



City of Yamhill

A small taste of Oregon

AGENDA
CITY OF YAMHILL, CITY PLANNING COMMISSION MEETING
Tuesday January 5, 2021
7:00 PM

THIS MEETING WILL BE A TELECONFERENCE

Regular Meeting – Planning Commission

1. **Call to Order** –Roll Call
2. **Public Comment:** Anyone wishing to comment during this Teleconference Meeting, please send an email with the topic and a brief overview at least 2 days prior to the meeting date to : l.gilmore@cityofyamhill.org, or call 503-662-3511.
3. **New Business:**
 - A. Discuss adopting a code section for Temporary Carports.
4. **Unfinished Business:**
 - A. Discuss proposed code text amendment to bring Yamhill Development Code into compliance with Oregon State Law regarding processes for land divisions.
 - B. Discuss proposed code amendment- Municipal Code 10.64.030 (G) regarding reader board signs.
5.
 - A. Approval of Planning Commission Minutes from December 1, 2020.
 - B. Schedule next Planning Commission Meeting.
 - C. Commissioner Comments/Discussion
6. **Information/Announcements:**
 - A. Vacancies:
Budget Committee - 2 members-
Planning Commission – 1 member- Applications are available at City Hall.
7. **Adjournment**

Planning Commission Meeting

Tuesday, January 5, 2021@ 7:00pm

TELECONFERENCE MEETING

NOTICE: City officials expect all citizens and Committee Members to use the links below to join the meeting from home.

Social Distancing is essential in reducing the spread of the COVID-19 Pandemic.

The City is using technology to make meetings available to the Public without increasing the risk of exposure.

Please use the following phone number link:

(253) 215-8782 or (346) 248-7799

Or Join Zoom Meeting:

<https://us02web.zoom.us/j/5081343849>

Meeting ID: 508 134 3849

Due to the current executive order from the Governor, in person testimony will not be allowed. If you do not have access to a phone or PC, public comment via email, fax or letter will be accepted. Fax # 503-662-4589, email: info@cityofyamhill.org.

CITY OF YAMHILL PLANNING COMMISSION
STAFF REPORT
JANUARY 5, 2021

This report will cover three items on tonight's agenda.

3.A. Code section for Temporary Carports

I researched a lot of codes for cities in the Valley to find if there were any provisions for temporary carports or similar structures. I found none except for Carlton. Attached to this report is the language from the Carlton Development Code for your information. That attachment also includes the language from the City of Lebanon Development Code which uses an illustration specifically indicating no accessory structures are allowed in the front yard setback.

Lebanon's Code is typical. All the other codes prohibited accessory structures in the front yard setback, as does Yamhill's.

I spoke with the Yamhill County Building Inspector about how they classify the typical "temporary carport," meaning a structure with a metal frame and a metal or canvas roof with no walls. These are classified as a structure and generally require a building permit. Anchoring is required to provide wind protection.

The Commission should discuss the issues and the information and give staff direction on any desired proposed code amendments.

4.A. Land Division Process

I alerted the Commission that there may be a need to amend the Code to make consideration of partitions and subdivisions initially a Type II process, meaning a staff decision with notice to neighbors and right to appeal.

This is a very hot topic debated by Planning Directors and City Attorneys. There is no consensus on the specific meaning of the Oregon Statute language. I am attaching the original September 15, 2020 staff report for your reference as to the details.

The Commission voted to initiate the proposed change. However, I have not pursued the amendment because of the lack of clarity on the legal demand for the change.

Tonight, I ask the Commission to decide if it wants to pursue the amendment or wait until the legal issues settle out statewide. While there is no harm to going ahead, it might be prudent to wait.

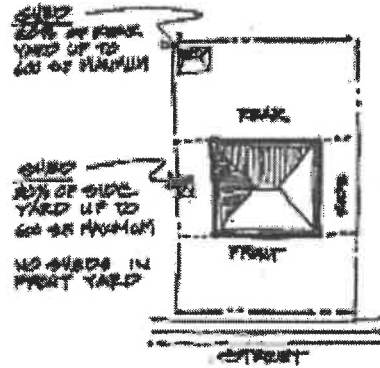
4.B. Reader Boards

Attached to this report is a draft revision to the Side Code addressing reader boards. The Commission discussed this at its last meeting. I tried to craft language addressing the Commission's concerns.

The Commission is asked to discuss the draft and make any amendments it finds needed. If the Commission is ready to take a draft to hearing, please vote to initiate the change and we will set the hearing for the March meeting.

3.A.

City of Yamhill Planning Commission
Discussion of Temporary Carports – Code Example



City of Carlton

17.96.040 - Portable accessory structures.

