

YAMHILL COUNTY PLANNING COMMISSION MINUTES

Thursday, January 9, 2003 @7:00 p.m.

Yamhill County Courthouse, Room 32

535 E 5th St.

McMinnville, Oregon 97128

Roll Call: Gary Johnson, Alan Halstead, Robert Smiley, Sid Friedman, Marjorie Ehry, Bernie Diefenderfer Absent: Dean Brown, Daryl Garrettson, Brad Meyer. Staff: Ken Friday, Mike Brandt, Rick Sanai, County Counsel

Sid Friedman opened the public hearing.

DOCKET NO.: S-03-02/V-11-02
REQUEST: Approval of a six (6) lot subdivision and a variance to the county road standards. The variance to the road standards would allow the creation of an easement road rather than a dedicated right-of-way.
APPLICANT: Marc E. Willcuts
TAX LOTS: 3324-5700
LOCATION: 22220 Fryer Hill Road, Dundee, Oregon
ZONE: VLDR-1, Very Low Density Residential
CRITERIA: Section 502 of the *Yamhill County Zoning Ordinance*; and the *Yamhill County Land Division Ordinance* including sections 14.000, 6.010 and 6.015(1)

Tom Tankersley, 701 NE Evans St., McMinnville: Counsel for the applicant noted that the applicant and neighbors have been in discussion and would like to continue the hearing to the February hearing date.

MOTION: Gary Johnson moved to continue Docket S-03-02/V-11-02 to the February 6, 2003 hearing. Seconded by Alan Halstead. Voice vote approved unanimously.

Alan Halstead moved to approve the **minutes** for the December 5, 2002 public hearing as submitted. Seconded by Marjorie Ehry. Approved unanimously.

CONTINUATION OF A QUASI-JUDICIAL PUBLIC HEARING:

DOCKET NO.: PAZ-05-02
REQUEST: Approval of a Comprehensive Plan amendment from Agriculture Forestry Large Holding to Quarry; a zone change from EF-40 Exclusive Farm Use to MR-2 Mineral Resource and adding approximately 68 acres of land to the Goal 5 aggregate inventory. Approval of this request would allow for expansion of the Anderson-A Quarry.
APPLICANT: Dayton Sand and Gravel Inc.
OWNER: Mr. and Mrs. Richard Sly
TAX LOT: 5423-1400 and 1403
LOCATION: 9365 SE Amity Road, Amity, Oregon
CRITERIA: Sections 402 and 404 of the Yamhill County Zoning Ordinance. Statewide Planning Goal 5. Oregon Administrative Rule (OAR) 660-023, in particular the section dealing with Mineral and Aggregate Resources of OAR 660-023-0180. Transportation Planning Rule of OAR 660-12-0060.

Sid Friedman opened the hearing at Staff Recommendation.

Staff Recommendation: Ken Friday noted that the new Goal 5 rule regarding aggregate mining has a very well defined process. He said based on information received, conflicts can be minimized with conditions of approval. Staff recommends approval of the zone change from EF-40 to MR-2 and placement of the Tax lot 5423-1400 and 1403 on the Goal 5 inventory with the limited use overlay zone which contain the 24 conditions of approval as listed in the staff report. The applicant had also requested to have the northern portions of Tax Lots 5424-1001 and 5423-1402 added to this request with setbacks as shown on Plate 5 of the reclamation plan. Ken said our office would be supportive of re-zoning these portions also to MR-2 with a condition number 25 which states “the setback for blasting and quarry activity shall be as shown on Plate 5 of the Reclamation Plan.” Ken noted that adding the northern 200 feet of these tax lots would require notice to be mailed out for the future hearing before the Board of Commissioners. Staff questioned the Commission to see if they would be supportive of this addition.

Sid Friedman closed the public hearing for “Questions of Staff” and Deliberation.

Questions of Staff: Alan Halstead: There is a letter from Mark Norton with concerns of Water Resources. Ken noted that there was a responding letter from Steven Bruce, Senior Hydrologist, GeoEngineers, Inc. Alan asked if Mark Norton had seen the letter from Mr. Bruce. Ken said no, that was not possible with the record deadlines. Sid Friedman asked Counsel to recap the Goal 5 rule. Rick Sanai reviewed the new Goal 5 rule.

Deliberation:

Gary Johnson abstained from the deliberation and vote due to his absence at both prior hearings.

Alan Halstead said that even though he had missed the first hearings, he has studied the evidence and can made a decision on this application. He believes the applicant has met the required standards. The additional 200 feet is a reasonable request and more accurately reflects the property and zoning lines. He supports the staff recommendation.

Robert Smiley said that after reviewing the application and reviewing Goal 5, he believes the application does meet the goals and is in favor of the additional land and would support the staff recommendation.

