

YAMHILL COUNTY PLANNING COMMISSION

Thursday, February 5, 2015 ≈ 7:00 p.m.

Yamhill County Courthouse Room 32

McMinnville, Oregon 97128

Roll Call: Matt Dunckel, Marjorie Ehry, Michael Sherwood, Daryl Garrettson, Alan Halstead, Dan Armstrong, Absent: Marla Robison, John Abrams **Staff:** Mike Brandt, Ken Friday, Stephanie Armstrong, Todd Sadlo

Approval of the Planning Commission minutes of January 15, 2015. Marjorie Ehry moved to approve, Matt Dunckel seconded. Approved unanimously.

QUASI-JUDICIAL PUBLIC HEARING:

DOCKET:	SU-01-14
APPLICANT:	Daniel Mims
REQUEST:	An interpretation of the <i>Yamhill County Zoning Ordinance</i> (YCZO) to allow a church, indoor and outdoor event center and catering business as similar uses in the RC Recreation Commercial zoning district. The request includes a conditional use to host outdoor events subject to Subsection 601.03(B) of the YCZO.
TAX LOT:	5636-900
LOCATION:	The similar use request would apply to all Recreation Commercial Zones. The conditional use would specifically apply to 985 SE Sheridan Road, Sheridan, Oregon.
ZONE:	RC Recreation Commercial
CRITERIA:	Sections 601, 1202.02, and 1206 of the <i>YCZO</i>

Chair Garrettson opened the public hearing.

There were no abstentions or objections to jurisdiction.

Ken Friday read the statement required by ORS 197.763.

Staff Report: Ken Friday presented the staff report.

Proponent’s case: Daniel Mihm, 985 Sheridan Road, Sheridan: Mr. Mihm provided his background information and what he’s been doing with the property for the last year and his future goals with the property which include getting the building painted and clearing the land and landscaping for events like weddings, Sheridan Days, reunions. He mentioned he had previously had two large parties. He discussed the reason for the “church” portion of the application.

Commissioner Halstead asked if the 501c for the church has been filed. Mr. Mihm replied they haven’t applied yet because he hasn’t been approved for the church yet through the land use process.

Commissioner Sherwood asked if he was aware that the boom box event needed a permit and if there were any complaints. Mr. Mihm said he wasn't privy to the details of any complaints and that it was hard to control noise at boom box but at Rabbit Tail was a better job. He noted a deputy did come out and that he was trying to make it so that the people in the apartments aren't bothered.

Commissioner Armstrong stated he serves on the PC to help the community be harmonious and asked how long Mr. Mihm has been there. He replied over a year. Commissioner Armstrong asked for an explanation of the "sifting" process he refers to. Mr. Mihm explained his "sifting" process and that the people they want are good people. He stated the main reason he hasn't reached out to the city of Sheridan is because he was advised by people not to. Commissioner Armstrong asked about the landlord and the liability associated with the events. The landlord stated he has liability insurance. Mr. Mihm said that all events were insured through Hagen Hamilton Insurance.

Commissioner Armstrong asked Mr. Mihm how many people would be the appropriate number of people for the events. Mr. Mihm debated the numbers.

Commissioner Armstrong asked about the work parties. Mr. Mihm said they are monthly work parties with up to 30-50 people and they aren't events they are friends he's inviting and he could cap that at 100 people once a month.

Commissioner Sherwood and Mr. Mihm talked about septic issues, a source of funding for the business and the Fire Marshall's requirements.

Chair Garrettson asked if there will be service every Sunday. Mr. Mihm stated he would not be using the building for standard services. Chair Garrettson asked about the occupancy rating for the building. Mr. Mihm didn't think there was one currently.

Chair Garrettson asked if boom box had a DJ. Mr. Mihm said yes and described the event which was a 72 hour straight event outdoors; the stage was located outside of the main house facing the river. Mr. Mihm said there are things he can do to mitigate noise and everyone camps for the events. There are no outdoor fires except for the main fire pit.

There was a question about traffic control. Mr. Mihm said there is on Sheridan Road and he doesn't think the traffic is an issue.

Chair Garrettson asked if he would have any problem with a condition of no outdoor music after a certain hour. Mr. Mihm said 10pm is good.

Jerry Jensen, PO Box 174, McMinnville: The current owner of the subject property.

Chair Garrettson asked what the catering kitchen would entail. Mr. Mihm described his plans for the commercial kitchen.

