

City of Yamhill
A small taste of Oregon

Planning Commission Meeting Packet

January 27, 2025
6:30 p.m.

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STAFF REPORT

TO: Yamhill Planning Commission
FROM: Walt Wendolowski, Contract Planner
SUBJECT: Conditional Use/Variance File No. 24-06
DATE: January 20, 2025

I. BACKGROUND INFORMATION

- A. **APPLICANT:** Paul Johal.
- B. **PROPERTY LOCATION:** The property is located on the southwest corner of the intersection of South Maple Street and West First Street. The site address is 210 South Maple Street (Township 3 South; Range 4 West; Section 04BD; Tax Lot 2900).
- C. **PARCEL SIZE:** The subject property contains approximately 18,600 square feet.
- D. **EXISTING DEVELOPMENT:** The parcel fronts two public streets and public services are available to serve the site. City previously approved the establishment of a service station and convenience store at this site (DR 23-02) with construction currently underway.
- E. **ZONING:** The property is zoned General Commercial Zone (C-3) and is also located within the Central Business District (CBD).
- F. **ADJACENT ZONING AND LAND USE:** All adjacent land is zoned C-3 and contains commercial development primarily located along South Maple Street.
- G. **REQUEST:** The applicant originally requested approval of a Conditional Use and Sign Variance to install two Electronic Message Center (EMC) signs on the property. The applicant subsequently modified the request to install only a single EMC sign. This report reviews the modified application.
- F. **DECISION CRITERIA:** Yamhill Municipal Code; Chapter 10.28 (General Commercial Zone) and Chapter 10.46 (Central Business District Overlay); Chapter 10.64 (Signs); Section 10.64.220 (Sign Variances), and Chapter 10.108 (Conditional Use).

II. APPLICATION SUMMARY

- A. The applicant originally requested approval to install three signs on the property. The building entrance contains a 25.375 square foot wall sign. Plans also called for the installation of two, 14.038 square foot electronic message center (EMC) signs on the gas pump island canopy: one along the south side and a second on the east side facing Maple Street. Both proposed EMC signs are “static” signs limited to pricing information and will not generate alternating messages.
- B. The City scheduled a November 19 hearing before the Commission. Prior to the hearing, the applicant requested a continuation. Staff requested the applicant provide information on any additional signs and suggested it would be difficult to support two signs based on the decision criteria. Subsequently, the applicant modified the request to install only a single EMC sign along Maple Street. The applicant also stated no additional signs are proposed. This report reviews the modified application.
- C. The hearing was reopened on December 17 and continued to the January Commission meeting. This provided the applicant with an opportunity to provide additional sign information regarding signage on the fuel pumps.
- D. Development Code Section 10.46.060 establishes the sign regulations for property within the Central Business District. Regulations limits signs to wall or projecting signs (18” maximum projection) at a ratio of one square foot of sign area for each one foot of building street-side frontage. This maximum area shall apply to all signs located on site. The longest building frontage is 75-feet along West First. Therefore, the maximum allowable sign area is 75-square feet. The submitted sign area totals 39.413 square feet.
- E. Per Section 10.64.030(L), no EMC sign shall exceed 24 square feet in area. The EMC sign complies with this requirement. However, this Section calculates the EMC sign area at a rate twice that of non-EMC signs. With this requirement, the total sign area for the proposed EMC signs is 28.166 square feet (14.083 x 2). Combined with the wall sign, the total signage will be 53.541 square feet, still below the 75-square foot maximum area.
- F. Per Section 10.64.030(L), establishment of an EMC sign in the Central Business District requires approval of both a Conditional Use and a Sign Variance and both require a hearing before the Planning Commission. For the record, hearing and process are consistent with the provisions in Chapter 10.104 (Conditional Uses) and Chapter 10.100 (Variances).

III. CRITERIA AND FINDINGS – CONDITIONAL USE

- A. Section 10.104.030 establishes the circumstances for granting a conditional use. The Planning Commission may prescribe restrictions or limitations for the proposed conditional use and only after it determined that such conditions are necessary for the public health, safety, and general welfare, or to protect people or improvements in the area.
- B. The following contains the specific decision criteria:
1. Section 10.104.030(A) - There is a public need for the conditional use;

FINDINGS: This criterion is not applicable to the request. The Code permits signs on the property; the applicant is requesting approval of a specific type of sign which requires approval of a conditional use and sign variance.
 2. Section 10.104.030(B) - There is an inadequacy of other property to satisfy the public need;

FINDINGS: As stated above, the Code allows signs on the property; considering alternative sites is not applicable for the purpose of the request.
 3. Section 10.104.030(C) - The conditional use conforms to the Comprehensive Plan, all other provisions of this title, and any applicable street or highway plans;

FINDINGS: The Development Code implements Plan policies and sign regulations are part of the Code. The sign requires conditional use approval, thereby complying with provisions of the Code. Finally, the request does not establish a use or activity that will impact adopted street or highways plans.
 4. Section 10.104.030(D) - The site for the proposed use is adequate in size and shape to accommodate said use of all yards, spaces, walls and fences, parking, loading, landscaping, and other features required to incorporate said use with land uses in the neighborhood;

FINDINGS: The proposed new sign is placed on the outer edge of a canopy, along Maple Street, and complies with the maximum allowable sign area for an EMC sign. Issues regarding yards, landscaping, parking, loading, and other issues are not factors in permitting the use.
 5. Section 10.104.030(E) - The site for the proposed use related to streets and highways is adequate in width and pavement type to carry the quantity and kind of traffic generated by the proposed use;

FINDINGS: With the request to install a sign on the proposed canopy, the adequacy of street improvements is not germane to the request.

