



**AGENDA**  
**CITY OF YAMHILL, CITY PLANNING COMMISSION MEETING**  
**Council Chambers – 155 E 1<sup>st</sup> Street**  
**Tuesday – June 5, 2018**  
**7:00 PM**  
**Regular Meeting – Planning Commission**

1. **Call to Order** –Roll Call
2. **Flag Salute:**
3. **Public Comment:** (This time is provided for persons in the audience on ANY item of Planning Commission business, except those items which appear on this agenda or refer to land use requests, however, the Planning Commission reserves the right to defer any request for action from any persons addressing the Planning Commission who have not been placed on the agenda. Comments shall be limited to two to five minutes, at the Chair's discretion.)
4. **New Business:**
  - A. Discussion of resident's interest in rezoning R-1 property south of town.
  - B. Discussion of City growth, industrial needs and the availability of land and Infrastructure.
5. **Unfinished Business:**
  - A. None Scheduled.
6.
  - A. Approval of Planning Commission Minutes from May 1, 2018.
  - B. Schedule next Planning Commission Meeting/Public Hearing July 3, 2018.
7. **Information/Announcements:**
  - A. City Council meeting – Wednesday, June 13, 2018
8. **Adjournment**

**\*\*\*\*\* Yamhill Planning Commission meetings are accessible for disabled individuals. The City will also endeavor to provide services for persons with impaired hearing or vision and other services, if requested, at least 48 hours prior to the meeting. To obtain services, please call City Hall at (503)662-3511 \*\*\*\*\***

4.A



DeMoss and GutterMan LLC  
PO Box 310  
Carlton, OR 97111  
503-662-4171

April 12, 2018

David Phillips  
Vialfotheringham LLP  
17355 SW Boones Ferry Rd Ste A  
Lake Oswego, Or 97035

David,

Per our conversation this week, I am attaching information you have requested on property 16689 Hwy 47 Yamhill, Or 97148.

I have talked to Chuck Mitchell who is the head of the planning board for the City of Yamhill as well as John Morgan who is the City Planner. They both are so disappointed that they spent considerable time and money to get a light industrial zone for the City of Yamhill and then the owners refuse to sell any or all or develop the property putting the City as well as people like myself in a position of either moving away from the City or ?? They have asked me to come to the first Planning meeting in May and tell them our story and start the process of rezoning the southern part of town into something usable for business as well as residential. (There are several in that area as it is now) I have agreed to do so.

I can't afford what the City of Carlton is requiring from the property acquisition we have tried for so long so we are pursuing the above referenced property (\$467,000.00 plus property purchase plus building so approximately \$800,000.00) We are not a big wealthy company. We are a local family owned business, trying to survive with ever increasing regulations on our industry and company. Family members working on our behalf have spoken to the Kimberly Steele (speaking for Lori Gilmore) City about our moving to this location. We have talked with neighbors and landowner, and planner

Chuck Mitchell is speaking on our behalf as a planner and contractor we work with, to help keep us in this community.

I am attaching a trio on the property as you have requested. Also the zone map as well as agreement from the mortgage lender.

Please let me know if there is anything else you need.

Sue Richardson  
DeMoss & GutterMan LLC  
P.O. Box 310  
Carlton, Or 97111  
503-662-4171 phone  
503-662-3530 fax  
[sue@degutterman.com](mailto:sue@degutterman.com)

Attachments: 3



*First American*

*my* FirstAm® Combined Report

16689 Highway 47, Yamhill, OR 97148

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Property Address:

**16689 Highway 47  
Yamhill, OR 97148**



First American

myFirstAm® Property Profile

16689 Highway 47, Yamhill, OR 97148

Property Information	
<b>Owner(s):</b> Benson Donald A	<b>Mailing Address:</b> 16689 Highway 47, Yamhill, OR 97148
<b>Owner Phone:</b> Unknown	<b>Property Address:</b> 16689 Highway 47, Yamhill, OR 97148
<b>Vesting Type:</b>	<b>Alt. APN:</b> R3404CA 00701
<b>County:</b> Yamhill	<b>APN:</b> 512434
<b>Map Coord:</b> 3S-4W-04-SW-NE	<b>Census Tract:</b> 030400
<b>Lot#:</b> 2	<b>Block:</b>
<b>Subdivision:</b>	<b>Tract:</b>
<b>Legal:</b> .81 Acres In Sec 04 T3s R4w Pt Parcel 2 Of Partition P1998-42	

