

YAMHILL COUNTY PLANNING COMMISSION

Thursday, June 5, 2014 ≈ 7:00 p.m.
Yamhill County Courthouse Room 32
McMinnville, Oregon 97128

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

Approval of the Planning Commission minutes of the January 2, 2014. Michael Sherwood moved to approve, Matt Dunckel seconded. Motion approved unanimously.

QUASI-JUDICIAL PUBLIC HEARINGS:

DOCKET: C-08-14
REQUEST: Conditional use approval to allow a personal use airport to take off and land an ultralight aircraft.
OWNER: David Lombrozo
TAX LOT: 2523-200
LOCATION: 24130 NE Turner Creek Road, Yamhill
ZONE: EF-80, Exclusive Farm Use
CRITERIA: The request is subject to Sections 402.04(K) 402.07(A) and (C) and 1202.02 of the Yamhill County Zoning Ordinance

Chair Daryl Garrettson opened the public hearing.

There were no abstentions or objections to jurisdiction.

Mike Brandt read the statement required by ORS 197.763.

Ken Friday presented the staff report.

Proponent's Case: Mr. Lombrozo went over the application. He said his aircraft was not an ultralight and did not know why staff thought it was an ultralight. Mr. Lombrozo provided photos of the aircraft and stated the airport would only be used by him and would only be used occasionally.

Mary Rosenblum, 24198 S Skylane Drive, Canby – Spoke in favor of the request.

Opponent's Case:

Linda Hays, 13015 NW Hacker Road, Yamhill – spoke in opposition to the airstrip.

Dee Goldman, 1235 NW Cedar Street, McMinnville – Spoke in opposition to the airstrip and submitted a letter into the record.

Jolynne Moore, 16301 NW Greenhoot Road, Yamhill – Spoke in opposition to the airstrip and submitted a letter into the record.

Jan Shield, 1235 NW Cedar Street, McMinnville – Spoke in opposition to the airstrip. Submitted a letter of concern from the Carlton Veterinary Hospital.

Ed Glad, 25084 NW Turner Creek Road, Yamhill – Not opposed to the airstrip, but did not want it to be able to be transferred to the purchaser of the property.

Tamara Garvey 23757 Turner Creek Road, Yamhill – Spoke in opposition to the airstrip.

Duane Van Dyke, 16310 NW Greenhoot Road, Yamhill – Testified that he raised horses and his aircraft would likely spook the animals.

Questions of Opponents: Chair Garrettson questioned Mr. Van Dyke about his horses. Mr. Garrettson noted that horses in his neighborhood do not shy on the helicopters that circle his location so he didn't think that the occasional flight of a light aircraft would adversely affect horses.

Public Agency Reports: Ken Friday reviewed the public agency report. Mike Brandt stated that during the testimony he reviewed the application and found three times where the applicant referred to the aircraft as an "ultralight" he said he wanted to note that the idea of this being an ultralight was not from our office but rather from the application.

Rebuttal: Mr. Lombrozo reiterated how this airstrip would be only for his own personal use on an occasional and infrequent basis. He said that he would be very sensitive to Mr. Van Dyke and the farm use of his property.

Staff Recommendation: Ken Friday gave the staff recommendation for approval with conditions. Mr. Friday reviewed the conditions of approval.

Chair Garrettson closed the public hearing.

Deliberation: All Planning Commission members concurred with the staff recommendation.

Motion: Alan Halstead moved to recommend approval of the application with the conditions in the staff recommendation. Matt Dunckel seconded. Motion passed unanimously.

DOCKET: CTS-03-14

REQUEST: Conditional use approval for a temporary health hardship dwelling for the care of Patricia Levy, by her son, William Levy, during the term of her health hardship.

APPLICANT: William Levy

ZONING: EF-80 Exclusive Farm Use

TAX LOT: 5510-1400

LOCATION: 16001 SW Dusty Drive, McMinnville

CRITERIA: The request is subject to Sections 402.04(A) and 1202.02 of the Yamhill County Zoning Ordinance

Chair Daryl Garrettson opened the public hearing.

There were no abstentions or objections to jurisdiction.

Mike Brandt had previously read the statement required by ORS 197.763.

Ken Friday presented the staff report.

Proponent's Case: Mr. Levy explained the request to place a manufactured dwelling on his mother's property so he could look after her. He explained her medical condition.

Opponent's Case:

James Ruggles, 15550 SW Dusty Drive, McMinnville – Said he was not opposed to the hardship dwelling. Said he would like certain restrictions on where it could be placed and how it would be screened. He said that Mr. Levy had stored heavy equipment on site and it was an eyesore. He was also concerned about road and road maintenance and suggested that Mr. Levy upgrade the road.

Dan Armstrong asked Mr. Ruggles if there was a maintenance agreement. He said there wasn't. He asked if Mr. Ruggles would help pay 25% of the road maintenance. He said he would not, but he would help some.

Susan Ruggles, 15550 SW Dusty Drive, McMinnville – She was concerned about the placement of the manufactured dwelling. She said that the dwelling must be placed out of sight of the neighbors. She suggested that the dwelling be heavily landscaped and that if it is in sight of the Kecks, it should be approved by the Kecks.

