



**City of Willamina
Planning Commission
Meeting and Public Hearing
Meeting Minutes**

Tuesday October 24, 2023 6:00 p.m.

Minutes taken by Deputy City Recorder Krystal Stevens

Location of Meeting:

West Valley Fire Station
825 NE Main Street
Willamina, OR 97396

Present at Meeting:

Commissioner Jennifer Eckles
Commissioner Ginny Wymore
Commissioner Jason Foose
Commissioner Ila Schunter (arrived at 6:11pm)
Commissioner Eric Wagner
City Manager Bridget Meneley
City Planner Holly Byram, MWVCOG
Tim Wenger, Keystone Builders
Steve Ward, Westech Engineering
City Engineer Peter Olsen, Keller Associates (by Zoom)

Absent from the Meeting:

Commissioner Shana Reid excused absence
Commission Chair Susan Richman
Public Works Jeff Brown

Guests Not Limited To:

Community Members Greg & Debbie Poupard

Commissioner Foose called the meeting of the Willamina Planning Commission to order at 6:05 p.m. on October 24, 2023 p.m.

City Manager Meneley took the roll and a quorum was present.

Flag Salute

An Equal Opportunity Employer

411 N.E. "C" Street, Willamina, Oregon 97396-2783 Telephone: (503) 876-2242 / Fax: (503) 876-1121

www.willaminaoregon.gov

I. **AGENDA ADDITIONS, DELETIONS, AND CORRECTIONS** – City Manager Meneley moved Regular Agenda item A to position B.

II. **CONSENT AGENDA**

Commissioner Foose called for a motion to approve the items on the Consent Agenda.

MOTION: Commissioner Eckels moved to approve the Meeting Minutes from the March 9, 2023, Planning Commission Regular Meeting. Commissioner Wagner seconded the motion. Motion carried with a unanimous vote.

III. **PUBLIC HEARING**

Commissioner Foose opened the public hearing at 6:10 p.m.

The public hearing was held to receive comments and review the **Ridgeview Heights Subdivision**. Land use files # SUB 23-01 “Ridgeview Heights Subdivision, Phases 3-6” with concurrent variances #VAR 23-01, VAR 23-02, VAR 23-03, VAR 23-04. Location is unaddressed tax lot R6701 00502. Applicant Tim Wenger of Willamina Ridgeview Heights LLC. requests approval to subdivide 10.3 acres into 60 residential lots total.

Commissioner Foose corrected the public hearing script from repeating 23-03 to 23-02.

Commissioner Foose read the legal script and the declarations.

No objections were given to the published notice.

Commissioner Wagner declared that he has had contact with the applicant Tim Wenger in a business capacity, but he confirmed that he does not expect to receive any financial or personal gain from this subdivision.

Commissioner Foose declared that he is the Yamhill County Surveyor, and he will review all related plats in his official capacity, but he will not receive any financial or personal gain from this subdivision specifically.

City Planner Byram said that due to the short amount of time given for the Planning Commission, applicant, and public to review the staff report and materials, it is recommended to continue the public hearings to allow more time. .

City Planner Byram reviewed the staff report to the Planning Commission. The report includes maps describing where the streets are and how they connect to existing neighborhoods.

The staff report covers the zoning and development standards for land divisions in Willamina, stipulating the minimum lot area, density, and the lot width to depth ratio.

There are four variances associated with the proposed subdivision. Lot 34 has a size variance because of the city's waterline. Overall, the topography of the site is very challenging. One variance would allow longer skinnier lots on the northern portion of the subdivision, due to the fact that the steep sloped northern part of those lots is not developable.

All lots have legal access to a public street with a fifty-foot frontage on a street right of way, forty-foot frontage on a cul-de-sac, and a minimum twenty-foot frontage on a townhouse. A couple narrow lots need to be modified into townhouses or drop a lot and widen the other lots to achieve minimum frontage width. Lots 81 and 82 are just under the fifty-foot standard and could be revised easily.

Lots 47-52 are through lots with a street on front and street on back. The reason is because of the topography. Applicants are applying for a variance to do this. Lots 47-51 will have Highlands Loop access and Lot 52 will have access on Kindness Street.

The city's raw waterline goes under the subdivision on what is city property Tract A, and it was needed to ensure that the alignment was correct. City engineers and project engineers are working on the depth of the line, and that has an easement associated with it.

The subdivision proposed longer blocks because of topography and connectivity. The applicant has requested a variance for block length for Highland Loop and 6th Street.

The development pays for all requirements for streets, sidewalks, hydrants, water, sewer, storm, and streetlights. The developer is proposing a wider right of way standard for Highlands Loop to ensure parking on both sides of the street. The local standard only requires space for parking on one side. The standards are met, no variance is requested. All streets have sidewalks on both sides. There are two places for stub-out for future connections to the east on 6th Street and Kindness Street. All dwelling units will have two off street parking spaces in the driveway, plus a garage.

