

Yamhelas Westsider Trail Frequently Asked Questions (FAQs)

Yamhill County is providing this list of frequently asked questions (FAQs) in order to provide citizens with the most up-to-date information available about the acquisition, planning, and development of the Yamhelas Westsider Recreational Trail. The questions and answers provided below were submitted by members of the public, answered by County staff, and last updated on May 1, 2018.

GENERAL INFORMATION

The Yamhelas Westsider Trail has general support from the local communities it directly impacts, from Yamhill County and from the State of Oregon. Like all trails, the project will undergo three main phases: 1. Acquisition of the property, 2. Development of the trail, 3. On-going Maintenance. The county is in the development stage of this long-term project.

Here are the facts that we know to date:

1. Yamhill County acquired 12.48 miles of the multi-modal transportation corridor (Yamhelas Westsider Trail) on November 10, 2017.
2. Yamhill County will work in partnership with the Friends of Yamhelas Westsider Trail (FYWT) nonprofit organization to develop, improve, and maintain the trail.
3. The FYWT has pledged to support the county's efforts by supplying volunteers and financial support. As an Oregon nonprofit corporation and a federally recognized tax exempt 501(c)(3), the FYWT can apply for grants for which the county may not be eligible. Conversely, Yamhill County is able to apply for grants that a non-profit is ineligible to apply for.

ACQUISITION

Is this rail line being rail-banked?

No. Yamhill County purchased the railroad corridor from Union Pacific Railroad (UPRR) on November 10, 2017.

How much will acquisition of the UP corridor cost and where will funds for acquisition come from?

The final purchase price was \$1,400,000.00 and the acquisition closed on November 10, 2017. The county acquired 12.48 miles of corridor. Acquisition funding came from ODOT and Oregon Parks and Recreation Department grant funds.

How much funding is available under the current grants for corridor acquisition?

The total award for acquisition to date is \$1,856,206. Some of this funding paid for grant requirements such as preliminary engineering, concept design, environmental phase one and other activities under the grant agreement.

Is there a County match required or anticipated for acquisition of the corridor?

The required match associated with the Transportation Enhancement grant was \$196,069. The county paid \$177,481 and the FYWT contributed \$18,588. No additional match for acquisition is required at this time. See below for more information regarding grants.

When do you anticipate acquisition of the corridor will be completed?

Acquisition was completed on November 10, 2017.

Why are you moving forward with purchase of the corridor before knowing what the total cost of development will be?

There is value to the county in owning this multimodal transportation corridor, as it is a unique transportation asset. While the current plan is to pursue development of a trail, the corridor could be utilized for a variety of other transportation uses in the future.

Will additional county resources (i.e. staff, general fund revenue, etc.) be required for acquisition and development of the corridor?

County staff has been, and will continue to be, involved in the acquisition and development of the corridor in the same ways that it is involved in other county functions, projects, and activities. Whether additional county resources will be necessary for future corridor planning or development will be determined by the Board of Commissioners as the project moves forward. At the beginning of the 2017/18 fiscal year, a process was developed that allows time and costs of county staff to be tracked and reported.

What grants has the county been awarded for this project?

Grantor: Federal Highways Administration, administered by Oregon Department of Transportation's Transportation Alternatives Program: "Yamhelas Westsider Trail: Phase 1"

Date of Acceptance: December 16, 2013

Award Amount: \$1,730,206

Required Match: 10.27% (The federal required rate), \$196,069 (Yamhill County Paid: \$177,481 and the FYWT contributed: \$18,588).

Purpose: Acquisition

Grantor: National Parks Service

Date of Acceptance: November 20, 2014

Award Amount: \$0- Technical Assistance Only

Required Match: None

Purpose: Development of a concept plan (Completed)

Grantor: Oregon Parks and Recreation Department – Local Government Grant Program

Date of Acceptance: January 14, 2016

Award Amount: \$126,000

Required Match: Previous grants and expenditures qualified as match for this grant (no new funds required)

Purpose: Acquisition

Grantor: Oregon Department of Transportation's Connect Oregon VI Program

Date of Acceptance: March 9, 2017

Award Amount: \$1,012,186

Required Match: The 30% match requirement for this grant has been fulfilled by previous grants and expenditures related to the project (no new funds required).

