



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.

WINTER 2024

STATE FARM AND FOREST LAND PROTECTION SPECIALIST FEATURED AT FYC MEETING, THURSDAY, FEBRUARY 29

Mark your calendars for leap day! We are very excited to have Hilary Foote, Farm and Forest Land Use Specialist for the Oregon Department of Land Conservation and Development, as our featured speaker at the annual membership meeting in February. Hilary will update FYC and guests on how Yamhill County is doing protecting farmland and brief us on the state's "Farm and Forest Conservation Program Improvements Project".

Hilary engages with Oregonians on a variety of matters related to the conservation of working farm and forestlands through the state's land use planning program. Following a 15-year career in renewable energy development and asset management, Hilary worked for Tillamook County as the farm and forest planner where she spent several years working closely with the local agricultural community. She and her husband operate a pasture-based farm nestled in the western foothills of the coast range.

In addition to our featured speaker, we will elect board members (see companion story) and provide updates on land use issues FYC has participated in recently. The public is invited. We are gathering:

Thursday, February 29, 2024
Program begins at 7:00 p.m.
McMinnville Public Library's Carnegie Room
225 NW Adams Street, McMinnville

We hope to see you there!

BOARD ELECTION AT FEBRUARY 29 MEETING

It's time for the Friends of Yamhill County Board election. Current Board members make up this year's slate: Kathryn Jernstedt, President; Rob Hallyburton, vice-president; Mark Davis, treasurer; Steve Iversen, secretary; Sid Friedman, Ilsa Perse, and Anneka Miller. This doesn't mean we don't want/need new blood on the Board, because we do!

If you are a current member of FYC and would like to nominate yourself or another member, please send your nomination to friendsofyamhillcounty@gmail.com prior to the February meeting. There will be also be an opportunity to nominate candidates at the meeting itself. Prior to making a nomination, please confirm that the nominee is willing to serve if elected.

No need to be a land-use expert to be on the FYC Board. All that's needed is the desire to protect the present and future quality of life for urban and rural residents in Yamhill County. The Board is where the decisions happen.

Want to get more involved? Email us at friendsofyamhillcounty@gmail.com

FYC needs you!

Please keep in touch with your interests and concerns. Send us an email at
friendsofyamhillcounty@gmail.com

NEWBERG EXPANDS URBAN RESERVE BOUNDARY; FYC FILES OBJECTION



Property owners for over 95 acres east of Newberg applied to have their property included in the “Urban Reserve.” An urban reserve is land outside the urban growth boundary (UGB) that is planned for future urban growth. The UGB is designed to meet the city’s land needs for 20 years while the urban reserve is sized to accommodate 10 to 30 years growth beyond that.

The decision on how much land to include in the urban reserve, and where to locate the boundary, is made after considerable study that is usually completed by the city. Newberg allows property owners to propose amendments to the boundary, though.

This proposal is at the intersection of Corral Creek and Fernwood roads on Parrett Mountain, near the Chehalem Glenn golf course. It is all zoned Exclusive Farm Use (EF-20), and it is composed of Class 1 through 4 soils, with over half being Class 2. Over a quarter of the land is prime farmland. The applicant proposes to develop the land as an upscale pickleball community.

The proposal has been subject to three hearings and FYC participated in them all. The Newberg Urban Area Management Commission (NUAMC) is like a planning commission comprised of city and county representatives. At the NUAMC hearing, both city and county planners recommended denial. Nonetheless, this body recommended approval of the application to the elected officials, but not for all of the acreage. The city council opted to approve the entire request, and the board of county commissioners followed suit.

The case now goes to the director of the Department of Land Conservation and Development for a decision. Both FYC and area residents have filed objections with the department. The director may approve or remand the proposal, or refer it to the Land Conservation and Development Commission (LCDC). The director’s decision is expected by February 17. That director’s decision can be appealed to LCDC.

MCMINNVILLE THREE MILE LANE UPDATE

In our last issue we noted that 3 property owners had filed applications to create a 60-acre shopping center along Three Mile Lane. Those applications have been withdrawn, but could be resubmitted later if the owners decide to try again.

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, and Marilyn Walster for their contributions to this newsletter.

BED & BREAKFAST CASE HEADED TO SUPREME COURT

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 the Grange Hill Inn and the Inn at the Ground were approved as “home occupations.”

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 transient lodging – not houses.

One appeal is proceeding while the other is waiting for the outcome of the active case. The Land Use Board of Appeals (LUBA) upheld the county’s approval of Grange Hill near Dundee. LUBA agreed with the county that the proposed structure was a “dwelling.”

