

YAMHILL COUNTY PLANNING COMMISSION

Thursday, December 2, 2021 - 7:00 p.m.

Yamhill County Courthouse, Room 32

535 NE Fifth Street

McMinnville, Oregon 97128

Roll Call: Matt Dunckel, Kit Johnston, Mark Gaibler, Dan Armstrong, John Abrams, Alan Halstead, Paulette Alexandria **Staff:** Ken Friday, Lance Woods, Desiree Lundeen

Chair Dan Armstrong opened the public hearing.

Approval of minutes from August 5, 2021, hearing.

QUASI-JUDICIAL PUBLIC HEARINGS:

DOCKET NO.: PAZ-04-21

REQUEST: Approval of a Comprehensive Plan amendment from Very Low Density Residential to Industrial and a zone change from VLDR-2.5, Very Low Density Residential to LI, Light Industrial.

APPLICANT: AKS Engineering & Forestry, LLC

OWNER: Town Investments, LLC

TAX LOT: 4411-01300 & 4411-01301

LOCATION: Northwest of the junction of Highway 99W and NE Lone Oak Road North; also, west and south of the parcel with a situs address of 3225 Lone Oak Road North.

CRITERIA: Sections 502, 702, and 1208.02 of the Yamhill County Zoning Ordinance. Section 904, Limited Use Overlay may also be applied. Comprehensive Plan policies may be applicable. OAR 660-12-0060 Transportation Planning Rule.

Abstentions or objections: Matt stated that he is familiar with the parcels of land under the ownership of the Macy family, but it will not affect his ability to render a decision for this matter. Dan said that he is working with AKS on developing a parcel within the city limits. As such, he will chair the hearing but will abstain from voting on this matter.

Ken Friday read the raise it or waive it statement.

Lance Woods provided the staff report.

Proponent: Elaine Albrich, attorney for the property owner, Town Investments LLC (Mike Town). Elaine introduced Marie Holiday with AKS Engineering and Forestry representing the property owner. Marie provided an overview of the existing site which is about 13 acres and is located along Hwy 99 near the junction of Hwy 47. The surrounding area includes a mixture of uses varying from Very Low Density Residential (VLDR), Light Industrial, and Neighborhood Commercial. The NC zone includes Bunn Village and the Price Honda Dealership. The tract to the west of the subject property hosts Evergreen Memorial Park.

Marie Holiday addressed how the application meets the review criteria. The alternatives analysis discussed a lack of available and suitable land/sites. Ms. Holiday reported that 85% of LI zoned land is already developed and that 15% of remaining sites have unique disadvantages. In conclusion Ms. Holiday stated that the proposal helps support the local economy through facilitating market demand for businesses that support the agricultural sector and providing employment opportunities that directly serves residents. She also stated that this location is suitable for an agriculturally based warehousing and retail commercial services along the highway which will also provide an efficient transition from rural to urban uses.

Alan Halstead- Asked if there were any plans to develop the northwest area of the parcel which the site plan shows as a graveled open spot.

Marie Holiday- The current plan is to use that space for outdoor storage to be fenced and graveled with no plans for structures at this point.

Paulette Alexandria- Remind me what the plan was regarding the two proposed access points. Is the idea to use one for an entrance and one for an exit?

Marie Holiday- The plan currently is to use both access points but that will be further decided through a subsequent site design review application.

Opponent: Glen Macy, owner and manager of Evergreen Memorial Park. He is the fourth generation Macy to run the memorial park. For over a century the Macy family has worked to ensure that the Evergreen Memorial Park is a place of peace for those visiting and those laid to rest. He believes that the current zoning of Very Low Density residential is appropriate. The change to light industrial will almost certainly result in increased nuisance noise and impacts to this surrounding use. Can you imagine being at a graveside service for a loved one next to a noisy industrial project. Introduced his uncle Steve Macy to speak more on the history of the park.