6. Section 10.104.030(F) - The proposed use will have minimal adverse effect on abutting property or the permitted uses thereof; and

FINDINGS: This is a small sign (14.083-square feet) and directed toward passing traffic. In establishing the EMC regulations, the City adopted provisions to ensure this type of sign will have minimal impact on neighboring properties. Continued compliance with the provisions will minimize adverse impacts.

7. Section 10.104.030(G) - The conditions stated in the decision are deemed necessary to protect the public health, safety, and general welfare.

FINDINGS: As noted in the above criterion, the sign requires compliance with the EMC design provisions to ensure the sign protects the public health, safety, and general welfare.

IV. CRITERIA AND FINDINGS – SIGN VARIANCE

- A. Placement of an EMC sign in the Central Business District requires a sign variance. Again, this requirement is in addition to the Conditional Use requirement reviewed above.

- B. Section 10.64.220 contains the sign variance provisions. The following includes the specific criteria and findings:

1. Section 10.64.220(A) - There are unique circumstances of conditions of the lot, building, or traffic pattern such that the existing sign regulations create an undue hardship.

FINDINGS: While the state of Oregon does not require the posting gasoline prices on the street, most drivers expect this information to be readily available. The use of an EMC sign is a logical approach to keep the gas pricing information up to date. Further, placement on the canopy minimizes visual impacts along the street.

2. Section 10.64.220(B) - The granting of the variance compensates for those circumstances in a manner equitable with other property owners and is thus not a special privilege to the business. The variance requested shall be the minimum necessary to compensate for those conditions and achieve the purpose of this Chapter.

FINDINGS: As noted above, while not required, the travelling public normally expects pricing information. Given the limited information possible with the proposed sign, and the uniqueness of the business, it does not appear there is a particular advantage afforded by the property owner providing no gain or loss respective to granting a special privilege.

3. Section 10.64.220(C) - The granting of the variance shall not decrease traffic safety nor detrimentally affect any other identified items of public welfare.

FINDINGS: The location of the sign along the edge of the canopy is not expected to adversely impact on traffic safety or public welfare.

4. Section 10.64.220(D) - The variance will not result in a special advertising advantage in relation to neighboring businesses or businesses of a similar nature. The desire to match standard sign sizes (for example, franchise store signs) shall not be listed or considered as a reason for a variance.

FINDINGS: This type of advertising for gas stations is common. Competing businesses are limited to other gas stations, and not with other general commercial enterprises. It would appear the applicant receives no special advertising advantage provided the sign is limited to price information only.

5. Section 10.64.220(E) - The variance request shall not be the result of a self-imposed condition or hardship.

FINDINGS: The applicant submitted the required variance application. This is not the result of a self-imposed hardship.

V. SUMMARY COMMENTS

- A. Section 10.64.030(H) establishes additional sign regulations for automobile service stations. Subsection (4) states "(S)igns not to exceed five square feet in area shall be permitted on each pump face." The applicant submitted schematics for the fuel pump signs. The actual brand and sign area were unfortunately not specified. However, even assuming the entire fuel pump canopy face met the requirements of a sign, each fuel pump face would only contain approximately 3.7 square feet of area, complying with this provision.
- B. Staff also finds the wall sign complies with the sign requirements. Except for obtaining a sign permit, this part of the submittal requires no further action.
- C. Overall, having a small EMC sign limited to pricing information does not have the same impact as one with alternating messages. The sign complies with the sign area requirements, and combined with the wall sign, the total area falls below the

75-square foot limitation. On balance, it appears the sign can meet the criteria for EMC signs in the Central Business District.

VI. RECOMMENDATION AND CONDITIONS OF APPROVAL

Staff finds the submitted application complies with the applicable decision criteria and if approved recommends the following Conditions of Approval:

- A. This decision shall be limited to the conditional use and sign variance for an electronic message center sign. The applicant shall place the single EMC sign along the Maple Street side of the canopy, substantially as indicated on the submitted site plan. No other changes shall be allowed unless otherwise permitted by the City.
- B. The applicant shall obtain a sign permit from the City of Yamhill. The sign shall conform to the proposed signs submitted as part of this application. As part of this permit, the applicant shall submit evidence of authorization from the Oregon Department of Transportation or a letter stating such authorization is not required.
- C. Operation of the proposed electronic message sign shall comply with applicable provisions in Title 10 of the Yamhill Municipal Code.
- D. Compliance with the Conditions of Approval, and conformance with all building permit requirements, shall be the sole responsibility of the applicant.

VII. PLANNING COMMISSION ACTION

- A. The Planning Commission may either:
 - 1. Approve the application and adopt findings contained in the Staff Report, or
 - 2. Approve the application with modified findings and/or conditions, or
 - 3. Deny the application, specify reasons why the applicant has not met the criteria, or
 - 4. Continue the matter to a date, time, and place certain.
- B. Staff will return with an Order for the Chair's signature based on the Planning Commission decision.

