



**CITY OF YAMHILL
CITY PLANNING COMMISSION MEETING
Tuesday – September 10, 2019
MINUTES**

Public Hearing – Planning Commission

1. Call to Order –Roll Call

The Yamhill Planning Commission meeting was called to order at 7:00pm by Chair Prendergast.

ROLL CALL:

Members present: Commissioners Prendergast, Fox, Braddock, and Player
City staff present: City Recorder Gilmore, Interim-Superintendent Malis,
City Planner John Morgan, City Engineer John Christiansen

2. Flag Salute:

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

3. Public Hearing:

**A. Public Hearing on Zone Change Application ZN 19-01 and
Subdivision Permit Application SUB 19-01.**

Chair Prendergast opened the Public Hearing at 7:03 pm for Zone Change Case # ZN-19-01 and Subdivision Case # SUB-19-01.

Morgan stated that there will be a combined public hearing tonight, and the role of the Commission is to make a recommendation to the City Council on each case. Morgan read into the record the public hearing procedures. An issue which may be the basis for an appeal to LUBA shall be raised not later than the close of the record at or following the final evidentiary hearing on this case. Such issues shall be raised with and accompanied by statements or evidence sufficient to afford the Commission and those in attendance an adequate opportunity to respond to the issue. Failure of an applicant to raise constitutional or other issues with sufficient specificity for the City to respond to the issues shall prohibit the applicant from seeking damages in circuit court. The specific criteria are summarized in the staff report and will be reviewed at this hearing.

All testimony and evidence received during this public hearing must be directed toward the approval criteria, or to such other rule, law, regulation or policy that you believe to apply to this case. This case will proceed with the staff report, followed by the applicant and those who are in support of the application. All of those opposed to the application will then be allowed to speak, followed by those with general comments who are neither for nor against these applications. The Commission, staff and participants may ask questions of those who testified.

All questions must be directed through the Commission Chair. Finally, the applicant will be entitled to a rebuttal.

With the procedures out of the way, Prendergast asked those in attendance if there were any objections to the hearing notice or jurisdiction to hear this case, none followed. It was noted that no Commissioner declared Ex parte contact, conflict or bias.

The combined Hearing is for Case # ZN-19-01, a zone change from R-1 to R-2 for the 12.14-acre property, and Case # SUB-19-01, where the land is within the Yamhill Urban Growth Boundary (UGB) and is designated for residential development in the Comprehensive Plan. It is within the City Limits. The proposed subdivision contains 61 lots. The minimum lot size is 6,000 square feet and the average size is 6,308 square feet.

City Planner, John Morgan presented the staff report for the proposed Zone Change and Subdivision. The approval of the zone change would be necessary before the proposed subdivision design could be considered. The applicant offers an extensive narrative and analysis concerning compliance with zoning requirements on a provided report. It shows how the proposal conforms to the zoning standards. These are not criteria for subdivision approval and cannot be used in making the decision. However, the narrative does show conformance with the standards and clarifies the character of the project as a conventional single-family subdivision. In a subsequent report, the applicant analyzes the proposal to rezone the property to R-2. The applicable criteria are listed with narrative showing how the proposal complies with the criteria. The applicant bears the burden of proof to demonstrate conformance with the criteria. Therefore, Staff will not independently offer analysis. If the Planning Commission concurs with the zone change, the subdivision can be considered. This also is a decision based on criteria within the Code.

There are three criteria for considering a subdivision.:

- (A) *The proposal shall comply with the applicable development standards in Chapter 11.20, as appropriate, including provisions for streets and utilities.*
- (B) *Each lot shall satisfy the dimensional standards and density standard of the applicable zoning district, unless a variance from these standards is approved.*
- (C) *Adequate public facilities shall be available to serve the existing and newly created lots.*

Attached to this staff report is a memo and recommendations from AKS Engineering, the City's engineering consultant. That report lays out details for engineering and improvements to be established as conditions of approval.

