office of Emergency Management said preparedness is inadequate. (See <http://sos.oregon.gov/audits/Documents/2014-03.pdf>) Here in Columbia County there appears to be some confusion over who is liable for costs to contain and clean up any accident that may occur. Whose insurance pays for what costs in the case of a disaster on the rail line and how much can be paid out? And is pollution liability covered under general liability? Will the courts determine the percentage of liability among the companies involved (Portland & Western Railroad, which hauls for BNSF, LLC to Columbia Pacific Bio-Refinery of Cascade Kelly Holdings, LLC owned by Global Partners, LC) when damage occurs? Will the taxpayers be stuck with the cost of clean up?

Additionally, there is only one highway (U.S. Highway 30) for vehicular traffic flowing north and south in the county (see attached maps). The railroad parallels the highway and at places the two are very close to each other. If there is a large accident, the highway may be blocked, leaving few alternate roads for people and commodities to use as a detour. Highway 30 is a bottleneck and can be a significant blockage for people escaping

a disaster. We believe ODOT does not have a plan nor a designated chain of command in place for quick response to a potential disaster.

The skewed vision with emphasis on development of heavy industry is creating an industrial sacrifice zone in Columbia County, where the focus of elected officials is so limited it cannot accommodate other values like health, safety and environment. Perhaps real public involvement at an early stage with citizens of Scappoose, St. Helens, Columbia City, Prescott and Rainier would have identified problems needing resolution before the rail shipment of Bakken crude began.

Natural Resources

1. Unprotected Agricultural Lands. Governor Kitzhaber's **Executive Order No. 12-07** states,

“Any county or region-wide conversion of resource lands to non-resource designations must proceed with care, and include consideration of how the affected lands will be used. The process for considering such changes must provide for wide-scale public involvement, and include an analysis of costs, benefits and likely outcomes.”

Analysis of costs, benefits, likely outcomes, and wide-scale public involvement were not done before the rezone of 837 acres of prime agricultural lands to industrial. Governor Kitzhaber recognizes the importance of agriculture and forestry in the state's economy. They are the second and third largest sectors in Oregon's economy. Yet, in Columbia County state administrative staff and the Regional Solutions Team are promoting the conversion of prime agricultural lands to industrial development. The teams came into existence following Governor Kitzhaber's **Executive Order 11-12**. The Regional Solution Team should be evaluated to determine if the participating state agencies are side-stepping their individual mandates.

2. Habitat Protection and Endangered Species. The region's ratepayers have spent 13.06 billion dollars on salmon recovery programs in the Columbia Basin above Bonneville Dam.¹ Every fish from that expensive program must pass by Port Westward and the Lower Columbia River. That portion of the river is critical habitat for salmon rearing on their way to the sea. The development of heavy industry at Port Westward needs to be brought in synch with the salmon recovery program. In addition, the Lower Columbia River has been designated an Estuary of National Significance under the Clean Water Act's National Estuary Program. The failure to give adequate attention to the protection of salmon rearing habitat around Port Westward and the failure to recognize the intrinsic value of the Columbia River Estuary is further evidence that

¹ Direct funding of fish restoration projects and capital construction of, for example, hatcheries is 3.46 billion dollars. The additional costs incurred when operating the power system to benefit salmon bump the total to 13.06 billion dollars. Source: Northwest Power and Conservation Council. 2012. “Columbia River Basin Fish and Wildlife Program Costs Report: 12th Annual Report to the Northwest Governors.” Document 2013-04. Portland, OR.

Columbia County is on the path to the creation of an industrial sacrifice zone. Simply stated, the environment does not have a place at the decision-making table in Columbia County.

