



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 2023

FRIENDS OF YAMHILL COUNTY GENERAL MEMBERSHIP MEETING

Finally, an FYC Meeting June 6th!

We welcome everyone to our first general meeting since 2020. We will celebrate the 50th anniversary of Oregon's Senate Bill 100, the legislation that established the state's landmark land use planning program with cake! The meeting will be held at:

Tuesday June 6:30 -8:30 p.m.
Carnegie Room, McMinnville Public Library
225 NE Adams St.
McMinnville, OR 97128

Mary Kyle McCurdy, 1000 Friends of Oregon Deputy Director, and Rob Hallyburton, FYC vice president, will lead a presentation Oregon's landmark statewide planning program, and share tips on how to effectively participate in local land use matters.

Mary Kyle McCurdy is a legend in Oregon planning circles. She is one of the most respected land use attorneys in Oregon and is familiar to many members from her involvement in urban growth boundary issues in McMinnville and Newberg.

Before retirement, Rob was a county planner for 13 years, including five years at Yamhill County, and worked at the state Department of Land Conservation and Development for almost 20 years as a regional representative and division manager.

Come join us looking back, but more importantly looking forward to Yamhill County's livable future!

NEW FYC WEBSITE LAUNCHED

Check it out! The Friends of Yamhill County website has been relaunched with a new events calendar, newsletter archive, and donation portal along with key facts about land-use planning resources. The events calendar is updated with FYC meetings as well as key hearings and opportunities for FYC members to get involved in local land use actions. Board members, Rob Hallyburton and Anneka Miller collaborated to build the website, which can be found at <https://friendsofyamhillcounty.org>.

Please keep in touch with your interests and concerns. Send us an email at 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: Jeanne & Carr Biggerstaff, Sid Friedman, Kathryn Jernstedt, Ilsa Perse, Rob Hallyburton, Mark Davis, Anneka Miller, and Marilyn Walster for their contributions to this newsletter.

MARILYN REEVES (1931-2022)

By Ilsa Perse



Former Friends of Yamhill County president Marilyn Reeves was simply a force of nature. Within two weeks of meeting her 30 years ago, I began attending FYC meetings, knowing nothing about Oregon's land use laws, but if Marilyn was championing them, then I wanted to as well. I sat with Marilyn at countless county commissioner meetings, marveling at how she stood her ground, while emphatically schooling the commissioners on what was what, while never losing her cool.

Her intelligence, energy, perseverance, quick wit, and dedication meant that anything she did, she did well. And, she did a LOT of things. She and her husband, Milt, moved around the country, as Milt pursued a career with the U.S., Fish and Wildlife Service. Every place they landed, Marilyn made a name for herself.

In the early 1980s Marilyn and Milt moved to Yamhill County. Marilyn jumped right in, working on environmental issues and Oregon land use laws. She helped to organize Friends of Yamhill County, after which the county was never the same! While working to get FYC off the ground, she was also the first chair of the Hanford Advisory Board and served on many prestigious west coast advisory committees.

Marilyn was an active member of the League of Women voters for 62 years, as a volunteer and a three-term vice-president. She lobbied Congress to strengthen environmental laws, long before it was fashionable to champion these issues. While in Maryland, she worked so hard to protect the Chesapeake Bay that Maryland's Governor Harry Hughes awarded her the title Admiral of the Chesapeake Bay.

Eight years ago, I visited Marilyn in rehab after she broke her hip, and a nurse came in and said in a genuinely astonished voice, "You can't possibly be the age I'm seeing on your chart." She always radiated positive energy and a remarkable sharp wit.

Marilyn said a lot of insightful things, but the one I remember most is, "The problem with Oregon is you can't eat it all." I still want to be like Marilyn when I grow up.

THREE MILE LANE UPDATE

Last October, the McMinnville City Council approved the Three Mile Lane Area Plan. The Plan's most controversial aspect proposed to rezone 60 acres of industrial land south of Highway 18 for a regional shopping center. The Council scaled this back to 33 net buildable acres.

Three property owners filed applications to rezone the original 60 acres. Over the past two years they have asked to postpone the hearings 16 times. Most recently in April, they asked for another continuance until August 17.

Retail jobs, on average, pay only half the wage of manufacturing jobs. FYC believes the high-speed bypass around the city should not be clogged with cars trying to reach a shopping center; especially one that will compete with our existing business districts and take some of our best remaining industrial land.

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/>.

BIG RULING IN B&B/HOTEL CASE

FYC appealed two separate approvals by Yamhill County of “bed and breakfast inns” (B&Bs) in Exclusive Farm Use (EFU) zones that were actually hotels. Both were approved as home occupations.

Home occupations are, as the name suggests, home-based businesses. Limitations in state and county law are intended to ensure that they are small-scale and don’t interfere with the primary use in EFU zones – farming.

Home occupations are only permitted within dwellings or other structures otherwise permitted in the zone (such as a garage or barn). In both cases, the applicants proposed new structures designed for accommodating transient lodging – not houses.

Although the Land Use Board of Appeals (LUBA) upheld the county’s approval of the Grange Hill inn near Dundee, LUBA agreed with the county that the proposed structure was a “dwelling,” because it contained a manager’s suite (in addition to nine rooms for rent).

