

YAMHILL COUNTY PLANNING COMMISSION

Thursday July 9, 2009- 7:00 p.m.
Yamhill County Courthouse, Room 32
535 NE 5th St.
McMinnville, Oregon 97128

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

Review of the **revised minutes** from the Planning Commission Hearing of May 7, 2009. John Abrams stated he felt the Bypass is a priority, but that the way ODOT was dealing with it was a monumental waste of time. Alan Halstead moved to approve with John Abrams' revision. Seconded by Bob White Passed unanimously.

Chair Garrettson opened the public hearing on Docket PAZ-02-09.

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

Mike Brandt read the "raise it, or waive it" statement required by ORS 197.763.

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.

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

Alan Halstead asked about the zoning of the Abbey. Ken explained that it was PAI.

Darryl Garrettson asked if a Goal 3 Exception was required. Ken stated that a Goal 3 exception was required if it was a reasons exception. In this case the property was a built and committed exception. Daryl asked about traffic. Ken stated that a traffic study would be required by Ordinance 787. Daryl asked about Goal 12. Ken stated that it applies if the use will lower the level of service.

Proponent's Case: Jeff Evans, representing Bruce Bandstra, testified in favor of the request. Mr. Bandstra would like to establish 15 rooms and offer dinners to guests. They have had consistent requests for dinner from their guests because they do not want to be on the road after having a few glasses of wine. Mr. Bandstra noted that they are going to be more restricted by the RC zone, than by the existing PRO zone because it doubles the minimum lot size. For this reason, Mr Bandstra does not believe a Goal 14 exception should be required. Mr. Bandstra has

no objections to the conditions but would like to have one of the conditions modified to allow an evening dinner served to the number of overnight guests. Jeff Evans explained the DLCD letter and their approach to Goal 14. DLCD suggested a limited use overlay to address the issue of Goal 14. That has been suggested in the staff report and he does not have an objection to that approach.

Bob White asked about the limit of 3,500 square feet. Jeff Evans explained how commercial uses in the rural area are limited to 3,500 square feet. Mike Sherwood asked if they sold a dinner to someone who was not a guest, would they do it several times a night? Bruce said no, they would only sell on dinner. Matt Dunckel asked if the total building size of 3,500 square feet was the total additional building size. Bruce said yes, that was the total additional size. Daryl Garrettson asked if there was a large gathering, does he prepare the food or is it catered? Bruce said it is catered. Daryl asked if in discussions with DLCD, going from 9 to 15 rooms resulted in an urban use. Ken stated that the limited use overlay was to comply with Goal 14. Ken also pointed out that the minimum lot size is being doubled, so the development ability is being cut in half even without the 3,500 square foot limit.

Opponent's Case: No one spoke in opposition.

Public Agency Reports: Ken reviewed the public agency reports that were in the packet.

Closed public hearing for deliberation.

Staff Recommendation:

Ken Limited Use Overlay to allow uses on the rezoned area to a 15-room Country Inn with the following limits on accessory uses:

The property is not approved for a restaurant.

Lunch or dinner may be served to overnight guests, or an equivalent number of guests, of the Country Inn.

On-site gatherings are limited to no more than 200 people.

Additional construction on the property is limited to a footprint of no more than 3,500 square feet.

Deliberation:

John Abrams: Had no objections to the use. His only concern with the traffic was with getting traffic off an onto Abbey Road.

Alan Halstead: Wanted to increase the number of rooms to 20, so they had some leeway under the zone.

Daryl Garrettson: I don't have a lot of problem with the application, except that we will now get 4 or 5 more requests for applications like this that may not qualify. We all recognize that we need more lodging, but we haven't done the planning work to identify those areas. I could live with 20 rooms. I am concerned about the traffic, but I don't see this use as fundamentally changing the traffic pattern. I could support the application, but I do not want the dinners open to the public, they should be limited to guests of the inn.

Bob White: We need something like this, I support this application.

Matt Dunckel: I support this application.

Alan Halstead made a motion to approve the use with a limited use overlay zone for no more than a 20 room

Country Inn with the following limits on the accessory use:

The property is not approved for a restaurant.

Lunch or dinner may be served to overnight guests of the Country Inn.

On-site gatherings are limited to no more than 200 people.

Additional construction on the property is limited to a footprint of no more than 3,500 square feet.

