

YAMHILL COUNTY PLANNING COMMISSION MINUTES

Thursday, June 1, 2006 · 7:00 p.m.
Yamhill County Courthouse, Room 32
535 NE 5th St.
McMinnville, Oregon 97128

Roll Call: Michael Sherwood, Brad Myers, Alan Halstead, David Polite, Robert Smiley Majorie Ehry, Bernie Diefenderfer, Matt Dunckel, Daryl Garrettson. Staff: Ken Friday, Mike Brandt, Martin Chroust-Masin

Review of the **minutes** from the Planning Commission Hearing of May 4, 2006. Brad Myers moved to approve the minutes as submitted. Seconded by Bernie Diefenderfer. Approved Unanimously.

DOCKET NO.: PAZ-02-05

REQUEST: For a Comprehensive Plan amendment from Agriculture/Forestry Large Holding to Agriculture/Forestry Small Holding; a zone change from EF-40 Agriculture/Forestry Use to AF-10 Agriculture/Forestry Small Holding. The application includes a request for an exception from Goal 3 (Agriculture). The purpose of the application is to build one single-family dwelling on each parcel.

APPLICANT: Dennis Walker

TAX LOT: 5413-1701 and -1900

LOCATION: On both sides of Kestrel Heights Road, Amity, Oregon

CRITERIA: Sections 402, 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 660-004 related to an exception and 660-012-0060 Transportation Planning Rule

Applicant has requested a continuance of the Dennis Walker Application. The continuance is requested to the July 6, 2006 meeting.

MOTION: Alan Halstead moved to accept the continuance and continue the meeting to the July 6, 2006 meeting. Seconded by Matt Dunckel. Approved 8-0 with Daryl Garrettson abstaining.

CONTINUATION OF QUASI-JUDICIAL PUBLIC HEARING:

DOCKET NO.: PAZ-01-06

REQUEST: Approval of a Comprehensive Plan amendment from Agriculture/Forestry Large Holding to Commercial; a zone change from EF-80 Exclusive Farm Use to RC Recreation Commercial (with a limited use overlay zone). The application includes a request for an exception from Goals 3 (Agriculture) and 14 (Urbanization). The purpose of the application is to allow a boutique hotel with approximately 50 rooms, a spa, restaurant and meeting facilities on a parcel of approximately 72 acres.

APPLICANT: Hazel B. Timmons Trust

TAX LOT: 3333-320

LOCATION: 17350 NE Timmons Lane, Dayton, OR 97114

CRITERIA: Sections 402, 601, 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 660-004 related to an exception and 660-012-0060 Transportation Planning Rule.

Staff Recommendation: Given by Ken Friday

There are a number of questions to answer in this type of application. The first is - Is there a need for this type of use?

The answer to that question is Yes.

The applicant has submitted a substantial amount of information to show there is a need.

Notwithstanding the information submitted, this application is actually something that our office has been expecting for about 18 years.

In 1988 Yamhill County Commissioned a study to determine if there was a need for an Inn or Hotel associated with the wine industry. That study is part of the record. The study concluded that there was a need and, no pun intended, that need was going to grow along with the wine industry.

Even many of the opponents have acknowledged that there is a need for this use - they just do not believe it should be located here.

That leads me to the next question - Is this an appropriate location? OR Are there other locations that could satisfy the need for this facility?

The applicant has submitted a list of parameters that a property needs to have in order to make the type of hotel they envision successful. The opponents have voiced objections that these reasons are arbitrary. Our review of the evidence is that the applicant has have given sound reasons to back up their search parameters. They have also explained why other areas already zoned Recreation Commercial are either unavailable or not as well suited for the proposed use.

Is this an appropriate location based on the alternative sites analysis? - Yes it is.

The last big question is - is there evidence in the file to show that this facility can be built safely, be compatible, and be provided with appropriate utilities and services? The answer is again, Yes. To help assure this, our office will be recommending a limited use overlay with conditions. Among the conditions we would recommend would be a requirement to have the Site Design Review of the hotel to be evaluated at a public hearing. (I will go over those conditions in a few moments.)

Lastly, in reviewing the letters in opposition one overriding theme is the fear that this will set a precedence, that this will somehow open the floodgates for all sorts of development. I know I am unlikely to ally all of the fears but I need to stress that if this use is eventually approved, it does NOT set a precedence. That is not the way Oregon Land Use works.

Each application rises and falls on its own merits. The applicant is requesting a Reasons Exception, considered by most to be one of the most difficult categories of land use actions to justify. Any new request would also need to meet this rigorous test. The fact that one hotel was approved does not mean that another hotel will have an easier time of justifying the criteria.

Therefore, the Planning Director recommends approval of the use with a limited use overlay zone that contains the following eight conditions of approval:

1. Quarry rights will be terminated with final approval of the comprehensive plan and zoning map

amendments and final approval of Site Design Review. Final approval shall be the date that all appeals are exhausted on the above land use applications.

2. The applicant's Site Design Review application shall include "green development provisions, to be determined in the Site Design Review approval and shall include, but not be limited to, the following:

- Vehicle trip reduction;
- energy conservation;
- waste water reuse; and
- building material conservation.

3. The Site Design Review application shall include a construction management plan. The applicant shall coordinate with neighboring property owners during construction to minimize construction impacts on surrounding property owners.

