

YAMHILL COUNTY PLANNING COMMISSION

Thursday, April 7, 2005 @7:00 p.m.
Yamhill County Courthouse, Room 32
535 E 5th St.
McMinnville, Oregon 97128

Chair Robert Smiley called the meeting to order at 7:00 p.m.

Roll Call: Dean Brown, Bernie Diefenderfer, Marjorie Ehry, Alan Halstead, Chair Robert Smiley, Sid Friedman.
Absent: Daryl Garrettson, Gary Johnson, Brad Myers. **Staff:** Ken Friday, Rick Sanai.

Review of the **minutes** from the Planning Commission Hearing of March 3, 2005. Alan Halstead moved to approve the minutes as presented. Seconded by Bernie Diefenderfer. Approved unanimously.

QUASI-JUDICIAL PUBLIC HEARINGS:

DOCKET NO.: C-28-04
REQUEST: Conditional use approval to establish a dog kennel to keep 16 dogs on the applicant's property. The dogs will be Chihuahuas and German Shepherds. The request does not include approval to allow the commercial boarding of dogs.
APPLICANT: Kerrie B. Casas
TAX LOT: 6306-1700
LOCATION: 12650 Kirkwood Road NW, Salem, Oregon
ZONE: AF-10 Agriculture/Forestry Small Holding
CRITERIA: Section 501.03(I), 501.06(C)(2), and 1202.02 of the Yamhill County Zoning Ordinance

Ken Friday stated there was a request to have Docket No: C-28-04 continued to the May hearing and asked for a motion.

MOTION: To continue Docket No: C-28-04 for 1 month to the May 5th Planning Commission Hearing. Alan Halstead moved to approve. Seconded by Sid Friedman. Approved unanimously.

Chair Smiley reviewed the procedure for the evenings hearing and opened the public hearing.

DOCKET: PAZ-08-04
REQUEST: Approval of a Comprehensive Plan amendment from Agriculture/Forestry Large Holding to Agriculture/Forestry Small Holding; a zone change from AF-20 Agriculture/Forestry to AF-10 Agriculture/Forestry Small Holding, and an Exception to Goal 4.
APPLICANT: The Benkendorf Associates, representing
OWNER: Stephen Wilson of Bucks Corp.
TAX LOT: 3226-494 and 496
LOCATION: South of the western end of Lesley Road, Newberg Oregon
CRITERIA: Sections 402, 501 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 660-04, Exception Process. OAR 660-12-0060 Transportation Planning Rule.

Abstentions, Objections of Jurisdiction, Ex Parte Contact: None.

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

Staff Report: Ken Friday gave a brief review of the staff report and pointed out the air photograph which identified the parcel and parcel sizes of the surrounding areas.

Proponent's Case: Al Benkendorf of Benkendorf Associates, Consulting Planners, 522 SW 5th Ave., Suite 703, Portland, OR 97204 and Joel A. Norgren, Soil Scientist, 3655 NW VanBuren, Corvallis, OR 97330:

Mr. Benkendorf began by emphasizing that the application is about adding 2 additional residences to Yamhill County. After reviewing the Staff Report, he agreed that an exception to Goal 3 & 4 might not be appropriate. He stated that the property is not resource land. Pictures were then passed out showing the soil characteristics. Mr. Norgren explained the stony soils on the property. Approximately 54% is stony land, but also includes a significant percentage of other soils that are considered low-value, based purely on their steep slopes. The moisture holding capacity in the soil survey report is between 2 - 4 inches. An average agricultural soil, have a rating of between 6 - 14 inches. The only use mentioned for stony land in the report, is unimproved pasture. The remainder of the property has some potential for producing trees, but the distribution of the deeper soils is quite disbursed. In his experience, this is the largest parcel of unproductive soil, all in one piece, that he has seen to date in Yamhill County. **Questions:** None. Mr. Benkendorf continued by stating that in the memo that was handed out before this meeting began, is the other criteria determining whether land is resource land. There are wells for the residences, but not wells suitable for irrigation purposes. In terms of the existing land-use pattern, this area is a residential subdivision with considerable improvements. This site is surrounded by 20 acre sites that have been developed with a residence. The soil is not suitable for commercial production of timber. Mr. Benkendorf went on to explain the need for additional AF-10 lots. Photos of the site characteristics were handed out. In a letter from Bill Gille, Public Works Director, he stated that the proposed plan amendment would have levels of travel and access that are consistent with the functional classification of the road. Seven letters of support from surrounding neighbors were received, with no objections to the proposal. The request is compatible with the Comprehensive Plan and Zoning Ordinances. Looking at the land-use system, the choices for rural parcels in Yamhill County have greatly declined. **Questions:** Marjorie Ehry: Are there 2 wells on the land? Mr. Benkendorf: Yes and they're adequate for the 2 residences on the property.

Questions of Proponent's: None.

Opponent's Case: None.

Public Agency Report: Ken Friday reported that ODOT found no conflict of interest, as well as the Public Works Dept. and the Newberg Rural Fire Dept.

Rebuttal: None.

Staff Recommendation: Staff recommends approval and has no objections to the applicant's conclusions for approval.

Chair Smiley closed the public hearing.

Deliberation:

Alan Halstead: If I were buying property and saw the soil report, I wouldn't buy it. I have mixed feeling about this request.

Sid Friedman: I'm familiar of this general area, and I know there is a lot of timber in that area. I have not seen evidence to conclude that this does not qualify as forest land. I will not support it.

Marjorie Ehry: I agree with Sid. I feel that 10 acres is a large piece for just a house. It also concerns me that something should be planted. Also, the letters supporting this, are exactly alike. I am not ready to support it.

Bernie Diefenderfer: I concur with staff and believe it demonstrated trees will not grow on the property. I don't think they can make money on it. I agree with staff.

Dean Brown: I agree with the findings of staff and the applicant.

Robert Smiley: In looking at the soil, you wonder how the lots are created. Soils were not working for the farm, and there were 3 attempts to grow trees on it. I concur with staff.

MOTION: Alan Halstead moved to approve the application for Docket No: PAZ-08-04 with the omitted conclusions for approval. Seconded by Dean Brown. Motion passed 5 votes to 1 for approval. (Opposed by Sid Friedman)

New Business: None.

Dean Brown tendered his resignation as a member of the Planning Commission and asked that the record show his deep appreciation for the opportunity to serve Yamhill County as a member of the Commission and to be a part of a land-use planning system that is the finest in the nation. Resignation effective at the end of the meeting. Rick Sanai expressed his appreciation to Dean.

Adjourn: The meeting adjourned at 8:05 p.m.

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