FYC appealed LUBA’s decision to the Court of Appeals, where we won resoundingly. The Court of Appeals reversed LUBA’s order and the county approval as “unlawful in substance.” The court found that instead of a dwelling, the county had approved a motel or hotel that happened to also contain a manager’s residence.

The applicants for Grange Hill appealed the Court of Appeals decision to the Oregon Supreme Court. The Supreme Court was not required to accept the case, but it did. Briefs have been filed and oral argument is scheduled for March 1. Andrew Mulkey from 1000 Friends of Oregon will argue the case for FYC. In the meantime, the pending case is operating as Inn the Ground outside Carlton off MeadowLake Road.



BIG WIN IN AGRITOURISM CASE!

Many so-called agritourism activities have little or nothing to do with agriculture, drive up the price of farmland, create unacceptable conflicts for neighbors, overburden rural infrastructure, and unfairly compete with in-town businesses which pay for city services and urban infrastructure.

For these reasons, both state law and local ordinance establish strict sideboards for agritourism events. When more than 6 annual events are proposed, they must be necessary to support the commercial farm uses on the subject tract or the commercial agricultural enterprises in the area.

The Riverwood Ranch near Dundee advertises as a “Luxury Wedding and Event Venue,” with “enough space to accommodate hundreds of guests.” Their website invites the public to “Host any event you’d like at Riverwood Ranch.” After the County approved their application for 18 annual events, FYC appealed.

In an important win for farmland conservation, LUBA found no evidence that the proposed weddings and reunions (and other events) were necessary to support commercial agriculture.

Attorney Jeff Kleinman generously represented FYC in this exciting victory through the Cooperating Attorneys Program at 1000 Friends. We are grateful for his commitment to Oregon’s farm and forestland protection.

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/>.

2024 SHORT-SESSION PREVIEW

The 2024 Legislative Session opens February 5 and runs until March 10th. Short sessions in even years are intended to focus on priority issues that arise between the long sessions in odd years. Due to the dysfunction of 2023 some of the same issues and bills – good and bad – are expected to be reintroduced.

FYC will be working with 1000 Friends and sister organizations to address the housing crisis. Oregon’s land use system will help provide solutions. Blowing it up won’t work. The misguided notion that Urban Growth Boundaries are an impediment to be side-stepped is a recurring fallacy that we will doubtless need to combat.

There are more than 10,000 of acres of land inside Oregon UGBs zoned for residential development- the barrier is lack of infrastructure investment. McMinnville’s UGB has 763 acres of vacant buildable land. Newberg’s UGB has 631 acres.

- Throughout the state, there are redevelopment opportunities where infrastructure already exists, and the locations are well-located near stores, schools, and transit.
- Priority must be given to building the mix of housing types that build strong neighborhoods and serve the mix of Oregonian’s lifestyles and economic prospects, instead of large-lot, high-end housing on the urban fringe.
- Consider the long-term consequences. Agriculture is the second largest industry in Oregon. Converting irreplaceable farmland into large expensive homes may benefit developers, but it damages our economy, while doing nothing to house those of more moderate means.

As the session progresses, we will try to keep you posted on the FYC website.

MCMINNVILLE CONTINUES AGGRESSIVE EXPANSION PLANS

Just 3 years after its last expansion, the City of McMinnville is planning for another Urban Growth Boundary (UGB) expansion onto prime farmland. The city’s own analysis shows it already has over 1,270 acres of vacant buildable land in the boundary, including 763 acres of vacant residential land.

The city intends to use a sequential process—first adopting the Housing Needs Analysis (HNA) and Economic Opportunity Analysis (EOA) that lay out the justification, then creating a housing strategy and efficiency measures, before finally selecting the land to be included.

There are serious flaws in these analyses. Compared to the recently completed UGB expansion, the city is moving in the wrong direction. The city is planning for fewer homes per acre, fewer jobs per acre, and is inflating its land needs with wildly unrealistic parkland numbers, assuming that there will be more parks than housing on the buildable residential land added to the UGB in 2021. The city has no strategy to buy this much land.

The Planning Commission recommended adoption of the HNA and EOA last September. Without holding a public hearing, the City Council on a split vote amended the Planning Commission recommendation to include additional land that its own attorney said lacked clear legal justification.

Final adoption of the HNA and EOA are scheduled for early 2024, followed by review by the Department of Land Conservation and Development (DLCD). Then the city plans to address its housing strategy and efficiency measures. By the end of 2025 the City expects to select the land for inclusion in the UGB.

The city’s hardline approach to the HNA and EOA will likely force us to file objections with DLCD over their most questionable aspects. A less aggressive approach would not only result in a faster and less expensive planning process, it would also better serve our community. The prime agricultural lands that surround McMinnville play a vital role in our local economy. It makes no sense to cover these working lands with large lot subdivisions that many current and future residents cannot afford.