4. The approved use shall include a hotel operator with a demonstrated track record of successfully executing boutique "get-away" hotels. The hotel operator shall strive for a high rating by a rating group such as *The Mobil Guide* or *The Michelin Guide*.

5. This exception approval shall be limited to the description of the use and the acreage proposed by the applicant at the May 4, 2006 public hearing.

6. The Site Design Review shall be a Type "C" process before the Board of Commissioners as described in Section 1301.01(C) of the Yamhill County Zoning Ordinance.

7. At Site Design Review the applicant shall demonstrate that the well will provide an adequate quantity and quality of water for the proposed use.

8. If the applicant does not receive a water right within three years of the final date that all appeals have been resolved on the zone change, the Planning Commission shall initiate a comprehensive plan amendment and zone change from RC Recreation Commercial to EF-80 Exclusive Farm Use pursuant to Section 1208.01(A) of the Yamhill County Zoning Ordinance.

Questions" Why didn't you include a provision that the M37 claim would be waived. Ken: He doesn't think we can. Mike:

Why is the site design before the board and not before the planning commission. Ken:

Matt: What is involved in a site designreview. Ken explained the process. Mike:

Deliberation:

David Polite: Lnd use laws were desgined for traditional farm. Agriculture and timber. The wine industry is growing and this new player needs some tweeking. There is an appalling lack of commercial and recreation land for future use. Mike Brandt: The lack is because for each piece of property that was to be desinated

I don't want to see the snow ball effect. Concerned with the potential effects on bed & Breakfasts. Perhaps expansions on Bed and Breakfasts need to be examined.. Mike: Bed and Breakfasts are also regulated by state law.

The 25 mile limit should be reviewed.

The impact of this project will minimal in comparison to the projects proposed under Measure 37.

We are a unique people in Oregon. Most opponents are thinking "not in my back yard". I will make my decision after hearing from my peers.

Daryl Garrettson: It was a conscious decision to limit recreation facilities to facilities. There is a natural economic drive for urban sprawl to exist. **The zoning ord. Offers xxxxx in conjunction with farm use. Historically the industry is dangerous, allowing uses in conjunction with the wine industry. There is a need for additional lodging space to accommodate the wine industry. There is sufficient evidence that they can supply sufficient water without damaging the neighbors water. No evidence that the traffic would restrict the use.**

WE are setting a precedence. Are we prepared for more of these applications.

Would like to add two condition. Should be a Type B application instead of a type A. Waive the measure 37 claim.

Matt: Agrees with staff. Water is an issue. Traffic, no testimony that road would not hold it. 12 acres does not make farm land.

Bernie" concurs with staff. Opposition was very emotional. The applicant proved their case.

Margie: This area is prime tourist location because of the beauty of the area and the variations of agriculture.

Alan: Abstaining due to the fact that he didn't hear the public testimony

Brad: This is an opportunity that Yamhill County can not afford to turn their back on. Agrees with staff. This is an individual case. The tax base will help the county improve the infrastructure.

Mike Sherwood: The general opinion is that this is needed. He feels that this will set a precedence. Believes the hotels should be in the cities.

Robert: Staff's condition regarding the water issue is appropriate. He agrees the conditions and the site design review process and the waiver of M37. Agrees with Daryl's Type B.

David Polite: Would like to review and perhaps create an inventory for recreation and commercial property. Daryl: The Planning Dept. would need additional staff.

MOTION: Brad: Matt Dunkel Seconded No: Michael Sherwood, Alan Halstead Abstained.

QUASI-JUDICIAL PUBLIC HEARINGS:

1. **DOCKET NO.:** Z-01-06
REQUEST: Zone change from AF-10 Agriculture Forestry Small Holding to VLDR-2 1/2 Very Low Density Residential. The purpose is to allow the property to be divided into two rural residential home sites.
APPLICANT: Jeff Twenge
TAX LOTS: 3230B-5401, 5402 and 5403
LOCATION: 9985 NE Trillium Lane and 23830 NE Dayton Avenue, Newberg, Oregon
AREA SIZE: Approximately 6.28 acres
CRITERIA: Sections 501, 502 and 1208 of the Yamhill County Zoning Ordinance; the Yamhill County Comprehensive Plan Goals and Policies may be argued to apply.

2. **DOCKET:** PAZ-05-05, SDR-19-05 and SU-01-05
REQUEST: Comprehensive Plan amendment from Agriculture/Forestry Large Holding to Commercial; a zone change from EF-20 Exclusive Farm Use to RC Recreation Commercial (with a limited use overlay zone). The application includes a request for an exception from Goal 3 (Agriculture), a site design review and a similar use determination. The purpose of the application is to build nine cabins on the property to rent out.
APPLICANT: Judy Gauntt
TAX LOT: 3328-201
LOCATION: 9701 NW Worden Hill Road, Newberg, Oregon
CRITERIA: Sections 402, 904, 1206.02 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 660-004 related to an exception and 660-012-0060 Transportation Planning Rule

- 3.

4. New Business

5. Adjourn

Public Testimony

The Commission places great value on testimony from the public and thanks those who take the time to present their views. People who want to testify are encouraged to:

1. Provide written summaries for the record.
2. Recognize that substance, not length, determines the value of testimony
3. Recognize that testimony is most helpful when it addresses the criteria
4. Endorse rather than repeat testimony of other witnesses