



City of Yamhill

A small taste of Oregon

AGENDA

CITY OF YAMHILL, CITY COUNCIL MEETING

Council Chambers – 155 E 1st Street

Wednesday, November 4, 2020

5:00 P.M.

SPECIAL MEETING

THIS MEETING WILL BE A TELECONFERENCE

Zoom Meeting

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

Meeting ID: 508 134 3849

1. **CALL TO ORDER:** Roll Call

2. **ORDINANCES:**

FIRST READING:

A. None Scheduled

SECOND READING:

A. Consider adopting Ordinance 0-528 an Ordinance of the City of Yamhill amending chapter 10 of the municipal code, adopting new provisions concerning duplexes on corner lots and declaring an emergency. (Charter Chapter IV, Section 17, adopting an ordinance at a single meeting) Ordinance No. O-528 will be available. Ordinance posted: October 02, 2020 (Charter Chapter IV, Section 16(b).) First reading October 14, 2020.

B. Consider adopting Ordinance 0-529 an Ordinance of the City of Yamhill amending chapter 10 of the municipal code, adopting new provisions concerning Side Yard Setbacks and declaring an emergency. (Charter Chapter IV, Section 17, adopting an ordinance at a single meeting) Ordinance No. O-529 will be available. Ordinance posted: October 02, 2020 (Charter Chapter IV, Section 16(b).) First reading October 14, 2020.

3. **NEW BUSINESS:**

A. Approve hiring of part-time Utility Worker I, effective November 5, 2020.

4. **ADJOURNMENT:**

**** Yamhill City Council meetings are accessible for disabled individuals. The City will also endeavor to provide services for persons with impaired hearing or vision and other services, if requested, at least 48 hours prior to the meeting. To obtain services, please call City Hall at (503)662-3511 ****

City Council Meeting

Wednesday, November 4, 2020 @ 5:00p.m.

TELECONFERENCE MEETING

NOTICE: City officials expect all citizens and Committee Members to use the phone number link 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:

(669) 900-6833, (346) 248-7799 or
(253) 215-8782

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

Meeting ID: 508 134 3849

Due to the meeting being a Teleconference, 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

ORDINANCE NO. 528

AN ORDINANCE OF THE CITY OF YAMHILL AMENDING CHAPTER 10 OF THE MUNICIPAL CODE, ADOPTING NEW PROVISIONS AND DECLARING AN EMERGENCY

WHEREAS, The Yamhill Planning Commission held a public hearing on September 15, 2020, concerning proposed changes to Chapter 10 zoning provision of the city zoning code; and

WHEREAS, the Planning Commission reviewed and proposed to the City Council certain revisions to Chapter 10 of the Yamhill Municipal Code; and

WHEREAS, the City Council has received the recommendation of the Planning Commission and held a public hearing on the proposed changes to Yamhill Municipal Code Chapter 10 on October 14, 2020; and

WHEREAS, the City Council desires to adopt new provisions relating to the ability to divide duplexes and the lots on which they are located so that each dwelling unit in a duplex structure can be sold independently;

NOW, THEREFORE, THE CITY OF YAMHILL ORDAINS AS FOLLOWS:

Section 1. Amendment of Chapter 10. The Yamhill City Council here by adopts amendments to Chapter 10 of the Yamhill Municipal Code as set forth in Exhibit A hereto entitled "Yamhill Development Code-Division of Duplex Lots," which amendments are incorporated into this ordinance as if set forth verbatim herein, and adopts Findings-Of-Fact to support this action as set forth in Exhibit B.

Section 2. Codification. The City Recorder is hereby directed to codify this ordinance as a part of the Yamhill Municipal Code.

Section 3. Emergency Clause and Effective Date. This Ordinance being essential to the preservation of the health, safety and welfare of the city, an emergency is hereby declared to exist, and this ordinance shall take effect immediately upon its passage by the City Council and approval by the Mayor.

PASSED by the City Council on the 4th day of November 2020, by the following votes:

Ayes:

Nays:

Abstained:

Absent:

First Reading on: October 14, 2020

Second Reading on: November 4, 2020

Approved and signed by the Mayor this day of November 2020.