This staff report amplifies three of the City Engineer's points.

- First, the proposed subdivision design includes an emergency access to Highway 47. This is critical for fire protection. However, with the City Staff's support, the proposed design does not take any street or driveway access directly to Highway 47. This is primarily for safety reasons. However, providing an emergency access to the Highway is acceptable in order to create an alternative access point in the event of an emergency. This access will be gated, but the Fire District will have the key to open whatever device create the blockage. The details of that arrangement are up to the developer and the Fire District. The Staff is recommending written concurrence for this access be granted by the Oregon Department of Transportation before the application is approved. As of the writing of this report, that concurrence has not be received.

- Second, there is a need for a pedestrian access connecting the neighborhood to the school property. This will provide a more direct and safer link to the school than not having such a link. The details of the necessary easements and improvements can be worked out with the School District;
- The third area of concern is dedication of Park and Recreation Facilities. This is addressed in Section 11.20.070 of the Yamhill Municipal Code.

The applicant is proposing a \$50,000 payment in lieu of dedication of park land. No analysis is included with the application showing how this amount was computed relative to the standards of the Code section. The applicant has been informed this information will be necessary for the Planning Commission to consider the proposed amount.

Morgan stated in the Staff Report this is a straight-forward application creating a new neighborhood very similar and consistent with other neighborhoods in Yamhill. The land is legally deemed to be appropriate and needed to develop by virtue of being within the Urban Growth Boundary.

Staff supports approval of the application with conditions. The zone change from R-1 to R-2 is consistent with the Comprehensive Plan Land Use Map which designates the area for Residential development generally. It is a relatively small change in density which yields more needed housing. Staff supports the zone change. Staff also supports the proposed subdivision. It complies with all applicable criteria and design requirements with no variances as long as three conditions are imposed. First, ODOT needs to concur in the emergency access to Highway 47. Second, a pedestrian pathway needs to be including connecting the development to the school. Third, an agreement needs to be reached on the appropriate amount of in-lieu monies needs to be paid to satisfy the park dedication requirement. Assuming these three issues are resolved to the Commission's satisfaction, staff recommends approval.

The following conditions of approval to the decision which are necessary to assure compliance with the applicable criteria:

1. The Planning Commission determines the appropriate amount of money in lieu of park land dedication and makes that specific amount a condition of approval.
2. All public improvements shall be constructed in accordance with the City of Yamhill Municipal Code. Where the City Municipal Code is silent, improvements shall meet the 2018 Oregon Standard Specifications for Construction and ODOT design standards.
3. All sanitary sewer pipe shall be minimum 8".
4. The applicant shall extend a 10" water line from the connection at E Camellia through the proposed N Elm and N Fir Loop, and the emergency access through lot 33 to the HWY 47 right-of-way. The upsizing of the line from 8" to 10" shall be SDC eligible based on the pipe material cost difference for upsizing. All other water mains throughout the development shall be 8".
5. Prior to issuance of construction permits the applicant shall submit a DSL concurrence letter of the wetland delineation.
6. Prior to issuance of construction permits the applicant shall submit and obtain a 1200-C permit from DEQ.

