



**CITY OF YAMHILL, CITY COUNCIL MEETING
Wednesday, May 3, 2017 7:00 P.M.
MINUTES**

REGULAR MEETING/ PUBLIC HEARING

1. CALL TO ORDER: Roll Call

The meeting was called to order by Mayor Terp at 7:00PM

Present: Mayor Terp and Councilors Disbrow, Echauri and Potter
Excused Absence: Councilor Gilmore
Staff present: City Recorder Lori Gilmore, Superintendent Howard, Chief Graven,
City Planner, John Morgan

2. PUBLIC HEARING:

**A. Yamhill/ Carlton School District Development Application Appeal –
Development Permit Case #17-01.**

Mayor Terp opened the public hearing at 7:02pm on the proposed appeal of Development Permit Case #17-01.

Mayor Terp asked for objections to Jurisdiction. No comments were made.

City Planner, John Morgan reported that the public hearing is based on an appeal of a Yamhill Planning Commission's March 20, 2017 approval of a development permit. The decision was appealed by Chuck McCord regarding the issue of the required available parking spaces and the availability of water fire flow required to serve the buildings. This is a "de novo" hearing, meaning the record is open to all input relevant to the applicable criteria and Morgan stressed that there is a 120 day mandatory time frame for a decision from the date of the received application. Morgan provided a handout for the record that reviews Codes Regulating Development that included Uniform Structural Specialty Codes, that establishes requirements for the design and construction of buildings; Uniform Fire Codes, that establishes requirements to minimize fire hazards; Public Works Design Standards, that establishes standards for structural design of public streets, sewer, water and storm drainage; and the City of Yamhill's Development Codes (the zoning ordinance) the establishes public review processes when discretionary decision making is needed to determine conformance with non-specific criteria; and also referenced Yamhill Municipal Code 10-112-030 Circumstances for Granting Development Permits. Morgan briefed the Council on the City's role in reviewing the development permit application as opposed to the property owner or

developer. Morgan explained that the Council is acting as a judge in this quasi-judicial proceeding where there are discretionary criteria decisions to be made. On decisions where there is no discretion and regulations are absolute, the staff will make those determinations. Through the permit process, the applicant needs to show that the project meets all the general requirements of the City before the detailed engineering plans are submitted. However, there are requirements where it needs to be shown that the project has the capacity or capability to meet the design, but specific details have not been received, which are the points for tonight's public hearing.

Morgan presented and summarized the staff report for the appeal of Development Permit Case #17-01, which included a brief introduction as well as an analysis, findings of fact and the recommendation. The City Council staff report will argue with a basic premise of the appeal by Mr. McCord. He is arguing there must be plans for parking and fire flow water management in place, with engineering approval, before the Development Permit can be approved. Those detailed and technical issues are handled later with authority for decision making resting with qualified professionals. The Planning Commission decision notes the applicant provided information on parking requirements and how they are being met. It was also noted that the Staff will assure before building permits are issued that all parking requirements are being met, as is the case with any building permit. The Planning Commission decision also notes the applicant will be required to have approval for all necessary permits for utilities before building or occupancy permits are granted, in fact, it states it in the conditions of approval. This is in response to testimony about how fire flow requirements will be met. The decision clearly points out they will be met before any building or occupancy permits are issued, as required by Code.

Each of these issues is inherently part of the planning and development process. They both involve non-arbitrary technical review by qualified professionals, in this case the City Planner, Public Works Superintendent, Fire Chief, and Building Official.

The appellant interprets the Code as requiring this technical work be performed before the Development Permit is issued. However, the Development Permit criteria, the only binding framework for making a decision on the request, do not require this type of detail at this stage of the process. Morgan inquired if there were any questions relating to the staff report and if not, recommended hearing from the appellant and public.

Mayor Terp asked to hear proponents of the Appeal, beginning with the principal applicant, Chuck McCord.

McCord began his presentation by establishing that he was in favor of the School Bond and voted for it, was part of the committee that helped pass the bond and would like to have the development succeed. McCord noted that there should be two corrections on page 2, paragraph 4 of Morgan's Staff Report. McCord is arguing there must be plans for parking and fire water flow, not "Final" plans for parking and did not appeal storm water management but fire water flow management. McCord is concerned that the demolition of old buildings will be completed and that building permits won't be approved for replacing them if these issues aren't resolved at this time.