Property Characteristics			
<b>Use:</b> Mobile Home	<b>Year Built / Eff. :</b> 1999 /	<b>Sq. Ft. :</b> 1080	
<b>Zoning:</b>	<b>Lot Size Ac / Sq Ft:</b> 0.81 / 35284	<b># of Units:</b>	
<b>Bedrooms:</b> 3	<b>Bathrooms:</b> 2	<b>Fireplace:</b>	
<b># Rooms:</b>	<b>Quality:</b>	<b>Heating:</b> Forced Air	
<b>Pool:</b>	<b>Air:</b> Y	<b>Style:</b>	
<b>Stories:</b>	<b>Improvements:</b>	<b>Parking / #:</b> /	
<b>Gross Area:</b> 1080	<b>Garage Area :</b>	<b>Basement Area:</b>	

Sale and Loan Information			
<b>Sale / Rec Date:</b> 09/14/2009 / 09/29/2009	<b>*/Sq. Ft.:</b> \$162.04	<b>2nd Mtg.:</b>	
<b>Sale Price:</b> \$175,000	<b>1st Loan:</b> \$171,830	<b>Prior Sale Amt:</b> \$145,000	
<b>Doc No.:</b> 15696	<b>Loan Type:</b> Federal Housing	<b>Prior Sale Date:</b> 03/02/2005	
<b>Doc Type:</b> Warranty Deed	<b>Transfer Date:</b> 09/29/2009	<b>Prior Doc No.:</b> 5351	
<b>Seller:</b> Herbert,Michelle L	<b>Lender:</b> Golf Savings Bank	<b>Prior Doc Type:</b> Warranty Deed	

\*\$/Sq.Ft. is a calculation of Sale Price divided by Sq.Feet.

Tax Information	
<b>Imp Value:</b>	<b>Exemption Type:</b>
<b>Land Value:</b>	<b>Tax Year / Area:</b> 2017 / 16.0
<b>Total Value:</b> \$83,834	<b>Tax Value:</b>
<b>Total Tax Amt:</b> \$1,311.43	<b>Improved:</b>

## LORI GILMORE

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**From:** David Phillips <David.Phillips@vf-law.com>  
**Sent:** Thursday, May 17, 2018 9:53 AM  
**To:** John Morgan  
**Cc:** LORI GILMORE; Richard Howard; Dustin R. Moyes  
**Subject:** Re: Richardson report

I will be there for sure to make sure I'm up to speed on these issues.

Dave

VF Law

David Phillips, JD, EnvE  
Attorney  
17355 SW Boones Ferry Road  
Lake Oswego, OR 97035  
Telephone: 503-684-4111  
Facsimile: 503-598-7758  
www.vf-law.com

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On May 17, 2018, at 9:51 AM, John Morgan <[john@morgancps.com](mailto:john@morgancps.com)> wrote:

Yes, David. Get an application form at City Hall for a Zone Change and Comprehensive Plan Change. Consult with the City's on-line Municipal Code and read Chapter 10.132 for the applicable criteria and process.

The Planning Commission may discuss the zoning in this area, at Chair Mitchell's request, at its June 5th meeting. However, that relates to the entire area, not your client's specific property. You may wish to see what happens that evening before preparing an application, which is a very involved process.

John Morgan, City Planner  
City of Yamhill

On May 17, 2018, at 9:38 AM, LORI GILMORE <[l.gilmore@cityofyamhill.org](mailto:l.gilmore@cityofyamhill.org)> wrote:

David,

Thank you for your update. My understanding is that Sue Richardson is considering property in Yamhill that is currently zoned

R-1 Residential and would need to apply for a re-zoning to accommodate the DeMoss & Gutterman business.

Just to be clear, no one can guarantee that a re-zoning would be approved prior to applying and completing the Public Hearing process. Also, there was no discussion or information provided at the May Planning Meeting?

