

YAMHILL COUNTY PLANNING COMMISSION MINUTES

Thursday, October 3, 2002 @7:00 p.m.
Yamhill County Courthouse, Room 32
535 E 5th St., McMinnville, Oregon 97128

Chair Dean Brown called the meeting to order at 7:00 p.m.

Roll Call: Brad Myers, Dean Brown, Bernie Diefenderfer, Daryl Garrettson, Sid Friedman, Gary Johnson, Marjorie Ehry (7:10) Absent: Alan Halstead, Robert Smiley. Staff: Ken Friday, Mike Brandt, Rick Sanai, legal counsel.

Gary Johnson moved to approve the **minutes** of the July 18, 2002 Planning Commission Hearing as submitted. Seconded by Bernie Diefenderfer. Approved 5-0 (Sid Friedman abstained).

Chair Brown opened the legislative public hearing:

DOCKET NO.: G-03-01 and G-01-02

REQUEST: Docket G-03-01 is an amendment to reinstate the option for a forest template dwelling in the F-80 Forestry District. The forest template dwelling process is proposed to be the same as that which is already in place in the Agriculture/Forestry District (AF-20, AF-40 and AF-80)

Docket G-02-02 contains a number of ordinance amendments to incorporate changes passed by the 1999 and 2001 Legislature as well as amendments to the Oregon Administrative Rules. The docket also contains some amendments suggested by staff to clarify certain aspects of the code and clean-up outdated code language.

APPLICANT: Yamhill County

LOCATION: These ordinance changes would apply to the unincorporated areas of Yamhill County in the appropriate zoning districts.

CRITERIA: ORS 197 and 215, OAR 660-06 and Section 1207.02 of the Yamhill County Zoning Ordinance

Staff Report: Ken Friday gave a brief overview of the staff report. Questions: Daryl: Do we have an estimate of the possible Forest Template dwellings? Mike Brandt noted that three individuals have come in over the past few years about the possibility of siting a dwelling in the F-80 zone as a Forest Template.

Testimony: The following individuals submitted testimony regarding the topics to be discussed in the hearing: Melody Myers, 53680 Hebo Rd., Grand Ronde, OR 97347. She is in favor of the change to make wineries a conditional use in the AF-10 zone.

David Shelburne, 20838 NW Baker Creek Rd., McMinnville, OR 97128. He is in favor of reinstating the Forest Template in the F-80 zone.

A.K. Cardinal, PO Box 391, Amity, OR 97101. He is in favor of reinstating the Forest Template in the F-80 zone.

John Englebrecht, 1266 Augusta Drive, McMinnville, OR 97128. He does not support reinstating the Forest Template in the F-80 zone.

Jim Ludwick, 7500 SW LeBold Rd., McMinnville, OR 97128. He opposes reinstating the Forest Template in the F-80 zone.

Merilyn Reeves, President, Friends of Yamhill County, 22250 SW Boulder Crest Ln., Amity, OR 97101. She is not in favor of reinstating the Forest Template in the F-80 zone..

James R. Ruggles, 15500 SW Dusty Drive., McMinnville, OR 97128. He is not in favor of reinstating the Forest Template in the F-80 zone.

Joan Davenport, 6855 NE Breyman Orchard, Dayton, OR 97114. She supports the increase in rooms for Bed & Breakfasts.

Fred Robinson, 16885 NE Nelson Rd., Newberg, OR 97132. He would like Secondary Farm Dwelling applications Type B instead of Type A. Also testified in opposition of reinstatement of F-80 Forest Template.

Henry Reeves, 22250 SW Boulder Crest Ln., Amity, OR 97101. He is not in favor of reinstating the Forest Template in the F-80 zone.

Leonard A. Rydell, 601 Pinehurst Drive., Newberg, OR 97132-1625. He is in favor of reinstating the Forest Template in the F-80 zone.

Dennis R. Werth, 8990 Hebo Rd., Grand Ronde, OR 97347. He is in favor of the Forest Template change.

Edwin Sharer, PO Box 506, Newberg, OR 97132. He is generally in favor of the suggested changes.

James G. Wilcox, 20340 SW Peavine Rd., McMinnville, OR 97128. He submitted written comments.

