



*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.

SPRING 2021

## THE END OF THE ROAD FOR RIVERBEND? 12 YEARS AND COUNTING



March 2021 marked the 12th anniversary of the first Yamhill County Board of Commissioners hearing regarding Waste Management's (WM) plans to more than double the size of Riverbend Landfill. 12 years-- But who's counting? That hearing began at 2:00 PM and concluded at 3:30 AM. The attorney for Stop the Dump was finally allowed to speak at around midnight.

About 10 years after that Kangaroo Court event, Stop the Dump Coalition (including Friends of Yamhill County) won a huge victory at the Oregon Supreme Court. They strongly rejected the notion that WM could simply pay off unwilling farmers for the significant impacts from garbage flying onto neighboring farm land. The Land Use Board of

Appeals (LUBA) then told the county to decide whether WM could instead prevent those significant impacts. Last July, Stop the Dump, et al testified compellingly that nothing WM proposed would adequately protect McPhillips Farm from the significant impact of garbage blowing and floating onto his hayfields.

Last August 2020, the County Commissioners denied Waste Management's arguments (Commissioner Starrett dissented). The County issued exhaustive findings that laid out precisely how Waste Management could not protect neighboring farmlands from the effects of blowing, plastic garbage bags (among other things) from landing on their fields. Waste Management appealed the County's denial to LUBA.

LUBA's April 9th decision was a decisive victory for Stop the Dump, McPhillips Farms, and Friends of Yamhill County. In one of the most unequivocal decisions many of us have ever read, LUBA upheld Yamhill County's decision to reject Waste Management's schemes. See <https://www.oregon.gov/luba/Docs/Opinions/2021/04-21/20093.pdf>

Waste Management can appeal this latest loss to the Court of Appeals. However, we expect the Court to tell Waste Management, "Time to go home to Houston." This is the best victory yet!



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, Ranee Solmonson, Ilsa Perse, Rob Hallyburton, Mark Davis and Marilyn Walster for their contributions to this newsletter.

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## FROM THE PRESIDENT

It has been a trying year for all of us. Despite the pandemic, you can see from the wide range of issues in this newsletter that land use challenges have not stopped. The FYC board, with the help of members and allies, have done our best to navigate the remote public processes. The board has been meeting via Zoom (thanks to Ilsa). Members are welcome to attend. Email me for more info at [friendsofyamhillcounty@gmail.com](mailto:friendsofyamhillcounty@gmail.com)

We all miss the collegiality of the general membership events, and some FYC business, like board elections, require member participation. We hope we can have an in person meeting this fall. Ideas under consideration include meeting out of doors, and foregoing the potluck. Please give this some thought and let us know what your concerns are and what might work for you. As always, volunteers for hosting and helping are encouraged. Shoot me an email at [friendsofyamhillcounty@gmail.com](mailto:friendsofyamhillcounty@gmail.com)



## FYC BOARD CHANGES

Our sincerest appreciation to departing board members Tom Abrego, Craig Markham and Jim Parker. Tom served as vice-president and brought amazing expertise, most notably on wineries and on halting commercial solar installations on our best farmland. Jim departs after years of service, but remains active and involved, especially on affordable housing issues. Craig, during his long tenure as Treasurer, brought knowledge and dedication on a host of policy issues. FYC is grateful for your service, and that of its continuing members and officers. Ilse Perse has stepped in as Treasurer.

We would like to welcome new board member, Rob Hallyburton! Rob recently retired from a long career in planning, including at Yamhill County and most recently at the Department of Land Conservation and Development.

The FYC board is comprised of 5 directors elected to two year terms by the members, and up to 3 additional directors whom they may appoint. The board sets policy, decides what issues to take on or let pass, shares information, and organizes membership activities and events. If you think you might want to join the board, contact Kathryn at [friendsofyamhillcounty@gmail.com](mailto:friendsofyamhillcounty@gmail.com)



## LEGISLATIVE UPDATE

The 2021 Legislative Session is underway. Due to COVID most activity happens remotely. Friends of Yamhill County has testified on a special interest bill to allow an extra Measure 37 dwelling north of Sheridan; a bill to convert 200 acres of high-value eastern Oregon farmland to 2-acre homesites; a bill to allow urban growth boundaries to expand into urban reserves regardless of need; and a bill to add goat yoga therapy to the list of permitted uses in farm zones. For a full update and current information go to the 1000 Friends of Oregon website at [friends.org](http://friends.org) and click on the link at the top of the home page.

*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/>.

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## YAMHILL COUNTY UPDATES

There's been no slow-down in development applications at the county. Here's a run-down on some we've been involved in:

**Jahnke Road:** FYC has joined neighbors in opposing this new public road on farmland northwest of McMinnville. Despite his lawyer's denials, it is clearly intended to allow subdivision of an adjacent parcel also owned by the applicant. The Board of Commissioners has continued the hearing until June 17.