According to the April update received on April 15<sup>th</sup>, Sue had a private conversation with Chuck Mitchell, who is on the Planning Commission for the City of Yamhill, and he would not be able to speak for the Commission or make any decisions outside of the context of a Planning Commission meeting with a quorum.

Just wanted to clarify that any process would need to go through the City's contract City Planner, John Morgan, the Planning Commission and City Council for any final decision.

Regards,

*Lori Gilmore*  
*City Recorder/Treasurer*  
*City of Yamhill*  
*[l.gilmore@cityofyamhill.org](mailto:l.gilmore@cityofyamhill.org)*  
*Phone - 503-662-3511*  
*Fax - 503-662-4589*

Confidentiality Notice: This email message may contain confidential and privileged information. If you have received this message by mistake, please notify us immediately by replying to this message or telephoning us, and do not review, disclose, copy or distribute it. Thank you.

**From:** David Phillips <[David.Phillips@vf-law.com](mailto:David.Phillips@vf-law.com)>  
**Sent:** Wednesday, May 16, 2018 2:15 PM  
**To:** LORI GILMORE <[l.gilmore@cityofyamhill.org](mailto:l.gilmore@cityofyamhill.org)>  
**Subject:** Richardson report

Lori,

Sue Richardson is working through due diligence and toward closing on the parcel we pointed out last month.

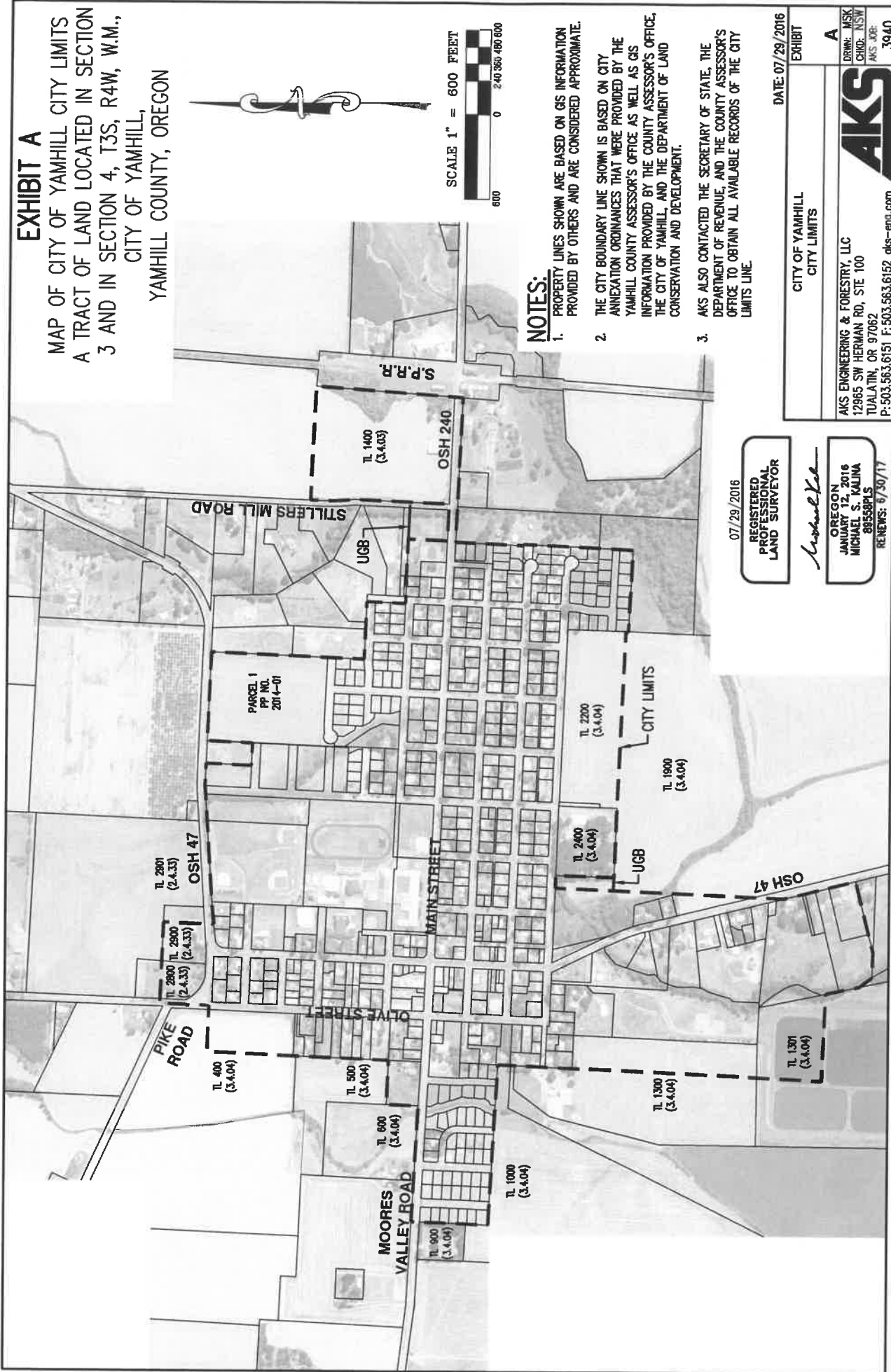
I understand she has some direct contacts with planners at the city.