Commissioner Ehry asked if homeless people would be involved and how many people live there now. Mr. Mihm stated himself and 4 others live there. Mr. Mihm said that people do 4 hours of work for room and board trade and he puts a one week cap on stays.

Commissioner Sherwood asked if he holds a documented lease. Mr. Mihm said it is month to month, no lease. Commissioner Sherwood asked if his business office is located there. Mr. Mihm said he doesn't need one.

Harry Cooley, 820 NW Evans St, Sheridan: Currently the mayor of Sheridan and spent 15 years on the Sheridan planning commission. Spoke about concerns with the application. Agrees with the staff recommendation.

Commissioner Halstead asked about the vacant lot between the apartments and subject parcel. Mr. Cooley said the lot is the sewage plant for the city. Commissioner Sherwood asked if the other businesses in this location had any problems in the past. Mr. Cooley said it's morphed into different uses over the years and noise has been an issue.

Rene Quinones, 603 NW Blair St., Sheridan: Member of the city of Sheridan council. Spoke not in favor or opposed to the application.

Opponent's case:

Francis Sheridan, 206 NE Blair St, Sheridan: Concerned about controlling noise and traffic.

Sheryl Hertel, 25660 SW Loganberry Lane, Sheridan: Lives across the street. Music has been loud and traffic is a concern. Concerned that the well the applicant wants to use will impact their well. Commissioner Armstrong asked how deep the well is. Ms. Hurdle said 30 feet deep. On really dry summers the well does run dry; it's been three years since the well has dried up.

Tom Abbrego, Friends of Yamhill County, PO Box 1028, McMinnville: He is concerned about allowing all RC zones to have these uses. Wanted all similar uses requested to be denied. He stated he got online and the applicant is going to have an event scheduled in June on the Facebook page. Chair Garrettson asked about the event center portion and how that doesn't fit with all those uses allowed in the RC zone. Mr. Abbrego said that his fear is the unknown of what would be allowed since an event isn't defined.

Sid Friedman, Friends of Yamhill County, PO Box 1028, McMinnville: Stated a church doesn't fit within the purpose definition of the RC zone and the catering business doesn't fit. More and more event centers and events are cropping up in the county. Wants the county to define what an event center is. Identified that the RC zone states a use shall not result in any undue service demands on nearby urban centers and that amplified music for three consecutive days is a lot. This property is in close proximity to residential areas. Code requires SDR which would address what kind of screening would be needed for the events.

Public Agency Reports: Ken Friday gave the public agency reports.

Rebuttal: Daniel Mihm provided rebuttal.

7 minute break for Mr. Mihm to review conditions.

Mr. Mihm continued rebuttal: Discussion between Mr. Mihm and the Planning Commissioners regarding the conditions.

Staff Recommendation: Ken Friday gave the staff recommendation.

Chair Garrettson closed the public hearing.

Deliberation:

Dan Armstrong: Likes the recommendation on the conditions from staff. Recommended, events shall be no longer than 3 days and outdoor activities shall not begin before 8am and end by 10pm as well as outdoor amplification of voice and music.

Marjorie Ehry: Agrees with different wording suggested by Armstrong and strike the catering language. She is concerned with the amount of drinking going on and it needs to be controlled.

Daryl Garrettson: Agrees with Dan Armstrong.

Michael Sherwood: Disagrees with Condition #5 and the events should be one day events. Three day events are trouble.

Matt Dunkel: Doesn't have problem with three day events as long as music is shut down by 10pm. Church portion he agrees needs to be removed.

Alan Halstead: The word church can be removed as well as catering kitchen. Outdoor event center is a similar use and is in favor.

There was some discussion among the commissioners and staff about what constitutes an event and clarification that the similar uses, if approved, would be for all RC zones in the county. Commissioner Armstrong was not necessarily in favor of all RC zones having these uses as permitted uses.

Motion: Commissioner Dunkel moved to approved SU-01-14 that a church and event center are similar uses in an RC zone and approve the application with amended conditions. Commissioner Halstead seconded. Motion passed 4-2 (Dan Armstrong and Michael Sherwood opposed).

Ken explained the next steps.

Other business: 2 members needed for MUAMC hearing for March 18 hearing. Matt and Dan volunteered to be MUAMC representatives. The landfill application was appealed, the hearing will be March 12.

Hearing adjourned.