- A. Portable accessory structures, as defined by this title, shall be structurally sound and shall be anchored. Such structures shall be maintained in good condition using only original manufacturer's coverings. No plastic sheeting, tarpaulins, or other materials shall be used as a covering. Such structures shall meet all applicable Uniform Building Code requirements.
- B. In residential zones, one portable accessory structure, used as a private garage, as defined by this title, may be located within the side portion of a front yard, but must maintain the required front and side yard setbacks, including clear vision setbacks for corner lots.
- C. If located within a rear yard the following setbacks apply: for structures ten (10) feet or less in height there shall be a minimum five-foot setback along the side and rear property lines. For structures greater than ten (10) feet in height there shall be a setback of five (5) feet along each side property line and ten (10) feet along the rear property line.
- D. In commercial and industrial zones, portable accessory structures may be located on any portion of the lot or parcel, subject to applicable setback and Building Code requirements.

City of Keizer

2.203.02. Permitted Residential Accessory Structures and Uses

The following accessory uses shall be permitted subject to the following limitations and requirements:

A. Accessory Structures and Uses. The following accessory structures and uses are permitted on a lot in any zone in conjunction with a permitted dwelling or manufactured home:

- 3. Green house or hobby shop. (5/98)
- 4. Swimming pools, hot tubs, and saunas along with associated structures. (5/98)
- 5. Pets, including outdoors shelters or runs. (5/98)
- 6. Fall-out shelters. (5/98)
- 7. Garages and carports. (5/98)
- 8. Rooms for 1 or 2 boarders residing in the dwelling. (5/98)

3. A.

available buildable land. Howard stated that it is important to determine the City's water and sewer service capacity when considering a possible expansion. It was determined that City Planner Morgan should draft language for zoning changes that include options that would integrate well with the City other than the classic zoning that includes apartments and high density. Morgan will provide some written options for consideration at the next planning commission meeting.

5. Unfinished Business:

A. Discuss adopting a code section for temporary Metal Carports.

Discussion was tabled from the April 6, 2016 meeting regarding the regulations or restrictions for what would be considered, temporary metal carports. Morgan stated that these structures would be classified as an accessory structure with regulations listed in Yamhill Municipal Code, Chapter 10.72, as the Code does not specifically address this type of structure. Discussion continued regarding adding specific language in the code to address this type of structure; adding language to require a building permit and the structure to be anchored down; or interpreting since there are no walls it shouldn't be subject to setback requirements. Morgan stated that the commission does have the authority to interpret the code to say these are temporary uses and therefore subject to the accessory section of the code. Commission's consensus is to table the decision until they can determine what the City's impact would be if a stricter code were adopted and wait to see if there are enough complaints to justify a code change.

6. A. Approval of Planning Commission Minutes from April 6, 2016.
There were no members in opposition to the minutes.

Moore made motion, seconded by Prendergast to approve minutes.

Roll Call: Ayes: Prendergast, Padberg, Mitchell and Moore
Nays: None

The Motion Carried.

7. Information/Announcements:

- A. Vacancies: Planning Commission – 1 Member-Applications are available at City Hall.**
- B. City Council meeting May 11, 2016 @ 7:00m.**
- C. Budget Committee Meeting on Tuesday May 17, 2016 @ 6:30pm**

8. Adjournment: 8:10pm

Prendergast made motion to adjourn, Padberg seconded.

All in favor, Chair Mitchell adjourned the meeting: at 8:10pm.

Respectfully Submitted:
Lori Gilmore
City Recorder/Treasurer

4. A.

**CITY OF YAMHILL, OREGON
PLANNING COMMISSION
STAFF REPORT
September 15, 2020**

Development Code Text Amendment concerning Housing Development Process

On July 7, 2020, the Planning Commission voted to initiate an amendment of the text of the Development Code to consider amending the review process for considering Partition and Subdivision applications. On August 4, 2020 the Commission concurred on proposed amendment language.

The Planning Commission's role this evening is to settle on the proposed Code language which will go to public hearing. The Commission's ultimate responsibility is to make a recommendation to the City Council on the proposed Code amendment.

The hearing will be set before the Commission for the regular October 6, 2020 meeting. The two-month delay is due to the required 35-day notice of the proposed amendment to the Oregon Department of Land Conservation and Development. The Commission could choose to hold an earlier meeting for this hearing and decision as long as it is 35 days from the day notice is given. The earliest date would be September 9, 2020.

The Council hearing and decision will be scheduled for the first available Council meeting after the Commission adopts its recommendation to Council.

To help understand the legal context this information from the July 7 staff report is repeated. This Code amendment is to bring the Yamhill Development Code into compliance with State Law. Amendments to the Statutes addressing Needed Housing were adopted in 2016 and are now being incorporated into local codes statewide. The Statute language quoted below is the part of the Needed Housing package of amendments. This language is focused on streamline the processes for developing affordable housing. The relevant section is highlighted.