Steve Macy provided a map of the existing Evergreen Memorial Park layout and the area comprised of the subject tract. He explained that the next area of development for gravesites will be in the section of the park that is located along the shared property line of the subject parcel.

John Abrams- is there a setback requirement for a grave? How close can a gravesite be to the property line?

Steve Macy- I don't know.

Paulette Alexandria- are the graves up to the property line?

Steve Macy- This map shows that it is about 24 to 30 feet. All of that area is grass currently but is planned for gravesites.

Mark Gaibler- What is the dimension of each of the boxes shown on the map provided?

Steve Macy- Each box on the map contains 12 gravesites and the dimensions are 24 by 24 feet. Approximately 24 years ago, the Macy's applied to rezone the farm property from agriculture use to allow for a cemetery use. This is the area that will be developed for cemetery use over the next 50 years. We have been approached by a number of interested parties who wanted to purchase that property. We felt like that would be a disservice to those who chose Evergreen Memorial Park as their final resting place. If this project is approved, we believe that there should be a 100-foot setback and a 20 foot berm to protect the park from industrial noise now or in the future.

Mark Gaibler- What is the cost of the grave?

Glen Macy- \$1,100 is the current cost for a gravesite.

Steve Macy- I like to remind folks that these gravesites are maintained over many lifetimes.

Matt Dunckle- I am still not hearing you very well but I have a friend who manages a funeral park that is surrounded by Washington square- Pioneer cemetery. I thought that it was weird at first but you have people having funerals right there and it isn't too noisy.

Steve Macy- You would notice it if it was rezoned to light industrial.

Matt Dunckle- CC Meisel use to have a batch processing on the subject parcel and that seems like a noisy operation.

Steve Macy- It was, but it was not close to the cemetery. We just feel like we are there and are going to be there for another 150 to 200 years and it will be disconcerting to have this change in use become a burden for those who have gravesites.

Kit Johnston- The setbacks you provided and are recommending, where did you come up with that distance?

Steve Macy- I felt like the 100 feet gives them all kinds of room to put in a berm.

Kit Johnston- Why a dirt berm rather than a concrete wall if sound is your main concern?

Glen Macy- We would be open to a concrete wall. For us, we need to consider the future uses that could also become problematic. No other cemetery is located with light industrial surrounding it.

Ken Friday- We are recommending what is called a limited use overlay that would have a restriction to a farm store but any other use in the light industrial zone would require that they come back to have that limited use overlay changed. If we limit it to what they are asking for, a farm store, would that help alleviate your concerns?

Kit Johnston- If it is an ag store, can't it just be zoned for ag and do a conditional use to allow for a store?

Ken Friday- The requested zone change would be the appropriate zoning for what they are wanting to do.

Glen Macy- if we can control the sound we would be open.

Public Agency Report: Lance provided the public agency comments.

Rebuttal: Elaine Albrich- while we respect and acknowledge the concerns from Evergreen, we do believe that the proposal is appropriate considering the pattern of land uses around the area. As you can see from the map, we are along a major highway corridor. The light industrial uses are much less intense than the previous uses. We are talking about all types of uses that are connected to the resource use in the surrounding farm zone. While the applicant is proposing a conceptual design for this farm store, the applicant would like to use the property in any of the uses that are listed as permitted in the light industrial zone. We maintain that the proposed use is of the same nature of those other uses that are allowed in the light industrial zone.

Elaine noted that any future development on the property would be subject to the site design review standards and would be addressed at the time of application in the future. This goes directly to the concerns that we are hearing from Evergreen. We believe that the site design review factors that will be addressed subsequently through a site design review are sufficient to ensure that future uses are compatible. Currently, we are not doing an impact analysis of a specific use and as such, we ask that there not be any limited use overlay or additional setback requirements.

Kit Johnston- Would you be okay with a lesser setback and a wall?

Elaine Albrich- We would want this to be considered during site design review not during this application. I think that there is sufficient basis to deal with this later.

John Abrams- Is the setback in the LI zone 30 feet?