Purpose: Design and engineering of three stream crossings between Yamhill and Carlton, and the construction of one of these bridges at Stag Hollow Creek.

Total Grants applied for and received to date: \$2,868,392

Total grants applied for but not yet finalized: \$200,000

What are the timelines or deadlines under the ODOT and OPRD grants?

The timelines for these grants have been extended to accommodate the timeline of acquisition. The ODOT acquisition grant closed on December 31, 2017. The OPRD acquisition grant also completed on December 31, 2017. The Connect OR VI grant currently has a project completions date of May 19, 2020.

What else has the county paid for to support this project?

Phase 1 Environmental Review of 3.5 miles of the ROW: \$4,000

Preliminary Title Report for 3.5 miles of the ROW: \$5,000

ROW Appraisal: \$21,000

Equipment Rentals: \$2,053

Can you clarify whether Ken Wright is going to donate his land in Carlton as part of one of the grants as posted on the county website? It was stated multiple times at the June 8, 2017 Community Forum that Ken Wright will be offering an easement instead of donating the land (BO 13-175). Is this bait and switch?

Ken Wright donated to the county three easements that allow the county to construct, maintain, and operate a public trail through his property in Carlton, including the historic Carlton Depot property (also known as the "Carlton Red Electric Station"). The easements form a continuous corridor through the property, 16 feet wide and approximately 1,329 feet in length (excluding the width of streets that intersect with the corridor). Additionally, Eric Witherspoon and Carlton Veterinary Hospital owners Nichole Pilakowski and Leanne Mellbye donated a similar easement through their property, providing continuous trail access through the City of Carlton. These important donations are what the county had sought from the parties since at least 2013 when the county obtained surveys of the easements and received commitments for their donation.

If not "doable" will the land ever be available for purchase by adjacent owners?

The railroad corridor is now the property of Yamhill County, and there are no current plans to sell it, whether or not a formal trail is constructed and developed there. Construction of a railroad in the corridor occurred in the early 1880s, including excavations and the placement of ballast and rails. While some of the ballast was later removed, much of it remains. The predominant soils within the corridor are no longer farm soils, and have not been since at least 1882. At this time, there is a majority consensus of the Board of Commissioners that the highest and best use of the corridor is transportation uses that include, at least as an interim use, multimodal trail use.

How can negotiations for cost be ongoing when this isn't "approved"?

Under state and county law, Yamhill County has the legal authority to purchase any land it deems necessary or appropriate without additional authorization. Once the purchase price was negotiated the final purchase and sale and donation agreement came before the Board of Commissioners, who voted 2-1 to approve the purchase on August 24, 2017.

CONSTRUCTION & MAINTENANCE

Who will construct and maintain the trail?

Options for construction and maintenance will be analyzed in the trail planning process. One of these options is the creation of a public/private partnership. Funds for construction will most likely come through state, federal, and private funding sources (grants). Yamhill County intends to partner with the FYWT for the maintenance of the trail and to utilize county resources as needed.

What will this trail look like and what is a multimodal trail?

The typical right of way width is 60 feet along the trail corridor. This amount of right of way allows flexibility in the trail design. A multimodal trail is a flat pathway that accommodates a variety of uses through differential surfacing. A 10-foot wide asphalt path is optimal for pedestrians and cyclists where a hard surface is preferred. A landscape buffer will separate the asphalt path from a 4-6 foot wide dirt path along the more rural areas of the corridor. This dirt path is most ideal for equestrian use. The trail and associated trailheads will be designed for maximizing ADA accessibility.

What are the hours of operation for the trail?

This hasn't been decided yet, but probably dawn to dusk. The Yamhelas Westsider Trail will be a day use facility.

How soon will development occur and what is the process?