Michael Sherwood seconded. Motion passed 6-0.

Chair Garrettson opened the public hearing on Docket Z-01-09.

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

Daryl Garrettson asked if anyone in the audience had not been present for the “raise it, or waive it” statement required by ORS 197.763.

DOCKET NO.: Z-01-09
REQUEST: Zone change from EF-80 Exclusive Farm Use to EF-40 Exclusive Farm use.
APPLICANT: Laurent Montalieu
TAX LOT: 3401-1000
LOCATION: 17100 NE Woodland Loop Road, Yamhill
PARCEL SIZE: 131 acres
CRITERIA: Sections 402, 403 and 1208.03 of the Yamhill County Zoning Ordinance; the Yamhill County Comprehensive Plan Goals and Policies.

Staff Report: Ken Friday presented the staff report.

Matt Dunkel asked if he understood correctly that this was to get a tax lot for mortgage purposes? Ken stated that was correct. Matt asked why he couldn't do that with a mortgage partition. Ken stated that the applicant has indicated he has gone to a several lending institutions and found that they would not accept a mortgage partition. Daryl asked how we deal with the 160-acre requirement? Ken stated that it needs to be the same designation of zone. In this case the designation is EF - Exclusive Farm. This same EF-designation will exist in the surrounding area, only the minimum lot size will change.

Proponents Case: Charles Harrell is representing Laurent Montalieu. The primary reason for the zone change is to divide the property for financing purposes. However, each of the resulting lots would be able to easily satisfy the \$80,000 gross sales. Mr. Harrell did offer to only have the EF-40 zone follow the proposed lot line and encompass the 51 acres. That way they would be able to obtain the financing that they need while not allowing further division of the remaining 80 acre parcel. Mr. Montalieu stated this was his 20th harvest in Oregon. He said in 1994 he moved to Yamhill County. He said he and his wife bought the 80 acres and he always had a dream of having a house and a vineyard. They have developed an organic vineyard on top. Last year an opportunity came around to purchase an additional 51 acres adjacent to the property. Mr. Montalieu stated he is surrounded on three sides by vineyards. He was aware that there was an option for a mortgage partition, but unfortunately, the banks will no longer accept this method. Right now on the 51 acres, there are 35 acres of planted vineyard. Mr.

Montalieu stated that this should gross about \$350,000 per year, so the 51 acres would still be a viable commercial farm.

Questions:

Opponents Case: No one spoke in opposition

Ken Friday stated that there were no **public agency comments**.

Staff Recommendation: Ken stated that this application brought up several interesting policy questions. We do believe that the applicant is in a financial bind and that the financing is important to the viability of his continued farm use. Due to the modified request to just involve the 51 acres in the EF-40 zone, our office recommends approval of the request.

Closed public hearing for deliberation.

Matt Dunckel stated he agrees with the staff. If that is what the lending institutions are doing then it puts them in a hard spot.

Bob White stated he agrees with the staff. He commends him on not going for 40 acre zoning on all of the lot but only on what he needs for financing.

Daryl Garrettson stated that when the wine industry started in this county that no one would finance a winery, so the County created the RI Resource industrial zone. As far as the size for a commercially viable vineyard 20-acres in commercially viable, so he does not have a problem with zoning the entire parcel EF-40. The main thing that concerns him with this application is the requirement for 160-acres of the same designation. Mike Brandt said we had approved another zone change with 160-acres of a similar designation, so this isn't that new to this Commission. Mike does not dispute that this may not get passed by LCDC due to this issue, but this was our reading on a similar application.

Michael Sherwood stated he agreed with staff., he thinks they qualify.

John Abrams go along with the staff recommendation. He is concerned with the potential for other situations like Mr. Montileau.

Alan Halstead stated he agreed with the staff recommendation.

Alan Halstead moved to approve rezoning from EF-80 to EF-40 for 51 acres with the staff findings for approval. Seconded by Michael Sherwood. Approved unanimously 5-0 with Daryl Garrettson abstaining.

Ken noted this was a conditional approval, subject to action by LCDC and final adoption by the Board of Commissioners.

Other business:

Candidates for the Yamhill County Planning Commission were questioned by the Planning Commission members.

Adjourn: Planning Commission hearing adjourned at 9:20 PM.