



City of Yamhill

A small taste of Oregon

CITY OF YAMHILL, CITY COUNCIL MEETING Wednesday, November 6, 2019 6:30 P.M. MINUTES

PUBLIC HEARING

1. CALL TO ORDER: Roll Call

The meeting was called to order by Mayor Potter at 6:30PM

Present: Mayor Potter and Councilors, Disbrow, Askey, Echauri and M. Gilmore.
Staff present: City Recorder Gilmore, Interim-Superintendent Malis, Chief Graven,
City Planner John Morgan, City Engineer John Christiansen

2. FLAG SALUTE:

Mayor Potter 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

Mayor Potter opened the Public Hearing at 6:35pm for Zone Change Case # ZN-19-01 and Subdivision Case # SUB-19-01.

The Yamhill Planning Commission previously held two Public Hearings on the land use applications on September 10, 2019 and October 1, 2019. At the October 1, 2019 Public Hearing, the Planning Commission voted and passed recommendation for approval to the City Council of the Zone Change Case #19-01, changing the zone from R-1 to R-2. If the City Council approves the zone change, the Commission recommends approving Subdivision Case # 19-01, Camellia Street Subdivision.

Morgan explained that a Zone Change can only be adopted by the City Council as it is adopted by Ordinance. The approval of the zone change would be necessary before the proposed subdivision design could be considered.

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 and is designated for residential development in the Comprehensive Plan. It is within the City Limits; the proposed subdivision contains 62 lots.

City Planner, John Morgan reviewed tonight's process with the applicant speaking first then the meeting will be open for input from the audience. At the end of the hearing, the applicant will have a final opportunity for rebuttal, the public hearing will then close and the Council will deliberate. Once the hearing is closed, no additional comments are allowed from the audience.

City Planner, John Morgan read the staff report for the proposed Zone Change and Subdivision and noted the proposed Subdivision has been modified to contain 62 lots, which was noticed to the public, with a minimum lot size of 6,000 square feet. 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. 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 of approximately seven additional lots.

The applicant offers an extensive narrative and analysis concerning compliance with zoning requirements on a provided report. It shows how the proposal confirms to the zoning standards. 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. Morgan reported that the applicant is no longer proposing payment in lieu of dedication of park land but is proposing an approximate 10,000 square foot park located in Lot 1 of the site map. Many residents gave testimony in favor of requiring the applicant to provide a park area at the previous public hearings.

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.*

The Planning Commission's findings are that all three of the criteria are met and recommends approval to the City Council. The decision by the Planning Commission was to recommend 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 Order, 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.

Morgan stated that Staff concurs with the Planning Commission's recommendations and now looks to the City Council to pass a motion that considers the Zone Change and if agreed to approve, then a motion for the subdivision. The final action will be an Order to bring back for the Mayors signature the approval of the subdivision and an Ordinance to be passed for the Zone Change. No questions by the City Council regarding the process followed.

The applicant, Steve Miller representing Emerio Design, LLC was in attendance and 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, which would be a minor increase of seven additional lots. Miller reiterated that the subdivision application is asking for approval of a 62-lot subdivision. Miller provided a map showing some modifications that have been done after discussion at the October 1, 2019 Planning Meeting and after City Staff and school district representatives reviewed the site area for the proposed park. After the site visit, Staff has requested that Lot 1 of the plan be the Community Park area. The applicant will build the park on Lot 1 with improvements that include benches, play structures, picnic tables with 8-foot wide trails that will connect to another trail coming off of the Dahlia Street stub and the trail will continue over a wooden boardwalk type bridge and then connect at the school district property on Hemlock Street. This will provide connectivity from the subdivision to the school without students having to walk on Highway 240 to get to school. The water detention pond for the Stormwater Facility will be moved from Tract B to just West of the subdivision on school district property that they have agreed to allow. Tract B will be changed to two lots which will result in a total lot count of 62. Miller stated that the original offer for the park was a \$50,000.00 payment in lieu of park land that is now off the table, as they will be building a park area of approximately 10,000 square feet with trails. They will provide a one-year performance maintenance bond on the park, so if anything needs repair there will money provided for those improvements. At the end of one-year, the City would take over ownership/maintenance of the park and trails, as well as the detention pond.

Miller asked the City Council if they had any questions.

Askey questioned if there would be any lighting on the trails and Miller stated there has been no discussion regarding lighting.