STAFF REPORT

TO: Yamhill Planning Commission

FROM: Walt Wendolowski, Contract Planner

SUBJECT: Planning File DCA 24-03 – Yamhill Development Code Amendment
Exterior Lighting Requirements

DATE: January 20, 2025

I. BACKGROUND

- A. **APPLICANT:** City of Yamhill.
- B. **PROPERTY LOCATION:** The application affects all nonresidential property and uses in the City.
- C. **REQUEST:** The City seeks to amend the Yamhill Municipal Code by establishing new regulations for exterior lighting for commercial, public, and other non-residential uses. Exhibit “A” includes the specific language.
- D. **DECISION CRITERIA:** Yamhill Development Code; Section 10.132.060 to Section 10.320.100.

II. APPLICATION SUMMARY

- A. The Planning Commission conducted several work sessions and public hearings, eventually recommending the City Council adopt exterior lighting regulations. The City Council conducted their second reading of the proposed lighting amendments, and by unanimous decision, they remanded the material back to the Planning Commission for further consideration.
- B. To address Council concerns, staff prepared revised language for the Commission to consider. The Commission reviewed the revisions at their October 28 work session, directing staff to return with final amended language for the next available public hearing.
- C. The Commission addressed the Council concerns at their November 2024 meeting and forwarded the adopted language to the Council. At their December meeting, the Council again identified additional areas of concern regarding streetlights and enforcement. The Commission reviewed these concerns at a December 2024 work session and requested staff return with additional modifications.
- D. The regulations will create a new chapter - Chapter 10.66 Exterior Lighting Standards. Exhibit “A” includes the proposed language for the Commission’s

consideration. The City submitted similar language to the Department of Land Conservation and Development (DLCD) for their review, and as of the date of this report, the DLCD did not submit comments.

- E. The following reviews each section of the proposed language, identifying any revisions from December work session.
- (A) Purpose. The purpose statement covers the concerns outlined by the Commission. The statement is focused on commercial and public issues and less oriented to addressing all lighting issues.
 - (B) Guiding Principles. This section “backs-up” the purpose statement by providing guidelines for establishing the standards in this Chapter. As noted, these are not criteria but provide a basis for why the City chooses to adopt the lighting standards.
 - (C) Definitions. This is the definition section. These definitions will also be placed in Chapter 10.08 (Definitions). For the record, the effective date of the regulations is January 1, 2025 – *given the current hearing is beyond this date, the Commission may wish to consider changing the effective date to March 1, 2025*. As before, light trespass definition was revised and street lighting definition eliminated.
 - (D) Applicability. Unless otherwise exempted, the standards in this Chapter are applicable only to commercial activities and publicly owned buildings and facilities.
 - (E) General Requirements. This section includes general requirements that apply to all lighting.
 - (1) Fully Shielded. Requires fully shielded light fixtures and installed to prevent light trespass and glare.
 - (2) Maximum Brightness. This item limits the brightness for any one lamp, currently limited to 1,500 lumens.
 - (3) Canopy & Eave Lighting. These regulations pertain to lighting canopies and eaves, such as for a gas station.
 - (4) Exterior Display. These regulations pertain to lighting for outdoor display/sales areas.
 - (5) Parking Lot Lighting. Parking lot lighting shall be downcast, fully shielded, with strict limits on light trespass.
 - (6) Lighting Curfew. This section places a curfew on business lighting: when the business closes, the exterior lights go out. The language allows for an additional hour of time to open and/or close a business. These regulations do not apply to 24-hour operations or provisions for security lighting.
 - (7) Security Lighting. Security lights need not be motion activated but continually maintained. Existing building lights may double as

- security lights if they meet all provisions in this subsection. Security lighting along fence lines is permitted.
- (8) Color. The Correlated Color Temperature (CCT) shall not exceed 3,000 Kelvins.
 - (9) Publicly Owned Lighting. Publicly owned lighting must conform to the requirements for businesses. *Based on the December work session this now excludes local public streets.*
- (F) Signage. The illuminated surface area of an individual sign cannot exceed 50 square feet, and lighting must be downcast and fully shielded.
- (G) Prohibitions. Provisions prohibit the use of lasers, searchlights, upward pointing lights, blinking/flashing lights, and external neon lights. This prohibition extends to lights located within a building, and visible from a public street, that may create glare or similar impacts, although building trims may include neon lighting.
- (H) Exemptions. Existing lights are exempt but must eventually conform. This section includes provisions on string lights. Decorative lighting and lighting for special events is exempt, as are lighting the U.S. flag, athletic fields (with limits), temporary lighting, lighting needed for emergencies, and landscaping. This Section no longer regulates holiday lights.
- (I) Existing Nonconforming Lighting. Existing outdoor light fixtures are exempt but must conform within a certain time. Conformance also applies to replacement lights and the City may place these requirements as a condition of approval. Conformance requirement is now two years.
- (J) Lighting Plan Required. Finally, development, including building permits, will require a lighting plan.
- (K) Violations and Enforcement. *This is a new subsection.* Only individuals directly impacted by an alleged violation may submit a complaint (e.g., light trespass). This limitation is designed to limit enforcement action to those individuals impacted and not provide opportunities for harassment or nuisance complaints. However, this limitation shall not preclude complaints addressing matters of public safety or related emergencies.