7. Prior to issuance of the construction permits the applicant shall demonstrate the stormwater facility is designed to attenuate post-development stormwater flows to rates equal to or less than pre-developed rates. Stormwater management shall be in accordance with the 2015 City of Newberg Public Works Design and Construction Standards.
8. Prior to issuance of construction permits the applicant shall submit a hydraulic grade profile for all stormwater main lines including the existing line at the point of connection in E Camellia. The applicant shall show that the existing stormwater facility located at the end of E Camellia has capacity to convey stormwater runoff being routed to it as part of this development.
9. Catch basin leads shall be routed within the public right-of-way, storm sewer easements are not acceptable.
10. Prior to issuance of construction permits the applicant shall submit a site-specific geotechnical investigation and recommendations report.
11. A photometric plan shall be submitted for the review of the illumination plan. Lighting levels shall meet ANSI/IES RP-8 American National Standard Practice for Roadway Lighting. Luminaires shall be LED and dark sky compliant.
12. The applicant shall provide a minimum 5-ft wide pedestrian path from the terminus of E Dahlia to N Hemlock, located within a dedicated 10-ft easement. The path shall meet the requirements of Section 16.2 of the ADAAG Outdoor Developed Areas Standards.
13. The applicant shall provide standard curb and gutter on E Camellia Street. All other streets can be improved with mountable curb.
14. All streets shall be designed to meet 2011 PROWAG guidelines.
15. Prior to issuance of construction permits the applicant shall submit and obtain an approach permit from ODOT for the proposed emergency access connection to HWY 47.
16. The building setback for lot 33 shall be measured from the 20-ft emergency vehicle access easement.

Rocky Losli, a Yamhill resident asked for clarification on the number of homes being proposed for the subdivision. Losli indicated that the transportation plan amendment provided with the application referenced both 130 homes and 61 homes. It was stated that a copy of a previous report was submitted for 130 lots and the report showed that 130 lots would not have a negative impact on the traffic on Highway 240 or Highway 47. The subdivision application is for 61 lots and an addendum was added to the previous report.

The applicant, Steve Miller representing Emerio Design, LLC was in attendance as well as John Satterberg, with Community Financial Corporation, Eric Evans the Engineering Manager with Emerio Design and Chad Davis the builder and contractor. Miller concurs with the staff report and believes all information required by the code has been submitted to show compliance for the zone change and subdivision applications.

Miller stated that the zone change property is inside the UGB and City limits with a residential designation and they are asking for a different zoning to help support the development and the fees that are associated with the developing. Yamhill's comprehensive plan supports residential zoning in the area, and they are requesting an R-2 designation. Miller reiterated that the subdivision application is asking for approval of a 61-lot subdivision.

Miller would like to address the Planning Commission referencing three of the City Engineer's points in the staff report regarding Highway 47 access, the connectivity to the school property and designation of a park area.

The Highway 47 access for emergency purposes is agreeable and they will work directly with ODOT to provide the necessary information to be granted the access.

In terms of the connectivity to the school property, they have been in contact with the School District Superintendent and because of the lack of resources such as sidewalks or infrastructure to get the students from the back of the school property to the front entrance they are not in favor of a back connection from the subdivision. The school superintendent stated they would be happy to work with the developer for solutions for the children to have a safe route to school.

John Satterberg reported that there has been an agreement with purchasing the school district property that includes a purchase price as well as with preliminary plan approval to release \$400,000. non-refundable earnest money so the school could have funds to complete the gymnasium. Satterberg stated that in order to do the project, the costs to develop each lot should be in the \$112,500. range. Currently, after costing out the current project the lots are now in the \$117,500. range and is costing the developer more than what the lots are worth. There are many issues developing this property, such as the cost to bring gravel, asphalt or concrete from Hillsboro or McMinnville and if the City requires the developer to pay for an additional cost of \$300,000. for a park area it would bring the cost of each lot close to \$122,500.00. In order for the project to be marginally feasible the developer offered a \$50,000.00 park fee, in lieu of developing a park area, and will be paying a \$3,023. SDC Park fee with each lot building permit.

Satterberg reviewed some of the developers cost, including the \$50,000 park fee, and approximately \$1,200,000. for the combined SDC City fees. If they were required to pay for a \$300,000. park area, they would have to go back to the school district and re-negotiate the terms of the purchase agreement. They are asking for the approval to pay a \$50,000 park fee, the SDC fee and building permits of \$1,200,000 and will be giving the school district money to finish their building project and pay off their debt.

Satterberg asked if there were any questions.