MOTION: Daryl Garrettson moved to recommend to the Board of Commissioners that the amendments to the F-80 district, Docket G-03-01, not be adopted. Seconded by Gary Johnson. Approved 4-3 (Opposed: Brad Myers, Marjorie Ehry, Bernie Diefenderfer)

Mandatory Amendments

MOTION: Daryl Garrettson moved to recommend for adoption the items on the memorandum dated October 2, 2002 that are listed as mandatory ordinance changes except the changes of statutory requirements that parks on exclusive farm use ground may only serve the surrounding community and the changes of seasonal farm worker housing and places it under the category of farm help dwelling. Seconded by Sid Friedman. Approved unanimously. (See list of items recommended below)

TYPE OF CHANGE	SOURCE OF CHANGE	DESCRIPTION OF AMENDMENT
Regulation (Mandatory)	SB 467 (1999)	Expands the notice area for type "A" notices to 750 feet in the farm zone.
Deregulation and Clarification (Mandatory)	HB 2865 (1999)	Defines "necessary utility facility" in the exclusive farm use zone. Administrative Rules have been adopted to address this issue.
Deregulation and Clarification (Mandatory)	SB 470 (2001)	Clarifies activities at a church that are customarily associated with religious activity, such as worship services, religion classes, weddings, funerals, child care and meal programs.
Deregulation (Mandatory)	SB 724 (2001)	Extends the approval time for certain dwellings from two to four years with the possibility of a two year extension
Clarification (Mandatory)	HB 2371 (2001)	Requires that local appeals of land use decisions must be heard de novo if the initial local decision did not provide a public hearing.

Clarification (Mandatory)	HB 2463 (2001)	Specifies procedure to determine center point of a flag lot for purposes of an application for a “lot of record” dwelling on EFU land in the Willamette Valley. Certain provisions apply.
Deregulation (Mandatory)	HB 2548 (2001)	Allows farm dwelling in conjunction with dairy farm prior to gross sales requirement.
Deregulation (Mandatory)	HB 2804 (2001)	Expands definition of relatives that can qualify for farm help dwellings.
Clarification and Deregulation (Mandatory)	HB 3924 (2001)	Clarifies what activities can be done at farm stands.
Clarification (Mandatory)	Planning Dept.	Change time lines in the “type B” ordinance process to match state time lines.

Optional Amendments

MOTION: Gary Johnson moved to recommend to the Board of Commissioners approval of the optional items as selected by the Planning Commission. Seconded by Marjorie Ehry. Approved unanimously. (See list of items recommended below)

TYPE OF CHANGE	SOURCE OF CHANGE	DESCRIPTION OF AMENDMENT
Deregulation (Optional)	SB 212 (2001)	Expands the opportunity, subject to DEQ approval, for land application and disposal of wastes in EFU zones as an agricultural practice.
Deregulation (Optional)	Planning Dept.	Amend the livestock limitation in the VLDR zone to consider the animal unit equivalents.
Clarification (Optional)	Planning Dept.	Add Golf Course to the RC zone. Although this zone has all the golf courses in it, the ordinance section does not list golf course as a permitted or conditional use.
Deregulation (Optional)	Planning Dept.	Eliminate the mineral resource setback when the property abuts a mineral resource zone. (Requested by the industry)
Clarification (Optional)	Planning Dept.	Require compliance with site design review conditions - similar to the conditional use conditions of approval. (Although conditions of approval are placed on every site design review, there is no clear method for enforcing those conditions.)

Deregulation (Optional)	Planning Dept.	Include wineries as a conditional use in the AF-10 zone. (Presently they need to obtain a plan amendment/zone change from AF-10 to RI.)
Clarification- (Optional)	Planning Dept.	Replace the words <i>mobile home</i> with <i>manufactured dwelling</i> in the definition of dwelling.
Deregulation and Clarification (Optional)	Planning Dept.	Add forestry use to the VLDR zone. It is in the purpose statement but not in the ordinance.

Ax List:

MOTION: Sid Friedman moved to recommend to the Board of Commissioners denial of the optional items as selected by the Planning Commission. Seconded by Daryl Garrettson. Approved unanimously. (See list of items recommended for denial below).