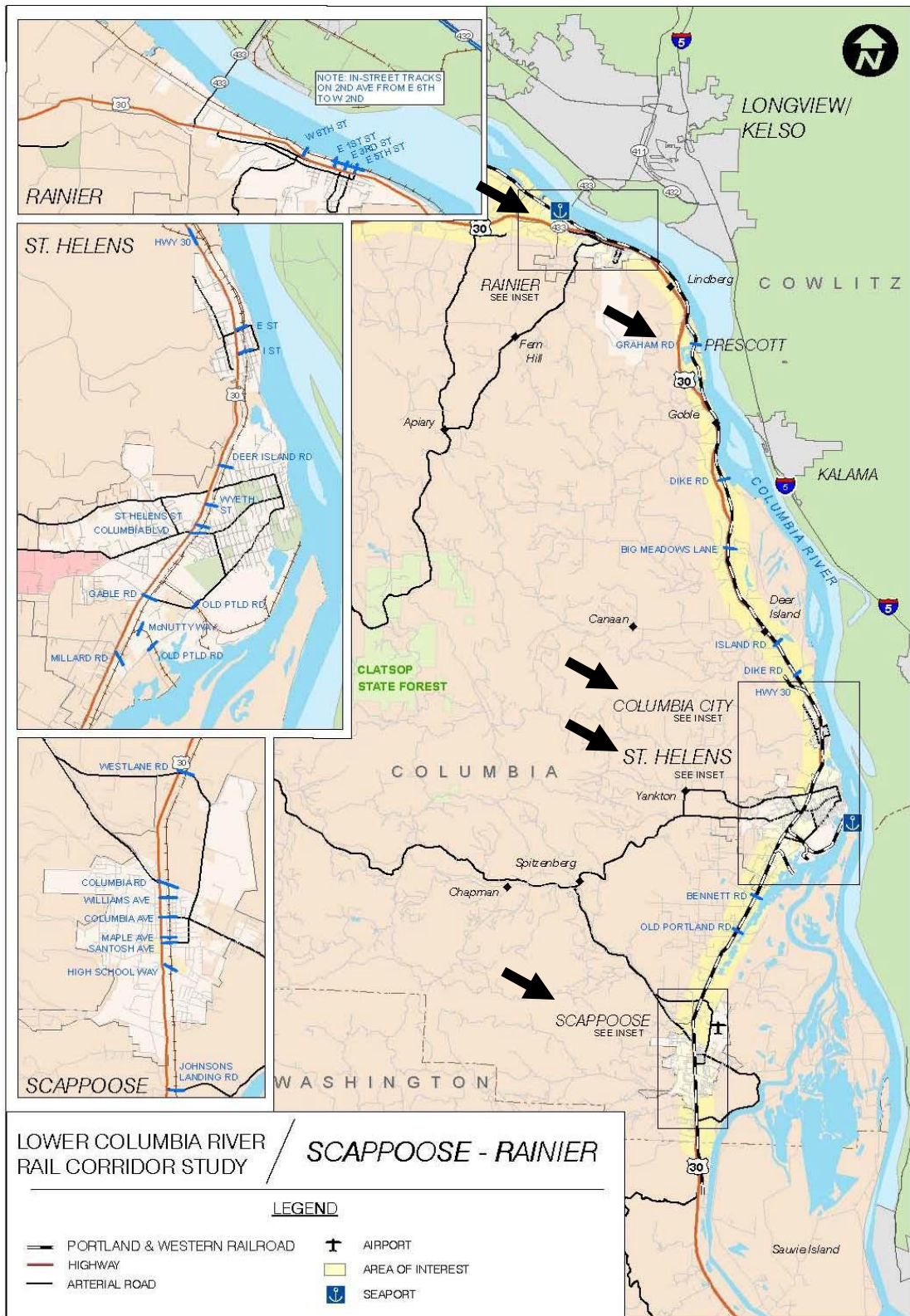
Are Democratic Processes being Undermined?

Democracy involves more than free and fair elections. It also requires honest, robust discussions between citizens and those who win elections. Democratic processes do not thrive when elected officials insulate themselves from the public they pledged to serve. Recent decisions by elected officials, described above, are really important choices about the future of the county. Those choices will have profound effects on the health, safety, environmental quality, and economics of the county. They are the kind of issues that need the democracy-strengthening, robust discussion and debate between elected officials and citizens. So far that hasn't occurred. Columbia County is currently deciding which path to the future it will take. What do we hold in high value that we want to pass on to our children and grandchildren? What definition of progress will we use to inform our vision? More importantly, by what process will we make the decisions to go with one or the other paths to the future? Will Columbia County be guided by a shared vision of the future or a vision crafted by a few and forced onto the many?

