

**YAMHILL COUNTY PLANNING COMMISSION**

Thursday July 6, 2006 - 7:00 p.m.  
Yamhill County Courthouse, Room 32  
535 NE 5<sup>th</sup> St.  
McMinnville, Oregon 97128

**Roll Call:** Bernie Diefenderfer, Matt Dunckel, Michael Sherwood, Robert Smiley, David Polite, Alan Halstead. Staff: Ken Friday, Mike Brandt, Stephanie Armstrong, Rick Sanai.

Review of the **minutes** from the Planning Commission Hearing of June 1, 2006. Alan Halstead moved to approve the minutes as submitted. Seconded by Bernie Diefenderfer. Approved unanimously.

**QUASI-JUDICIAL PUBLIC HEARINGS:**

**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 August 6, 2006 meeting. Ken Friday informed the applicant's representative that, due to lack of a quorum in August, this would be continued to the September 7, 2006 hearing.

**MOTION: Alan Halstead moved to accept the continuance to the September 7, 2006 meeting. Seconded by Bernie Diefenderfer. Approved 6-0.**

**DOCKET NO.:** Z-02-06  
**REQUEST:** Zone change from VLDR-2.5 to VLDR-1 Very Low Density Residential. The purpose is to allow the property to be divided into five (5) rural residential home sites.  
**APPLICANT:** Mike Bowlin  
**TAX LOT:** 4317-2600  
**LOCATION:** 14220 SE Foster Road, Dayton, Oregon  
**AREA SIZE:** 10 acres  
**CRITERIA:** Sections 502 and 1208 of the Yamhill County Zoning Ordinance; the Yamhill County Comprehensive Plan Goals and Policies may be applicable.

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 record.

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

**Proponent’s Case:** Mike Bowlin, 14220 SE Foster Rd., Dayton, Oregon: The property down the road has been developed. The lot sizes are 1.6 and there is room for 2 acre parcels. He would like to build a nice development. There will be no mobile homes placed on the property. **Questions:** Michael Sherwood: How much of the parcels are in the flood plain? Mr. Bowlin: An acre on each one of them, except for the parcel on the NW corner. The last heavy rain caused the creek to flood, but it doesn’t go onto the parcels. Ken passed around a flood plain map for the commission to view. David Polite: How many people currently use the road that currently services the land? Mr. Bowlin: It’s my driveway at this point. We would like to put an easement road down the property line on the parcel to the west of us that would serve 3 of the parcels.

Lori Goodwin, 10425 NE Fox Farm Rd., Dundee, OR and Edwin Sharer, PO Box 506, Newberg, OR: Edwin began by referring to the map of the tax lot that he prepared. He identified all the parcels that are less than one acre, showing that the proposed lots would be compatible. There is an access permit that was made with the Public Works Dept. Edwin explained where the road would be located and pointed out the flood plain. There will be one access and a short distance will be public road. The rest will be a private easement. Lori reviewed the traffic count and the road would have no problem accommodating the addition 4 lots. Lori and Edwin explained in detail the maps they prepared. The letter written by the well driller was then entered into record. Mr. Bowlin has a good well and a sand filtration will need to be added. Edwin feels the water issue has been covered. Ken explained that under the prior zoning they were able to get 8 lots and what they did was shift the density over which he pointed out on the map and explained in detail.

Richard Harris: Richard asked if any easement would go on his property. He also asked if there is a detailed map that shows exactly where the access road comes in. Mike Brandt stated that if the zone change is approved, the applicant has to make another application to sub-divide the property.

**Questions of Proponent’s:** None.

**Opponent’s Case:** Russ Brandt, 14235 Fletcher Rd.: Mr. Brandt’s concern is the higher concentration of homes in the wetland area and how the sewage will be managed. He referred to the map, pointing out a blind corner on the road and stated that the road was impassable after the flood of 1996.