TYPE OF CHANGE	SOURCE OF CHANGE	DESCRIPTION OF AMENDMENT
Deregulation (Optional)	SB 479 (1999)	Add as a conditional use in the VLDR and AF-10 zone the option of churches to offer overnight camping to homeless.
Deregulation (Optional)	SB 580 (1999)	Allow living history museums in nonmarginal land counties.
Deregulation (Optional)	SB 838 (1999)	Allow county to approve certain land divisions in farm zones to split off house when the rest of parcel is to be used for a park.
Deregulation (Optional)	SB 882 (1999)	Authorizes counties to allow yurts in private campgrounds
Deregulation (Optional)	HB 2389 (1999)	Allows division of exclusive farm use land for churches and cemeteries in/conj. with churches
Deregulation (Optional)	SB 715 (2001)	Allows dividing off of dwellings on parcels in the forest zone if each parcel contains a dwelling

Youth Camps

Sid was concerned with adding additional non-farm activities in the farm zone. He would be willing to consider it as a conditional use, not an outright permitted use.

MOTION: Daryl Garrettson moved to recommend to the Board of Commissioners approval the proposed ordinance amendment for youth camps as set forth in the packet except that it me removed from the permitted use and become a conditional use. Seconded by Gary Johnson. Approved unanimously.

RV for Temporary Dwelling

MOTION: Daryl Garrettson moved to recommend to the Board of Commissioners approval of the use of an RV as a hardship dwelling with the additional language that services normally available in a long term RV campground must be provided, those services being electricity, hard plumbing and septic approval. Seconded by Gary Johnson. Approved unanimously.

Seasonal Farm Worker Housing

Daryl would like to add a definition that seasonal working means 273 days or more.

MOTION: Daryl Garrettson moved to recommend to the Board of Commissioners approval of the seasonal workers changes with the additional language of defining seasonal worker as meaning 273 days or more. Seconded by Sid Friedman. Ken Friday and Mike Brandt noted that we have several approved applications that require habitation of less than 273 days as seasonal. Motion withdrawn by Daryl and Sid.

MOTION: Sid Friedman moved to recommend to the Board of Commissioners approval of the seasonal workers changes with the additional language that for the purpose of this subsection, seasonal shall be defined as not less than 5 months. Daryl Garrettson seconded the motion. Approved 6-1 (Brad Myers opposed).

Variance

Sid would like the motion limited to outbuildings and additions to existing dwellings not new dwellings.

MOTION: Sid Friedman moved to recommend to the Board of Commissioners approval of the variance change with language limiting it to the creation or expansion of outbuildings or expansion of existing dwellings, not creation of a new dwelling. Gary Johnson seconded the motion. Approved unanimously.

Bed and Breakfast

MOTION: Sid Friedman moved to recommend to the Board of Commissioners approval of the change of numbers allowed for a bed and breakfast up to 7 rooms, applicable only in the VLDR and AF-10 zones and not in any other zone including the industrial zones. Gary Johnson seconded the motion. Approved unani-
mously.

Utility facilities

MOTION: Daryl Garrettson moved to recommend to the Board of Commissioners to approve the change to allow utilities in an HI zone. Seconded by Bernie Diefenderfer. Approved 6-1 (Sid Friedman opposed)

Limited Use Overlay

Daryl would like to add wording after Board of Commissioners “or Planning Commission”

MOTION: Daryl Garrettson moved to recommend to the Board of Commissioners approval of the changes on 904.1 with the addition of the words “or Planning Commission” after the words “Board of Commissioners.”
Seconded by Bernie Diefenderfer. Approved unanimously.

Depth to Width Ratio

MOTION: Daryl Garrettson moved to recommend to the Board of Commissioners approval of the changes eliminating the depth to width ration in the farm zones. Seconded by Marjorie Ehry. Approved unanimously.

Road Access

MOTION: Brad Myers moved to recommend to the Board of Commissioners approval of the change to clarify that the road access requirements in the Forestry and Agricultural/Forestry zone may be varied by the local fire officials. Seconded by Daryl Garrettson. Approved 6-1 (Sid Friedman opposed)

Planning Commission Request

MOTION: Sid Friedman moved to request staff to bring forward for public hearing a possible ordinance amendment on Section 1402.01 of the Yamhill County Zoning Ordinance to make the noticing requirement consistent with both Type A & Type B. Seconded by Daryl Garrettson. Approved unanimously.

New business: Ken Friday gave an update on the Duyn Subdivision and Nels Melberg. Measure 7 decision should be released on Friday.

Adjourn: Chair Brown adjourned the hearing at 10:30 p.m.