Marjorie Ehry: She agrees with the staff recommendation

Bernie Diefenderfer: He concurs with the staff recommendation.

Sid Friedman: He agrees that the application does meet the standards for approval. He also agrees with the addition of condition 25.

MOTION: Alan Moved to recommend to the County Commissioners approval of Docket PAZ-05-02 with the conditions 1-25 . Robert Smiley seconded the motion. Approved unanimously.

QUASI-JUDICIAL PUBLIC HEARINGS:

DOCKET NO.: C-15-01
REQUEST: Conditional use approval to allow a 300-student K-12 school, two social service building, two duplexes, a gymnasium, amphitheater and athletic fields.
APPLICANT: North Valley Friends Church
TAX LOT: 3208-2700, 2701, 2800, 2801 and 2802
LOCATION: 4020 N. College Street, Newberg, Oregon
ZONE: AF-10 Agriculture/Forestry Small Holding and PAI Public Assembly/Institutional
COMP. PLAN: VLDR Very Low Density Residential and Public

CRITERIA: Sections 501.03, 501.06 and 1202.02 of the Yamhill County Zoning Ordinance; Comprehensive Plan policies I.B.1.c. and d. and IV.A.1.i. The Processing of the application is also affected by the Newberg Urban Area Management Agreement and the Goals and Policies addressing the Urban Reserve Area.

Abstentions, Objections of Jurisdiction, ex parte contact: none

Rick Sanai read the “**raise it or waive it**” statement into the record.

Staff Report: Ken Friday gave a brief review of the Staff Report.

Proponent’s Case: Bruce Longstroth, 2033 NE Chehalem Drive, Newberg. He submitted six letters of support from surrounding neighbors. Jim Fisher, 23225 NE Dillon Rd., Newberg. Jim gave a brief review of the church history and the proposed plan. Jim said there is a shortage of land for a private school. Questions: Robert Smiley: What borders the property to the south? Bruce: The Newberg city limits. Robert: Why are you not asking for annexation? Bruce Longstroth noted that they want to make this development a part of the community. Factors to consider with annexation is cost and permanency. Bruce said they are willing to work with the County and City to make this plan workable. Bruce reviewed the conclusions for denial. He said they are not opposed to annexation but the matter is a financial one. Questions: Sid Friedman: What is the financial reasons for not annexing? Bruce Longstroth: It would cost approximately 3 time the cost of development in the county. In the county the development cost would be approximately \$250,000 while in the city, satisfying their requirements would increase the development costs to \$750,000.

Todd Mogley, Lancaster Engineering, Union Station, Suite 206, 800 NW 6th Ave., Portland, OR 97209: He gave a brief review of the traffic study. The study was performed on a basis of a 300 student private school. He then added an addendum for the social services building. Trip generation is similar to that of a private school. The athletic fields would be similar to that of a private school. The increase in trips would be insignificant. The study found that the intersection at Hwy 219 and Bell Road would operate safely. Robert Smiley: Would a school zone be established? Todd said that a school zone would be up to the jurisdiction. Alan Halstead: Would the intersection warrant a traffic control device? Todd: No. Sid Friedman: In the addendum you calculated the trips for the social service buildings using a single tenant office calculation. What kind of usage do you anticipate for these buildings? Todd: Mr. Longstroth would have a better idea of the plan. We thought a single tenant office would be appropriate.

Jim Luzier, Luzier Hydrosciences, 2 Gershwin Ct., Lake Oswego, OR: Mr. Luzier gave an overhead presentation on his water study. Questions: Gary Johnson: What effect will irrigation of the ball field have on the existing wells? Mr. Luzier: Very little. Alan Halstead: What wells are downstream from the church? Mr. Luzier: There are 2 wells to the east with several wells to the west. There should be little impact on those wells. The reservoir is running well. Sid Friedman: What is the number of people used to do an average for well usage? Jim Luzier: I used 445 people. Did you calculate the usage based on ball field irrigation? Mr. Luzier: No, I don’t know for sure that the fields will be irrigated. Sid Friedman: Did you estimate the maximum number of gallons usage? Mr. Luzier: No.

Dennis Gibbons, Price Rite Septic Service, 18220 NE Hillside Drive. Newberg. He reviewed test hole information using Hollis Gunter’s, County Sanitarian, estimates of students. The entire system would be a treated system, either a sand filter or a recirculating gravel system.. There are other areas on the property that would be usable space for the needed linear feet necessary especially in the southern area. Questions; Sid Friedman: How many linear feet do you have room for? Dennis: Approximately 2000 primary and 2000 secondary (replacement area).

Bill Rourke: 4016 N. College St., Newberg. We live adjacent to the church on the southwest corner. We

share the churches driveway for access. The proposed usage is appropriate for this parcel. We are in favor of this application.

