



**CITY OF YAMHILL  
CITY PLANNING COMMISSION MEETING  
Tuesday – October 1, 2019 6:30PM  
MINUTES**

**Public Hearing – Planning Commission**

**1. Call to Order –Roll Call**

The Yamhill Planning Commission meeting was called to order at 6:30pm by Chair Prendergast.

**ROLL CALL:**

Members present: Commissioners Prendergast, Fox, Braddock, Moore 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 6:35pm for Zone Change Case # ZN-19-01 and Subdivision Case # SUB-19-01.

The Public Hearing is a continuance of the hearing on September 10, 2019, at which the applicant requested postponing the hearing to adequately address all of the concerns from the opposing testimonies. Due to the nature of all of the comments the applicant was not prepared to give a detailed response to all of the issues that were raised that night. Morgan stated that the Public Hearing would be continued on Tuesday, October 1, 2019 at 6:30pm and the meeting would 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.

City Planner, John Morgan reviewed tonight's process with the applicant speaking first providing information regarding the questions from the September 10, 2019 meeting and then the meeting will be open for input from the audience with a limit of 5-minutes to speak. At the end of the hearing, the applicant will have a final opportunity for rebuttal, the public hearing will then close and the Commission will deliberate. Once the hearing is closed, no additional comments are allowed from the audience. 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 applicant, Steve Miller representing Emerio Design, LLC was in attendance as well as John Satterberg, with Community Financial Corporation and Eric Evans the Engineering Manager with Emerio Design. Miller started the presentation by stating that questions from last months hearing will be addressed if they were relevant to the project or explicable to the approval of the project. Miller understands from the prior meeting that there is a great concern for a large development within a small community and concern with impact on the public facility and transportation and will address the concern as it relates to the approval of the project. The project involves two requests, a zone change and subdivision request, the current property is zoned R-1 which allows a 7,000 sq. ft minimum lot size and are requesting an R-2 designation for allowing a 6,000 sq. ft minimum lot size, with the average lot being 6,308 square feet. It was noted that the majority of the city is zoned R-2. 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.

Relating to the subdivision application, a main concern from the public at the previous hearing were traffic/transportation issues. Miller noted the Traffic Impact Analysis (TIA) report provided with the application, showed the existing streets and intersections operate at an acceptable level now and the 20-year forecast including the net increase resulting from the R-1 to R-2 zone change would not be expected to exceed the City of Yamhill or ODOT operational standards in the study area. Based on the results of the analysis, no mitigations are necessary and based on the studies findings, the proposed zone-change is commensurate with the City's Transportation System Plan (TSP) and it is recommended the City of Yamhill approve the zone change application. Miller reported that the project will provide some additional streets with future street stubs that will help with the City's TSP for future development. Miller reiterated that the TIA is a very important document relating to the development and a very technical document based on the best available information, performed by licensed professional engineers and modeled off of the best software available. The TIA is a required document for the applicant and also required from any opposition to bring forward the technical data information in order to challenge the submitted report. The applicant believes a quality report was submitted and is clear that the project will not overburden the streets for the 61-home subdivision.

An additional resident's concern was the applicant proposing a 50-ft right-of-way with 37-ft roadways and 5-ft wide sidewalks. The City's Municipal Code specifies a 60-ft right-of-way. Miller noted that within the 50-ft right-of-way, they will be proposing the exact same streets that are currently on Elm Street, Camellia Street, Buttercup Street, Balm Street and Cedar Street. If you were to measure these streets in the right-of-way, from the back of the sidewalk to the opposite side back of the sidewalk it would measure 50-feet wide. The developer will be matching what is currently on the other streets in the area and all improvements are per the City's street standards. There will still be street parking, the same sidewalks and streets that are compatible with the other streets in the neighborhood.

Also, a concern were Fire and Safety Issues with the project. Miller demonstrated with a map overlay of the existing neighborhood that shows, Balm, Cedar and Elm Streets meet with Buttercup Street to allow three access points into the project that collect on Elm Street for entrance. As surrounding properties develop, there will be future street connections that continue the transportation network in the City.

Concerning resident's suggestion for direct access on to Highway 47 from the project, the developer does not see that as a viable option, as it would create a straight thoroughfare through the project from Highway 240 down Elm Street to reach Hwy 47.

Miller reached out to Oregon Department of Transportation (ODOT) concerning access to Hwy 47 and they responded in an email dated August 27, 2019 regarding needing a permit for "Emergency" access to Hwy 47. After that time, ODOT received questions relating to a possible public street access connection from the subdivision to Hwy 47.