Mayor Potter 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:

- Ken Watson, a Yamhill resident as well as a Yamhill/Carlton School District Board member is in favor of the proposed subdivision for reasons other than being a school board member. Watson has been a resident since 1975 and believes the history of our community has been a vigorous growing community. Watson feels that the community has been elevated by past growth with many benefits from the developments in the past and views this proposal as very positive with a well-designed, high quality development that is keeping within the nature of our community.
- Paula Terp of Elm Street is in support of the subdivision. Terp was concerned when she first saw the access for the project would be located on Elm Street and knew it could create more traffic but feels that the good the development will bring to the community far outweighs the inconvenience it may cause. Terp feels the property will be developed at some point and believes the development proposal is a good one that is similar to other subdivisions in town. The subdivision will also create funds for the City to begin infrastructure improvements. Terp expressed that she believes the project will be a very positive improvement for the City and has promised to remove the hedges on the corner of her property prior to the subdivision completion for better traffic visibility.
- Laura Potter of Finn Hill Loop, Carlton is in support of the proposal as it is a good well thought out plan that will increase the areas property values, as well as increased property taxes for the City and will bring more children into the School District.
- Tracie Looney of McMinnville is a Yamhill/Carlton High School teacher. Looney has tried several times to relocate to Yamhill but could never find affordable housing here. Looney petitioned to have her children attend the Yamhill/Carlton schools and has a huge commitment to the community of Yamhill. Looney believes it is a good proposal for the community and urges voting yes to move forward.
- Charan Cline of Carlton, the Yamhill/Carlton School District Superintendent stated he is in favor of the development and believes it will create a \$20,000,000.00 investment into the City of Yamhill. Cline expressed the development will bring more families to the area, that will help local businesses and will bring more children to the schools for a healthier school district. Cline urged the Council to vote in favor of the development.

Opponents:

- Linda Clites on Elm Street questioned the duration of the development construction timeline. Miller stated that construction will likely start in Spring 2020 and anticipates the land development taking about six-months. Clites questioned if placement of speed-bumps have been considered for Elm Street when development is completed. Installation of speed-bumps on Elm Street have not been discussed by the City of the developer to date.

- Mayor Potter read into the record a letter (in its entirety) from Robert Buxton of Buttercup Street. Buxton has concern for the additional traffic and safety concerns by having one entrance and exit to the proposed development and believes a project of this size should have at least two entrances and exits. Buxton encourages the Council to look into additional accesses for the project so not to burden the neighborhood with heavy traffic.
- Mayor Potter read into the record a letter (in its entirety) from James and Nancy West of Azalea Street. The West's believe that 62 lots is too many for the proposed area and don't believe the City can handle the additional traffic or the water and sewer capacity the project would cause. The West's also believe that the developer has ignored protected wetland areas and important flood zones that help keep the City from flooding. The letter also noted that at one time the School District was very excited to maintain this property area as a teaching area for the students to learn about the life in and around the water. The West's urge the Council to vote no on the project.
- Mayor Potter read into the record a letter (in its entirety) from Mike Warren of Elm Street. Warren does not believe that the developer has addressed many of the concerns expressed by residents. Warren agrees that the City needs to grow but not at the cost of the existing members of our great community but does understand and accepts that in the future there will be homes on the proposed school district property. Warren strongly urges the Council to analysis the impacts and issues that surround this proposed development. Two of Warren's greatest concerns are the traffic impact to the City and the City's water supply capacity. Warren urged the Council to not support the approval of the development.

Following the testimonies, Mayor Potter allowed time for the applicant to make a final rebuttal. Steve Miller, the applicant, believes they have demonstrated that they listened to the concerns of the community. They will be providing a park area that was a significant concern heard during the hearings and the subdivision design will provide street stubs that can later be connected from Camellia Street to Hemlock Street for future development growth. Miller stated that the wetland areas have been studied and reports have been sent to the Department of State Lands, in which a concurrence letter was received agreeing with how the wetlands have been delineated on the property and has been recorded and mapped with the State of Oregon. Miller reported that there are no wetland areas on the property for the development but are located on the adjacent property.

Miller addressed the residents concern for flooding in the area, by reporting that the development will have no increased impact on the nearby creek. The planned detention pond has to accommodate the property as if it were not developed. The stormwater will drain to the detention pond, to be held and stored and then released through an orifice into the creek that maintains the current flow at this time, there will be no change in the current flow of the creek. The pond is designed to handle a hundred-year storm event and not increase any down stream flows.

Miller indicated that the transportation plan amendment provided with a previous application referenced 130 homes and that 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 62 lots and an addendum was submitted with the application to be added to the previous report. Miller understands that some residents have concerns or may not agree with the transportation study, but similar to the requirements for the applicant, they would need to provide professional information showing how the submitted report is inaccurate. Miller believes all applicable criteria has been met for the approval of the project and encourages the Council to approve the Zone Change and Subdivision applications.