Van W. Keck, 15820 SW Dusty Drive, McMinnville – Spoke in opposition. Said the trees on the property were over 40 feet tall and blocked his view. He said his home had a picture postcard view out of every window. He said the view of the prison at night was similar to the view of the Golden Gate Bridge at night. He wanted the manufactured dwelling out of their view. He said he was not concerned about the road.

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

Rebuttal: Mr. Levy said he would consider topping the trees so they did not block the view. He explained the need for the dwelling and said he would try to screen it.

Staff Recommendation: Ken Friday gave the staff recommendation for approval with conditions.

Chair Garrettson closed the public hearing.

Deliberation: All Planning Commission members concurred with the staff recommendation.

Motion: Matt Dunckel moved to recommend approval of the application with the conditions in the staff recommendation. Alan Halstead seconded. Motion passed unanimously.

DOCKET NO.: PAZ-01-13

REQUEST: For approval of a comprehensive plan amendment from

Agriculture/Forestry Large Holding to Agriculture/Forestry Small Holding; and a zone change from AF-20 Agriculture/Forestry use to AF-10 Agriculture/Forestry Small Holding

OWNER: James and Joyce Miller, represented by Jessica Cain
TAX LOT: 3205-304
LOCATION: 17371 NE Slope Lane, Newberg
ZONE: AF-20 Agriculture/Forestry use
CRITERIA: Sections 403, 501, 904 and 1208.02 of the Yamhill County Zoning Ordinance. Comprehensive plan policies are applicable. Section 904, Limited Use Overlay may be applied. OAR 660-04, Exceptions process for Goals 3 (Agriculture) and 4 (Forestry) may also apply. The request is subject to the Transportation Planning Rule, OAR 660-012-0060

Chair Daryl Garrettson opened the public hearing.

There were no abstentions or objections to jurisdiction.

Mike Brandt had previously read the statement required by ORS 197.763.

Ken Friday presented the staff report.

Questions of Staff: Matt Dunkel – asked if the property was originally zoned AF-10. Mike Brandt said he would check the records in the office. (See public agency reports below.)

Proponent's Case: Jessica Cain said the applicants were available to respond to questions. She noted they had withdrawn the arguments that the property was nonresource land. She submitted additional information to address 1202.02(B). She reviewed the application to support the argument that the property was irrevocably committed to nonresource use. She noted that the Board of Commissioners had approved a similar request, with similar arguments, on an adjacent property located south of the subject property.

Chris and Susan Giesch, 16990 NE Herd Road, Newberg – Noted they were neighbors in support of the application.

Ed Christie, 17940 NE Hillsboro Highway, Newberg. Spoke in support of the request. He had some questions about a 30-foot wide easement. It was noted that the zone change would not affect the rights to use the easement.

Opponent's Case: Sid Friedman, representing Friends of Yamhill County, P.O. Box 1083, McMinnville. Sid reviewed the letter he submitted in opposition to the request. He noted there was a high bar in case law to take an exception to Goals 3 and 4 and did not believe it had been met. He said it cannot be found to be irrevocably committed to nonresource use since the property was in resource use.

Questions of Opponents: Chair Garrettson noted that the property was bordered on three sides by parcels of less than 20 acres that, by definition, were nonresource parcels by virtue of their size. He asked Sid how this property could not be irrevocably committed when it was bordered on three sides by nonresource land. Sid said he disagreed, and case law supported his position.

Public Agency Reports: Mike Brandt reported that the original 1974 plan designation was AF-10 Ag/Forestry Small Holding.

Rebuttal: Jessica Cain reviewed the existing easement agreement and arguments in support of the property being irrevocably committed to nonresource use.

Staff Recommendation: Ken Friday gave the staff recommendation for approval based on the findings that the property was irrevocably committed to nonresource use. Mr. Friday noted that the Planning Commission and Board have approved of a similar zone change in the immediate area.

Chair Garrettson closed the public hearing.

Deliberation: All Planning Commission members concurred with the staff recommendation.

John Abrams – Agrees with staff. He noted that the original plan had this as zoned AF-10. The surrounding development pattern irrevocably commits the property to nonresource use.

Alan Halstead – Noted that, while he appreciates the Friends of Yamhill County argument, he thinks the surrounding development commits this property to rural residential use.

Marjorie Ehry – Agrees with staff.

Daryl Garrettson – Noted that, while Sid may be right about the past LUBA decisions, this zone change makes sense. It's surrounded on three sides by nonresource use, I think it is committed.

Michael Sherwood – He related a story about Bull Mt. and his experience with its development. He wanted to be sure that this would not occur here. He is in support of this request.

Matt Dunckel – Agrees with staff. He also noted that it is surrounded by development and was originally zoned AF-10 in 1974.

Motion: Alan Halstead moved to recommend approval of the application to the Board of Commissioners based on the findings and conclusions in the staff recommendation. Matt Dunckel seconded. Motion passed with a vote of 6-1. Alan Halstead voting in opposition.

Other business: A member of the audience praised the Planning Commission for their patience in dealing with these items.

Hearing adjourned at 10:25 pm.