To date, ODOT has not studied the feasibility of having a new public street connection to that location. In general, ODOT prefers fewer connections to points to the Hwy to minimize potential conflict points and improve traffic flow. The section of Hwy 47 in question is a 55-mph speed limit and the standard for spacing between highway approaches is 990 feet and this standard could not be met at any point along the highway frontage of the proposed subdivision. Additionally, the standard for site distance is 775 feet and may not be met due to the curve in the highway to the east. These safety and operational concerns could be enough to deny any public street access proposal for this project. While the emergency vehicle access would raise some of the same concerns, the presence of lights and sirens coupled with infrequent use means that ODOT can support its installation.

Miller stated that they feel able to address the residents concern without re-designing the project, as the original layout is compatible with the residential neighborhood and has street calming by not having Elm Street run all the way through to Hwy 47 and having some circular streets with stub-outs that will help control some of the traffic as it moves through the neighborhood. There will be an additional stop sign at the Camellia Street intersection at Elm Street, which will further slow traffic.

Relating to concerns for Fire Flow issues, AKS Engineering performed two fire flow test analysis and identified there are between 839 and 919 gallons per minute (gpm) flow currently for the project area and there is a projected fire flow of 997 to 1093 gpm at 20-PSI when the new 18-inch water transmission line is completed. With the improvements that will be completed by December 2020, the fire flow will be maintained at the level that can handle the additional projected homes in the project. The contractor agrees with the Yamhill Fire District, that if the fire pressure flows are below the required 1,000 gpm for this project, then the homes within the project will be equipped with fire sprinkler systems. Prior to building any homes, the contractor will conduct another fire flow test to confirm the current fire flow. The projected time line for the beginning of home construction will be approximately the same time as the completion of the City's new water transmission line in December of 2020.

Miller stated another concern had been the City's water supply. This project will help support the City's water system by bringing in System Development Charges (SDC) dollars with each new home and will help support the new water transmission line, that will in turn improve the fire flows that will help all future development of residential and commercial properties. The project will be a benefit to the City, as many improvements and upgrades will be funded through the SDC and property tax dollars generated from the project.

Miller reviewed the amount of SDC dollars generated from this 61-home project for the City that would total; \$357,887.00 for Water SDC's to be used for improvements to the City's water system; \$213,073.00 Sewer SDC's for sewer system improvements; \$117,669.00 Street SDC's for street improvements; \$184,403.00 Park SDC's for park improvements or development and; \$98,149.00 Stormwater SDC's for stormwater improvements.

Chair Prendergast questioned the applicant regarding dedication of park land for the project. Miller stated that dedicating a park area has been discussed but feels that due to wetland areas and already being located next to a school with existing ball fields and other areas the public can utilize, it would not be a quality regional area for the city. The applicant would like to stay with the original proposal of a \$50,000 payment in lieu of a dedicated park land, plus the generated Park SDC's of \$184,403.00 that could allow the City to develop a new park in a better area of their choosing. It was also noted that the School District would like to donate a one-acre parcel to the City to help offset the park designation issue. Prendergast stated concern for how a park located in another area would benefit residents in the new project area.

Discussion continued regarding the park proposal and the need for a pedestrian access that will connect the neighborhood to the school property. A more direct and safer access needs to be provided to the school with the details of the necessary easements and improvements to be worked out with the School District. It was recommended that the applicant provide a minimum 5-ft pedestrian path from the terminus of E. Dahlia Street to N. Hemlock Street located within a dedicated 10-ft easement. School Superintendent Cline reported that the school district realizes that there has been a need to have a path connecting the neighborhood east of the school and the District School Board has committed itself to that project.

The applicant provided information regarding a stormwater detention pond that would be located west of the project near the existing cul-de-sac on E. Camellia Street. The applicant is proposing to collect and route all stormwater runoff to a new stormwater facility at that location. The stormwater report submitted as part of this application references the City of Newberg public works standards as a baseline for stormwater management. The pond size would be approximately 2 ½ lots worth of land and is sized to handle the 2, 10 and 25-year existing flow rates and shall be modified to match post development flows to rates equal to or less than pre-developed rates.

Commissioner Braddock questioned the availability of parking per lot for the development. Miller stated that the homes would have double car garages with driveways 20 feet deep and approximately 24 feet wide and the streets would have parking available on both sides of the street.