FYC believed LUBA’s decision was incorrect. We appealed LUBA’s decision to the Court of Appeals, where we won resoundingly. We thank 1000 Friends staff attorney, Andrew Mulkey, for his great work in representing us.

The Court of Appeals reversed LUBA’s order and the county approval as “unlawful in substance.” The court found that “the structure within which the bed and breakfast inn exists must be, first, a dwelling,” and that the county had instead approved a motel or hotel that happened to also contain a manager’s residence.

This decision is recent so the applicant’s and county’s responses are unknown. The second case, outside Carlton, is on hold pending the outcome of the first case. Again, it’s too soon to know what will happen with this proposal. In the Carlton case, the building is already built.

Tourist facilities on farmland are pressuring farming and land prices, overburdening rural infrastructure, and unfairly competing with in town businesses that comply with the law. The proliferation of short-term tourist rentals on farmland is bad enough, but these even-more-intensive hotels and the event centers and quasi-restaurants they engender are a step too far.

PSILOCYBIN ORDINANCE UPDATE

In 2020, Oregon voters legalized the cultivation and processing of psilocybin mushrooms, and psilocybin service centers. Proponents hailed its promise in dealing with Post Traumatic Stress Disorders.

Counties can choose to allow service centers in farm zones, but only “in conjunction with a psilocybin-producing fungi crop.” The Yamhill Planning Commission recommended that service centers only be allowed in limited areas and not within farm zones.

Farmers swath at night, use propane cannons, and transport Christmas trees with helicopters. The planning commission considered the potentially triggering nature of these agricultural practices for someone suffering from PTSD, and the distance from emergency facilities should a patient have an adverse reaction. The planning commission also considered the lack of any real world experience with psilocybin service centers and thought it best to start small, before pushing the gates wide open.

Two property owners in exclusive farm use zones, one of whom operates a private campground, told the Board of Commissioners that they wanted to open for-profit service centers. The board then adopted an ordinance that allows service centers at private compounds without a psilocybin crop.

Both the State of Oregon and FYC have appealed to LUBA and settlement discussions with the county are underway.

LEGISLATIVE OVERVIEW

If land use seems complicated it is largely because of all the exceptions and carve-outs that get proposed session after session. Special interests lobby for exemptions that benefit themselves, regardless of Oregon's long-term vision. That is not the Oregon way and it undermines what makes the state so special.

This session is no different. Development interests are taking full advantage of leadership changes and using legitimate concerns about housing supply to further undermine Oregon's land use system. Busting Urban Growth Boundaries will not solve the housing shortage. The cost and infrastructure burden of building outward on resource land does not produce the housing mix that Oregonians actually need and can afford. Paving productive lands for more sprawl is antithetical to combating climate change and fossil fuel dependency. Instead, we should be reinvesting in existing neighborhoods where taxpayers have already paid for urban infrastructure.

The prospect of federal CHIPS Act funding spurred SB 4, fueling drama around land to attract a silicon chip plant. Special interests tied to a particular property north of Hillsboro used the bill as a vehicle to break through long range plans that had included it in a 50 year rural reserve. The bill passed, giving the governor unprecedented executive authority to bring a certain number of sites, into an urban growth boundary- only if there is no other available land for possible semiconductor expansion. 1000 Friends and allies identified a number of large, eligible and appropriately zoned parcels elsewhere around the state that are immediately available. Promoting this kind of development outside of the Metro region is an opportunity to build a bridge across the urban-rural divide.

1000 Friends and allied groups have worked together to push back and blunt some of the worst bills. There have also been meaningful legislative wins around housing, food access, and environmental issues. Thank you to all of you who have sent testimony and comments. However, deals can still but cut until the last gavel. As of this writing, we await for revenue forecasts and the serious budget work that will follow. Get more details and the latest news at www.friends.org/latest.

AROUND THE COUNTY

A brief rundown on some others issues we've been involved in:

Jahnke Drive: We lost our long running fight over a new public road across a farm parcel when the Oregon Supreme Court declined our petition for review. The road is intended to access a 27 acre landlocked parcel for which a partition also been approved. This results in two 2.4 acre parcels with the remainder as a single parcel. We are monitoring wetlands protection on the larger parcel and anticipate further applications to pursue a subdivision of ten dwellings.

Johnson Measure 37 Subdivision Update: Despite unequivocal court losses, Yamhill County has approved the Johnsons fourth application for a vested right to complete a 41-lot subdivision on prime farmland outside of Newberg. Friends of Yamhill County, the Biggerstaffs, and the State of Oregon have filed in circuit court to stop it. This should end the matter, but the county can't seem to say no.

Illegal uses on East Creek: FYC opposed an application to replace an illegally constructed building and add dwellings and other buildings at a commercial pottery school on East Creek near Willamina, in a forest zone. The applicant asserts they are alterations of a non-conforming use. A "non-conforming use" is one that was legally established but zoning regulations changed to make it no longer permitted. In this case, the building proposed to be replaced was never legal. The county has not made a decision as of this writing.

Manchester Solar: Last December, the Yamhill County Board of Commissioners denied a claim by Manchester Solar that they had vested the right to build a 10-acre commercial solar array on high-value farmland outside of Dayton. Manchester Solar gained approval in 2018, but had not yet started development before the permit expired. 1000 Friends and Friends of Yamhill County joined county staff in urging denial. The applicant's appeal to LUBA is pending.