

YAMHILL COUNTY PLANNING COMMISSION

Thursday, September 6, 2007 · 7:00 p.m.

Yamhill County Courthouse, Room 32

535 NE 5th St.

McMinnville, Oregon 97128

Roll Call: Matt Dunckel, Bernie Diefenderfer, Michael Sherwood, Alan Halstead, David Polite, John Abrams, Robert Smiley, Marjorie Ehry, Daryl Garrettson.

Review of the **minutes** from the Planning Commission Hearing of July, 19, 2007. Alan Halstead moved to approve as submitted. Seconded by Michael Sherwood. Passed unanimously.

Review of the **minutes** from the Planning Commission Hearing of August 2, 2007. Marjorie Ehry moved to approve as submitted. Seconded by Alan Halstead. Passed unanimously.

Ken Friday announced that the hearing request for docket #P-35-07/C-29-07/V-01-07 had been withdrawn so the decision had been issued.

QUASI-JUDICIAL PUBLIC HEARINGS:

DOCKET NO.: Z-04-07

REQUEST: Zone change from EF-40 Exclusive Farm use to AF-40 Agriculture/Forestry.

APPLICANT: Denny Elmer

TAX LOT: 5435-601

LOCATION: Approximately 1,300 feet southeast of the intersection of Mayette Drive and Walnut Drive, Amity

PARCEL SIZE: 5 acres

CRITERIA: Sections 402, 403 and 1208.03 of the Yamhill County Zoning Ordinance; the Yamhill County Comprehensive Plan Goals and Policies.

Chair Smiley opened the public hearing.

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

Ken Friday read the “**raise it or waive it**” into record.

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

Proponent’s Case: Denny Elmer, P.O. Box 237, McMinnville, OR 97128: Denny made himself available to answer any questions the Planning Commission might have and stated the parcel is clearly not in the correct zone. He would like to place a dwelling on the parcel.

Questions of Proponent’s: None.

Public Agency Report: Stephanie Armstrong: Referrals were sent out to Amity Fire District, Soil and Water Conservation District, Public Works, and Water Master with no response to date.

Staff Recommendation: Stephanie Armstrong: Staff recommends approval of the application.
Chair Smiley closed the public hearing.

Deliberation:

All Planning Commission members concurred with the staff recommendation.

MOTION: Daryl Garrettson moved to approve docket Z-04-07 based on the findings and conclusions in the staff report. Seconded by Alan Halstead. Passed unanimously 9 - 0.

DOCKET NO.: PAZ-09-07
REQUEST: Approval of a Comprehensive Plan amendment from Agriculture/Forestry Large Holding to Commercial Forestry; a zone change from EF-20, Exclusive Farm use to F-80, Forestry.
APPLICANT: Catherine Wright representing Kathy Lu
TAX LOT: 5611-1400
LOCATION: 27072 SW Beaver Creek Road, Sheridan
CRITERIA: Sections 401, 402 and 1208.03 of the Yamhill County Zoning Ordinance. Comprehensive Plan policies may be applicable.

Chair Smiley opened the public hearing.

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

Chair Smiley asked if anyone had not been present to hear the original reading of the “**raise it or waive it**” statement or would like it repeated.

Staff & Committee Report: Ken Friday gave a brief review of the staff report. Ken distributed one letter in opposition which was received this afternoon. He also distributed a copy of an email concerning code enforcement issues that have been resolved.

Proponent’s Case: Tom Tankersley, Attorney, P.O. Box 625, McMinnville, OR 97128: The application meets the criteria as explained in the staff report. The neighbor’s objection letter received today speaks of enforcement actions. There was a set of email sent out, which was presented tonight. The situation has been resolved. Also, staff is aware of what this zone change has been about. It’s his understanding that the neighbor has a small house on the parcel under a non-farm dwelling approval from the early 1990's and also if the nonfarm dwelling criteria were still the same, the subject parcel would qualify. The State has since changed the rules. This is a neighborhood committed to non-farm dwellings. The soils mentioned by the neighbor in opposition was addressed in the application as Exhibit C on Page 1. The piece he’s referring to is mostly within the flood plain. A letter from the Consulting Forester, Dennis Duke, addressed what will grow on the parcel and the plan is to do just that. It won’t result in taking the property out of productive farm use.

Questions of Proponent’s: None.

Opponent’s Case: Daniel R. Kidd, 27200 SW Beaver Creek Rd., Sheridan, OR 97378: He is the adjoining neighbor to the north and has submitted a letter into record. Daniel is strongly opposed to the change since they can do what they want to do in the zone without the change. The soils on the subject property Class 1 and 3 soils which he confirmed with the Land and Soil Conservation District. **Questions:** John Abrams: Do you live on your parcel.? Daniel: Yes. Matt Dunckel: Is there a dwelling on this parcel? Daniel: Yes, a building is there with a bathroom that has been lived in but was meant for agricultural use.