197.522 Local government to approve subdivision, partition or construction; conditions. (1) As used in this section:

(a) "Needed housing" has the meaning given that term in ORS 197.303.

(b) "Partition" has the meaning given that term in ORS 92.010.

(c) "Permit" means a permit as defined in ORS 215.402 and a permit as defined in ORS 227.160.

(d) "Subdivision" has the meaning given that term in ORS 92.010.

(2) A local government shall approve an application for a permit, authorization or other approval necessary for the subdivision or partitioning of, or construction on, any land for needed housing that is consistent with the comprehensive plan and applicable land use regulations.

(3) If an application is inconsistent with the comprehensive plan and applicable land use regulations, the local government, prior to making a final decision on the application, shall allow the applicant to offer an amendment or to propose conditions of approval that would make the application consistent with the plan and applicable regulations. If an applicant seeks to amend the application or propose conditions of approval

The practical impact of this language is there is no discretionary role in making decisions on partitions and subdivisions as the only finding necessary is if such applications meet Code design and development requirements. And, as there is no discretionary role, the Staff can make the initial decision rather than the Planning Commission. Appeals will go to the Planning Commission and then on to the Council, but decisions on appeals still must be purely based on clear and measurable Code requirements. These changes are being made to other development codes around the State.

The proposed language is attached as Exhibit A.

Recommendation

Staff recommends the Planning Commission, by motion, approve the proposed language for the purpose of holding a public hearing, and set that hearing date.

**Yamhill Readerboard Signs – Draft Ordinance
Planning Commission Discussion**

4.B.

Amend 10.64.030(G) as follows:

(G) **Readerboard Signs.** Readerboard signs are prohibited except for theater marquees ~~advertising only current presentations,~~ and automobile service ~~stations advertising only fuel prices.~~ No more than one readerboard sign shall be permitted for each theater and automobile service station. ~~Only permanently attached readerboard signs are allowed after permit is obtained.~~

Add a new Section 10.64.030(J) as follows and renumber accordingly:

(I) Electronic Message Center Signs (EMC) are permitted subject to the limitations shown in the table below:

Electronic Message Center Standards by Zone, Size, and Display Method

<u>Zoning</u>	<u>Size of EMC</u>	<u>Number of EMC Signs⁽¹⁾</u>	<u>Display Method</u>	
			<u>Static Message</u>	<u>Alternating Message</u>
<u>C-3 General Commercial PF Public Facility</u>	<u>Up to 24 sq. ft. for the changeable portion of the sign</u>	<u>One</u>	<u>Allowed</u>	<u>Allowed</u>
<u>L-I Light Industrial E-I Employment Industrial</u>	<u>Up to 24 sq. ft. for the changeable portion of the sign</u>	<u>One</u>	<u>Allowed</u>	<u>Prohibited</u>
<u>All Residential Zones</u>	<u>N/A</u>	<u>None</u>	<u>Prohibited</u>	<u>Prohibited</u>

- (1) Maximum size of EMC is limited by the maximum size of signs allowed in that zone. Any electronic changeable copy portion of a sign will have its area calculated at a rate two times that of other signs. Therefore, EMCs of the size shown may or may not be allowed.
- (2) Static Message - The display on the entire electronic message center stays constant for a period of at least 10 minutes, and during that period does not appear to change, move, scroll, vary color, or vary light intensity. A Static EMC will dim between the hours of 11 PM and 6 AM to no more than one-half its daytime luminosity
- (3) Alternating Message - The display on the entire electronic message center is held constant for a period of at least fifteen seconds and does not appear to change, move, scroll, vary color, or vary light intensity during that period and where the image transitions to another image instantly or in a transition of less than one second. An Alternating EMC will be turned off between the hours of 11 PM and 6 AM.

5.A



City of Yamhill

A small taste of Oregon

**CITY OF YAMHILL
CITY PLANNING COMMISSION MEETING
Council Chambers – 155 E 1st Street
Tuesday December 1, 2020 7:00 PM
MINUTES**

THIS MEETING WILL BE A TELECONFERENCE

Public Hearing – Planning Commission

1. **Call to Order** –Roll Call

Chair Prendergast called the meeting to order at 7:05 PM via the Zoom Teleconference.

Present by Teleconference: Chair Prendergast, Commissioners Moore, Fox and Player
Staff Present Teleconference: Lori Gilmore, City Recorder – John Morgan- City Planner

2. **Public Hearing:**

A. Public Hearing on Partition Application **PAR 20-02.**

This is an application for a request to partition a parcel of 115,752 square feet into two parcels of 16,000 and 99,752 square feet located at 990 E. Main Street, Yamhill.