A resident questioned Miller on the safety of the Detention Pond being adjacent to school property and Miller noted that the pond will be completely fenced with chain-link fencing. Councilor Disbrow questioned possible access from the subdivision to Highway 47 and Miller referenced a letter dated September 24, 2019 from the Oregon Department of Transportation. The ODOT letter states that the street connection from the subdivision to the highway has not been studied for feasibility, but in general, ODOT prefers fewer connection points to the highway to minimize potential conflict points and improve the traffic flow. This section of Highway 47 is classified as a Regional Highway with a 55-mph speed limit. The standard for spacing between highway approaches is 990 feet. This standard cannot be met at any point along the highway frontage of the subdivision. Additionally, the standard for sight distance (775 feet) may not be met due to the curve in the highway to the east. These safety and operational concerns could be enough to deny the public street proposal.

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.

Planner Morgan recommended that for the record, that School Superintendent Cline confirm the School Districts concurrence with the proposed plan.

School Superintendent Cline reported that the School Board voted in their last session to negotiate with the City to approve a park space on the schools existing property. The new plan would need property for the Detention Pond and not park space and the School Board hasn't specifically voted on the change in property use, but Cline stated that the intention of the School Board has been to use the land adjacent to the subdivision to help make the project acceptable. Cline stated that the School Board will be meeting next week to vote on the new proposal of donating adjacent school property for the Detention Pond instead of for a park area.

Rocky Losli of Yamhill recommended that there be a condition in place that the School District will approve the donation of land for the Detention Pond.

Morgan reported that the Planning Commission had recommended to the City Council, that the Council enter into an agreement with the Developer and the Yamhill/Carlton School District for dedications of acceptable park land and design, alignment and construction of a pedestrian/bicycle path from the project to the school property and contribution of \$50,000.00 for development of the park and this agreement shall be approved prior to recording of the final plat for the project. In light of the modified proposed

plan that includes 62-lots, the park area located in Lot 1 and the Detention Pond adjacent to the project, Morgan recommends changing condition No. 1 to remove the contribution of \$50,000.00 and include dedication of acceptable land for the Detention Pond.

Councilor Askey questioned the land development ending in October of 2020 and how that coincides with the Water Transmission Line Project timeline. John Christiansen with AKS Engineering reported that the transmission line is scheduled to be completed by December 31, 2020 and using the current Oregon Fire Codes, residential homes under 3,600 square feet will need to meet the 1,000 gallons per minute for 1-hour duration fire flow test before construction permits would be approved. If the builder proceeds with home construction prior to the city delivering 1,000 gallons per minute, automatic sprinkler systems would be required in each home.

Mayor Potter closed the Public Hearing at 7:35pm and asked for a short recess before the Council deliberates.

Motion by Disbrow, seconded by Echauri to approve Zone Change Case #19-01, changing the zone from an R-1 to an R-2 and initiate an Ordinance to be approved at the December Council Meeting.

Roll call: Ayes: Potter, Disbrow, M Gilmore, Echauri and Askey.
Nays: None

The motion carried.

Motion by Disbrow, seconded by Echauri to approve Subdivision Case # 19-01 with the fifteen conditions listed on the Planning Commission's approval on October 1, 2019 and subject to Council approval of the Zone Change Ordinance. Condition No. 1 was modified to remove the park contribution of \$50,000.00 and include dedication of acceptable land for the Detention Pond

Roll call: Ayes: Potter, Disbrow, M Gilmore, Echauri and Askey.
Nays: None

The motion carried.

Mayor Potter commented that the City is moving forward into a thriving community.

REGULAR MEETING

Regular Meeting was opened by Mayor Potter at 7:55pm.

4. PUBLIC COMMENT:
None Received.

5. PRESENTATIONS & APPOINTMENTS:

A. Yamhill Downtown Association Review- Dana Gray
None received, Gray was not in attendance.

6. UNFINISHED BUSINESS:

A. Discuss recycling area near Public Works.
Continued from the October 9, 2019 Council Meeting, Councilor Disbrow recommends relocating the recycling area, currently located at the Yamhill Public Works area, just south of the gated entrance. Consensus from October was to re-evaluate discussed items and obtain more information prior to considering changing of the center. Leslie Lanzar, a Specialist with Recology Waste Management was in attendance and reported that she has spoken with the General Manager and Operations Manager for Recology and moving the recycle area is acceptable but they are requesting that the Current signage be also moved to the new area with a review update in three or six months to evaluate the new location. Councilor Gilmore and Echaury questioned why is there a request to move from the current location. Malis responded that there is a gate post near the area that gets backed into frequently that Public Works is continually repairing and because of the issue of illegal garbage dumping at the sight, Malis feels that the new location may have better visibility to avert dumping. Echaury feels the recycling area is a valuable service and appreciates it being available for the community.