- Richard Ulrick of Azalea Street questioned why the developer wants to build if the profits are so marginal. Satterberg replied because of the demand for housing in Yamhill and it is the risk that a home builder takes.
- Jeff Cutter of Main Street questioned if the purchase price of the property will pay off the School Districts debt that should have been covered in the approved school bond. That would not be information that the developer would have.
- Patty Pairan of Maple Street questioned what the price of the new homes would be. The average size of the homes will be 2,000 square feet and cost \$375,000. each. Pairan questioned how an expensive home would help the average local resident that may be a minimum wage earner.

The developer anticipates an influx of buyers from nearby cities that want to live in Yamhill. Each new home owner will help the City's economy by contributing to the property tax base.

Many residents commented that the new homes will raise their property taxes and it will hurt lower income residents.

Chair Prendergast would like to keep the meeting in order and will start with proponent's testimony and move to opponent's testimony with everyone having a chance to speak. Comments or questions will be held to a maximum of 5 minutes.

Proponents:

- Paula Terp of Elm Street commented that she is not opposed to the development but does have questions as she lives on the street that will be the only access. Terp questioned how the traffic study can show that it will not have impact with adding 61 new homes with only one entrance and exit but is glad there will be an emergency access to Highway 47. Terp feels that the City does need to grow, and the development is far superior to the previous planned development that was for 130 homes on tiny lots.
- Ron Handke of Buttercup Street is not opposed to the development but is opposed to the entrance and exit for the subdivision being on one street.
- Rob Bass of North Plains is the realtor for Chad Davis, and Davis wants to bring high quality, affordable homes into the area. It's almost impossible for builders to supply affordable homes with the continuous rise of building costs, but Davis lives in the area and would like to make the development work for everyone. Bass says Davis is trying hard to provide the best quality homes, so people here in Yamhill can hopefully live in the new homes as they will be beautiful homes. Bass reiterated that the builder is a local builder that will remain in the area and asks the community to be in favor of the development.
- John Carter of Elm Street is concerned regarding the entrance and exit for the subdivision being on one street.
- Charan Cline of Carlton, the School District Superintendent stated the district is selling the property to make up the difference of the construction costs for the recent building projects. The profits from the sale will go back into the costs for finishing construction. The School District is also excited about possibly creating new family neighborhoods in Yamhill and believes housing is needed in our area. Cline stated that the district did not sell all of the property and still has a 3 ½ acre parcel that they would like to donate 1 acre of the parcel to the City to help offset the park designation issue.

Opponents:

- Wayne Stonebrink of Moore's Valley Road has lived in the area since 1941 and has worked closely with the City water department for years and does not feel the City has enough water to adequately supply a new subdivision.

John Christiansen with AKS Engineering reported that Yamhill has an adopted Water System Master Plan that identifies the 30-year development within the City and in that Master Plan it reports that there is adequate water supply to serve this and other future developments for the next 30 years, provided capital improvements are made.

- Patty Pairan of Maple Street stated that it appears that the City's existing sewer system does not have the capacity for 61 additional homes and would like assurance that the City will be responsible for any sewer damage to residential homes.

John Christiansen with AKS Engineering reported that Yamhill has an adopted Wastewater System Improvement Plan that currently identifies a deficiency of the influent pump station at the sewer treatment plant. It was identified as a constraint due to inflow and infiltration which occurs in the winter time during times when stormwater infiltrates into the sewer system. Since that report was written, the City has made efforts to improve and reduce I & I, and furthermore this project will be supported through the SDC fee dollars that will be committed to making the capital improvement to increase the influent pump station.

- Patty Pairan of Maple Street stated concern if there is adequate water supply for the additional 61 homes and sufficient fire flow.

A five-minute recess was called for by Chair Prendergast.