III. FINDINGS

- A. Section 10.132.060 notes that any amendment to the text shall be initiated by the governing body or by the Planning Commission by ordinance. Consistent with this requirement, the Commission initiated the proposed text amendment with concurrence of the City Council.

- B. Section 10.132.070 states the Planning Commission shall conduct a public hearing for a proposed Comprehensive Plan amendment and shall submit a recommendation to the City Council. The City Council shall then conduct a public hearing on the proposed Comprehensive Plan amendment. If the decision of the Council is contrary to the Planning Commission's decision, the Council shall refer the proposal back to the Planning Commission for further review. The Planning Commission and Council must make written findings of its decision, and if the Council approves the Comprehensive Plan amendment, such action shall be confirmed by resolution.

FINDINGS: The amendment will follow the above noted procedure. The Council referred the matter to the Commission for further consideration. The purpose of the hearing is to review the revised material and for the Planning Commission to provide a recommendation to the City Council.

- C. Section 10.132.080 outlines the application procedures, noting it must be filed in accordance with the provisions of Chapter 10.128 of this title.

FINDINGS: The amendment application complies with the above noted requirements.

- D. Section 10.132.090 identifies the required findings (i.e., decision criteria) to support a proposed amendment. The Planning Commission and City Council shall analyze the following points and, in a written form, incorporate such findings in its decision:

1. 10.132.090(A) - That there is a public need for a Comprehensive Plan amendment.

FINDINGS: The Commission recognized the potential impact of unrestricted lighting and therefore determined that establishing a consistent set of regulations to be beneficial to the community.

2. 10.132.090(B) - That there was an error in the original Comprehensive Plan.

FINDINGS: In this case, the Commission, through several public work sessions and hearings, identified potential impacts of unrestricted lighting due to a lack of consistent regulations.

3. 10.132.090(C) - That there is a need to change the currently adopted Comprehensive Plan.

FINDINGS: As noted, a change in the Code is necessary to address the identified need.

4. 10.132.090(D) - That there is an inadequacy of other comparatively planned and/or zoned land currently available to satisfy the public need.

FINDINGS: This subsection does not apply as the proposal does not alter existing zoning.

5. 10.132.090(E) - That the property proposed to be changed is the best property available for the Comprehensive Plan amendment.

FINDINGS: This subsection does not apply as the proposal does not alter existing zoning.

6. 10.132.090(F) - That the proposed Comprehensive Plan amendment is in conformance with all statewide goals, and any applicable street, highway, and/or utility plans for the area.

FINDINGS: The proposed exterior lighting regulations address specific design and aesthetic concerns of the City and do not conflict with the statewide land use goals.

7. 10.132.090(G) - That the proposed property is adequate in size and shape to facilitate those uses allowed in the proposed zone upon adoption of the Comprehensive Plan amendment.

FINDINGS: This subsection does not apply as the proposal addresses changes to exterior lighting regulations and does not change allowed uses within the various zones.

8. 10.132.090(H) - That the proposed property is properly related to streets and highways to adequately serve the type of traffic that will be generated by the uses in the proposed zone upon adoption of the Comprehensive Plan amendment.

FINDINGS: This subsection does not apply as the proposal addresses changes to exterior lighting regulations and does not change allowed uses within the various zones and therefore associated traffic impacts. However, restricting certain types of lighting (e.g., strobe lights, glare producing lights) will have a positive impact on traffic safety.

9. 10.132.090(I) - That the proposed Comprehensive Plan amendment will have no adverse effect on abutting property or the permitted uses thereof.

FINDINGS: The Commission considered potential impact of exterior lighting for commercial uses, and the proposed regulations include provisions to regulate brightness, hours of operation, and similar limitations.

- E. Section 10.132.100 notes the amendments shall be effective upon the passage of the ordinance by the City Council changing the Plan. This is a procedural matter that applies if the Council approves the changes.
- F. The City determined the establishment of a consistent set of regulations for exterior lighting to be beneficial to the community. The language sets limits as to brightness, hours of operation, and limiting impacts on adjacent property.

IV. RECOMMENDATION

City staff finds the proposal complies with the identified criteria and recommends the Planning Commission recommend the City Council approve the proposed Development Code amendments contained in Exhibit "A."

V. PLANNING COMMISSION ACTION

- A. The Planning Commission has the following options:
 - 1. Recommend City Council approval of the proposed amendments, adopting findings contained in the staff report;
 - 2. Recommend City Council approval of the proposed amendments, adopting modified findings; or
 - 3. Recommend City Council reject the proposed amendments, establishing findings as to why the application fails to comply with the decision criteria.
 - 4. Continue the hearing to a date and time certain to receive additional information or testimony.
- B. If the Planning Commission makes a decision, staff will prepare an Order of Recommendation for the Chair's signature based on that decision.

