

## YAMHILL COUNTY PLANNING COMMISSION

Thursday May 7, 2009- 7:00 p.m.  
Yamhill County Courthouse, Room 32  
535 NE 5<sup>th</sup> St.  
McMinnville, Oregon 97128

**Roll Call:** Matt Dunckel, Michael Sherwood, Daryl Garrettson, John Abrams, Alan Halstead, Marjorie Ehry and Bob White. Absent: Dave Polite **Staff:** Ken Friday and Stephanie Armstrong

Review of the **revised minutes** from the Planning Commission Hearing of March 5, 2009. Alan Halstead moved to approve as written. Seconded by Matt Dunckel. Passed unanimously.

Chair Garrettson opened the public hearing.

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

Alan Halstead moved to relocate PAZ-02-09 to the beginning of the agenda; Matt Dunkel seconded the motion. Motion approved unanimously.

### QUASI-JUDICIAL PUBLIC HEARINGS:

**DOCKET NO.:** PAZ-02-09  
**REQUEST:** Approval of a Comprehensive Plan amendment from Public to Commercial and a zone change from PRO Parks, Recreation and Open Space to RC Recreation Commercial. The purpose of the change is to allow the expansion of the existing bed and breakfast to a "Country Inn" and to allow the serving of evening meals to guests.  
**APPLICANT:** Bruce Bandstra  
**TAX LOT:** 3331-100  
**LOCATION:** 8243 NE Abbey Road, Carlton, Oregon  
**CRITERIA:** Sections 405, 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 660-12-0060 Transportation Planning Rule.

The applicant requested to continue Docket PAZ-02-09 to June 4<sup>th</sup>, 2009 at 7pm. Moved and seconded to continue Docket PAZ-02-09. Motion approved unanimously.

### LEGISLATIVE PUBLIC HEARING

**DOCKET NO.:** G-01-09  
**REQUEST:** To remove the restriction on the Newberg-Dundee Interchange Overlay zones that prohibit zone changes and urban growth boundary amendments. These regulations were to sunset after three years but no sunset clause was adopted with the regulation.  
**APPLICANT:** Yamhill County  
**TAX LOTS:** Various  
**CRITERIA:** Sections 908 and 1207.02 of the Yamhill County Zoning Ordinance.

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

Alan Halstead asked about the letter from the City of Newberg. Ken replied that the County would support the addition the city is requesting.

Daryl Garrettson asked what the status of the land acquisitions for the bypass are.

Terry Cole, ODOT 455 Airport Rd, Salem, OR 97301, replied that most acquisitions have been hardship applications; approximately 10. Daryl Garrettson asked if ODOT is OK with the lift of the restriction. Terry Cole replied that ODOT is in agreement and explained the reason. Mr. Cole noted that there is an error in the letter from the City of Newberg which stated ODOT is suspending the work on the Interchange Area Management Plan (IAMP). He stated that is not correct and ODOT is continuing to work on the IAMP's.

Matt Dunkel asked if the lift would take away the overlay zone. Ken Friday said it would just remove the restriction that does not allow zone changes and UGB amendments and would not remove the overlay zone.

Michael Sherwood asked about the Phases of the project. Terry Cole explained the different Phases.

Michael Sherwood asked about the freeze areas relating to the different IAMP's. Terry explained the areas of the IAMP's and the different management strategies in these areas.

John Abrams stated that the bypass is a monumental waste of time and resources and asked about the fact that ODOT has requirements for traffic studies. He asked if this wasn't a defacto prohibition on rezoning.

Terry replied that it wasn't a prohibition and traffic studies are typically required for development and the remaining overlay zone would simply assure that there was coordination with the County and the affected cities.

Daryl Garrettson asked whether the relocation of Wilsonville Road was part of the interchange design.

Mr. Cole replied it didn't but works well with the planned bypass and the project had merit on its own and wasn't associated with the bypass but is certainly complementary.

Marjorie Ehry concurred with John Abrams comments.

Betsy Fettig, Joe Fettig and Lori Goodwin filled out a green card and didn't want to testify but wanted to show their support.

Closed public hearing for deliberation.