Nothing new other than that to report for her.

Dave

# EXHIBIT A

MAP OF CITY OF YAMHILL CITY LIMITS  
 A TRACT OF LAND LOCATED IN SECTION  
 3 AND IN SECTION 4, T3S, R4W, W.M.,  
 CITY OF YAMHILL,  
 YAMHILL COUNTY, OREGON



### NOTES:

1. PROPERTY LINES SHOWN ARE BASED ON GIS INFORMATION PROVIDED BY OTHERS AND ARE CONSIDERED APPROXIMATE.
2. THE CITY BOUNDARY LINE SHOWN IS BASED ON CITY ANNEXATION ORDINANCES THAT WERE PROVIDED BY THE YAMHILL COUNTY ASSESSOR'S OFFICE AS WELL AS GIS INFORMATION PROVIDED BY THE COUNTY ASSESSOR'S OFFICE, THE CITY OF YAMHILL, AND THE DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT.
3. AKS ALSO CONTACTED THE SECRETARY OF STATE, THE DEPARTMENT OF REVENUE, AND THE COUNTY ASSESSOR'S OFFICE TO OBTAIN ALL AVAILABLE RECORDS OF THE CITY LIMITS LINE.

07/29/2016

REGISTERED  
 PROFESSIONAL  
 LAND SURVEYOR

*Michael S. Kalina*

OREGON  
 JANUARY 12, 2016  
 MICHAEL S. KALINA  
 88558PIS

RENEWS: 6/30/17

DATE: 07/29/2016

EXHIBIT

CITY OF YAMHILL  
 CITY LIMITS

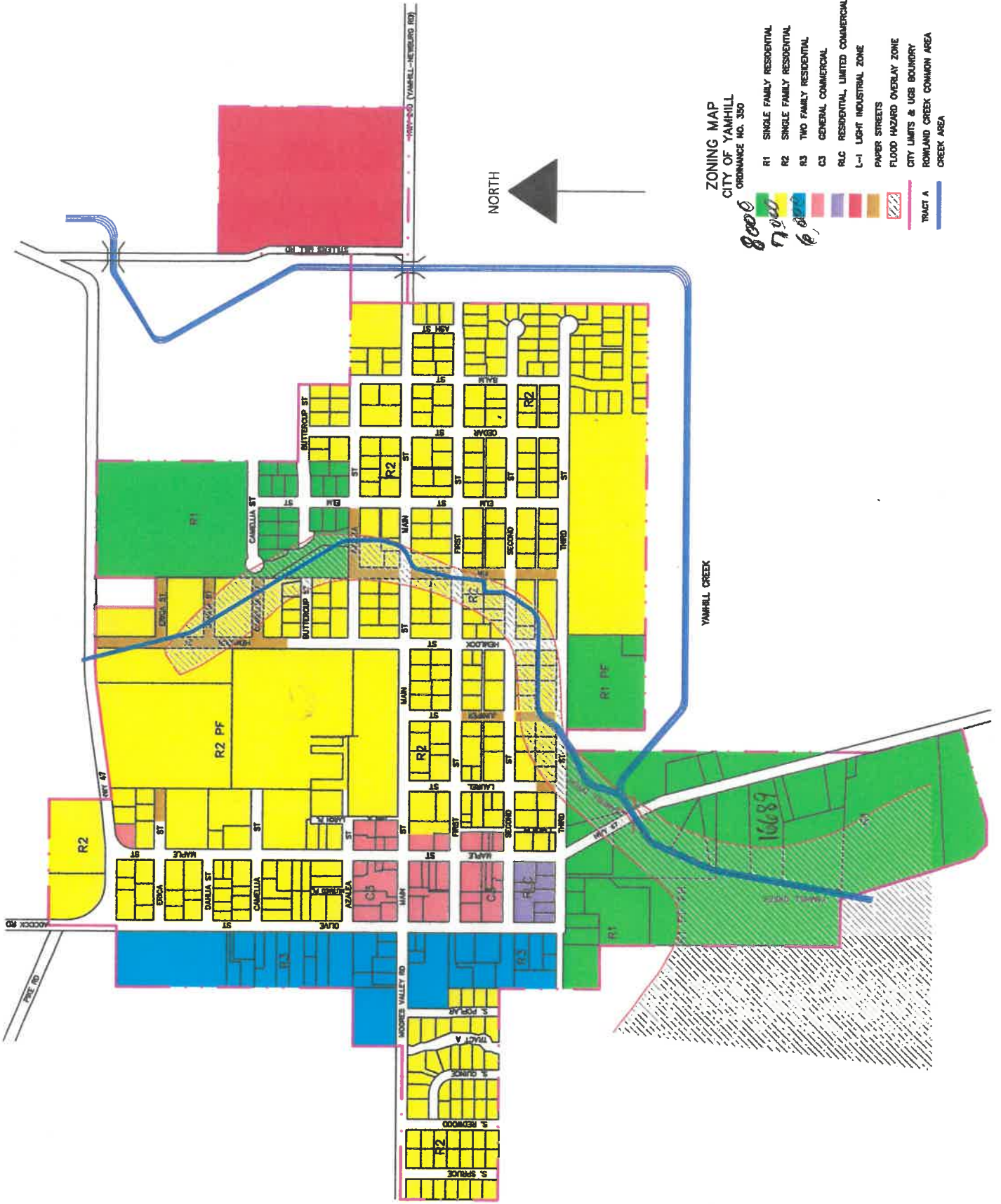
AKS ENGINEERING & FORESTRY, LLC  
 12965 SW HERMAN RD, STE 100  