Exhibit A

10.66 Exterior Lighting Standards

- (A) Purpose. The purpose of these lighting standards are to conserve energy to the greatest extent possible; promoting traffic and pedestrian safety; minimizing glare, light trespass, obtrusive lighting, and light pollution; and preserving the dark sky of the natural nighttime environment.
- (B) Guiding Principles. The standards in this Chapter are based on the following guiding principles and are not mandatory approval criteria:
- (1) Useful. Only use light when needed. All light should have a clear purpose, with consideration about how light will impact neighbors, wildlife, and their habitats.
 - (2) Targeted. Target light fixtures so that light falls only where required. Shielding and careful aiming of the light beam to target its direction downward should be employed to prevent spill beyond immediate lighting needs.
 - (3) Low Level. Lights should be no brighter than necessary, using the lowest light level possible. Consider reflective surfaces that will amplify light and direct light into the sky or neighboring properties.
 - (4) Controlled. Provide lighting only when needed. Controls such as timers or motion detectors should be employed to ensure that light is available when needed, dimmed when possible, and turned off when not needed.
 - (5) Color. Prefer the use of warmer color lights where possible.
- (C) Definitions.
- ANSI**. American National Standards Institute.
- Bulb**. The component of the fixture that produces light.
- Canopy**. A covered structure open to the elements, with at least one side open for pedestrian and/or vehicular access.
- Correlated Color Temperature (CCT)**. A specification of the color appearance of the light emitted by a lamp, relating its color to the color of light from a reference source when heated to a particular temperature, measured in kelvins (K).
- Dark Skies Lighting Standards**. The provisions of this Chapter 10.66.
- Downcast**. Directing the light only down toward the ground and in which the fixture shield is parallel with the level ground (see Figure 1).
- Effective Date**. January 1, 2025.
- Fixture**. The complete lighting assembly that houses the lamp or lamps together with everything required to control and distribute the light output. The terms "fixture" and "luminaire" are interchangeable.
- Foot-candle**. A measurement of light intensity. One foot-candle has sufficient light to saturate a surface having an area of one square foot with one lumen of light.
- Fully shielded**. A light fixture that allows no direct emission of light above a horizontal plane passing through the lowest light-emitting part of the light fixture (see Figure 1).

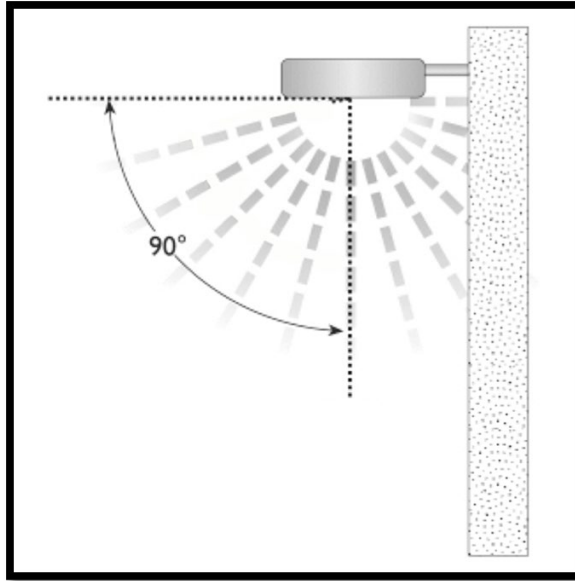


Figure 1.

Glare. Stray unshielded light in the field of view that is brighter than the level to which the eyes are adapted and may result in: (a) nuisance or annoyance such as light shining into a window; (b) discomfort causing squinting of the eyes; (c) disabling vision by reducing the ability of the eyes to see into shadows; and (d) reduced visual acuity.

IES. Illuminating Engineering Society.

Illuminance. Describes the amount of light falling onto or illuminating a given surface.

Kelvin. A measurement unit (abbreviated “K”) used to describe the correlated color temperature of a light source. This specification gives a description of the “warmth” or “coolness” of a light source. typically ranges from 2,000K (warm) to 5,000K (cool).

Lamp. The specific component of a light fixture that emits light.

Laser Source. Any lamp that employs light amplification by stimulating emission of radiation to produce highly monochromatic and coherent light.

Light Trespass. Light trespass means light emitted by a light fixture that shines beyond the boundaries of the property on which the fixture is located.

Light Fixture. A device that includes the lamp, the ballast or driver, internal wiring, reflectors, lens, and any additional components required to deliver light. It does not include the pole or other mounting surface.

Low Lumen. Describes a light fixture whose total light output does not exceed 300 lumens.

Lumen: The International System of Units (SI) measure of luminous flux equal to the amount of light emitted per second into a unit solid angle of one steradian from a uniform source of one candela. the international unit of measurement is used to quantify the amount of light produced by a lamp or emitted from a fixture. For the purposes of this code, measurements in lumens shall refer to "initial lamp lumens" as rated by the manufacturer when the lamp is new, as listed on the packaging.

Luminance: The amount of light that passes through, emitted, or reflected from a

particular area, and that falls within a given solid angle.

Motion Sensor. A device that detects physical movement within the sensor's local environment, activates a light, and uses a timer to turn off the light.

Net acre. The portion of any property that is developed with structures and/or hardscape. The net acreage of a property is the gross acreage of that parcel less any acres that are considered undeveloped.

