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Board Letter

Hearing Date: Oct. 23, 2025

Staff: Kat Ricker, Public Information
Director

Subject: Discussion and updates of the Ewing Young
Bridge project

Order on Agenda: Action Items and
Board Comments, Item VII. C

DISCUSSION

Addendum B is an updated document with comments submitted by Mr. Ed Fredenburg on the Ewing Young Bridge Project. This updated letter should replace Mr. Fredenburg's letter which is included in the meeting packet. This is being added as an addendum and is noted as such on the amended agenda because Mr. Fredenburg submitted it to CPRD after the packet was released.

ATTACHMENTS

Letter to Board of Directors from Ed Fredenburg

Response to Yamhill County Planning Director's September 2025 letter to CPRD

1. The statement that all bridges in Yamhill County Parks (zoned PRO) were constructed long before the 2018 LUBA decision (Van Dyke v. Yamhill County) is not true.
 - Vehicle bridge and footbridge at Deer Creek Park were constructed in 2023
 - As explained below, the bridges in Deer Creek Park would have been allowed as an "Accessory Use" in zone PRO. But it would then be difficult to explain why a footbridge in zone PRO is okay but would not be allowed for the identical reason in zone AF-10.
2. The statement that "if a similar application came in from Yamhill County, it would also be denied by our office based on the LUBA decision and ordinance in place today" misrepresents the LUBA decision.
 - To provide some context, the LUBA decision concerned a proposed 12 mile recreational trail on an abandoned railroad right of way that Yamhill County supported at the time and which farmers on adjoining land opposed. Yamhill County commissioners have since decided to side with the farmers and have not appealed the LUBA decision.
 - The LUBA decision addressed six "Assignments of Error" of which AF-10 zoning was only a minor part of the "Third Assignment of Error" and addressed in only 1-1/2 pages of the 27 page decision.
 - Yamhill County's argument in the LUBA case was based on its Transportation System Plan which it considered to be governing – not on its zoning ordinance.
 - The LUBA decision pertaining to AF-10 zoning was simply to remand the case to Yamhill County. It was not a definitive final decision on whether the Yamhelas Trail would violate AF-10 zoning requirements.
 - Yamhill County's assertion that the LUBA decision prohibits "transportation facilities" (including footbridges) in AF-10 zoning anywhere and everywhere in Yamhill County is apparently based on a footnote that says "petitioners appear to be correct" which is hardly definitive and which applied only to the 2018 LUBA case.
 - While the proposed recreational trail in the LUBA case was 12 miles long, the proposed bridge across Chehalem creek is only 95 feet long and would not affect farming practices since there are no adjacent farmers. But that is not the critical difference. The 2018 LUBA case and CPRD's case are different in one critical way relative to Yamhill County's zoning ordinances:
 - There was no primary use for which the Yamhelas Trail would be allowed as an "Accessory Use".
 - Since "Park" is listed as a Permitted Use under AF-10 zoning, the proposed footbridge to CPRD's 11 acre undeveloped and adjoining portion of Ewing Young Park would be allowed as an "Accessory Use"
3. Handout on "Accessory Use"
 - The term "Accessory Use" is used widely in zoning ordinances across the country to avoid an "exhaustive list of permitted uses".
 - Definition in YCZO 202: "A use which is incidental and secondary to the principal use on the same parcel."
 - Definition in handout: "A use which is customarily incidental and subordinate to the principal use on the same lot with this principal use."