Mayor, Yvette Potter

Attest:

City Recorder, Lori Gilmore

EXHIBIT A

Amend Chapter 10 of the Development Code making these edits:

R-1 Zone

10.12.070 Lot Size and Width.

(A) In an R-1 zone, except as noted in Section (B) below, the minimum requirements for lot area shall be 7,000 square feet for each dwelling, including a legally established two-family dwelling. The width of the lot at the building line shall be not less than 60 feet. The depth of the lot shall not be less than 90 feet.

(B) In an R-1 zone, a lot on which a legally established two-family dwelling exists or is being built may be divided so as to allow the two-family dwelling to be divided and have separate ownerships of each dwelling and the associated portion of the original lot providing all State of Oregon Residential requirements are met. The minimum requirements for lot area shall be no less than 50% of the minimum required lot area for a non-divided two-family dwelling. The width of each lot at the building line shall be not less than 30 feet. The depth of the lot shall not be less than 90 feet.

R-2 Zone

10.16.070 Lot Size and Width.

(A) In an R-2 zone, except as noted in Section (B) below, the minimum requirements for lot area shall be 6,000 square feet for each dwelling and 7,000 square feet for a legally established two-family dwelling. The width of the lot at the building line shall be not less than 60 feet. The depth of the lot shall not be less than 90 feet.

(B) In an R-2 zone, a lot on which a legally established two-family dwelling exists or is being built may be divided so as to allow the two-family dwelling to be divided and have separate ownerships of each dwelling and the associated portion of the original lot providing all State of Oregon Residential Structure Specialty Code requirements are met. The. The minimum requirements for lot area shall be no less than 50% of the minimum required lot area for a non-divided two-family dwelling. The width of each lot at the building line shall be not less than 30 feet. The depth of the lot shall not be less than 90 feet.

R-3 Zone

10.20.070 Lot Size and Width.

(A) In an R-3 zone, except as noted in Section (C) below, the minimum requirements for lot area shall be 6,000 square feet. The width of the lot at the building line shall be not less than 60 feet. The depth of the lot shall not be less than 90 feet.

(B) Each additional dwelling unit shall require 2,000 square feet of lot area (See table). No main building or group of main buildings shall occupy more than 60% of the lot area, and no detached accessory structure may occupy more than 25% of any side or rear yard.

Multifamily Dwelling Lot Area Requirements

No. of Dwelling Units	Lot Area (Sq. Ft.)
1	6,000
2	8,000
3	10,000
4	12,000
5	14,000
6	16,000
7	18,000
8	20,000
9	22,000
10	24,000
15	34,000
20	44,000

(C) In an R-3 zone, a lot on which one legally established two-family dwelling exists or is being built may be divided so as to allow the two-family dwelling to be divided and have separate ownerships of each dwelling and the associated portion of the original lot providing all State of Oregon Residential Structure Specialty Code requirements are met. The minimum requirements for lot area shall be no less than 50% of the minimum required lot area for a non-divided two-family dwelling. The width of each lot at the building line shall be not less than 30 feet. The depth of the lot shall not be less than 90 feet.

RM Zone

10.21.070 Lot Size, Width, and Depth.

In an RM zone, except as noted in Section (B) below the minimum requirements for lot area shall be 6,000 square feet. The width of a lot at the building line shall be not less than 60 feet, and the depth of a lot shall be not less than 90 feet.

(B) In an RM zone, a lot on which one legally established two-family dwelling exists or is being built may be divided so as to allow the two-family dwelling to be divided and have separate ownerships of each dwelling and the associated portion of the original lot providing all State of Oregon Residential Structure Specialty Code requirements are met. The minimum requirements for lot area shall be no less than 50% of the minimum required lot area for a non-divided two-family dwelling. The width of each lot at the building line shall be not less than 30 feet. The depth of the lot shall not be less than 90 feet.

EXHIBIT B

Findings-Of-Fact

FINDING: Yamhill Code section 10.132.090 establishes the criteria for an amendment to the Comprehensive Plan. Previously the Planning Commission and City Council have established these criteria also apply to amendments of the Development Code. That section reads:

10.132.090 Findings Required for Granting a Comprehensive Plan Amendment. The Planning Commission and City Council shall analyze the following points and, in a written form, incorporate such findings in its decision.