Outdoor Lighting. Temporary or permanent lighting equipment installed outside the building envelope, whether attached to poles, building structures, the earth, or any other location. For this Chapter, indoor fixtures that are intended to light something outdoors are considered outdoor lighting.

Replacement. The installation of a new lighting fixture or luminaire in place of a pre-existing fixture. Replacement does not mean the changing of light bulbs or lamps with same or lower output. All replacements must comply or continue to comply with this chapter.

Seasonal Lighting. means temporary lighting installed and operated in connection with holidays, traditions, or local festivals.

Searchlight. An apparatus that combines an extremely bright source with a mirrored parabolic reflector to project a powerful beam of light of approximately parallel rays in a particular direction, constructed so that it can be swiveled, and often used to draw the attention of the public to a place or event.

String Lights. Electric lights on a wire, string, or cable and used as decoration or for outdoor lighting.

Temporary Lighting. Lighting intended for uses which by their nature are of limited duration, such as civic events or construction projects.

Uplighting. Any lighting directed in such a manner as to shine light above the horizontal plane.

- (D) Applicability. The lighting standards in this Chapter are applicable to lighting for commercial uses and activities and publicly owned and operated buildings and facilities. Existing nonconforming lighting must conform to the requirements in subsection (I). These standards are in addition to applicable provisions of the Building Code and Electrical Code, and other provisions of Title 10 including Chapter 10.64 (Signs).
- (E) General Requirements. All non-exempt outdoor lighting fixtures shall meet the following requirements:
- (1) Fully Shielded. Unless subject to an exception, all light fixtures shall be fully shielded and otherwise designed and installed to prevent light trespass and glare. Uplighting is prohibited.
 - (2) Maximum Brightness. The maximum lumens of any lamp shall not exceed 1,500 lumens.
 - (3) Canopy and Eave Lighting. Lighting levels under eaves and canopies shall be adequate to facilitate the activities taking place in such locations.
 - (a) Lighting fixtures mounted on canopies and/or eaves shall be designed, constructed, or installed so the lens cover is recessed from

- the bottom surface (ceiling) of the canopy or shielded by the fixture or the edge of the canopy/eave.
- (b) Lights shall not be mounted on the top or sides (facias) of the canopy/eave and the sides (facias) of the canopy/eave shall not be illuminated.
- (4) Exterior Display and Sales Areas. Lighting levels on areas used for exterior display and/or sales areas shall be subject to the following:
- (a) Lighting fixtures shall be full cut-off fixtures.
 - (b) Fixtures shall be mounted no more than 20 feet above grade.
 - (c) Fixtures shall not create glare on adjacent streets, highways, or properties, and shall not create light trespass on nearby and abutting properties.
 - (d) Exterior display/sales areas shall be illuminated only when the establishment is open for business unless motion sensing devices are installed.
- (5) Parking Lot Lighting. Parking lot lighting shall be downcast, fully shielded and shall not exceed a threshold of allowable light trespass of 0.1 foot-candle at the property line.
- (6) Lighting Curfew. Exterior building lighting, including signs, shall be extinguished either by 10 P.M.; or within one (1) hour of the close of normal business hours; or at the conclusion of usual operations, whichever occurs later. The use of such lighting may resume one (1) hour before sunrise (or opening of business for the property, whichever is earlier) of the following day. Businesses whose normal operating hours are twenty-four (24) hours per day are exempt from this provision.
- (7) Security Lighting
- (a) All security lighting fixtures shall be fully shielded, comply with lighting standards, and be directed only onto the designated area, and not illuminate other areas. The use of general floodlighting fixtures is discouraged unless these standards can be met.
 - (b) Any sensor activated security lights shall automatically turn off within five minutes after being activated if no additional motion, light, or infrared radiation is detected.
 - (c) Security lighting may illuminate vertical surfaces (e.g. building facades and walls) up to a level 8 feet above grade or 8 feet above the bottoms of doorways or entries, whichever is greater.
 - (d) Security lighting fixtures may be mounted on poles located no more than 10-feet from the perimeter of the designated secure area with a maximum vertical height of 20-feet.
 - (e) Security lights intended to illuminate a perimeter (such as a fence line) shall include motion sensors and be designed to be off unless triggered by an intruder located with 5 feet of the perimeter.
 - (f) Existing building lights may be used as security lights provided; they comply with the provisions in this subsection.