**Questions:** None.

**Questions of Opponent’s:** None.

**Public Agency Report:** Ken Friday stated that the surveyor had no conflicts of interests; the city of Dayton has no objections, but would not provide water or sewer connections to the new parcels and Public Works stated an access road will need to be provided with emergency vehicle standards.

**Questions:** Robert: This piece of property is outside the bypass zone? Ken: Yes.

**Rebuttal:** Edwin Sharer addressed the letter from the city of Dayton regarding the septic and the sewers. He walked the property and took into account when laying out the lots where the home sites would be and how much room would be needed to put in the drain fields. They have to stay back from the wetland 100 feet and there is plenty of room for that. Mike has a good well and there will be a water shared system with one or two wells. They will not be all individual wells. The driveway will be shifted to the east so the site distancing meets the requirements.

**Question:** Ken Friday stated that the request and the evidence supports the 2 acre and 5 parcels and asked if there would be an objection to a Limited Overlay Use Zone? It would go to a VLDR Zone without the Limited Use Overlay, partly to address some of the neighbors concerns and to make this able to withstand any scrutiny or future appeal. It may be beneficial to do this. Mike Bowlin: I have no problem with that at all.

**Staff Recommendation:** Staff recommends approval of the request with a Limited Use Overlay Zone that limits the development to five additional parcels. **Questions of Staff:** Matt Dunckel: Is the soil okay for septic approval? Ken: That is obviously going to come later and will need to be looked at and approved. We don't know definitely if septic will be able to be placed on each of the lots they're looking at.

Chair Smiley closed the public hearing.

**Deliberation:**

Alan Halstead: I have a problem with having approved a zone change in 1999 and coming back and doing a zone change on the balance of the property that was left over from before.

Mike Brandt: The lot size averaging would permit this property from being divided but for them coming in for a zone change before you and before public hearing. So I don't agree with you. The lot size averaging allows them to meet the requirements of the zone that was in place on the property.

Alan Halstead: I have a problem with the law that allowed that in the first place. Saying that, I see no reason not to approve it with the condition.

Michael Sherwood: I concur with staff.

David Polite: I concur with staff.

Robert Smiley: I do not object.

Bernie Diefenderfer: I concur with staff.

Matt Dunckel: I concur with staff.

**MOTION: Alan Halstead moved to approve Z-02-06 with the agreements of approval and the addition of a condition for a Limited Use Overlay, limiting the total number of lots to five. Seconded by Bernie Diefenderfer. Approved 6 - 0.**

**DOCKET NO.:** PAZ-04-06

**REQUEST:** For a Comprehensive Plan amendment from HI - Heavy Industrial to LI - Light Industrial and Agriculture/Forestry Small Holding; a zone change from HI - Heavy Industrial to Agriculture/Forestry Small Holding (12.5 acres) and LI - Light Industrial (3.36 acres).

**APPLICANT:** Julie Dean

**TAX LOT:** 5632-1200, 5633-1100 and -1200

**LOCATION:** 32020 SW West Valley Highway, Sheridan, Oregon

**CRITERIA:** Sections 501, 701, 702, 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 660-012-0060 Transportation Planning Rule.

Chair Smiley opened the public hearing.

**Abstentions, Objections of Jurisdiction, Ex Parte Contact:** Bernie Diefenderfer abstained from this docket item due to them being neighbors and purchasing property from him. Matt Dunckel knows them and has done work for them in the past but it won't effect his decision.

Chair Smiley asked if anyone had not been present for the original reading of the “**raise it or waive it**” statement.

**Staff Report:** Ken Friday gave a brief review of the staff report. The property is zoned LI - Light Industrial to the HI - Heavy Industrial and there have been some discussions in the office as to the Governor’s direction towards trying to keep those types of property at the ready. Typically we would have no objection to this, but it’s something to keep in mind. These zones are somewhat rare sites.