Chair Prendergast opened the Public Hearing at 7:10pm for Partition # 20-02. There were no objections to jurisdiction. Prendergast asked those in attendance if there were any objections to the hearing notice or jurisdiction to hear this case, none followed. It was noted that no Commissioner declared Ex parte contact, conflict or bias. Commissioner Moore did declare he researched the property by using a satellite search using google earth.

The applicant was not present at the meeting for questions or comments. There were no statements received from proponents or opponents.

John Morgan reviewed the provided staff report for the proposed partition. The property has a single-family home at the northwest corner along with several out-buildings. The balance of the property is vacant. The proposal will allow construction of one new house on a lot carved out from a much larger lot. The lot configuration utilizes a new shared driveway along the west side of the property. This will be a permanent 25-foot access and utility easement to serve the existing house. The larger portion of the lot is large enough to be subdivided in the future. The property is zoned Single-Family Residential (R-2). The minimum lot size in the R-2 zone is 6,000 square feet.

Provision for the maintenance of a private access driveway shall be provided in the form of a maintenance agreement, homeowners association, or other instrument acceptable to the City Attorney. The applicable document shall be recorded against the deed record of each parcel, and if appropriate, placed on the final partitioning plat.

This agreement must be approved by the City Attorney and either reflected on the partition plat or recorded at the same time as the partition plat.

As there are no street improvements along the Main Street frontage between Balm Street and Stillers Mill Road, the final grade has not been established, and the larger portion of the property is likely to subdivide in the future, no street improvements will be required at this time. However, a performance agreement assuring future participation in street improvements will be recorded against both properties at the time of recording a partition plat in accordance with Municipal Code Section 11.20.040(C).

In order to comply with ODOT requirements and to help prevent accidents on Highway 240 (Main Street), the new small lot will have no direct access to the Highway. Access will be shared with the existing house via a common driveway.

Commissioner Player questioned if a section of the property was in a flood plain and how that would affect new development. Morgan responded that where the new proposed lot is located, it should not be impacted by a flood plain but will be reviewed during the building permit process.

Chair Prendergast closed the Public Hearing at 7:16pm and asked for the Commissioner's deliberation. No questions or comments followed, and consensus was that the criteria for the findings has been met.

Prendergast made motion; Moore seconded to approve Partition #20-02 with the following conditions of approval and adopt findings contained in the Staff Report.

- All access to both lots will be taken from a single combined driveway to Highway 240.
- A new plat reflecting the partition will be recorded with Yamhill County in the manner prescribed by the County Surveyor.
- Prior to the recordation of the plat, requirements shall be met for City approval of a performance and non-remonstrance agreement for street improvements.
- A copy of the recorded partition plat will be provided to the City.

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

Motion Carried.

Regular Meeting – Planning Commission

Regular meeting opened by Chair Prendergast at 7:20pm.

3. Public Comment:

None Received.

4. **New Business:**

A. None scheduled.

5. **Unfinished Business:**

A. Discuss reviewing Municipal Code 10.64.030 (G) regarding reader board signs.

During the July 6, 2020 Planning Meeting, an approval was initiated for considering amending the Municipal Code to consider allowing reader boards in the Commercial and Public Facility Zones. A draft of suggested readerboard provisions was provided that included;

- One readerboard is permitted per site or multi-tenant complex and shall only be allowed as a freestanding or wall sign permanently mounted to the ground or a structure.
- The changeable copy portion of a readerboard may be no higher than 12 feet above grade.
- The changeable copy portion of a sign may not exceed 24 square feet in area.
- Any electronic changeable copy portion of a sign will have its area calculated at a rate two times that of other signs.

Discussion continued regarding very specific regulations with possible restricted hours for display, illumination standards as well as only allowing in Public Facility Zones. Consensus was to table the discussion until the next scheduled meeting to allow Planner Morgan to research further regulations and submit a draft of the code amendment that is specific to the Commissions concerns.

6. A. Approval of Planning Commission Minutes from September 15, 2020.

Moore made motion, seconded by Fox to approve minutes.

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

The Motion Carried.

B. Schedule next Planning Commission Meeting.

Consensus is to tentatively schedule the next Meeting for Tuesday, January 5, 2021.

C. Commissioner Comments/Discussion

None Received.

7. **Information/Announcements:**

A. Vacancies:

Budget Committee – 2 members-

Planning Commission – 1 member- Applications are available at City Hall.

8. **Adjournment 7:50pm**

Prendergast made motion to adjourn, Fox seconded.

All in favor, meeting adjourned at 7:50pm

Respectfully Submitted:
Lori Gilmore
City Recorder/Treasurer