- (8) Color. The Correlated Color Temperature (CCT) shall not exceed 3,000 Kelvins.
 - (9) Publicly Owned Lighting. On property or buildings owned and operated by public agencies, lighting shall comply with provisions in this Section except for the curfew provisions in item (6), and local streetlights.
- (F) Signage. Unless otherwise permitted in Chapter 10.64 (Signs), all lighting must be downcast and fully shielded. The external illuminated surface area of any one sign shall not exceed 50 square feet.
- (G) Prohibitions. The following shall be prohibited:
- (1) Laser Source Light. The use of laser source light or any similar high intensity light for outdoor advertising or entertainment.
 - (2) Searchlights and Strobe Lights. The use of searchlights or strobe lights for purposes other than public safety or emergencies.
 - (3) Upward-pointing light fixtures. All light fixtures must be downcast including illumination of signs, landscaping, flags (except the U.S. and state flags, if flown on the same flagpole), and other items.
 - (4) Blinking and Flashing Lights. Any lighting that is flashing, blinking, rotating, chasing, or rapidly changing in color or intensity, except for traffic control fixtures, those used for public safety or emergencies, and seasonal holiday lights. This prohibition applies to lights located within a building and visible from an adjacent public street.
 - (5) Externally Affixed Neon Lighting. Externally affixed neon lighting, except as a trim element that surrounds windows, doors, or building edges when located on building façades that face street frontages. Such lighting must not include flashing, intermittent or rotating lights.
- (H) Exemptions. Notwithstanding anything herein to the contrary, the following forms of lighting are exempt from the standards in this Chapter.
- (1) Existing Nonconforming. Nonconforming lighting, subject to subsection (I) of this section.
 - (2) String Lights. These lights are subject to the following standards:
 - (a) All installations of string lighting shall employ lamps that do not flash or flicker and whose individual output does not exceed 100 lumens.
 - (b) String lights shall consist only of white light sources with a CCT not to exceed three thousand (3,000) Kelvin.
 - (c) String lights are exempt from the downcast and full shielding requirements of subsection (E) of this section.
 - (d) The above limitations do not apply to holiday lighting.
 - (3) Special Events. Events that require the use of temporary outdoor light fixtures are exempt if the exemption does not exceed five (5) days for a particular property in any calendar year; however, permanent installations special event venues must conform to these standards.
 - (4) Flags. Lighting for U.S. flags properly displayed (consistent with the U.S. Flag Code).

- (5) Government Authority. Lighting under the authority of the Oregon Department of Transportation or required by Federal or State laws or regulations such as airport runway lights, TV and radio transmission towers, and telecommunication towers.
- (6) Athletic Fields. Athletic field lighting meeting the following conditions:
 - (a) Field lighting is provided exclusively for illumination of the surface of play and viewing stands and not for any other applications.
 - (b) Illuminance levels must be adjustable based on the task (e.g., active play vs. field maintenance).
 - (c) Lights must be extinguished by 10:00 pm local time or one hour after the end of play, whichever is later.
 - (d) Timers must be installed to prevent lights being left on accidentally overnight.
- (7) Temporary Lighting. Except for permitted security lighting, lighting for theatrical, television, performance areas, and construction sites shall be turned-off within one hour after the end of operations.
- (8) Emergencies. Lighting used under emergency conditions for the purpose of maintaining public safety. This may include, but not limited to, temporary facilities to replace lighting destroyed in a disaster or the use of spot-lights or similar lighting to assist emergency personnel.
- (9) Landscaping. Low voltage landscape lighting not exceeding 200 lumens per fixture and aimed so that glare is not visible from adjacent properties.
- (I) Existing Nonconforming Lighting. Outdoor light fixtures lawfully installed and operable prior to the Effective Date are exempt from all such requirements, except as follows:
 - (1) Compliance. All lighting must conform to the requirements of this Chapter within two years after the Effective Date.
 - (2) Replacement. Any replacement or modification to nonconforming outdoor lighting must comply with these standards.
 - (3) Condition of Approval. All nonconforming outdoor lighting must comply with the requirements in this Chapter as a condition of land use approval involving a Conditional Use or Development Review.
- (J) Lighting Plan Required. All applications involving the construction of new buildings, expansion of existing structures, or building permits must include lighting plans showing location, type, height, color temperature, lumen output and amount of all proposed and existing light fixtures, along with light fixture cut sheets from the manufacturer. The applicant must provide enough information to demonstrate compliance with these standards. The City may request any additional information necessary or appropriate to evaluate compliance with these standards.
- (K) Violations and Enforcement. Violations shall be addressed on a complaint-only basis. Only those individuals directly affected by an alleged violation shall be permitted to submit a complaint to the City; for example, a property owner subject to glare or light trespass from a neighbor. This limitation is designed to limit

enforcement action to those situations and individuals directly affected and not provide opportunities for harassment or nuisance complaints. However, this limitation shall not preclude complaints addressing matters of public safety or related emergencies.

10.08. Definitions

All definitions contained in proposed Section 10.66(C) shall be included in Section 10.08.010 – Definitions.

10.64 Signs

Amend Section 10.64.110(C) by eliminating reference to “festoon lighting:”

(C) Pennants, streamers, ~~festoon lighting~~, banners, inflatable signs including blimps and/or hot or cold air balloons except as provided by this chapter. Nothing contained in this section shall be construed to prohibit the display of the flag of the United States, the State of Oregon or other political subdivision;

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STAFF REPORT

TO: Yamhill Planning Commission
FROM: Walt Wendolowski, Contract Planner
SUBJECT: Sign Variance File No. 25-01
DATE: January 20, 2025

I. BACKGROUND INFORMATION

- A. **APPLICANT:** Phil Higgins (Cycle Yamhill).
- B. **PROPERTY LOCATION:** The subject property is identified as Beulah Park and the County Assessor Map identifies the site as located within Township 3 South; Range 4 West; Section 04; Tax Lot 2400.
- C. **ZONING:** Single Family Residential (R1).
- D. **PARCEL SIZE:** Approximately 5.0 acres.
- E. **EXISTING DEVELOPMENT:** The property contains Beulah Park. Improvements include paved access and parking, playground, restrooms, and similar recreational amenities. The site fronts 3rd Street and public sewer and water facilities serve the property.
- F. **ADJACENT ZONING AND LAND USES:** Property to the north and east is zoned Single Family Residential R-2 with single family homes the dominant land use. To the west there is additional R-1 zoned land with large-lot residential development. Land to the south is located within the County and zoned EFU.
- G. **REQUEST:** The applicant is requesting approval of a Sign Variance to install a second free standing sign (kiosk) that exceeds the height and square footage limitations for a public use.
- H. **DECISION CRITERIA:** Yamhill Municipal Code; Chapter 10.64 (Signs); and Section 10.64.220 (Sign Variances).