Construction of Stag Hollow Creek Bridge along the corridor in Yamhill south of Highway 240 is the first planned development. Prior to the construction, Yamhill County will engage local citizens in informational meetings to inform them of the construction process and gather input for aesthetics and design. The county, along with the FYWT, are seeking grants to establish final plans prior to any additional development. Public input and engagement will guide the planning process. Final plans will take one to two years to complete. Development will also involve many partnerships with public, private, and non-profit organizations. The county, along with the FYWT, will seek funds from grants and foundations. It is anticipated that the corridor linking Carlton and Yamhill will be the first focus for development. Development of the entire corridor will be a long-term process that is anticipated to occur over the next 10 to 20 years.

What are the estimated maintenance costs for the project and what will be the burden of the county taxpayers?

The estimated annual maintenance is \$1,500 per mile per year for a developed trail, which would total \$18,000 per year for 12 miles of trail. This estimate is based on maintenance costs from similar multimodal trail systems (Banks to Vernonia - Oregon, Folsom Trail System - California, Schuylkill Trail - Pennsylvania, & Latah Trail - Idaho).

Types of routine maintenance include: landscaping/mowing, removal of trash from receptacles, repair of signs, gates, and bollards, repair of small potholes, repair of fencing, erosion control, and clearing of storm debris from the trail.

A public/private partnership established between Yamhill County and the FYWT will help to limit cost to taxpayers. The FYWT may establish an adopt-a-trail program where volunteers assist with routine maintenance. Ideas have been discussed such as regularly scheduled service days that would engage the community in landscaping, cleanup, and beautification projects keeping the trail well maintained.

Longer-term maintenance includes: asphalt resurfacing/chip sealing, striping and repairs to bridges/crossings. These types of repairs are anticipated every 15 to 20 years. Annual fundraisers held by FYWT could raise revenue towards the establishment of an endowment fund that collects interest over time. This endowment fund would only be utilized for long-term maintenance projects and/or major repairs.

What is a trailhead and where will these be located?

A trailhead is a location along the corridor where public points of access and amenities are provided. Features may include public parking, lighting, restroom facilities, water fountains, small picnic shelters and tables, informational kiosks, and trash/recycling receptacles. The placement of trailheads will be coordinated with stakeholders and citizens during the master planning process. Some possible locations are south Gaston, Yamhill, and Carlton. An equestrian trailhead near Cove Orchard is also a possibility. Exact Trailhead locations will be determined as part of the design process of each trail segment.

FARMING PRACTICES

Will the development of the trail affect farming practices?

Many trails like the one proposed have been developed adjacent to and/or through working farms with no adverse effects either to trail users or to the farmers' ability to manage their farms. Plans for the Yamhelas Westsider Trail will address agriculture issues and attempt to minimize all identified potential conflicts with nearby agricultural uses, overall, and with attention to specific agricultural practices and costs. See below for a discussion on crossing the trail to access a field. Exact impacts and mitigation will be determined during analysis and taken into consideration during public hearing processes in the future.

I have heard that a farm impact study is required by law prior to approval of a trail. Is that correct?

Under Oregon land use law, findings must often be made by the county prior to allowing nonfarm uses in farm zones. Those findings would address whether the proposed use might significantly increase farming costs or significantly affect farming practices.

In this case, the county's comprehensive Transportation System Plan currently recognizes the UP rail corridor as a multi-modal transportation corridor that is appropriate for a trail and for more intensive transportation uses. Additional findings are not required under these circumstances. However, a majority of the existing board has expressed the desire to complete a farm impact analysis prior to proceeding with development of the trail. The county is proposing to adopt findings addressing the farm impact standards and requiring appropriate mitigation if impacts are identified. A record supporting any findings made would be established through a public hearing process before the county planning commission and Board of Commissioners, following a legislative/plan amendment process. Landowners along the trail will have an opportunity to outline their concerns through the hearing process, which is planned to take place following the purchase of the corridor, and prior to development of the first trail segment. The first hearing will be held on May 3, 2018 before the Planning Commission, and the second hearing will be held on May 15, 2018 before the Board of Commissioners.

Will right to farm laws be enforced?

