

**For Immediate Release**

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## **Yamhill County Farmers and Vintners Hail Court Ruling Protecting Oregon Wine Country from Rural Sprawl**

Contact: Ilsa Perse, 971-241-7503, Friends of Yamhill County  
Ralph Bloemers 503-525-2727, Crag Law Center (mobile 503.504.2432)  
David Adelsheim, 503-538-3652, Adelsheim Vineyard (mobile - 503.577.0932)

(Yamhill County) In a decision issued today, the Oregon Court of Appeals took a big step to preserve Oregon farm and forest lands from large developments proposed under former Measure 37 claims. The Court reversed Yamhill County's decision allowing a large development in Yamhill County to go forward and upheld the application of Measure 49. Measure 49 was passed in 2007 to reign in the worst abuses of Measure 37.

In Yamhill County, a number of property owners with claims under former Measure 37 had sought to go ahead with their large developments despite the passage of Measure 49. The county granted these requests without considering the negative impacts of these developments on neighboring property owners. These large development projects threatened rural land, the livability of these communities and the viability of local groundwater supplies. The Friends of Yamhill County worked with neighbors, including farmers, vineyard owners and winemakers, to challenge four separate development proposals. In 2008, the Yamhill County circuit court upheld the county's decisions and the neighbors appealed the decisions.

In the appeal, the neighbors pointed out that the landowners had not even started the large developments before Measure 49 passed. The owners had spent money on lawyers and consultants, but very little if any development had actually been done on the ground and the amounts the owners expended were a fraction of the total costs of these subdivisions. While Yamhill County concluded the small amounts of monies spent on preparatory work were sizeable enough to allow the development to continue, the Oregon Court of Appeals rejected these arguments and reversed the trial court.

Now, instead of large subdivisions sprouting up on prime farmland and threatening water supplies, the owners will be able to pursue modest developments of up to three homes allowed under Measure 49. Ilsa Perse from the Friends of Yamhill County stated: "While many people pursued modest claims under Measure 37, others pursued large developments that threatened farms, forests and water supplies. Neighboring owners have property rights, too. This ruling safeguards their interests as well. The court recognized the rights of neighbors while allowing owners to move forward with developments that meet the requirements of Measure 49."

Measure 37 proponents insisted that its purpose was to allow rural landowners to build a few houses for their family. In reality, Measure 37 resulted in over 6,800 claims. More than half of those were for large subdivisions on valuable farm and forest lands. When Oregonians realized the impact on local agriculture and water supplies, they passed Measure 49 to reign in the worst abuses and provide modest development options instead. Measure 49 provided up to 3 houses per parcel without proof of financial loss, or more if the owner proved an actual financial loss. Measure 37 had not required any actual proof of loss.

David Adelsheim, President of Adelsheim Vineyard, stated: “Oregon winegrowers know the importance of preserving prime agricultural land. Oregon’s land use laws are the reason our industry exists today. Without the establishment of Exclusive Farm Use zoning and Oregon’s comprehensive land use system, the hillsides our industry needs to produce the best grapes would have been dotted with housing developments instead of rows of Pinot noir vines. No visitor would want to come to a Wine Country filled with rural subdivisions. We need to be able to count on the same protections going forward to insure that Oregon wines continue to flourish.”

In 2008, the Oregon wine industry had a \$1.4 billion economic impact on the state, and the industry has continued to grow, even during the current recession. Today’s court decision protects the industry from the development pressures encouraged by Measure 37.

Ralph Bloemers, a staff attorney with the Crag Law Center, stated: “Many people sought to take advantage of Measure 37 and develop large residential subdivisions, commercial developments and gravel mines. These proposals threatened neighboring property rights, water supplies and undermined the efforts of people with more reasonable goals. This decision protects neighboring property owners and preserves Oregon’s valuable agricultural capabilities.”