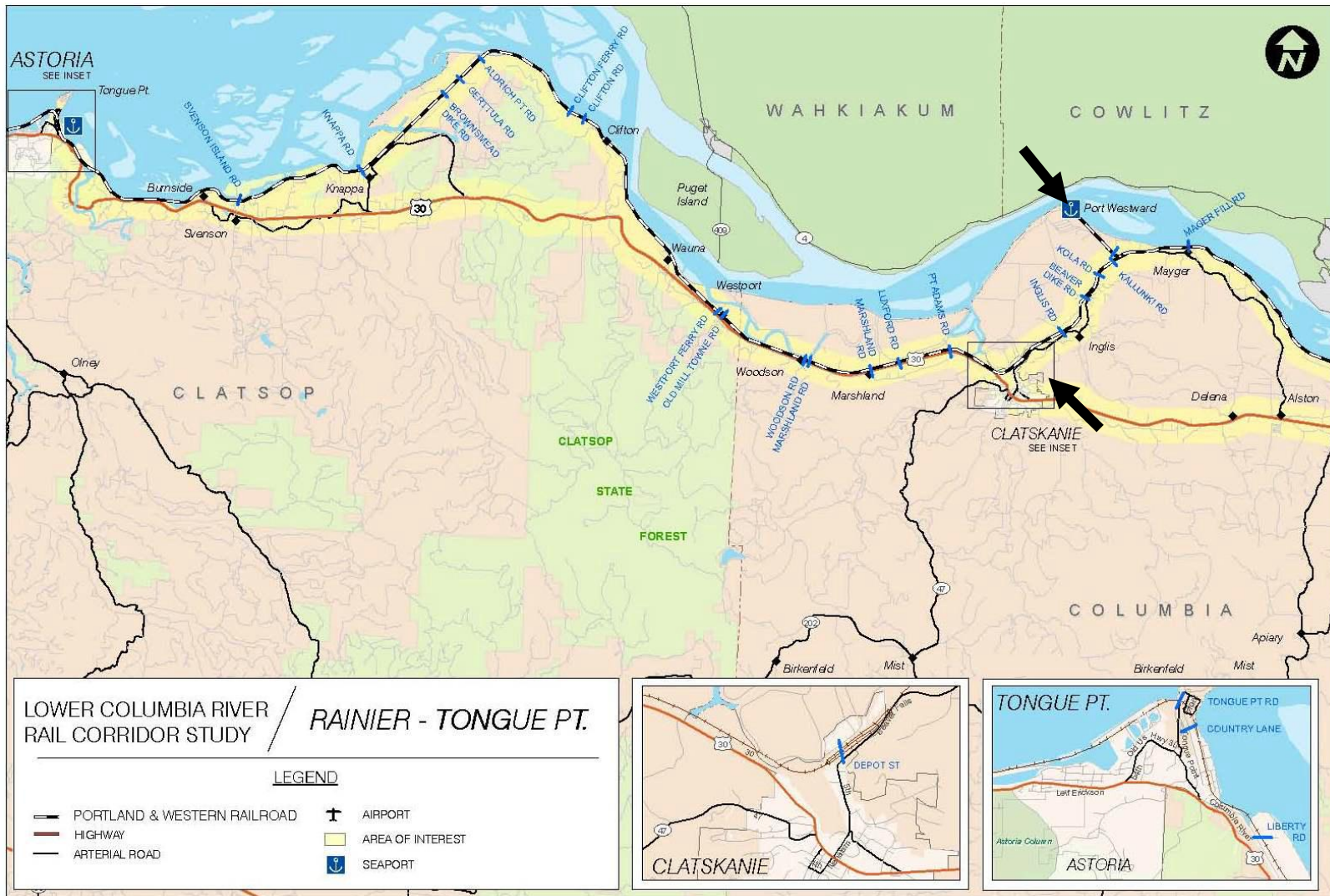
“You could, like me, be unfortunate enough to stumble on a silent war. The trouble is that once you see it, you can't unsee it. And once you've seen it, keeping quiet, saying nothing, becomes as political an act as speaking out. There's no innocence. Either way, you're accountable.” Arundhati Roy, in *Power Politics*

Attachments:

- Map 1. Columbia County map showing the cities from Scappoose to Rainier, U.S. Highway 30, Portland & Western Railroad and Columbia River paralleling nearly the full length of the county. See enlarged insets for more detail. (Source: ODOT, Rail Safety Study, May 2009)
- Map 2. Columbia County map showing the location of the City of Clatskanie and Port Westward in relation to the other five cities shown on Map 1. (Source: ODOT, Rail Safety Study, May 2009)



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