Morgan reported that the City has Utility Master Plans that go into great detail, including projected growth which is based on the Urban Growth Boundary and the population projections for 20 years. The Master Plans include Capital programs within them that layout specific improvements, that the City puts a lot of work into to finance those capital improvements. Currently the project that is under way is the new Water Line from the reservoir to town that is scheduled to be completed by December 31, 2020. Morgan gave a brief background on System Development Charges (SDC's), which involves a computation that says in order to do capital improvement projects that are necessary in each of the Master Plans to allow growth to happen, the residents causing the growth need to pay their fair share of the costs. The City's total SDC charge per each new constructed home is \$16,071, which is split between water, sewer, park, street and stormwater. SDC's are a pay as you go system and are paid with each building permit, not upfront by the developer. If this development is approved, these 61 homes will contribute \$16,071 each to help fund the City's capital projects. If the homes weren't being built, the funds would not be available to do the projects that benefit the entire community.

- Olan Pairan of Maple Street reported a concern for the City's fire flow capability and why in the past a business was denied approval because they couldn't meet the fire flow required by the State Fire Code, but now there could be approval for 61 homes.

Morgan stated that for the last four or five years, during the time the business was proposed, there was a deficiency in water pressure for adequate fire flow and the legally required fire flow for commercial business's, mandated by the

State Fire Code could not be met by the business. Morgan stated that the water flow is now being fixed and if the business came back at this time, it would not have the same issue.

- Patricia Manson of Highway 240 feels the tax's payers have already paid hundreds of thousands of dollars through property taxes and the school bond taxes for master plan capital improvements that have failed, and the proposed subdivision is premature at this time. Manson does not want the same thing to happen that happened with the School District by issuing permits for buildings that don't meet the State Fire Code. Manson also believes that it is no guarantee that the new homes would bring in families or that if there are families, the children will be enrolled in the local school district. Manson requests that the City not be hasty by approving the proposed subdivision.
- Dan McKinney of Poplar Street is opposed to the subdivision and feels it will raise the cost of living and everyone's property taxes in Yamhill. McKinney stated that it will be a safety issue also with the increased traffic and doesn't believe the City has the infrastructure to support the proposal.
- Glen Manson of Highway 240 appreciates that there would not be access on Highway 47 because of the dangerous corner and questioned if there were plans to build a wall or fencing that would protect the children living close to the highway and will street lighting be improved on the access streets. Manson also agrees with other residents who have concerns with the City's sewer and water system capacity. Manson would like to see the water line project finished first to see if it fixes the problem before approving more homes.
- Richard Ulrick of Azalea Street does not believe the City should move forward with a development when the City's water and sewer systems are inadequate. Ulrick also questions why if the City Municipal Code specifies a 60-ft right-of-way, a 50-ft right-of-way would be acceptable. Ulrick urges a no vote on the subdivision.
- Paula Terp of Elm Street wanted to clarify the new transmission water line project from the reservoir to town will be from a 10-inch line to an 18-inch line and is not dependent on the new homes being approved. The project has already been funded by the City and regardless of any new building, the project is already scheduled with a timeline of starting construction January 2020. Terp also stated that the raising of property taxes in Yamhill is the function of Yamhill County and not the City's.
- Mike Warren of Elm Street would like to make a few points for the Planning Commission to consider. Warren agrees that the City needs to grow but feels it is too soon and would like to wait until the water transmission line is complete to see if it can support the additional homes. The City's projected annual growth for the 20-year Water System Master Plan is 3% a year and the proposed development would be about 15%, which would account for about 5 years of growth in one development. Warren is opposed to not including a park area in the development, as the only other park in Yamhill is on the other side of town. The City should not accept only \$50,000 in lieu of a park and indicated that the acre of land offered by the School District is unusable land as he believes it is wetland property. Warren also agrees with the other opponents concerning the

adverse effect of traffic with one entrance and exit into the development, the water and sewer capacity deficiency and no safe access to the schools from the development.