A Transportation Impact Analysis (TIA) study analysis was done with three key intersections studied. There is a total of 511 weekly trips expected. There is sufficient sight distance from driveways for safe turning movements. There was a discussion with ODOT about left turning lanes from east bound NE Main Street and NW B Street, and NE Main Street and NE Oaken Hills Drive. ODOT and city engineers decided neither of them should be developed at this time.

City Engineers have requested a final storm water report that will be required as a condition prior to final approval. Sanitary sewer, stormwater, and water utilities will be developed to City standards.

The parks and recreation facilities requirement will provide ten percent of the gross area of the subdivision for park land, or the city can accept a payment in lieu of a park. There was a message from the city's public works that there are already enough properties for the city to maintain and they would prefer the money to put towards the parks fund. This is the decision the developer has made.

City Planner Byram reviewed the four variances that the developer has applied for.

1. Ratio for narrower, longer lots.
2. Allowing through lots.
3. Longer block length.
4. Minimum lot size because of Lot 34, dedicating part of it to the city for city raw water line in Tract A.

She explained the fifteen recommended conditions of approval.

There was a question about the through lots. The developer has committed to the accesses being on Highlands Loop for lots 47-51. There was a question on what's preventing a homeowner from making a second entrance in the back from Kindness Street. New driveways require approval from the city and per code properties only have one access point. Commissioner Foose suggested including a one-foot non-vehicular access as an assurance as well.

To begin public testimony, the applicant made a presentation: Applicant Steve Ward the Principle of Westech Engineering and Developer/Owner Tim Wenger. Steve said he hadn't had time to review the entire staff report, that night but they are in general concurrence and have a few clarifying questions about the wording of the recommended conditions of approval. Specifically:

1. Condition #1 says approval is good for a year for first phase but there are more phases. They are looking at a two-year phase for absorption and want to make sure this condition doesn't limit the other phases. This could easily be 8 years if it takes two years per phase.
2. Condition #4 regarding compliance with City Engineer comments in cExhibit A, page 2 of ODOT memo, item 6. It is in direct conflict that there are no conditions for off-site improvements. They want to make sure that condition 6 is not going to

be a requirement from the ODOT memo if the planning commission approves this.

3. Condition #8-

- a. To address lot width, they are going to turn lots 36-46 into town house lots. The staff report says they can do that, they don't have to make them 50 ft wide because the lots will meet the townhouse standard. He asked if they need to do anything formal that night.
- b. Page 5- Lots 81-82, staff recommendation that they both be 50 ft wide. They can do that to 82, just an adjustment on lot line. There is not enough room to do the same to 81. With the design they pulled the cul-de-sac back a little and left a 30 ft driveway to city property. It was intended to give the city ample access from Kindness Court if they wanted. Most access now comes from 6th street, this would be a benefit to the city. They would like to keep lot 81 per design shown, as a request. Lot 82 is already 5,000 sq ft, but not 50 ft wide. If they make 81 smaller it would make 80 less than 5,000 sq ft and they don't want to make it into a townhouse lot up there.

They have been working a lot with city staff and city engineers on the waterline easement that goes under the property so that no property owner has to build improvements over the waterline easement. With the current plan, the waterline will be in a right of way or property that the developer will give to the city. They are working with staff to fit all utilities in Kindness Court.

4. They are willing to put a gate restriction on the plat for lots 47-51 to not have access to Kindness Street. They want parking on the street there because of the townhouses there.

Commissioner Wymore asked why there are no single-level ranch style houses anymore. People don't always want the stairs and townhouses.

Tim Wenger answered that many people don't want to climb stairs anymore and whenever they can they have been trying to do the single story. The long lots of the subdivision may have to be two story.

Commissioner Eckles asked if it is their intention to sell the townhouse units separately? Tim Wenger answered that they have kept the ones done in the first phase and rented

them. They can sell them separately but they are not sure yet, it will depend on finances.

Commissioner Wagner commented that it would be good to put something behind the through lots that prohibits the back of the lot being made into an entrance.

Tim Wenger asked if the city has ever done a condition where the developer is required to fence it.

City Manager Meneley said people don't always ask for permission to do things.

Steve Ward commented that a restriction would legally stop someone.

Commissioner Wagner asked what would make it easiest for code enforcement to enforce the restriction.

Commissioner Foose suggested a one-foot strip that restricts anyone driving on it.

Steve Ward said they would put it on the plat so once they get the copy of the plat it would show no access.

Commissioner Foose said it might benefit the city that they are the custodian of those rights and could revoke them.

Tim Wenger and Steve Ward said if it's on the plat it should be obvious.

Commissioner Foose asked what approval timeline the developer is looking for with the future phases today.

Steve Ward answered they are looking for approval for phase 3-6. As long as they can develop phase 3 during the first 12 months or the extension, that locks in phases 4-6.

They don't want to have to come back to planning commission every year for approval on the next phase. It could mean a new commission, new staff and someone new to interpret the plans and decide it needs to change and it will destroy the progress on this unique property and could ruin the development.

Tim Wenger explained the difficulty they experienced working with the grade going down and how the waterline goes and how that drove a lot of the design of the subdivision.