**Staff Recommendation:** Ken Friday recommended approval with the one modification suggested by the City of Newberg.

**Deliberation:**

Bob White stated it appeared intentional for the overlay to have a sunset and he concurred with staff with the one noted change. Matt Dunckel concurred with staff. Marjorie Ehry conquered with staff. Daryl Garrettson noted that he had expressed concern when these restrictions were placed that they did not have a sunset. He is in favor of the request. Michael Sherwood stated he is in favor of the request. Alan Halstead stated he is in favor of the request.

John Abrams stated he is in favor of the property owners getting the use of their property back.

Alan Halstead moved to approve Docket G-01-09 with the minor word modification proposed by the City of Newberg. Seconded by Michael Sherwood. Motion approved unanimously.

Ken Friday said the recommendation would be forwarded on to the Board of Commissioners and a hearing would be scheduled.

**QUASI-JUDICIAL PUBLIC HEARINGS:**

**DOCKET NO.:** NFD-01-09  
**REQUEST:** Approval of a dwelling not in conjunction with farm use on a 1.04 acre property.  
**OWNER:** Addie Mae's, LLC c/o Marjorie Weigel  
**TAX LOT:** Approximately 1 acre of 5426-2200  
**LOCATION:** East of property addressed 8740 SE Burch Hill Road, Amity  
**ZONE:** EF-40 Exclusive Farm Use  
**CRITERIA:** Sections 402.03 (I) and 402.08 of the Yamhill County Zoning Ordinance.

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

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

**Staff Report:** Stephanie Armstrong presented the staff report.

**Proponents Case:** Marjorie Weigel, 905 NE 25<sup>th</sup> St., McMinnville, OR 97128: representing the applicant, Addie Mae's LLC, presented testimony in favor of the application. Ms. Weigel reviewed the soils analysis which concluded the soils are agricultural Class VI - non-high value soils. Ms. Weigel reviewed the extensive 2000-acre study area that is required by a non-farm dwelling.

Edwin Sharer, 16500 SE Lafayette Hwy, Dayton, OR 97114: presented testimony in favor of the application. He went over the proposed development footprint and the concerns related to drainage. He went over the drainage pattern and explained how the drainage could be improved along the state highway. Mr. Sharer went on to share how difficult the non-farm dwelling standard are and how unlikely it would be to qualify more non-farm dwellings in the immediate area.

Daryl Garrettson asked what is on the parcel where the septic easement is proposed. Mr. Sharer replied that is was Christmas trees and now the owner has young forest on the property.

Charles Parr filled out a green card and stated he is in favor of the application.

**Opponents Case:** Amru Zeitoun, 20550 Madrona Lane, Amity Oregon: Represents his family and gave testimony in opposition to the application. He doesn't understand why the soils were previously shown as Class III and after the soil study by Andy Gallager, they are now Class VI. Why such a drastic change? Mr. Gallager said the land was poorly drained. Mr. Zeitoun stated they have had an increase in water onto their property since the trees have been removed by the previous owner. He stated they have had some die-offs from the increased drainage. Soil and Water Conservation District (SWCD) did a report of their property. As to the road safety issue, the posted 35 MPH at the corners is just a suggestion (and few people follow that suggestion). He feels it is a dangerous corner. He stated he had an unannounced visit from the applicant and Mr. Sharer yesterday and they asked them not to attend this hearing. There is a statement that he got from the applicants today that discounts their statements that the property is meant to be resold for profit. Mr. Zeitoun requested an independent study done by SWCD about the soils classification and the extent of the drainage problem.

Matt Dunckel asked if the application is approved with a condition about diverting the water. Matt suggested it

was the best opportunity to address the issue. Mr. Zietoun stated he wants to make sure the problem is completely addressed.

Bob White stated the drainage plan from this application may improve his vineyard. Mr. White asked if he felt the visit from Mr. Parr and Mr. Sharer was a threat. Mr. Zietoun replied no, that it was more of a request to try and convince him that they didn't have legitimate arguments.