II. APPLICATION SUMMARY

- A. Chapter 10.64 contains sign regulations with Section 10.64.040 establishing specific regulations for public uses and facilities. Subsection (1) states "(O)nly one freestanding monument sign shall be permitted, not to exceed 18 square feet in sign area and five feet in height."

- B. The Park site contains a free-standing entrance sign (“Beulah Park”). Cycle Yamhill wishes to place a second free-standing sign on the property. This sign is designed to provide information on Gravel Trails routes for bicycles. Advertising spaces will be allocated for local business, with the intent of generating interest in visiting local merchants. This sign will have a height of approximately 14-feet and a sign area of approximately 40 square feet.
- C. The placement of the second free-standing sign, along with the proposed height and sign area, does not comply with the applicable sign regulations. Therefore, a variance to Section 10.64.040(1) is required to place the sign. As the variance requests relate to changes in the sign regulations, they are subject to provisions in Section 10.64.220. While the process follows in Chapter 10.100 (Variances), the criteria in this Section are specific to signs and therefore apply.
- D. For the record, the applicant submitted the necessary application forms and submittal This hearing and process are consistent with the provisions in Chapter 10.100 (Variances). As of the date of this report, the City did not receive any comments regarding the application.

III. CRITERIA AND FINDINGS – SIGN VARIANCE

A. A variance to the sign regulations is subject to provisions in Section 10.64.220. The following includes the specific criteria and findings:

- 1. Section 10.64.220(A) - There are unique circumstances of conditions of the lot, building, or traffic pattern such that the existing sign regulations create an undue hardship.

FINDINGS: The purpose of the sign is to provide information for bicyclists regarding the area’s gravel trails. The sign is consistent with the purpose of a public park, and because of its purpose, the proposed location near the trail system is critical, and in effect, dictates its location. Further, a larger sign is effectively needed to convey the trail/mapping information necessary for bicyclists.

- 2. Section 10.64.220(B) - The granting of the variance compensates for those circumstances in a manner equitable with other property owners and is thus not a special privilege to the business. The variance requested shall be the minimum necessary to compensate for those conditions and achieve the purpose of this Chapter.

FINDINGS: As noted, the purpose of the sign effectively dictates it location and size. As the purpose of the sign is limited, serves a public purpose, and not in competition with commercial businesses, the sign does not provide a special privilege to Beulah Park.

3. Section 10.64.220(C) - The granting of the variance shall not decrease traffic safety nor detrimentally affect any other identified items of public welfare.

FINDINGS: The sign will be located at the south end of the park. As the sign cannot be seen from the adjacent 3rd Street, this location will not adversely affect traffic safety or public welfare. Benefits include increased recreational opportunities as well as the potential to direct bicyclists to area businesses.

4. Section 10.64.220(D) - The variance will not result in a special advertising advantage in relation to neighboring businesses or businesses of a similar nature. The desire to match standard sign sizes (for example, franchise store signs) shall not be listed or considered as a reason for a variance.

FINDINGS: The sign simply provides information regarding the trail system. As a public entity, and service, there is no special advantage relative to a competing business.

5. Section 10.64.220(E) - The variance request shall not be the result of a self-imposed condition or hardship.

FINDINGS: The applicant was made aware of the requirements and submitted the required variance application. This is not the result of a self-imposed hardship.

- B. The purpose of this review is limited to determining whether the proposed sign can be located within the park. Issues regarding installation, maintenance, and liability are separate matters addressed by the City and the applicant.

IV. RECOMMENDATION AND CONDITIONS OF APPROVAL

Staff finds the submitted application complies with the applicable decision criteria and recommends approval subject to the following Conditions of Approval:

- A. The decision shall be limited to the proposed sign variances regarding location, structure height, and sign area. No other changes shall be allowed unless otherwise permitted by the City.
- B. The applicant shall obtain a sign permit from the City of Yamhill. The sign shall conform to the proposed sign submitted as part of this application.
- C. Compliance with the Conditions of Approval shall be the sole responsibility of the applicant.

V. PLANNING COMMISSION ACTION

- A. The Planning Commission may either:
 - 1. Approve the application and adopt findings contained in the Staff Report, or
 - 2. Approve the application with modified findings and/or conditions, or
 - 3. Deny the application, specify reasons why the applicant has not met the criteria, or
 - 4. Continue the matter to a date, time, and place certain.
- B. Staff will return with an Order for the Chair's signature based on the Planning Commission decision.