Questions of Opponents: None.

Public Agency Report: Ken Friday: Referrals were sent out to Sheridan Fire District, Soil and Water

Conservation District, Public Works, Water Master, and the Dept. of Forestry with no response to date.

Rebuttal: Tom Tankersley: The soils will be put to a resource use and there was no objection from the Soil and Water Conservation District.

Staff Recommendation: Ken Friday: The criteria is fairly objective. Staff recommends approval.

Chair Smiley closed the public hearing.

Deliberation:

John Abrams: This is an appropriate use for this ground.

Alan Halstead: I agree with staff.

Michael Sherwood: I concur with staff.

David Polite: I concur with staff.

Marjorie Ehry: I concur with staff

Bernie Diefenderfer: concur with staff

Matt Dunckel: agree with staff. It's not out of character for the neighborhood.

Daryl Garrettson: I concur with staff but I'm bothered by the current status of State Law that offers no application process for this.

Robert Smiley: I concur with staff.

Mike Brandt added that different options were explored and he suggested re-zoning that whole area. His understanding is a letter was sent out to the property owners. In turn, the Planning Dept. received a few calls from some recipients of that letter concerned with what would happen to their taxes and they were referred on the Tax Assessors office. Not one person said they wanted to join in with re-zoning. Mike noted that the criteria are very objective and the applicant satisfies the approval criteria.

MOTION: Alan Halstead moved to approve docket PAZ-09-07 based on the finding and conclusions found in the staff report. Seconded by Michael Sherwood. Passed unanimously 9 - 0.

Daryl Garrettson inquired about docket item PAZ-08-07 which had been continued to this hearing from the August 2, 2007 hearing. Ken Friday stated the application has been withdrawn.

DOCKET NO.: PAZ-11-07
REQUEST: Approval of a Comprehensive Plan amendment from Agriculture/Forestry Large Holding to Commercial Forestry; a zone change from EF-80, Exclusive Farm use to F-80, Forestry.
APPLICANT: Catherine Wright representing David Pratt Successor Trustee of the Cecil Gross Revocable Living Trust and the Delores Gross Revocable Living Trust
TAX LOT: 5602-300, 301 and 302
LOCATION: 27000 SW Deer Creek Park Road, Sheridan
CRITERIA: Sections 401, 402 and 1208.03 of the Yamhill County Zoning Ordinance. Comprehensive Plan policies may be applicable.

Chair Smiley opened the public hearing.

Abstentions, Objections to Jurisdiction, Ex Parte Contact: Matt Dunckel abstained from this docket.

Chair Smiley asked if anyone had not been present to hear the original reading of the “raise it or waive it” statement or would like it repeated.

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

Questions of Staff: Daryl Garrettson: Which parcel doesn't have a dwelling on it? Tom Tankersley explained if the lot line adjustments and forest template dwelling both happen, there will be a parcel closer to Deer Creek Rd. that will end up with a dwelling. Daryl: The original Measure 37 was for 3 lots? Mike Brandt: No, it was to subdivide it. David Polite: The lots will be at least 80 acres? Mike Brandt: Except for the lots they are doing lot line adjustments on.

Proponent's Case: Tom Tankersley, Attorney, P.O. Box 625, McMinnville, OR 97128: This is a family tree farm that has been managed for years and the goal is to continue doing that. They would like to have one dwelling for each of the children and to operate the rest as a tree farm which will be passed down to the next generation. This is the appropriate use for this property.

Questions of Proponent's: None.

Public Agency Report: Stephanie Armstrong: Referrals were sent to Sheridan Fire District, Soil and Water Conservation District, Public Works, and Water Master with no response received to date.

Staff Recommendation: Stephanie Armstrong: Staff recommends approval.

Chair Smiley closed the public hearing.

The Planning Commission chose not to deliberate on this docket and moved directly to a motion.

MOTION: Daryl Garrettson moved to approve docket PAZ-11-07 based on the findings and conclusion found in the staff report. Seconded by Alan Halstead. Passed unanimously 8 - 0 with Matt Dunkel abstaining.

New Business: Ken Friday gave the following updates:

Concerning docket C-19-07; Mr. Lapp has found another location for his business. A property in the city that is zoned industrial.

The Ever's and Banson situation from docket NCU-01-07 is ongoing with mediation in process.

David Kahn is still awaiting the Court of Appeals decision concerning the Hotel.

David Polite asked for an email to be sent out when a docket, whether new or continued, is rescheduled or withdrawn, since it will be helpful in the commissioners preparation process.

Adjourn: The meeting adjourned at 8.00 p.m.

C:\Documents and Settings\Nancy\Local Settings\Temporary Internet Files\OLKF5\09-06-07 min.wpd