**Eola Hills Forest Template Dwelling:** When this land was recently rezoned from EFU to a mixed-farm forest zone, neighbors objected that it was a precursor to a forest template dwelling. County planners said this couldn't happen because the parcel wasn't predominantly in forest use in 1993, as required in the new zone. When the dwelling was approved anyway, FYC showed up and submitted testimony, but the county denied us standing. LUBA has remanded it back to the county for reconsideration.

**Gopher Valley Zone Change:** FYC has testified in opposition to a pending application to rezone an 8 acre hay field in Gopher Valley from an agricultural zone to a forest zone. The current zone already allows the planting and harvesting of trees and other forest practices. The parcel is in farm use, not forest use, but the new zone would allow a forest template dwelling application.

**The Setting Inn:** LePuy B&B on Hwy 240 has been acquired by The Setting Inn, Napa Valley and renamed The Setting Inn, Willamette Valley. This ownership change required a new home occupation application. Their website indicated several activities beyond what is permitted, including weddings, retail sales, and other activities open to the general public. We submitted comments and the conditions of approval limit activity to an 8 room B&B, serving one meal a day to overnight guests.

**Farmland Bakery:** The application for a commercial retail bakery on farmland outside of Perrydale was approved by the county after we reached a settlement that prioritized the farm operation and mill, and minimized the impacts of the non-farm activities. However, the application was withdrawn after another farmer appealed the county's approval to LUBA.

**Sunnycrest "Eatery":** An application is pending for a seasonal café and wine bar at the site of the former Sunnycrest Women's Club between Newberg and Dundee. Because commercial eating and drinking establishments are not allowed in the Public Assembly zone, the applicant asserts that they are "similar" to "the assembly of persons for religious, charitable, philanthropic, cultural, recreational or educational purposes." Restaurants, cafes, and wine bars belong in town, not in rural areas where they compete with in-town businesses that pay for urban infrastructure.

### 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](mailto: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.

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## MAC UGB UPDATE

Last December, the City of McMinnville resubmitted to the Department of Land Conservation and Development (DLCD) an urban growth boundary (UGB) expansion proposal originally dating from 2003. It had been remanded by the Court of Appeals and shelved by the City for the past 10 years. The revised proposal would add 662 acres (just about one square mile), mostly for established housing needs, though it will include 254 acres for parks and 67 acres of employment land.

The current proposal does a much better job of protecting high value farmland than the 2003 proposal. Most of the land is located outside the southwest section of the city and in the area south of the steel mill. We did not oppose it. DLCD has rejected an objection filed by an adjacent farm, but the appeal deadline has not yet passed. Even if no appeals are filed, it will take a few years before the City completes all the planning steps required before housing can actually be constructed. One step that will no longer be taken is the voter annexation approval process, as the Legislature took away our right to vote on these matters.

Meanwhile, the City is moving ahead with more studies that may lead to another UGB expansion proposal and the creation of an Urban Reserve Area (URA) to reserve land for future urbanization through the year 2067. In 2019 the City drafted several of the documents necessary to justify this additional expansion, but never held the hearings to adopt them when they pivoted to work on the UGB remand.

These draft documents need to be updated for factual changes in the past two years, and we hope they will address flaws we noted during their creation. The City must also adopt “efficiency measures” to minimize the amount of farmland destroyed by urbanization. This new process will likely take several years, so stay tuned for further updates.



## NEWBERG URBAN GROWTH BOUNDARY

The city of Newberg has completed final drafts of employment land and residential land analyses; two key components of a future urban growth boundary (UGB) amendment. FYC had a seat on the citizen advisory committee developing the employment-land analysis (also called an economic opportunities analysis, or EOA) and submitted comments in that capacity. FYC participated by written comment in the residential-land analysis in consultation with a member who sat on that committee.

The final draft of the EOA shows that Newberg needs 152 acres of industrial land and has a surplus of 21 acres of commercial land for the 2021-2041 period. The industrial-land need calculation is down from 250 acres in earlier drafts largely because the city subsequently changed the WestRock mill site (formerly Smurfit) from “developed” to “developable,” adding over 80 acres to the inventory of usable land already inside the UGB.

The mill site sold during development of the EOA, and the new owners plan to redevelop the site. Demolition of the old buildings commenced in February. The city included the area in the Riverfront Master Plan and changed the zoning on a portion of the site from Industrial to Mixed Use in November 2020. FYC has no objections to the final draft of the EOA.

The final draft of Newberg's residential-land analysis shows a need for 37 acres of medium-density and 44 acres of high-density residential land for the 2021-2041 period. The analysis shows the UGB has a 31-acre surplus of low-density residential land. FYC has concerns about portions of the analysis. We recommended changes that may reduce the land-need, but our main concern is that the plan will not provide enough desperately needed affordable housing. The city has proposed improvements to its plan in this regard, but it can do even better.

Future public hearings are not yet scheduled.