Ken Friday- Yes.

Marie Holiday- Yes and the proposed location of the structures would be 200 feet from the western property line and from Evergreen Memorial.

Elaine Albrich- If there are no additional questions, we request that the record be closed at this time.

Dan Armstrong- I do have a question before we get to the staff recommendation. Can the application of a limited use overlay occur during a subsequent site design review application?

Ken Friday- No, the time to impose a limited use overlay would be through the application for plan amendment and zone change that is currently before the board.

Staff Recommendation: Lance Woods recommended approval of the application with the conditions proposed in the staff report. Those conditions included the imposition of a limited use overlay to an ag related warehouse and retail services business. The analysis in the application (including the traffic analysis economic analysis) was related to the specified use. This was the information that interested parties and surrounding property owners had at their disposal to provide comment on. As such, he believes it would be appropriate to impose the limited use overlay in this case. This is what surrounding properties had at their disposal to provide comment.

Chair Armstrong closed the hearing.

Deliberation:

John Abrams- In general, I tend to shy away from the concept that neighbors get to dictate what others can do with their property. In this case, I can understand the concern of the Macy's. Hearing what staff says there is going to be at minimum 60 feet between the uses of these two parcels. I generally agree with staff. In the VLDR and the LI zone there is a possibility of noises occurring. I don't think that the light industrial zone will have a big impact on the Macys. I could also walk around Kraemers and the steel mill is right there and I don't even notice.

Kit Johnston- 99W is located right there and that is a loud activity right near the park. I don't agree with having a limited use overlay it just means that they would have to come back and it doesn't sound like they know exactly what it is that they want to do. Perhaps there could be a condition that a sound barrier could be erected. If we could get the sound under control, I would be inclined to not require the limited use overlay.

Alan Halstead- You have many uses right nearby that are noise generating. I am in agreement that a limited use overlay would be appropriate. I would hate to see future development that had more intense uses like an Amazon warehouse. The limited use overlay helps ensure that a more intensive use is not permitted.

Paulete Alexandria- I agree with a limited use overlay. It allows for a more finite limit on the uses. If the two property owners could work together to erect a wall or a berm. That way it is not a situation where one property owner is required to do all of the improvements to benefit another property owner. Something about the lot, I do not like the two driveways. I think that the use of a single entrance and exit would be more orderly.

Matt Dunckle- I don't think that the noise coming out of this property. A question for staff would be, has this property ever been used for residential uses? It was zoned for VLDR but I believe that it use to be used as a batch plant. I think that it has always been used for more of an industrial use. That said, I would agree with staff.

Mark Gailber- A question for staff then, if it was a batch plant, how is it zoned residential?

Ken Friday- Timing. I would have to look back but I believe that the zoning was put in place in 1980 when the zoning was established. I do not know if the batch plant was still there when the zoning was overlaid. The zoning was applied after that use was initiated. They decided to go with VLDR for this property despite this.

Dan Armstrong- As a reminder everything that was provided in the applicants analysis was for this specific light industrial use. We need a motion.

Motion: Alan Halstead moved to recommend approval the application with the staff recommended conditions and the imposition of the limited use overlay. Motion was Seconded by Mark Gaibler.
Approve the application 6-0- Dan Armstrong abstained from voting.

Deliberations ended at 8:16pm

Glen Macy- I just want to clarify that in the future they would need to request an amendment the limited use overlay to have any other industrial use?

Ken Friday- That is correct.

Other Business:

Lance Woods- City of Dayton is wanting to go through an urban land swap which means that a joint hearing with the City of Dayton Planning Department will be held. It is tentatively scheduled for 1/13/21 at 6:30 pm at the Dayton City Hall.

Ken Friday- Stephanie Armstrong has had her last day with the county earlier this week. She will be missed.

John Abrams- Do you know the setback to 99W.

Ken Friday- I don't know what that setback is.

Hearing Adjourned: 8:21pm