The Oregon Right-to-Farm laws protect growers from court decisions based on customary noises, smells, dust, or other nuisances associated with farming. It also limits local governments and special districts from administratively declaring certain farm and forest products to be nuisances or trespasses (ORS 30.930). Protected practices must take place on farms or forestland, be generally accepted, comply with applicable law, and be performed in a reasonable manner. Yamhill County does not “enforce” right-to-farm laws, but also does not propose any activities (in the corridor or elsewhere) that would abrogate existing Right-to-Farm laws.

PLANNING PROCESS

Who is involved in the planning of the project?

The FYWT and Yamhill County are leading the planning and development of the trail. We are actively working with citizens, Washington County, the City of Carlton, the City of Yamhill, the City of Gaston, and other stakeholders. The FYWT and Yamhill County received a technical assistance grant from the National Park Service’s Rivers, Trails and Conservation Assistance Program (www.nps.gov/rtca) that helped the FYWT conduct a public survey and go through an initial public collaborative planning process to better understand the desires and concerns of the community. In November 2015, the FYWT and the NPS hosted a group of landscape architects from the American Society of Landscape Architects to work with stakeholders to draw up initial conceptual plans. The FYWT have also hosted many public meetings for the purposes of informing the public and taking public input. In addition, in June of 2017, Commissioner Richard L. ‘Rick’ Olson convened a well-attended public meeting to provide citizens the opportunity to ask questions and provide written and verbal testimony on the trail project. Results of those questions and testimony have been included in the project documentation with many of the questions being added to these Frequently Asked Questions (FAQs).

Is ADA factoring into the plans?

Yes. ADA recommendations and requirements will be considered during development of final plans for trail construction and use, and ultimately incorporated into the design of the trail.

ADA Accessible Trail Design Considerations:

Banks-Vernonia State Trail – 22.7 miles Asphalt is ADA Accessible

Commonalties between Accessibility, Resource Protection and Sustainable Trail Design

1. Curvilinear alignment produces a good sustainable trail and more moderate linear grades
2. Moderate linear grades have less erosion, greater sustainability and higher access potential
3. Firm, stable and uniform tread surfaces promote good sheet drainage, reduce tread deformation, soil saturation and improve access.
4. Tread surfaces with a good coefficient of friction provide a safer and more pleasurable hiking experience and improve accessibility

Solutions and/or Mitigation to Maximize Accessibility

1. Steeper linear grades are mitigated by increasing the tread width and improving the coefficient of friction of the tread surface
2. Combinations of steeper linear grades, higher cross slopes and changes of directions are mitigated by widening the tread width, improving the tread surface and or providing edge protection
3. Locations with a steep drop-off are mitigated by widening the tread width and or installing edge protection
4. Trail tread surfaces are well shaped, compacted and constructed on fuller benches to provide better firmness and stability
5. Native soils are augmented with crushed shale rock when additional strength and firmness is required
6. Tread surfaces are constructed to be uniform but have enough roughness and texture to provide a good coefficient of friction
7. Trail structures that create barriers such as steps, water bars and open culverts are eliminated
8. Trail tread widths are designed to be a minimum of 36 inches
9. Tree roots protruding into the trail tread are covered with native soils or a combination of crushed shale rock and native soil
10. Rocks protruding into the trail tread are removed or covered with native soils or crushed shale rock
11. Vertical obstructions are either removed or mitigated by installing features that warn visually impaired trail users

Are there plans to handle the drainage issues?

Drainage issues will be addressed in the final design of the trail, or specific segments of the trail under construction.

Drainage is already an issue, what is being done to alleviate current drain/flooding going onto private property?

It is the county's goal to be a good neighbor and steward of land that it owns, and is interested in knowing about current conditions affecting neighbors of the trail. Landowners are urged to assess and report potential problems to the county that the county may be in a position to alleviate.

Are funds available for alternate routes if farm/use impacts come back negative?