Gregory Woolsey, 1225 Madison Drive, Newberg. We border the church on the south side. We are in support of this application.

Don Top, 5555 SW Delker Rd., Tualatin, OR Mr. Top represents many parents that support Veritas School who hopes to be able to use the school site as a permanent site. They are in favor of the application.

Keith Hanson, 1808 Carol Ave. Newberg: Chairman of Board of Veritas School Board Chairman. We located to the area to be closer to our children's school. We are in favor of the application.

Mark Hall, 3615 Ivy Drive, Newberg. Veritas School needs to locate somewhere and this would be a good site. We relocated to Newberg to have our kids at this school. He is in favor of this application. Sid Friedman: Where is the current site of Veritas School? Mr Hall: On Mission St. in Newberg.

Dana Miller, 109 SW Birch St., Dundee: He said he is in favor of this application. He said we need a diversity of schooling options. He said support the partnership between school and church.

Monica Tweet, 1215 Madison Drive, Newberg. She said her property borders the church on the south. She said they purchased their property looking forward to using the public areas of the church property.

Colin B. Saxton: 511 E. Third St., Newberg. He said the church has a long history of community involvement. He said the church would like to centralize the community services. Questions: Sid Friedman: What are the plans for the Social Services building? Colin: We currently have a free clothing closet. We have talked with Habitat for Humanity for office space.

David Sprecher: 4009 N. College St., Newberg: We live directly across Highway 219 from the church property. He said he is not a member of the church and has no objections to the proposed activities. He is in favor of a duplex for after hours security monitoring.

Opponent's case:

Barton Brierly, City of Newberg, PO Box 970, Newberg, OR: This property is in the Newberg Urban Reserve area. Barton said he views this development as an Urban use. He stated the City Council has no objections to the facility and its goals. However, the City would like to have this area annexed and have City services. Barton said the Commission has no option other than to deny the application. He said the City is willing to work with the applicant to get through the process. The City is concerned with Bell Road and the lack of improvements with the increase in pedestrian and bicycle traffic. The Fire Marshall is concerned with development of this size without hydrants. Barton reviewed the comprehensive plan conflicts and read some of the Goals and Policies. Ken objected to one of the policies that Barton read and asked that he read in the entire statement and not just portions of it. Barton continued to review the conflicts. Questions: Bernie Diefenderfer: What are the City's plans for the area and time line? Barton: The city plans for the Urban Reserve Area go to the year 2020. Gary Johnson: Where is the closest sewer? Barton: The property is adjacent to the City, probably within 300 feet? Marjorie Ehry: How has the applicant gotten this far with all these stumbling blocks? Barton: They were told our concerns. Bernie: Does staff agree with Mr. Brierly? Ken Friday: I disagree that connections to City services are required. There is nothing requiring that this development must be serviced with City services or that the Planning Commission has no options but to deny the permit. Ken also emphasized that since the property is within the Urban Reserve Area the City's concerns should be very seriously considered. Alan Halstead: Which jurisdiction handles police services and fire? Barton: Police Services would be by the County Sheriff's office and Newberg Rural Fire District would cover fire protection. Sid: Did the City Engineering Depart-

ment review the hydrology report?. Barton: No. Ken: Are there corridor plans to identify roads? Barton: Yes. Ken: Is there a corridor plan on this property? Barton: No, roads were proposed around the property. Ken: Do you agree with the cost estimates given by the applicant? Barton: Yes. Ken: The City evaluates requests to see if over 10% of the property but is this in the Goals and Policies of the County? Barton: It is in the Newberg Urban Area Management agreement. It is a standard for the City to use for evaluation. Ken: If the Planning Commission approves this application, would they be in violation of this standard and is this a binding standard on the County? Barton: The Policy and Comprehensive Plan says "interim rural development within the designated Urban Reserve Area shall be regulated and reviewed as outlined in the Newberg and Yamhill County Urban Growth Management Agreement. Ken: This is a policy statement that the City and County need to coordinate together. Is the 10% rule something the City believes to be a standard because this will effect on this property and any future development? Barton: The City and County agreed this would be a basis for reviewing. Ken: For the City reviewing the requests - yes, but this 10% development standard has not been adopted by the County as a rule criterion that the applicant must satisfy. Gary Johnson: Does the 10% standard count the fields and walking trails? Barton: Yes. Gary: I do not feel that a ball field is "development." Sid Friedman: Why would this impede future development beyond the parcel? Barton: Extending services past the parcel would be very costly. Audience: Isn't the sewer at capacity in that area? Barton: Yes, but more line is being laid this year. Jim Fisher: Is the Fire Marshall aware that there is a water reserve at the site for fire purposes? Barton: Yes, but he would prefer a fire hydrant. Jim Fisher: You submitted a photo of a sign warning of hazards to bicyclists and joggers, could you please tell us where this sign is located? Barton: On Bell Road 100 Feet from Springbrook Road, facing west, about a mile from the site. Monica Tweet: What are the City's plans? Barton: There are no plans for urban development beyond Bell Road at this time. Dotty Boyle, 709 E. Franklin St. Newberg. Is there a housing development adjacent to the property? Barton: Yes. Bruce Longstroth. Why was this property never included in the Urban Growth Boundary? Why was this property excluded? Barton: Properties to the west of College Street are included in the Urban Growth Boundary and those on the east are not. There was a variety of reasons at the time of creation of the boundaries. Kerry Goodwin, 3019 Dogwood Drive, Newberg. Is the property to the east in the Urban Reserve Area? Barton: Yes.