McCord explained that the basis for the appeal is inadequate parking, and inadequate fire water flow. There are 250 parking spaces required for the building of the new

Gymnasium dome, and using the architect's drawings, they are short 70 on-site spaces. McCord implied that the School District, the Architect and the Project Manager had knowledge long ago about the lack of required fire flow. McCord referenced the 1999 Yamhill Water Master Plan that showed that the Schools did not have sufficient fire flow. The State Fire Code standards require 1,500 gallons per minute fire flow, and the most recent flow testing was well short of that minimum standard. McCord believes there should be a water plan on file at this time to prove how the development will meet the requirements. McCord's conclusion is the City Council should not allow or provide permits to be issued without reviewing an updated application that addresses all appropriate fundamental elements and demonstrates the improvements will be able to meet the city comprehensive plan and the city water plan.

Roger Grahn of Yamhill, believes the parking space issue can be resolved and should be a condition of approval and recommends that the developers consider installing a "loop water system" to meet the fire flow issue, also a condition of approval. Grahn believes that the system would be of benefit for the City and would like to see the City pay a portion of the cost.

Rocky Losli of Yamhill, stated that he is a proponent of the development project, but is very concerned about the water pressure issue and doesn't see how there can be any developments until the issue is resolved. Losli believes the fundamental decision should be based on "Public Health, Safety and General Welfare", with water available first and then development permits can be granted.

Mayor Terp asked to hear opponents of the Appeal.

Tim Pfeiffer of Yamhill, representing the Yamhill-Carlton School Board and the School District understands that prior to any building permits, all compliance will need to be met. Everyone involved know that if the water and parking issues are not resolved, there will be no building permits issued and the project will not be completed. Pfeiffer assured Council that the engineers are working with Fire Chief Jensen and Superintendent Howard to ensure that all compliance will be met prior to the building permit application and encourages the Council to approve the Development Permit with conditions to meet parking and water requirements.

Deb France the architect with OH Planning+Design Architecture introduced herself and encouraged the Council to take the recommendation from staff to approve the Development permit request with the conditions of approval that the Parking and Fire Flow issues will be resolved prior to building permit, as imposed by the Planning Commission order of March 20, 2017. The school district is committed to meeting all required conditions and regulations. France explained that the requirement for the needed number of parking spaces has been met but includes the 19 parking spaces on Maple Street that are not considered on-site spaces. France understands that it would still be a 19 space deficiency for the required 250 spaces. France noted that the driver for the required 250 parking spaces is based on the amount of seats located in the new Gymnasium that has a capacity of 1,000. France stated that the Gymnasium seating

can be reduced to 800 seats that would reduce the required parking spaces to 200, which can easily be met with on-site parking based on the site plan without counting the 19 spaces on Maple Street. France hopes that an agreement for the Maple Street spaces can be negotiated with the City prior to the Building Permit application. Regarding the Fire Flow requirement, France pointed out that it would be a building code requirement and that they will be obligated to meet all requirements, and the fire flow will be resolved prior to application for building permits. Howard clarified that Maple Street is an Oregon Department of Transportation Highway and not a City decision for their use of the parking spaces.

Pat Fitzgerald of Yamhill stated that he would like to go on the record that he is opposed to the appeal. Fitzgerald believes there should be collaboration between the City and the School District to resolve the water flow issues and that any deficiency should be addressed so the City can continue to grow. Fitzgerald noted that in 2000 the Yamhill-Carlton School District had a population of 1,300 students and in 2017 the student population is 1,044 and is projected that by the year 2026 there will be 780 students. Fitzgerald believes the school development project is a needed project for the District and stated that 61% of tax payers voted to approve the bond project. Fitzgerald encouraged the Council to not let the appeal that is based on non-sustainable objections be approved.

Ken Wright of Carlton, pointed out that all three of the proponents of the appeal spoke that the project should not be stopped and the deficiencies should be resolved so the project can move forward. Wright encouraged that the project should move forward as everyone involved is committed to resolving the issues.

Chuck Mitchell of Yamhill, Chair of the Yamhill Planning Commission, believes that the City needs funds to improve the water system and asked the Council's approval to lobby in Salem to obtain funding for necessary improvements. Mayor Terp commented that there is a process needed before projects are started and funding is requested. Terp does not believe it is an appropriate request at this time.

