

YAMHILL COUNTY PLANNING COMMISSION MINUTES

Thursday, June 2, 2005 @7:00 p.m.
Yamhill County Courthouse, Room 32
535 E 5th St.
McMinnville, Oregon 97128

Roll Call: Alan Halstead, Robert Smiley, Sid Friedman, Marjorie Ehry, Bernie Diefenderfer, Daryl Garrettson, Brad Myers (7:03), Gary Johnson (7:03). Staff: Ken Friday, Mike Brandt.

Alan Halstead moved to approve the May 5, 2005 **minutes** as submitted. Seconded by Marjorie Ehry. Approved unanimously.

Chair Smiley opened the public hearing.

Abstentions, Objections of Jurisdiction, Ex Parte Contact: None

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

QUASI-JUDICIAL PUBLIC HEARINGS:

DOCKET NO.: S-02-05/C-08-05
REQUEST: The applicant is requesting to develop a 39 lot subdivision (Note: An additional tract is to be created which is to be set aside for a future interchange). The majority of the parcels are two acres in size. The request includes a conditional use approval to develop a community water system to serve these lots.
APPLICANT: Ed Romanov
OWNER: Black Family Vineyard, LLC
TAX LOT: 3326AA-100, 3323-2900 and 3325-700
LOCATION: 905 NW Dogwood Street, Dundee, Oregon. The land is generally located northeast of the intersection of Viewmont Drive and Dogwood Street.
ZONE: VLDR-2.5 and VLDR-1, Very Low Density Residential
CRITERIA: *Yamhill County Land Division Ordinance* and Section 502.06 of the *Yamhill County Zoning Ordinance*. The community water system request is evaluated with the conditional use criteria listed in Section 1202.02 of the *Yamhill County Zoning Ordinance*.

Staff Report: Ken Friday read a letter received from the applicant requesting a continuance to the July 21, 2005 hearing. Robert Smiley questioned those in attendance if they were unable to return for the July 21, 2005 hearing. Steve Boudoin will not be available. His testimony was accepted into the record at this hearing.

Steve Boudoin: 10800 NE Paren Springs Rd, Dundee, OR 97115: He has a few concerns regarding this development. He distributed a map of the northwest section of the property. This property is very steep and has a creek in the ravine. He is concerned that a 40' easement road would go through Harvey Creek. **Questions:** Sid Friedman: How do you access your property? Mr. Boudoin indicated on the map.

Michael Robinson, Perkins Cole LLP, 1120 NW Couch St., Tenth Floor, Portland OR 97209-4128: The applicant is not proposing to cross Harvey Creek. The northwest corner of the development is planned to be. The applicant's intention is to not do anything in the Northwest corner due to the terrain. **Questions:** None.

MOTION: Sid Friedman moved to continue this hearing to the July 21, 2005 Planning Commission Meeting at 7:00 p.m., Room 32 at the Yamhill County Courthouse. Seconded by Brad Myers. Approved unanimously.

DOCKET: PAZ-05-04
REQUEST: Approval of a Comprehensive Plan amendment from Low Density Residential to Commercial; a zone change from LDR-12000 Low Density Residential to NC Neighborhood Commercial. The purpose of the zone change is to allow a motorcycle repair shop in conjunction with the existing motorcycle parts store.
APPLICANT: Jeff and Tammy Coffman
REPRESENTATIVE: Jessica Cain, Attorney at Law
TAX LOT: 3325-900
LOCATION: 270 North Highway 99W Dundee, OR 97115
CRITERIA: Sections 502, 602 and 1208.02 of the Yamhill County Zoning Ordinance; the Yamhill County Comprehensive Plan. OAR 660-12-0060 Transportation Planning Rule.

Chair Smiley opened the public hearing.

Abstentions, Objections of Jurisdiction, Ex Parte Contact: None

Robert Smiley confirmed that all present had heard the "raise it or waive it" statement.

Staff Report: Ken Friday read a letter received from the applicant requesting a continuance to the July 21, 2005 hearing. Robert Smiley questioned those in attendance if they were unable to return for the July 21, 2005 hearing. All in attendance will be able to attend the next hearing

MOTION: Sid Friedman moved to continue this hearing to the July 21, 2005 Planning Commission Meeting at 7:00 p.m., Room 32 at the Yamhill County Courthouse. Seconded by Alan Halstead. Approved unanimously.

DOCKET NO.: PAZ-06-04
REQUEST: Approval of a Comprehensive Plan amendment from Agriculture/Forestry Small Holding to Commercial; a zone change from AF-10 Agriculture/Forestry Small Holding to HC Highway Commercial. The purpose of the zone change is to expand the existing three acre Highway Commercial Zone over the entire 14 acres of the subject parcel.
APPLICANT: Willie Owens
REPRESENTATIVE: Jessica Cain, Attorney at Law
TAX LOT: 3325-600
LOCATION: 9660 NE Fox Farm Road, Newberg, Oregon
CRITERIA: Sections 501, 904, 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.

Chair Smiley opened the public hearing.

Abstentions, Ex Parte Contact, Objections of Jurisdiction: None

Robert Smiley confirmed that all present had heard the “**raise it or waive it**” statement.

Staff Report: Ken Friday read a letter received from the applicant requesting a continuance to the July 21, 2005 hearing. Robert Smiley questioned those in attendance if they were unable to return for the July 21, 2005 hearing. All in attendance will be able to return for the next hearing.

MOTION: Alan Halstead moved to continue this hearing to the July 21, 2005 Planning Commission Meeting at 7:00 p.m., Room 32 at the Yamhill County Courthouse. Seconded by Brad Myers. Approved unanimously.