Michael Sherwood asked who visited his house to ask him not to come to the hearing. Mr. Zietoun stated it was Charlie Parr and Edwin Sharer. Mr. Sherwood asked where the photo he provided was taken. Mr. Zietoun showed the area on the map and explained the drainage problem. Mr. Sherwood stated that it appeared the water problem would still exist with or without the application.

Discussed the location of Joan Cooper's property and the drainage pattern in that area.

John Abrams asked what steps he has taken to address the water problem. Mr. Zietoun stated they contacted SWCD which did a report but that was about it. He stated they did clear out the debris from the drainage and they make sure they replant as often as they can when the grapes die. Mr. Abrams state that with some ditching it seems like the water could be diverted. Mr. Zietoun would like some studies.

Daryl Garrettson noted one of the conditions that staff proposes is that the applicant submits a drainage plan and he asked Mr. Zietoun if he has an objection to the Public Works Director being the 3<sup>rd</sup> party to do the analysis. Mr. Zietoun stated he has no objection to that. Daryl Garrettson explained the difference with the county soil maps and the soil survey that was done by Andy Gallagher. The soil survey was done years ago and not all of the soil surveys were site specific.

Stephanie Armstrong presented the **public agency comments**. Alan Halstead asked if SWCD gave any reason as to why they were in opposition. Stephanie Armstrong stated no.

**Rebuttal:** Edwin Sharer said they were sympathetic to the Zeitouns concerns. He stated they are willing to look at solving the drainage problems on this property if they are identified in the engineers report. Andy's report had five test holes on each acre. Mr. Sharer stated he always tries to meet with the opponents and is sorry the Zietouns feel there is an ulterior motive. People want to build on their property for a variety of reasons. He stated he is sure if they can put in a drainage system they can partially alleviate the problem.

**Staff Recommendation:** Stephanie Armstrong gave the staff recommendation of approval with a change in the wording of condition #5, regarding the engineered drainage plan.

Closed public hearing for deliberation.

John Abrams stated he thinks the vineyard was planted in a natural drainage area and he doesn't think a dwelling on one acre will adversely affect the drainage. I would go along with the staff recommendation.

Alan Halstead stated he agreed with the staff recommendation.

Michael Sherwood stated he agreed with Mr. Abrams, Mr. Halstead and staff.

Daryl Garrettson stated he lives where there are drainage problems and agrees with staff and with an amendment to some of the conditions. Condition #5, add the applicant shall implement the approved drainage plan. Condition #6 the applicant shall submit a drainage plan showing the development will not add to or increase the flow of water onto the Zietoun property and with those changes he would support the application.

Marjorie Ehry stated she agrees with the staff.

Matt Dunckel stated he agrees with the staff, the application could be a benefit to the Zeitouns property. Bob White stated he agrees with the staff. There is a gravel quarry on the property to the north which can adversely affect the drainage.

**MOTION:** Daryl Garrettson moved approval with Conditions #5 and #6 modified to read:

5. The applicant shall submit a drainage plan showing that the development will not add to or increase the flow of water onto the Zeitoun property. The plan shall be prepared by a registered engineer. The drainage plan shall be submitted to and approved by the Public Works Director prior to final approval.
6. Road access to the structure shall meet the road design standards described in Section 402.09(E) of the Yamhill County Zoning Ordinance. The Yamhill County Building Official, pursuant to Section 6 of Ordinance 514, shall not issue a building permit for construction of a residence until the applicant has submitted a statement from the chief of the applicable fire department that the proposed residence has suitable access for fire protection equipment, or otherwise meets fire protection standards and the applicant has implemented the approved drainage plan.

Alan Halstead seconded the motion. **Approved 7-0.**

**Other business:**

Ken Friday noted that there was a need to appoint a member to the Amity Urban Area Management Commission (AUAMC)

John Abrams asked to be appointed to the Amity Urban Area Management Commission (AUAMC).

Daryl noted there was a need for a member to be appointed to the McMinnville Urban Area Management Commission (MUAMC).

Matt Dunckel asked to be appointed to the McMinnville Urban Area Management Commission (MUAMC).

**Adjourn:** Planning Commission hearing adjourned at 8:31 PM.