Kevin Shuba, Attorney at Law representing the Yamhill-Carlton School District commented for the record that there have been plans submitted that are 90% complete to both Superintendent Howard and Fire Chief Jensen. Shuba feels the District is trying to work closely with both agencies and is committed to being code compliant. Shuba believes time is of the essence with the project as the construction is planned for starting when school is out in June and encourages Council to make a determination.

Peter Schultz of Carlton, wanted to reinforce the comments by Tim Pfeiffer that all compliance will be done prior to requesting a building permit.

Mayor Terp thanked all those that spoke and stated that questions by Council could be asked of either the opponents or proponents, none were asked. It was noted that no written correspondence was received for the public hearing.

Terp asked for proponent rebuttal comments prior to closing the public hearing.

McCord stated that there were some good comments and noted there were some differences of opinions. McCord wanted to emphasize that code requirements need to be met and doesn't feel that approval should be given until these requirements are met. McCord also has concerns that the existing school buildings do not meet fire code requirements.

Terp questioned if Morgan had any further information that was not included in the provided staff report. No more information was received from Morgan.

Howard reported that the City's Water Master Plan was done in 1999 which identified deficiencies in the system, but the City has not been able to secure funding for any improvements to date. The City is currently in the process of a new Water Master Plan which will again show deficiencies that the City will move forward with correcting.

There were no further comments, and Mayor Terp closed the public hearing at 8:35pm.

Mayor Terp recommended that after Councils deliberation a decision should be made tonight, with all in agreement.

Terp reported that the City is still in discussion with the School District to allow continued parking on E. Camellia Street, and possibly write up an agreement for legal purposes so the School District can include the parking spaces in their requirement. Disbrow questioned whether the City should consider vacating E. Camellia Street.

Potter expressed a concern for reducing the seating capacity for the new Gymnasium to 800 and would like to see the seating remain at 1,000.

Motion by Echaury, seconded by Disbrow to affirm the planning commission's decision and direct staff to prepare a City Council Order for the Mayors signature, incorporating the decision with the conditions of approval by the Planning Commission Order.

Roll call: Ayes: Potter, Disbrow, Terp, and Echaury
 Nays:

The motion carried.

3. PUBLIC COMMENT:

Roger Grahn of Yamhill would like to discuss the East Yamhill Water District expansion. Grahn reported that the District has been given a grant from the State Health Department to create a master plan for their district. Grahn's plans are to obtain another grant to fund rebuilding the rural district's water system. Grahn notified Council that he will be returning to Council in the future to ask if the City will allow for the district to expand.

4. PRESENTATIONS & APPOINTMENTS:

- A. Yamhill County Transit Area, 2017-2018 funding request, Cynthia Thompson, Transit Manager.

Cynthia Thompson, Transit Manager requested support from the City of Yamhill in the amount of \$3,054.00 for the 2017/2018 fiscal year. YCTA contracts with First Transit to provide operations and maintenance for all YCTA services. Contributions offset costs and assist with required match so YCTA is able to continue seeking federal and state grant funds.

Terp reported that all community donation requests will be reviewed by the Budget Committee at the May 15, 2017 budget meeting.

5. UNFINISHED BUSINESS:

- A. None Scheduled.

6. ORDINANCES:

FIRST READING:

- A. None Scheduled

SECOND READING:

- A. None Scheduled

7. NEW BUSINESS:

- A. Consider approving an Audit Service Proposal in the amount of \$13,500.00 with Grove, Mueller & Swank, P.C. for 2016-2017 audit year and authorize Mayor Terp to execute the contract.

Gilmore reported that Grove, Mueller & Swank, P.C. have done the City's Auditing Service since Fiscal Year 2010/2011. The proposed cost is the same as last Fiscal Year.

Motion by Echauri, seconded by Disbrow, to authorize Mayor Terp to execute contract with Grove, Mueller & Swank, P.C. for 2016-2017 audit service contract.

Roll call: Ayes: Potter, Disbrow, Terp, and Echauri
Nays:

The motion carried.

- B. Consider request from Girl Scouts Troop 10201 to reserve the Bingo Hall at Beulah Park each Thursday afternoon through June 15, 2017.