 TUALATIN, OR 97062  
 P: 503.563.6151 F: 503.563.6152 aks-eng.com



AKS JOB#

3940





**ZONING MAP**  
**CITY OF YAMHILL**  
**ORDINANCE NO. 350**

- R1 SINGLE FAMILY RESIDENTIAL
- R2 SINGLE FAMILY RESIDENTIAL
- R3 TWO FAMILY RESIDENTIAL
- C3 GENERAL COMMERCIAL
- RLC RESIDENTIAL, LIMITED COMMERCIAL
- L-1 LIGHT INDUSTRIAL ZONE
- PAPER STREETS
- FLOOD HAZARD OVERLAY ZONE
- CITY LIMITS & USB BOUNDARY
- ROWLAND CREEK COMMON AREA
- TRACT A
- CREEK AREA

NORTH



*8000*  
*7900*  
*6000*

YAMHILL CREEK

16689

16689



**CITY OF YAMHILL  
CITY PLANNING COMMISSION MEETING  
Tuesday – May 1, 2018 7:00 PM**

**Minutes**

**Public Hearing – Planning Commission**

**1. Call to Order –Roll Call**

The Yamhill Planning Commission meeting was called to order at 7:05pm by Vice-Chair Prendergast.

**ROLL CALL:**

Members present: Commissioners Fox, Moore, Player and Prendergast

Unexcused Absence: Chair Mitchell

City staff present: City Recorder Gilmore, Superintendent Howard,  
City Planner John Morgan

**2. Flag Salute:**

Vice-Chair Prendergast led the flag salute with all those present participating.