**Proponent’s Case:** Mike Dean, 32020 West Valley Hwy., Sheridan, OR: There are no services available for any old lumber mills. This has been vacant since 1970 - 1971. It serves no purpose now and would be beneficial to open a horse boarding facility, since there are no services like that available there. We already have one approved access from the State Highway Dept. and that’s the only access they will ever use. **Questions:** Robert: I didn’t see a report in regards to clean up and some mills leave things behind. Mike Brandt: It’s not that kind of site. David: Do you want to do more than just a boarding facility on this property? Mike Dean: I’m not saying we would never build a house on this property, but the primary purpose is for a horse boarding facility and grooming. We may have a shop in the future that would be to accommodate someone coming to ride horses.

**Questions of Proponent’s:** None.

**Opponent’s Case:** None.

**Public Agency Report:** Ken stated the Public Works Dept. and Sheridan Fire District both had no conflicts of interests; ODOT stated that the access will be considered only if no other alternative access to a city or county street exists. The applicant may be required to do frontage improvements and or access improvements including surfacing from center line, installation of curbing, sidewalk, gutter, dedication of right of way. Installation of any utility in state right of way will require a permit from ODOT.

**Staff Recommendation:** Staff recommends approval with the Limited Use Overlay Zone. On page 6 of the application, we’re taking out the word “sales”.

Chair Smiley closed the public hearing.

**Deliberation:**

Matt Dunckel: I am in favor of the application.

Robert Smiley: I concur with staff.

David Polite: I concur with staff recommendation.

Michael Sherwqod: I concur with staff.

Alan Halstead: I concur with staff.

**MOTION: Alan moved to approve PAZ-04-06 with the Conditional Use Overlay. Seconded by Michael Sherwood. Approved 6 - 0.**

**DOCKET NO.:** PAZ-05-06

**REQUEST:** For a Comprehensive Plan amendment from Commercial to Agriculture/Forestry Large Holding; a zone change from RC Recreation Commercial to Exclusive Farm Use EF-80.

**APPLICANT:** Joan Jasper, Representing the Delford M. Smith Revocable Trust

**TAX LOT:** 4311-500 and -600

**LOCATION:** 21050 Riverwood Road, Dundee (Previously know as the Riverwood Golf Course)

**CRITERIA:** Sections 601 and 1208.02 of the Yamhill County Zoning Ordinance. Comprehensive Plan policies may be applicable. OAR 660-012-0060 Transportation Planning Rule

Chair Smiley opened the public hearing.

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

Chair Smiley asked if anyone had not been present for the original reading of the “**raise it or waive it**” statement.

**Staff Report:** Stephanie Armstrong gave a brief review of the staff report.

**Proponent’s Case:** Sid Scott made himself available to answer any questions. **Questions:** David: The process has already been started of converting this land into farmland? Sid: Yes. David: Most of it will be planted in Hazelnuts? Sid: Yes.

**Opponent’s Case:** None.

**Public Agency Reports:** None received.

**Staff Recommendation:** Stephanie stated that staff recommends approval of the request.

Chair Smiley closed the public hearing.

**Deliberation:**

David Polite: For the record, if ever there was a need to try to review our zoning maps to create new and possible RC zones, this is it. I concur with staff, but there is an urgency and need for these.

Michael Sherwood: I concur with staff.

Alan Halstead: I concur with staff, but I’m disappointed to see another RC land disappear from the county.

Matt Dunckel: I concur with staff.

Bernie Diefenderfer: I agree with staff.

Robert Smiley: While farming is an important industry in this county, we have now removed a large RC zone which I’m sure down the road will come to face us again. I concur with staff.

**MOTION: David Polite moved to approve docket item PAZ-05-06. Seconded by Bernie Diefenderfer. Approved 6 - 0.**

**New Business:** Ken announced the BOC approved the hotel application. The BOC listened to copies of the tapes and they said it was a good deliberation.

There have been 25 Measure 37 applications so far this year and it is slowing down. Ken announced there will be no meeting in August.

Robert Smiley is going to draft a letter to the Commissioners that we would like to schedule a joint work session with all 3 Commissioners so several issues can be discussed. Alan asked to have everyone signature on the letter.

**Adjourn:** The meeting adjourned at 8:20 p.m.