A Beulah Park reservation request was received from Girl Scouts Troop 10201, for reserved Bingo Hall use on Thursdays from 2:00 pm to 5:30 pm starting May 4, 2017 through June 15, 2017.

Motion by Echaury, seconded by Disbrow to approve the use of the Beulah Park Bingo Hall for the requested dates and times, and all fees will be waived.

Roll call: Ayes: Potter, Disbrow, Terp, and Echaury
Nays:

The motion carried.

- C. Consider negotiating a License Agreement with the Yamhill-Carlton School District to utilize an area of E. Camellia Street for parking.

Terp reported that the City is considering authorizing Attorney Gowell to draft an official agreement to allow the School District to continue using E. Camellia Street as a parking area. The agreement should allow them to count the parking spaces as on-site spaces and not require the City to Vacate the street. Council members had no objections to an agreement.

8. CONSENT AGENDA:

- A. Approve Council Minutes
(1) Regular Session –April 12, 2017
- B. Financial Statements
- C. Approve the following Purchase Order:
None Received.

Superintendent Howard notified Council that he is requesting approval of a Purchase Order #17-063 for \$3,000.00 - USA Blue Book- to replace an incubator.

Motion by Echaury, seconded by Disbrow to approve the Consent Agenda as amended.

Roll call: Ayes: Potter, Disbrow, Terp, and Echaury
Nays:

The motion carried.

9. DEPARTMENT/COMMITTEE REVIEW/REPORTS:

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

Chief Graven reviewed Police business for April and provided a report of April calls.

- (1) Approve final candidate for the Traffic Officer position.

Chief Graven stated that he recommends the hiring of Adam Miller for the Traffic Officer position. After interviewing four candidates and conducting a second interview for two candidates, Graven would like approval to hire Yamhill Reserve Officer Adam Miller for the full-time Traffic Officer position effective May 3, 2017. The hiring will be a conditional offer contingent upon the completion and passing of the psychological and physical test.

Motion by Echaury, seconded by Disbrow to approve the hiring of Adam J. Miller, Traffic Officer effective May 3, 2017.

Roll call: Ayes: Potter, Disbrow, Terp, and Echaury
Nays:

The motion carried.

B. Public Works Review – Superintendent Howard – Memo in packets
Superintendent Howard provided his staff report included in packets. No questions followed.

Howard reported that the lagoon levels are high and are being watched closely. Howard also reported that the second opinion has been received from our Timber consultant regarding the Timber/BLM issue and Attorney Gowell will be bringing the information to the June 7, 2017 Council Meeting for discussion.

C. Mayor/Administration Review-
(1) Presentation for employee 20 year service award.

Mayor Terp recognized Chief Greg Graven for 20 years of service to the City of Yamhill. Graven was presented with a Plaque and gift card and was congratulated by all those in attendance.

D. Council Review

Gilmore requested approval for the Yamhill County Family & Youth Program to use the Bingo Hall at Beulah Park for a therapeutic day camp. The times and dates are Monday through Thursday from 9:am to 1:pm on July 24, 2017 – July 27, 2017 and July 31, 2017 – August 3, 2017.

Council's consensus is to approve use of the Beulah Park Bingo Hall for the requested dates and times, and all fees will be waived.

E. Emergency Preparedness Review

None Received.

10. INFORMATION/ANNOUNCEMENTS:

- A. City of Willamina Local Government dinner- Thursday, May 18, 2017 at @ 6:30pm, West Valley Community Campus, Willamina.
- B. Budget Committee meeting, Monday, May 15, 2017, 6:30PM. City Council Chambers, 155 E. 1st Street.
- C. City Offices will be closed Monday, May 29, 2017 – Memorial Day.
- D. Information Only –OLCC Land Use Compatibility Statement approval for land use proposal for 16675 Highway 47, Yamhill, to be used as a Tier 1 mixed canopy growth facility
- E. Vacancies: Budget Committee - 2 members
Applications are available at City Hall

11. ADJOURNMENT: 9:30PM

Motion by Echaury that the meeting adjourn at 9:30 PM.
The motion carried by unanimous vote.

Respectfully submitted,

Paula Terp
Mayor, City of Yamhill

ATTEST:
Lori Gilmore, City Recorder