- (A) That there is a public need for a comprehensive plan amendment.
- (B) That there was an error in the original comprehensive plan.
- (C) That there is a need to change the currently adopted comprehensive plan.
- (D) That there is an inadequacy of other comparatively planned and/or zoned land currently available to satisfy the public need.
- (E) That the property proposed to be changed is the best property available for the comprehensive plan amendment.
- (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.
- (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.
- (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.
- (I) That the proposed comprehensive plan amendment will have no adverse effect on abutting property or the permitted uses thereof.

FINDING: Section 10.132.090 includes many criteria appropriate for consideration of a land use application effective a specific parcel or parcels of property and not appropriate for adoption of a text amendment. In the findings that follow the criteria that are not applicable are so noted.

CRITERIA: That there is a public need for a comprehensive plan amendment

FINDING: Yamhill Municipal Code Title 10 – Zoning (Yamhill Development Code) includes provisions allowing duplexes in all zones if lot size minimums are met. The proposal allows a lot and duplex structure to be created or divided so that each half of a duplex can be sold. It does not increase the potential number of duplexes or reduce the required original lot size. While the City does not have a current Buildable Lands Inventory or Housing Need Analysis, antidotal

evidence and the experience of Planning Commissioners supports the desirability of this provision as it increases the opportunity for home ownership for a portion of the population desiring or needing a smaller more-affordable home. Without this text amendment important and needed housing choices will be available. This criterion is met.

CRITERIA: That there was an error in the original comprehensive plan

FINDING: This criterion is not applicable as it relates to an error on the land use map.

CRITERIA: That there is a need to change the currently adopted comprehensive plan

FINDING: This criterion is not applicable as it relates to an amendment of the Comprehensive Plan text or map. The proposed changes are to the Zoning chapter of the Municipal Code. However, there is a need to change those standards as they are inconsistent with good planning, design, and development processes. The criterion is met.

CRITERIA: That there is an inadequacy of other comparatively planned and/or zoned land currently available to satisfy the public need

FINDING: This criterion is not applicable as it relates to property, not a text amendment.

CRITERIA: That the property proposed to be changed is the best property available for the comprehensive plan amendment

FINDING: This criterion is not applicable as it relates to property, not a text amendment.

CRITERIA: 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.

FINDING: The proposed amendment helps to implement Statewide Planning Goal 10 – Housing. While this cannot be quantified without a Housing Need Analysis, the amendment will increase housing opportunity by creating an additional option for homeownership for those desiring a smaller or more affordable home. The criterion is met.

CRITERIA: 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

FINDING: This criterion is not applicable as it relates to property, not a text amendment.

CRITERIA: 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

FINDING: This criterion is not applicable as it relates to property, not a text amendment.

CRITERIA: That the proposed comprehensive plan amendment will have no adverse effect on abutting property or the permitted uses thereof

FINDING: The proposed amendment does not increase density and therefore will have no impact on abutting property greater than that currently allowed in the Development Code. The criterion is met.

CITY OF YAMHILL
ORDINANCE NO. 529

AN ORDINANCE OF THE CITY OF YAMHILL AMENDING CHAPTER 10 OF THE MUNICIPAL CODE, ADOPTING NEW PROVISIONS AND DECLARING AN EMERGENCY

WHEREAS, The Yamhill Planning Commission held a public hearing on September 15, 2020, concerning proposed changes to Chapter 10 zoning provision of the city zoning code; and

WHEREAS, the Planning Commission reviewed and proposed to the City Council certain revisions to Chapter 10 of the Yamhill Municipal Code; and

WHEREAS, the City Council has received the recommendation of the Planning Commission and held a public hearing on the proposed changes to Yamhill Municipal Code Chapter 10 on October 14, 2020; and

WHEREAS, the City Council desires to adopt new provisions relating to the side-yard setback in the R-2 (Residential Single Family) zone.

NOW, THEREFORE, THE CITY OF YAMHILL ORDAINS AS FOLLOWS:

Section 1. Amendment of Chapter 10. The Yamhill City Council here by adopts amendments to Chapter 10 of the Yamhill Municipal Code as set forth in Exhibit A hereto entitled "Yamhill Development Code-Side Yard Setbacks in the R-2 Zone," which amendments are incorporated into this ordinance as if set forth verbatim herein, and adopts Findings-Of-Fact to support this action as set forth in Exhibit B.