Funding for the Yamhelas Westsider Trail will come from federal, state, and private foundation grants and the County will satisfy all future trail construction requirements through these sources. The farm impact standards in state law do not prevent projects with potentially significant farm impacts if perceived impacts can be effectively minimized through trail design, construction and management. The county will seek funds for alternative routes if necessary, but is currently anticipating addressing and seeking solutions to all perceived impacts from use of the corridor as a trail.

Do we get a formal hearing?

The development and adoption of findings to address state farm impact standards will be done through a public, formal hearing process, including a legislative hearing or hearings before the county planning commission and Board of Commissioners. The county's Transportation System Plan, which is part of the county's Comprehensive Land Use Plan, currently anticipates use of the corridor for transportation purposes, including a trail. Notice of all hearings will be provided to neighbors and interested parties, and an opportunity provided to submit written and oral testimony.

Do we get a binding agricultural study?

State law does not require a "binding agricultural study"—at most, it requires that the county adopt findings to address potential impacts to farm practices occurring on property through which the corridor passes. The county will nevertheless closely study and address all perceived, potential impacts to farm practices or costs that parties raise in the public hearing process. The goal will be to address and minimize all potential conflicts to agricultural practices identified, as necessary through the imposition of binding conditions on the development and use of the trail.

Will trail users be required to carry liability insurance for damage they do?

At this time there are no plans to require trail users to carry liability insurance in order to access and use the trail.

PROPERTY RIGHTS

Will private property rights be infringed upon?

No. The majority of the 17 mile railroad line from Gun Club Road to the Henry Hagg Lake junction was owned by the Union Pacific Railroad (UPRR), and now 12.48 miles of the corridor are owned by Yamhill County, as two Tax Lots: Tax Lot 3421-0190, and Tax Lot 4411-6000. The railroad ceased operation of trains in the corridor (with the exception of the far north and south ends, which are still in use for railroad car storage) but maintained ownership of the property (which was originally purchased in the 1870's). A major gap in county property ownership, in the City of Carlton, has been closed through easement donations by the owners of those properties (see above). The county, with the assistance of FYWT, is working to address all concerns identified by adjacent property owners to protect their property rights, while responsibly exercising its own property rights, including the right to dedicate publicly owned land to public use.

I own property adjacent to the trail and am worried about privacy. What measures can the county take to ease my concerns?

Prior to development the county will carefully plan each segment of the trail. A key part of the planning process is engagement with all adjacent property owners. If privacy is requested or security is a concern there are measures to either enhance or reduce visibility by either opening up the surrounding landscape or planting visual screens. Additionally, there may be the possibility to re-route the trail to allow additional buffer space and add privacy fencing if feasible.

What if I must cross the trail to access my property?

All current easements across the UPRR right-of-way will be honored and maintained as part of the trail design. If you are currently crossing the UPRR right-of-way and don't have an easement/agreement, it is important to know that you have no legal right to your crossing. However, Yamhill County wants to work with all owners needing access to develop a legally recognized crossing so that the trail can be crossed safely for continued access to neighboring property.

Will my property taxes go up to fund anything related to the purchase or development of the corridor?

No.

What about concerns regarding recreational immunity?

The County is aware of the Supreme Court decision in the Johnson v. Gibson case. Following that case, the 2017 Legislative Assembly adopted legislation to reestablish recreational immunity not only for the owners of lands used for recreational purposes but also their employees, volunteers, and agents. This bill is now state law.

Why doesn't ownership of the corridor revert to adjacent landowners upon abandonment by Union Pacific?

Union Pacific abandoned rail use of the corridor, but did not abandon ownership of the corridor prior to conveying it to the county. The parcels comprising this corridor were originally acquired by fee and not by a federal land grant or through an easement. Union Pacific had fee title to the property when it conveyed it to the county, and the county owns the corridor outright.

Will adjacent farmers and land owners be held liable for injuries incurred by trespassers?

Individual property owners' liability following development of the trail will be no different than it is today, or any different than it was when the railroad was operating. Trespass will still be trespass (see below) and, whether or not an adjacent property owner is liable for any personal injury or property damage will depend on the underlying facts and circumstances of each individual claim (as it does today for any property owner who owns property along a public trail, road, highway or other public space). The County cannot provide individual property owners legal advice and if you have any questions about personal injury or property liability you should speak with your own insurance agent or attorney.