Public Agency Report: E-mail to Dyke Mace from DEQ, Public Works.

Rebuttal: Bruce Longstroth gave the rebuttal. The perimeter trail surrounding the property will have curbs and sidewalks. We are not impeding any planned urban development that the City has around us. City services in the near future is questionable. Finances can be considered a factor in any type of development. The property is in the County and the County should be the governing agency while paying attention to their concerns.

Staff Recommendation: County and City have worked together on the Urban Reserve Area for the past 5 years and Ken said he very much respects Barton Brierly's opinion. He said he usually agree with his opinion or Barton can usually convince me that he is right. Ken said in this case though, he strongly disagrees with the position and findings regarding certain County Comprehensive Plan and Goals and Policies. Ken note that the goal of the Urban Reserve Area is to assure that the development would not impede future development of the site. Ken said that typically conditions are placed on the development to make sure it is done in a particular area of the property and the other areas are reserved for road corridor or that development is clustered in a particular area. The City is telling us that it will prevent future urbanization of the land but then they say it is going to be OK as long as it goes into the City. Ken said that the City does not have any serious objections with the development but rather the location being in the County. Past practice has been on a conditional use permit, that if the applicant is able to demonstrate that the facilities like transportation, sewer, and water are there, and the proposed facility will not overburden them, then the Planning Department recommends approval. Ken said that therefore, our office is recommending approval. He noted the applicant has met the burden of proof in those areas. They went to a fair amount of expense trying to demonstrate compliance. Approval is recommended with the conditions listed in the Staff Report. Ken said he does have to recommend denial on the duplexes. They do have three tax lots that would allow for three dwellings but the County ordinance does not allow duplexes.

Questions of Staff: Sid Friedman: Given the Public Agency comment just read, is the drain field adequate for the facility? Ken: We have received a revised map indicating the school building not sited on the drainfield. We also have testimony from Dennis Gibbens that there is sufficient area for the system. Whatever they decide on the septic will be handled by DEQ. I can't point to a plan and say that it will serve the entire facility. If you ask if there is enough information to say that it can serve the facility, I would have to say yes.

Sid closed the public hearing for deliberation.

Deliberation:

Bernie Diefenderfer: The development as presented by the church adequately answers the questions I have for the development of this property even though the City of Newberg has a small problem with it. I will go along with Staff recommendation.

Marjorie Ehry: They put a lot of time, vision and praying in their plan. It is a workable plan. I would go with Staff recommendation.

Sid Friedman: It is a good plan and will enhance the property. It is an urban level of development and belongs in the Urban Growth Boundary. The water issue has not been proven to be sufficient. 445 people belong on a sewer system, not a drain field. It will impede development to other sites. It does not meet the conditional use criteria of sufficient facilities.

Robert Smiley: A school does not need to be in a city. Terrain will impede development to the north. The roads may not be sufficient.. I feel there may not be enough water. I feel that it should go by way of the annexation process.

Alan Halstead: This is an urban use. I do not believe that adequate services are available at this time for the development in the county.

Gary Johnson: I agree with Staff but also with Sid, Robert and Alan. They will have to meet the DEQ hurdles along with ODOT requirements on a time constraint. There are no guarantees to the annexation.

MOTION: Gary moved to approve Docket C-15-01 with conditions outlined in the Staff report. Seconded by Bernie Diefenderfer. Motion fails (3-3 with Sid Friedman, Alan Halstead, and Robert Smiley opposing).

MOTION: Alan Halstead moved to send Docket C-15-01 to the Board of Commissioners with no recommendation. Seconded by Gary Johnson. Approved unanimously.

New Business:

Kathy George will be our Board of Commission liaison. She had to leave early from our meeting. There will be a training session offered by the Oregon Chapter of the American Planning Association in Fairview on February 8, 2003.

Adjournment: The hearing was adjourned at 9:50 p.m.