Motion by Echaury, seconded by Gilmore to approve the relocation of the recycling area.

Roll call: Ayes: Potter, Disbrow, M Gilmore, Echaury and Askey.
Nays: None

The motion carried.

7. ORDINANCES:

FIRST READING:

A. None Scheduled

SECOND READING:

A. None Scheduled

8. NEW BUSINESS:

A. Receive Annual Financial Audit for year ending June 30, 2019, and authorize Mayor Potter to sign acceptance.

Motion by Echaury, seconded by Gilmore to accept the Financial Audit from Grove, Mueller & Swank, P.C. for year ending June 30, 2019 and authorize Mayor Potter to sign acceptance.

Roll call: Ayes: Potter, Disbrow, M Gilmore, Echaury and Askey.
Nays: None

The motion carried.

9. CONSENT AGENDA

- A. Approve Council Minutes
 - (1) Regular Session October 9, 2019
- B. Financial Statements
- C. Approve the following Purchase Order:
 - (1) PO # 20-029 – Star Cars - \$ 907.45- ION Surface Mounts (2)
 - (2) PO # 20-030 – The Automation Group - \$3,251.36 – WTP Reservoir Signal Troubleshooting
 - (3) PO # 20-031 – Doran Auto Center - \$ 654.00- Headlamps

Motion by Echaury, seconded by Gilmore, to approve the Consent Agenda as presented.

Roll call: Ayes: Potter, M. Gilmore, Disbrow and Askey
Nays: None
Abstain: Echaury (absent October 9, 2019)

The motion carried.

10. DEPARTMENT/COMMITTEE REVIEW/REPORTS:

- A. Police Review– Graven – Monthly report in packets.

Graven reported that October was a busy month for the Police Department. Graven announced that there will be an annual “Shop with a Sheriff Event” on Sunday, December 8, 2019, and “Shop with a Cop Event” on Sunday, December 15, 2019 which is open to both officers and staff. Graven will forward an email that will provide more specific information to Council and Staff regarding the events. Mayor Potter asked for an update on the School Resource Officer position. Graven stated that he meets monthly with the School Superintendent and reports the Officers are doing well working with the students and staff. Graven also reported that the new portable and mobile radios that were approved last Council meeting have been received and are waiting to be programmed for use. Councilor Disbrow asked to see the radios sometime in the near future and Graven was able to show the radios to the Council at this time.

- B. Public Works Review

Interim-Superintendent Malis reported that a copper water test sample that showed positive was re-tested and it has been returned safe with no detect. The foot bridge on Moore’s Valley Road is on the schedule next week for repair as well as the sidewalk near the bridge, it was scheduled to be done earlier but had some delays. The concrete work at the Water Plant has been completed and replacing the domed skylights has been installed. Public Works is currently dealing with the repair of three water leaks, which is normal during cold weather. Councilor Echaury reported that several residents have approached her to commend the Public Works Department for the work they are doing and for the work ethics of the crew. Councilor Disbrow requested that a discussion be scheduled soon for staffing issues for Public Works. Disbrow also reported that a quote was received for a used crane for \$5,000.00 that includes installation as well as a quote to repair the siding on the building at Public Works for \$8,500.00.

C. Mayor/Administration Review
None Received.

D. Council Review
None Received.

E. Emergency Preparedness Review
None Received.

11. INFORMATION/ANNOUNCEMENTS:

- A. 11th Annual Christmas Tree lighting ceremony – Friday, December 6th, 2019 @ 6:00 pm. Refreshments to follow ceremony.
- B. City/County Dinner hosted by the City of McMinnville, Thursday, November 21, 2019.
- C. City offices will be closed November 11th – Veteran’s Day
City offices will be closed November 28 & 29 – Thanksgiving Holiday.
- D. Vacancies: Budget Committee - 1 member
Applications are available at City Hall

12. ADJOURNMENT: 8:30PM

Motion by Echauri that the meeting adjourn at 8:30PM.

The motion carried by unanimous vote.
Respectfully submitted,

Yvette Potter
Mayor, City of Yamhill

ATTEST:
Lori Gilmore, City Recorder