City Planner, John Morgan reiterated to the Commission that the type of homes, the quality of homes and the pricing of the homes is irrelevant to the decision-making process. There are three criteria for considering the 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.*

Chair Prendergast announced she 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:

- Rob Bass of North Plains is the realtor for Chad Davis, and Davis wants to bring high quality, affordable homes into the area. Davis lives in the area and would like to make the development work for everyone and will work 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.
- Steve Harloff of Puddy Gulch Road in Yamhill expressed his support for the housing development and will be expressing his own views as well representing the ideas of the Yamhill Downtown Association and the Yamhelas Westsider Trail. As the subdivision parcel is within the Urban Growth Boundary, within City Limits, and part of the City's Comprehensive Plan, clearly the parcel was meant to be built on and lines up adjacent to another neighborhood. With the newly updated Yamhill-Carlton School campus, there is likely to be renewed interest in Yamhill as a place to live. Harloff hopes the Commission considers keeping green spaces and natural areas for play spaces and structures for kids and to connect neighborhoods. Harloff also would like to see the pedestrian path to the school as a bicycle/pedestrian path.
- Paula Terp of Elm Street commented that she is in support of the housing development and indicated that over the years she has observed the same hesitancy and concern for every development that has been proposed in Yamhill. Terp believes with this development and the influx of people and possibly younger families, the opportunity to revitalize the City will be huge.
- Tim Pfeiffer of Moore's Valley Road commented that he has been in the community for 62 years and believes the proposed development is in line with the last two developments that were approved in Yamhill. Pfeiffer has been a member of the School Board for the last 8 years and has been involved in the newly updated school campus and the sale of the property for this development. Pfeiffer believes the 61-home addition is a reasonable amount of homes with nice sized lots, and fits with what our community represents. Pfeiffer recommends the Commission approve the development and will consider it a nice addition to the community.
- Charan Cline of Carlton, the School District Superintendent stated he is in favor of the development, is the seller of the property and even though has a vested interest in the approval, feels it will be a wonderful style neighborhood that will bring students into our community. Cline believes the development will have a huge advantage for both the School District and the City of Yamhill.
- 
- John Morgan read into the record a letter from Ken Watson, a Yamhill resident and School Board member, in support of the development. Watson is in favor of the project stating there is a strong demand for homes in Yamhill and the project seems like a very sound plan. Watson believes that if the project is denied, future developers might consider projects in the City of Yamhill a hostile place and will choose to invest their money elsewhere. Watson also recommends that the City accepts the \$50,000.00 that the developer has offered as a park contribution and urges the Commission to approve the development project.

Rocky Losli of Yamhill would like the Commission to consider that changing the zoning from R-1 to R-2 would result in leaving only a very small portion of town as a R-1 zone. Losli also commented that the issue of Water and Fire Flow should be considered before any construction begins, and the water transmission line should be completed prior to construction beginning. Losli recommends that a written contractual agreement be completed between the City and the School District that ensures that the school campus would be available for the public to use if no park is planned for the development.

#### Opponents:

- Patty Pairan of Maple Street stated concern that the City's infrastructure can not handle the growth of 61 new homes and would like to know if the City or the developer are going to be responsible when the City's existing sewer system causes damage to residential homes. Pairan doesn't believe the City is looking out for their residents but is concerned about making money from the project.
- Olan Pairan of Maple Street stated he doesn't believe the development would bring young families to Yamhill, as the homes will be too expensive. Pairan believes the development will bring older people from Portland and other areas and that it won't bring people that will frequent our local businesses.
- John Carter of Elm Street has concern for the additional traffic in town and safety concerns of having one entrance and exit to the proposed development and believes that the residents will all use Elm Street to access Highway 240, not Balm Street or Cedar Street that will cause a serious safety hazard.
- Mike Warren of N. Elm Street has concerns with the submitted traffic study. Warren stated that the report was done considering a development of 130 homes and had two entrances and exits. The applicant submitted an addendum to the traffic study for the 61-home development that only shows one entrance and one exit and Warren wants data on a traffic study that addresses the one access for the development. The traffic study appears to have been done during one-day, and Warren does not believe that a one-day study could be representative of Yamhill. Warren believes that N. Hemlock is a designated street with access to Highway 47 and would like the developer to consider a second access for the project. Warren strongly recommends to the Commission that they require a park area, either in the development or adjacent to the development.

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

Following the 5-minute recess, Chair Prendergast allowed time for the applicant to make a final rebuttal. Steve Miller, the applicant, expressed appreciation to the audience for tonight's comments and understands the community has questions and concerns regarding the development. Miller explained that the property for the project has no access to Hemlock Street, there is property between the development property and where the dedicated street would be, that they would not own and would have no control over creating an access to Highway 47 using Hemlock Street.

Eric Evans, the Civil Engineering Manager for Emerio Design, noted that AKS Engineering drafted a letter August 27, 2019, that is part of the Staff Report that addressed the capacity of Yamhill's sewer system. The City's Wastewater Facilities Planning Study (WFSP) dated December 2015 showed that one pipe segment on E. Main Street between N Fir Street and N Elm Street showed no additional capacity to support upstream development. This was due to a mapping error in the master plan and the belief that this segment had a reverse slope. The slope of the pipe has since been verified and this pipe segment does not present a capacity constraint. The conveyance system has the capacity to support the development. Evans addressed a concern that the Wastewater Plant may not have the capacity for a new development, but that is projected by the Master Plan to the future for 2035. Since that WFSP, the City has made improvements to reduce stormwater related inflow and infiltration (I&I) into the sanitary sewer system which accounts for most of the flow during the rainy season.