Section 2. Codification. The City Recorder is hereby directed to codify this ordinance as a part of the Yamhill Municipal Code.

Section 3. Emergency Clause and Effective Date. This Ordinance being essential to the preservation of the health, safety and welfare of the city, an emergency is hereby declared to exist, and this ordinance shall take effect immediately upon its passage by the City Council and approval by the Mayor.

PASSED by the City Council on the 4th day of November 2020, by the following votes:

Ayes:

Nays:

Abstained:

Absent:

First Reading on: October 14, 2020

Second Reading on: November 4, 2020

Approved and signed by the Mayor this day of November 2020.

Mayor, Yvette Potter

Attest:

City Recorder, Lori Gilmore

EXHIBIT A

Amend Chapter 10 of the Development Code making these edits:

10.16.060 Yard Requirements.

In an R-2 zone, each lot shall have yards of the following size unless provided for in Chapter 10.76:

(B) Side Yards. There shall be a side yard on each side of the main building on every lot in an R-2 zone in width of ~~seven and one-half~~ five feet. A side yard on the street side of a corner shall be not less than ~~20~~ 10 feet.

EXHIBIT B

Findings-Of-Fact

FINDING: Yamhill Code section 10.132.090 establishes the criteria for an amendment to the Comprehensive Plan. Previously the Planning Commission and City Council have established these criteria also apply to amendments of the Development Code. That section reads:

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- (B) That there was an error in the original comprehensive plan.
- (C) That there is a need to change the currently adopted comprehensive plan.
- (D) That there is an inadequacy of other comparatively planned and/or zoned land currently available to satisfy the public need.
- (E) That the property proposed to be changed is the best property available for the comprehensive plan amendment.
- (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.
- (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.
- (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.
- (I) That the proposed comprehensive plan amendment will have no adverse effect on abutting property or the permitted uses thereof.

FINDING: Section 10.132.090 includes many criteria appropriate for consideration of a land use application effective a specific parcel or parcels of property and not appropriate for adoption of a text amendment. In the findings that follow the criteria that are not applicable are so noted.

CRITERIA: That there is a public need for a comprehensive plan amendment

FINDING: Yamhill Municipal Code Title 10 – Zoning (Yamhill Development Code) includes provisions allowing duplexes in all zones if lot size minimums are met. The proposal allows a lot and duplex structure to be created or divided so that each half of a duplex can be sold. It does not increase the potential number of duplexes or reduce the required original lot size. While the

City does not have a current Buildable Lands Inventory or Housing Need Analysis, antidotal evidence and the experience of Planning Commissioners supports the desirability of this provision as it increases the opportunity for home ownership for a portion of the population desiring or needing a smaller more-affordable home. Without this text amendment important and needed housing choices will be available. This criterion is met.

CRITERIA: That there was an error in the original comprehensive plan

FINDING: This criterion is not applicable as it relates to an error on the land use map.

CRITERIA: That there is a need to change the currently adopted comprehensive plan

FINDING: This criterion is not applicable as it relates to an amendment of the Comprehensive Plan text or map. The proposed changes are to the Zoning chapter of the Municipal Code. However, there is a need to change those standards as they are inconsistent with good planning, design, and development processes. The criterion is met.

CRITERIA: That there is an inadequacy of other comparatively planned and/or zoned land currently available to satisfy the public need

FINDING: This criterion is not applicable as it relates to property, not a text amendment.

CRITERIA: That the property proposed to be changed is the best property available for the comprehensive plan amendment

FINDING: This criterion is not applicable as it relates to property, not a text amendment.

CRITERIA: 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.

FINDING: The proposed amendment helps to implement Statewide Planning Goal 10 – Housing. While this cannot be quantified without a Housing Need Analysis, the amendment will increase housing opportunity by creating an additional option for homeownership for those desiring a smaller or more affordable home. The criterion is met.

CRITERIA: 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

FINDING: This criterion is not applicable as it relates to property, not a text amendment.

CRITERIA: 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

FINDING: This criterion is not applicable as it relates to property, not a text amendment.

CRITERIA: That the proposed comprehensive plan amendment will have no adverse effect on abutting property or the permitted uses thereof

FINDING: The proposed amendment does not increase density and therefore will have no impact on abutting property greater than that currently allowed in the Development Code. The criterion is met.