PUBLIC SAFETY

Will there be an increase in trespass, littering, vandalism, and other illegal activities?

The vast majority of trails developed in railroad rights-of-way across the country have experienced a decrease in unwanted activities such as those listed previously. The reason is that people tend to perform illegal activities in places where there are no reputable citizens frequenting the area. In trail after trail, people have seen the rail corridor transformed from a place that is unkempt and rife with litter to one that becomes an amenity for the area that showcases its natural beauty and heritage. Fencing and/or visual screening will be used where trespassing onto private property is of a particular concern. The trail will be managed by Yamhill County and the FYWT and be subject to the rules and regulations approved by the County Commissioners. For more information and examples of other trails, please visit:

https://safety.fhwa.dot.gov/ped_bike/docs/rt_safecomm.pdf

How will the trail manage and enhance public safety?

At present, State Highway 47 is not a safe route for pedestrians or bicyclists. The trail will provide a safer transportation corridor along the same general route. This will be especially important between the cities of Carlton and Yamhill, which share the same school facilities. Appropriate trail design at road crossings, along with the placement of appropriate signs and other markers, will ensure that motorists and trail users use appropriate caution at these crossings. There are many cross streets and intersections along the corridor. Some possible solutions include the following: at each intersection

removable bollards would prevent vehicular traffic from entering the trail. There could be signs and striping to give motorists advanced warning at each crossing. Additionally, there could be signs and striping along the trail giving trail users advanced notice of approaching intersections. Solar powered flashing lights can be installed with motion sensors or push buttons at high volume/dangerous crossings. For more information and examples of other trails, please visit:

https://safety.fhwa.dot.gov/ped_bike/docs/rt_safecomm.pdf

What about emergency services and fire response?

A benefit from developing a multi-use recreational trail is that emergency services have better access to the corridor than they have had in the past. The trail has a predominantly flat and wide surface so that a police car, fire truck, or ambulance will be able to drive through the corridor with ease. This will allow for faster response times and increased protection for residents along the corridor.

If the trail is used for kids after school, are funds sufficient for year round surveillance, safety, and maintenance?

Public safety and law enforcement for the trail will fall under the jurisdiction of the Yamhill County Sheriff's Office, which maintains adequate resources to respond to any unlawful activities or safety issues that occur on the trail. Trail maintenance will be cooperatively managed by the County Parks Department and the FYWT.

What is the basis of facts for an increase in taxes?

There will not be an increase in taxes due to the purchase of the railroad corridor or the construction of the trail.

What are the county's plans, if any, to protect the landowners of adjacent properties from vandalism by trail users, from frivolous lawsuits by trail users who trespass on non-trail property, and from damage to farm property?

The corridor being purchased by the county is 60 feet wide. The trail itself is estimated to occupy 15 feet of the corridor, leaving the potential of a 22+ foot land buffer on either side. As with properties adjacent to roads, fences can be constructed by the county along the edge of the corridor, to prevent trail users from entering private property. In most instances, preventing trail users from entering private property will protect adjacent owners from vandalism, frivolous lawsuits by trespassers, and damage to farm property. In areas where trespass occurs or seems likely to occur, the county has the authority to construct and maintain appropriate fencing that will separate trail users from private property. Additional hearings will be held to consider the potential for vandalism, frivolous lawsuits and damages to farm property due to trespass by trail users. At this time, the county has no reason to conclude that trespassing by persons walking, riding bikes or horses along a trail in the corridor will be more frequent or consequential than potential trespass by persons using public roads already established throughout the county.

Additionally, at the June 8, 2017 public forum, the possibility was discussed of working with adjacent property owners to either help them obtain additional insurance or to offset added insurance costs incurred as a result of trail development. One possibility that was discussed was to use monies generated from possible trail use fees. Another resident mentioned possibly using some form of shared risk insurance pool. The construction of fences and other vegetative screens was also discussed. The County remains open to discussing these and other options as the project moves forward.