John Christiansen with AKS Engineering, reported that one of the items in his August 27, 2019 letter was identifying a capacity deficiency at the City's influent pump station at the wastewater treatment plant. Christiansen explained that this is driven not by wastewater flows but driven by rain. During the wintertime, groundwater and rain infiltrates into the sewer system and the true wastewater into the treatment plant is only about 10% of the total flow delivered to the pump station. As more customers are added to the wastewater system, they are contributing more wastewater but not contributing more rain, so the net increase for the system by this development or future developments is only about a 2% increase on the City's sewer system. Even though the City may have a deficiency, this development will have no bearing on whether the capacity restraint is an issue, it would be an issue regardless of a development.

Miller addressed the concern for the applicant requesting a zone change from an R-1 to an R-2 zone, stating that the request will make a 7-home difference between the R-1 and R-2 zone. Miller pointed out that in the State of Oregon, as an incorporated city, it is required to maintain a 20-year supply of all buildable lands and as the city loses buildable land, a study is required to identify where the growth will occur. Anytime where there is a situation where the Urban Growth Boundary and the City Limits line are the same, it is an indication that a buildable lands study should be planned for the City.

Miller concluded the rebuttal and asked for any questions from the Commission.

Moore questioned the specifics of the recommendation from city staff for the applicant to provide a minimum 5-ft wide pedestrian path from the terminus of E Dahlia to N Hemlock, located within a dedicated 10-ft easement. Miller stated that the path has not been identified on their plan layout as it was a staff recommendation, but it is a viable plan with no impact to the proposed lots.

John Morgan, City Planner, provided information regarding a decision made by the Planning Commission regarding a Buildable Lands Study analysis for the City. In 2015 the Planning Commission reviewed the lands analysis and determined to not expand the UGB at that time, but recommended to the Council, instead of expanding the UGB, creating opportunities for greater density zoning. The Commission went through the Code Amendment process in 2017 to add a multi-family residential zone to provide higher-density housing options, an amendment to allow tiny house developments and accessory dwellings under certain provisions. It's hard to analysis the impact of the amended codes in terms of the 20-year supply of buildable land, but the Commission did make that decision, as well as the City Council, to allow more density within the city than to expand the boundary at this time.

Prendergast closed the Public Hearing at 8:55pm and asked for the Commissioner's deliberation.

John Morgan explained that all of the conditions of approval need to be in place before the final plat is approved, which the final plat will be reviewed to make sure the conditions are met before staff signs off on the plat and it is recorded with the County.

After lengthy discussion regarding the conditions for an access path and a dedicated park area, the Planning Commissions consensus is to recommend to the Yamhill City Council that a three-party agreement for the disposition of any park land and path be concurred by the Developer, School District and the City Council prior to recording of the final plat. Council would have the responsibility to make sure the area is a viable area for a path and park.

Moore made motion, seconded by Player that the Planning Commission recommends to the City Council approval of Zone Change Case # 19-01, changing the zone from R-1 to R-2, and if the zone change is approved, approve Subdivision Case # 19-01, Camellia Street Subdivision with the conditions noted below, and adopt the Staff Report, the AKS Engineering Report and the Applicant's Report as the findings of fact supporting approval of the zone change and subdivision and attach the following conditions of approval to the decision which are necessary to assure compliance with the applicable criteria:

1. The Planning Commission recommends to the City Council, that the Council enter into an agreement with the Developer and the Yamhill/Carlton School District for dedication of acceptable park land and design, alignment and construction of a pedestrian/bicycle path from the project to the school district property and contribution of \$50,000.00 for development of the park prior to recording the final plat.
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 standard curb and gutter on E Camellia Street. All other streets can be improved with mountable curb.
13. All streets shall be designed to meet 2011 PROWAG guidelines.
14. 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.
15. The building setback for lot 33 shall be measured from the 20-ft emergency vehicle access easement.

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

The Motion Carried.

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

Regular meeting opened by Chair Prendergast at 9:20pm

**4. Public Comment:**

None Received.

**5. New Business:**

- A. Approval of Planning Commission Minutes from September 10, 2019.

There were no members in opposition to the minutes.

Fox made motion, seconded by Moore to approve minutes.

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

The Motion Carried.

**B.** Schedule next Planning Commission Meeting.  
Consensus was to not hold a meeting in November and tentatively schedule in December if a quorum is available.

**6. Information/Announcements:**  
None Received.

**7. Adjournment: 9:30pm**

Fox made motion to adjourn, Player seconded.

All in favor, meeting adjourned at 9:30pm

Respectfully Submitted:  
Lori Gilmore  
City Recorder/Treasurer