

YAMHILL COUNTY PLANNING COMMISSION

Thursday, June 1, 2023 - 7:00 p.m.
Yamhill County Courthouse, Room 32
535 NE Fifth Street
McMinnville, Oregon 97128

Roll Call: Dan Armstrong, Mark Gaibler, Paulette Alexandria, Matt Dunckel, Alan Halstead, John Abrams; Brett Veatch; Christy Cooke; Craig Brown **Absent:** None **Staff:** Ken Friday, Lance Woods, Stephanie Curran

Chair Dan Armstrong opened the public hearing.

Approval of minutes from May 4, 2023, hearing. Alan stated he was not at last meeting and Brett Veatch was. He then motioned to approve minutes with corrections and Brett 2nd. Motion passed unanimously.

DOCKET G-01-22, a proposal to consider amendments to Sections 501, 502, 503, and 1014 of the Yamhill County Zoning Ordinance to permit Accessory Dwelling Units (ADU's) on lands zoned for rural residential use, namely the AF-10 Agriculture/Forestry Small Holding, VLDR Very Low Density Residential, and LDR Low Density Residential zones. By statute, ADU's are prohibited from use as short-term rentals.

Abstentions and objections: none

Ken Friday (KF) read the staff report:

Paulette wanted to know if people calling about ADUs give the reason they want one.

KF: many reasons from having elderly relatives move closer or a guest house on the property for friends and family that will be staying longer than a month (which is the limit they can live on property in an RV.)

Mark: Would these be allowed on EFU?

KF: No, it is not allowed in the EFU zone by state law.

Brett: Why didn't they add this to EFU as well?

KF: I am not sure, but it is likely from opposition received from 1000 Friends of Oregon and other groups protecting farmland.

Paulette: If a well is not adequate, can they apply for a new well?

KF: Yes.

Paulette: Would they have to do a separate septic system for the ADU?

KF: The state is talking letting them share a septic system.

John: Would they need to go through a land use application?

KF: Yes, there is an application process.

Craig: Is the 100' setback from the house set by county or state?

KF: The state, it is listed in the bill.

Paulette: can you explain the 75% rule.

Mark: If the home is 1000 ft house, then the ADU can be 750 sq ft.

Public Testimony:

Kathryn Jernstedt, Friends of Yamhill County; PO Box in McMinnville. Friends have been following this legislation from the start, DLCD are also concerned with this bill. We do support the idea of ADUs available for residents, friends, and family members. We like they are limited in size and cannot be used for vacation rentals. This allows us to provide homes for residences. Certain zones could have up to four dwellings with a principal dwelling, a farm help dwelling, a hardship dwelling and an ADU. As far as setbacks, the bill is not specific. I would like the setback of 30' to be increased as fire can spread quickly in these areas and fire services are further away. See letter submitted at the hearing. The county is not required to allow ADUs. Friends would like to see this as a conditional use so we can figure out some of the unintended consequences.

Rob Caress, landowner on Bald Peak: I am a landowner and own 7 acres, I agree with friends of Yamhill because I work the land daily. I am for ADUs. When covid hit I had to look for other income sources. I implore you to make the right decisions, thoughtfully and respectfully to the land.

Paulette: What are your plans if this is approved?

Rob: We did not know these were not allowed when we moved here, and we built it. It is 150 sq ft. Right now, we have nurses from out of town, etc.

Paulette: But these are not allowed for rental.

Dan: What is your property zoned.

Rob: VLDR-5

Alan: as far as Kathryn stated this can potentially allow up to 4 houses on one parcel. Could we put a limit on the number of houses. Alan, could some CTS be converted to ADUs.

KF: There is only one zone this could happen, AF-10. Where you could have a CTS, ADU, farm help dwelling and residence. But I don't consider the hardship to be personal because those have to be renewed every 2 years and are specific to the caregiver and the person with the hardship. Some hardships can be converted, but some will not qualify due to the size restrictions.

Dan to Jodi: do you have any input.

Jodi: No, I second everything Ken said.

John: I think you might run out of room quickly with 100' setbacks.

KF: I think that is why they required the minimum lot size of 2 acres.

Paulette: Do you think there is any merit to it being conditional use?

KF: We can but if we did, that it would make this a type B application and the app fee would be much higher.

Alan: I assume the planner reviewing this would look at the parcel and ensure that they meet setbacks?

KF: Correct

Mark: Who is going to be the regulatory authority for short-term rentals?

KF: We have been talking about this as it would be our office. We are complaint based on enforcement so we may be busy with complaints but at this point I think we need the housing.

Craig: are there any stipulations for houses that run off wells, like gallons per minute.

KF: Not by the county, but lenders usually have water requirements before giving a loan.

Public hearing portion closed at 7:53 PM.

Staff Recommendation: Staff recommends approval.

Deliberation:

Dan: if we set water standards, we would assuage the neighbors and put the responsibility on the owner. Noise, the ADU would be within 100' of main house, so I cannot see noise as an issue. Traffic, you can't get around. I would be happy if we make the water source attached to primary residence.

Mark: I agree, but I would like to see this in all zones.

John: I agree.

Matt: I accept the proposal and would like to see it in all zones.

Craig: I am in support but am concerned at the possibility of 4 different dwellings on a property and people pushing the limit.

Brett: I am in support of this, I would like to see this in all zones as well.

Christie: I am support of it. Unfortunately, I am not in support that these can't be used as short-term rentals.

Mark: Could we do something where they must be tied to the same septic?

Brett: This I understand is within the DEQ purview.

John: As much as I like the idea of wells being tied to the main residence, is there any way to enforce this?

KF: Only at the beginning. In the future if they wanted to add more wells to their property, they could do so as we don't sign off on wells, so we would have no way of knowing.

Christie: I don't think we should add the water requirement.

Dan: It will make the neighbors feel better if they won't be adding another well.

Alan Halstead made a motion to approve with the condition that the water be tied to the main house when applicable, Brett Veatch seconded. Motion passed unanimously.

Other business: We have had an application from CPRD has been appealed to LUBA.

Hearing Adjourned: 8:05 PM