- Erin Kutter of Main Street has lived in Yamhill all of her life and believes the City does need to grow and believes the Planning Commission's responsibility is to take into consideration the safety and quality of life for the current residents. Kutter questions if a new development will spread the City's resources too thin such as having the funds to increase the Public Works positions and Police Officer positions or City Hall staff and where will the funds come from.
- John Thielke of Camellia Street expressed concern for the access to the development only having one entrance and exit and referenced the recent fire in Paradise California that also had one exit and residents were trapped.
- Ray Benski of Elm Street does not understand why the City can't have the infrastructure in place before the development and feels it would be common sense.
- Patty Pairan of Maple Street spoke again in opposition and has an ongoing complaint about the Police Department enforcement of speeding in town. Pairan questions how the Police Department can handle enforcement of more traffic in town when she doesn't feel they enforce speeding laws for the current traffic.
- John Carter of Elm Street reiterated his concern for the additional traffic in town and safety concerns of having one entrance and exit to the proposed development.
- Mike Warren of Elm Street referenced Yamhill Municipal Code 10.132.040 findings required for granting a Zone Change states the proposed property related to streets and highways to adequately serve the type of traffic that will be generated by the uses in the proposed zone. Warren believes the development will have an adverse effect on the area.
- Patricia Manson made a final statement to remind the Commission that it is their obligation for the residents of Yamhill and not to appease the School District.

Two letters were received in opposition of allowing the Subdivision and Zone Change. Morgan read both opposition letters from Robert Buxton of Buttercup Street and Nancy West of Azalea Street. An email in opposition was also received that was read into the record from Linda Clites of Elm Street.

The applicant requested a 5-minute recess following the testimonies, which Chair Prendergast approved.

Following the 5-minute recess, the applicant requested a continuance of the hearing to adequately address all of the concerns from the opposing testimonies. Due to the nature of all of the comments the applicant is not prepared to give a detailed response to all of the issues that were raised tonight. If the hearing can be continued at the next meeting, the applicant will respond to the questions and comments that have been raised.

A continuance of the Public Hearing is postponed until Tuesday, October 1, 2019 at 6:30pm.

Morgan stated that the October 1st meeting will be structured to first, give time to the applicant to present their response and rebuttal and then open for comments with response to the rebuttal information with the applicant having final rebuttal.

The applicant stated that the record can remain open for seven days for written comments, seven days for the applicant to rebut, plus an additional seven days for the final argument.

Prendergast closed the Public Hearing at 9:30pm.

Regular Meeting – Planning Commission

Regular meeting opened by Chair Prendergast at 9:30 pm

4. Public Comment:

None Received.

5. New Business:

A. Consider regulation of lodging and camping in public.

There was discussion to amend Yamhill Municipal Code Chapter 5.08 GENERAL OFFENSES by adding a new Section 5.08.115. The new regulation would make it a Violation for unauthorized camping in prohibited areas such as Park areas, publicly owned or maintained parking lots, all public property located within an area zoned for residential use and all public property owned by Yamhill County and located within the City of Yamhill. Chief Graven requested that the Planning Commission address the concern of homeless population issues, as most nearby cities are also looking for processes and regulations to address the growing issue of camping on public right-of-ways.

Because of the lengthy public hearing, Commission's consensus is to table the lodging and camping discussion item until November or December 2019.

B. Approval of Planning Commission Minutes from June 4, 2019.

There were no members in opposition to the minutes.

Fox made motion, seconded by Player to approve minutes.

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

The Motion Carried.

C. Schedule next Planning Commission Meeting.
Consensus is to schedule the next meeting for Tuesday, October 1, 2019.

6. **Information/Announcements:**

- A. September is National Preparedness Month, a yearly campaign led by FEMA designed to encourage all Americans to take simple steps to prepare for emergencies.
- B. “Stewards of Children” training – Juliette’s House
- C. Household Hazardous Waste Collection Event- October 12, 2019, Yamhill County Fairgrounds.

7. **Adjournment: 9:35pm.**

Fox made motion to adjourn, Prendergast seconded.

All in favor, meeting adjourned at 9:35 pm

Respectfully Submitted:
Lori Gilmore
City Recorder/Treasurer