DOCKET NO.: Z-01-05
REQUEST: Zone change from EF-80 Exclusive Farm Use to AF-20 Agriculture Forestry Use.
APPLICANT: Gordon C. Dromgoole
TAX LOTS: 2425-1000
LOCATION: The northern half of the northwest 1/4 of Section 25 in Township 2 South, Range 4 West
CRITERIA: Sections 402, 403, 1208.04 and 1208.03(F) of the Yamhill County Zoning Ordinance; the Yamhill County Comprehensive Plan.

Chair Smiley opened the public hearing.

Abstentions, Objections of Jurisdiction, Ex Parte Contact: Gary Johnson worked with Gordon Dromgoole in the Farm Bureau. He feels he can make a decision on the matter without prejudice.

Robert Smiley confirmed that all present had heard the “**raise it or waive it**” statement

Staff Report: Ken Friday have a brief review of the staff report. If the Planning Commission recommends to reduce the minimum lot size and the Board of Commissioners adopts that, it is only a conditional approval. It must then be sent to the Land Conservation & Development Commission for them to review and vote on before it can be finalized.

Questions: Robert Smiley: If he’s denied, is he eligible for a Measure 37? Ken stated that he didn’t recall. Sid Friedman: Where is the AF-20 property? Ken indicated on the map. Daryl Garrettson: What was the basis of the states determination for zoning? Mike Brandt: It was primarily based on the size of the parcels.

Proponent’s Case:

Gordon Dromgoole: 19643 NW Goodrich Rd., Yamhill, OR 97148: Mr. Dromgoole explained his request. It is described in the application. **Questions:** Ken asked Mr Dromgoole if he would accept the option as outlined in the staff report. Mr. Dromgoole said no. Marjorie Ehry: Can you have a winery and not have a house? Ken said yes.

Billy Jean Matthews, 1301 NE Hwy 99W, PMB 127, McMinnville, OR 97128: The possibility of placing a dwelling on the property is very slight with a template dwelling. The income requirement would also be difficult to meet in the near future. The tract to the east has also been logged and is currently on the market as grape land. Forestry management is primary in lots of 18-20 acres. **Questions:** None.

Questions of Proponent's:

Kenneth Larson: What criteria is used to say that the property does not have a suitable building site? Robert Smiley: That can be addressed in your testimony.

Opponent's Case:

Kenneth Larson, 22405 NE Ridge Rd. Gaston, OR 97119. Herman Obrist, 23183 NE Ridge Rd, Gaston, OR 97119: Rules should be followed unless there are extenuating circumstances I don't see any. Our main concern is that the property would be split down even further and homes would be placed on them. We hope this request is denied.

Questions: None.

Merilyn Reeves, Friends of Yamhill County, PO Box 1083, McMinnville, OR 97128: We would like to see this property remain in production. I agree with the staff recommendation for the limited approval to re-zone to AF80 zoning. **Questions:** Bernie Diefenderfer: Is this your opinion or that of Friends of Yamhill County? Merilyn : I am representing Friends of Yamhill County.

Questions of Opponent's: None.

Public Agency Report: The LCDC sent a letter as a reminder that the county needs to forward this on for final approval; Soil & Water Conservation District stated no conflicts; and Public Works had a question about the access.

Questions: Sid: The access is off another private easement? Ken said yes.

Rebuttal: Mr. Dromgoole restated his desire to re-zone. Billy Jean Matthews: The best use of the land should be considered. It doesn't always fall into line with the zoning. The best interest would be to re-zone to AF-20.

Staff Recommendation: It is clear that this property should have an Agricultural/Forestry Zoning.

We did consider recommending AF-40, but that would not result in 160 acres with the AF-40 zone.

We recommend approval of the request because:

- (1) The property had been zoned AF-20 prior to 1993,
- (2) The adjacent land to the west is AF-20.
- (3) The property does not appear to qualify for a forest template dwelling. (Even if adjacent land were divided this would not result in an increase in the number of lots in the template because we would only count lots that were created prior to January 1, 1993.)
- (4) If it were placed in a mixed use zones, under today's law the only way to get a dwelling is to establish a commercial farm use.

Chair Smiley closed the public hearing.

Deliberation:

Gary Johnson: I agree with the staff recommendation.

Alan Halstead: Concurs with staff.

Brad Myers: Concurs with staff.

Sid Friedman: Disagrees with the recommendation due to the surrounding land-use pattern. The applicant needs to show that 20 acre parcels are viable commercially and that has not been demonstrated.

Marjorie Ehry: Mr. Dromgoole has looked at this knowing the land and the production capabilities. He has studied this and I will go with the staff recommendation.

Bernie Diefenderfer: Concurs with staff.

Daryl Garrettson: AF-20 was designed to enhance the resource uses of the land. I strongly endorse the staff recommendation.

Robert Smiley: Zoning was created to protect the resources. He supports the staff recommendation.

MOTION: Daryl Garrettson moved for approval of the zone change to AF-20, based on the findings and conclusions contained in the staff report, recognizing that additional approval is needed from LCDC. Seconded by Alan Halstead. (Approved 7 to 1. Sid Friedman opposing.)

Ken Friday explained the process for final approval from LCDC.

New Business: Robert Smiley asked if everyone will be available for both the July 21, 2005 and August 2, 2005 meeting.

Sid Friedman suggested not starting any hearings after 11:00 p.m. for future meetings.

Adjourn: 9:15 PM

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