Steve Ward said they worked with staff and did a lot of fill on 6th street to be ADA compliant. They couldn't go further east because 6th street dives down. They talked with staff about adjusting that alignment but public works and city engineers had already decided that they have a project building the water line down there so coordinated with them on the southeast corner.

All along the other side is super steep. That is why have sewer and storm drain easement on the east side, otherwise it would be a 30 foot deep sewer. They worked with staff and public works to develop this. It has not been an easy site to build. Lots of engineering reasons drove the design. City public works and city engineers wanted the waterline under 6th street.

Commissioner Foose asked since the projected duration is about eight years, with two years per phase, will the plans be relevant in eight years?

Steve Ward answered that it's hard to say, it's all risk. Final plats for each phase have to be in substantial conformance. They can't add a lot but a lot could be deleted.

Tim Wenger said Milans' property next to the subdivision has zoning level changes, it is R1 without allowing attached dwellings, the minimum lot size is 6,000 sq ft, and townhouses are not allowed. Ridgeview is a unique property allowing higher density. Out of 29 lots from phase 1 and 2, only four have not been built on.

Commissioner Foose opened the floor for other community members to provide public testimony regarding the land use application.

Community Member Greg Poupard spoke- He commented that it is hard for the Planning Commission to make a decision based on the staff report they were just given that evening. He shared concerns about the amount of vehicles on the road because of the 60 new homes- each will probably have 2 vehicles at least. He did not think enough parking spaces were allotted in the neighborhood for the quantity of vehicles. He also brought up the mess of the left turn lane coming out of the school. He felt that there was not enough time to be informed about the traffic study with just getting the report that night. He expressed concerns about townhouse rentals becoming trashy and unkept. Being a burden on the community and code enforcement. He asked for a continuance. No other members of the public submitted testimony.

Applicant rebuttal- Steve Ward said regarding traffic report- on page 13 of the ODOT memo. The impact study was submitted. The developer is only responsible to affect their impact on the future, it is not their responsibility to fix a problem that already exists.

Regarding parking, the townhomes will all have three parking spaces – two in the driveway and one in the garage. There will also be on-street parking. They are putting plenty of parking in for the neighborhood.

Rentals isn't something that the Planning Commission looks at for conditions of approval.

As for the continuance, they respectfully ask for a time frame where there is written testimony given by a certain date so the applicant can respond in written form so it can be resolved by the time of the next meeting and not have verbal testimony.

There was discussion by the Planning Commission about which format to use for continuing the public hearing.

Commissioners considered whether to keep the record open for seven days plus response time for all parties with standing only in a written format, or to accept additional oral and written testimony from the public at the continued hearing in November.

Commissioner Wagner asked if the land use approval lasts through all the phases. City Planner Byram answered that the first phase, Phase III has one year to record the plat, unless they ask for an extension. After that the Oregon Revised Statutes allows ten years for the full subdivision's completion.

If they don't complete it within that time they would have to come back to Planning Commission at that point and get the remaining phases reapproved.

Commissioner Foose closed the public hearing at 7:30 p.m.

IV. **REGULAR AGENDA**

A) Ridgeview Heights Subdivision-

MOTION: Commissioner Eckles motioned to reopen and continue the public hearing to the date and time certain of Tuesday November 28, 2023 at 6:00 p.m. and allowing for additional verbal and/or written comment to be submitted by the public on that date. Commissioner Wymore seconded the motion. Motion passes with a unanimous vote.

Steve Ward requests that staff update the conditions of approval so that they have the documents for the meeting ahead of time and not receiving them at the meeting so the same situation doesn't happen again. He asked that the staff could update the conditions of approval with their recommendations so they can see the revised conditions of approval, in order to agree or disagree at that point in time.

City Planner Byram confirmed that for the continued November hearing, there will be a revised staff report to the Planning Commission with revised recommended conditions of approval.

That packet including the revised conditions of approval will be available to the public prior to the hearing. If there is public comment received after the agenda is posted, it will be brought to the hearing.

B) Jason Foose Resignation-

Commissioner Foose said he has changed his address to outside of the Willamina zip code, so he is stepping down from the Planning Commission. The Planning Commission decided to table this agenda item to allow time for City Planner Byram and City Manager Meneley to double check the membership rules for Planning Commissioners. Staff will report back in November.

V. PUBLIC INPUT – BUSINESS FOR THE AUDIENCE- None

ADJOURN

MOTION: Commissioner Wagner motioned to adjourn the meeting at 7:48 p.m. Commissioner Schunter seconded the motion. Motion carried with a unanimous vote.

Commissioner Foose adjourned the meeting at 7:48 p.m.

Time and Date of Next Planning Commission Meeting

The next Planning Commission Regular Meeting and Public Hearing will be held on November 28, 2023, at 6:00 p.m.

West Valley Fire Station
825 NE Main Street
Willamina, OR 97396

Information regarding the above meeting(s) and Zoom access information can be found on the City of Willamina website at <https://www.willamina.oregon.gov>