**3. Public Hearing:**

**A. Public Hearing on Bartlett Partition Application PAR 18-01.**

An application was received to partition a parcel into two parcels located at 345 E. First Street, Yamhill, effectively moving the lot line between two platted lots of 9,040 square feet each resulting in two new lots of 9,944 square feet and 8,136 square feet. (Municipal Code 11.12.050)

Vice-Chair Prendergast opened the Public Hearing for Partition Case # PAR 18-01 at 7:08 pm and reviewed the purpose of the Commission and the procedures for the Public Hearing. There were no objections to jurisdiction.

City Planner, John Morgan presented the staff report for the proposed partition. The existing Lot 3 is the site of an older single-family home. Existing Lot 2 is the site of a detached single-car garage serving the home on Lot 3. The entire property is effectively one house and yard with the house on the west end and a large yard on the east end. The proposal will allow construction of a new house on the east end. Other homes are located in all directions within the neighborhood. The subject property is served with public sewer and water. 1<sup>st</sup> Street is paved with a gravel shoulder for parking and a

property line sidewalk along the entire block frontage. The property is zoned Single-Family Residential (R-2). The minimum lot size in the R-2 zone is 6,000 square feet.

Morgan reviewed the findings of fact and criteria for approval of a partition and continued with reviewing the staff recommendation and conditions of approval for the partition application. Morgan reported that this is a partitioning of a large parcel into two within an existing developed area. In actuality there are already two platted lots and the eastern lot could be sold and used for a new house, but State law requires a partition process to move the property line between two platted lots, as is the case with this application. The proposed lots are comparable with those already in the neighborhood. The application is straight forward relative to the moving of the lot line meeting all the requirements of the Development Code.

However, the matter becomes somewhat complicated relative to the existing detached garage.

The house and garage were built long before the requirements of the Development Code were adopted. The Code requires two off-street parking spaces for each single-family home. Those spaces are found in the driveways of newer homes as garages are not counted as parking spaces. In this case, there are no legal parking spaces for the existing home creating a legally non-confirming situation, in other words, the situation is grandfathered. This partition process does not change that legally non-confirming situation.

The existing detached garage also is legally non-confirming as it does not meet the front or side setback lines of the R-2 zone relative to the existing lot line. However, with the moving of the lot line, as proposed, the garage will have a side setback of 8 feet where the minimum setback is 7.5 feet, making the garage conforming relative to the side setback.

Any new house constructed on Lot 2 will have to create two off-street parking spaces and the existing garage cannot be counted as one of those spaces.

The applicants, Marc and Veronica Bartlett were in attendance. The applicants have decided to remain in the existing home at 345 E. Second Street and sell the adjacent lot and request to withdraw their application. Morgan reiterated that there are already two platted lots and the eastern lot can be sold and used for a new house without going through the public hearing process.

The application for Partition case number Par 18-01 has been entered into the record as withdrawn by the applicants.

Vice-Chair Prendergast closed the Public Hearing at 7:12 pm.

#### **Regular Meeting – Planning Commission**

Regular meeting opened by Vice-Chair Prendergast at 7:15 pm

#### **4. Public Comment:**

None Received.

**5. New Business:**

- A.** Discussion of City growth, industrial needs and the availability of land and Infrastructure.

Chair Mitchell requested this agenda item for discussion and due to his absence, the item will be postponed until the next scheduled meeting.

**6. Unfinished Business:**

- A.** None Scheduled.

- 7. A.** Approval of Planning Commission Minutes from April 3, 2018.

There were no members in opposition to the minutes.

Moore made motion, seconded by Fox to approve minutes.

Roll Call: Ayes: Fox, Prendergast, Moore, and Player  
Nays: None

The Motion Carried.

- B.** Schedule next Planning Commission meeting for Tuesday, June 5, 2018.

It was noted that Chair Mitchell arrived late to the meeting at 7:18pm.

**8. Information/Announcements:**

- A.** City Council meeting/ Town Hall with County Commissioners –  
Wednesday, May 9, 2018  
**B.** Budget Committee meeting, Monday, May 14, 2018, 6:30PM. City  
Council Chambers, 155 E. 1<sup>st</sup> Street.

**9. Adjournment: 7:20PM**

Player made motion to adjourn,

All in favor, meeting adjourned at 7:20pm

Respectfully Submitted:  
Lori Gilmore  
City Recorder/Treasurer