



**City of Yamhill**  
A small taste of Oregon

# **Planning Commission Packet**

**December 16, 2024**

**6:30 pm**

## STAFF REPORT

**TO:** Yamhill Planning Commission  
**FROM:** Walt Wendolowski, Contract Planner  
**SUBJECT:** Conditional Use/Variance File No. 24-06  
**DATE:** December 9, 2024

### 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 vacant subject area 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).
- 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 will include a 25.375 square foot 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. 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.
- D. 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.
- E. 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 simply 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. 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. 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. Staff finds the wall sign complies with the sign requirements, and except for obtaining a sign permit, the request requires no further action. 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, their 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 MEMORANDUM

**TO:** Yamhill Planning Commission  
**FROM:** Walt Wendolowski, Contract City Planner  
**SUBJECT:** Title 11, Land Divisions  
**DATE:** December 4, 2024

### I. BACKGROUND

With the encouragement of the City Council, the Commission began the review of Title 11, Land Divisions to determine whether updates or changes were necessary. Initially, the Commission intended to merge Title 11 with Title 10, Development Code, to create a unified document.

However, after beginning the project, the City received two grants to addresses housing needs and downtown improvements. Both grants would entail code amendments to Title 10. Given the potential for conflict between the two projects and Title 11, and the lack of additional grant funding to coordinate all three efforts, Title 11 would remain a separate ordinance with the intent of merging Titles 10 and 11 at a future date.

Attached to this memorandum is the proposed updated Title 11. The following Section reviews the material.

### II. REVIEW

There are seven Chapters in Title 11. The following summarizes each chapter and notes significant changes from current regulations.

#### A. Chapter 11.04 - General Information.

1. 11.04.010 Purpose. The intent of Title 11 is to establish standards for the review of the following land divisions: property boundary adjustments, partitions, subdivisions, and replats.
2. 11.04.020 Applicability and Relationship to Title 10. The regulations apply to the division of land in all zones listed in Title 10. All Title 11 applications are administrative (i.e., staff level) decisions. The Commission is only involved when a request includes a variance, hears an appeal, or an applicant requests a Commission review.
3. 11.04.030 Administration. The City administrator or designee administers Title 11.
4. 11.04.040 Scope of Regulations. This Section lists the four types of applications and review levels. Replats require a subdivision review.
5. 11.04.050 Serial Partitions. If additional divisions of the original parcel are possible, the request is reviewed as a subdivision.



6. 11.04.060 Planned Unit Developments. These are subject to regulations in Title 100 and not reviewed as part of Title 11.
  7. 11.04.070 Variances. The Commission concurrently hears a land division with a variance. The variance criteria in Title 10 apply.
  8. 11.04.080 Definitions. Contains all definitions particular to Title 11.
  9. 11.04.090 Fees. The City may charge a fee for an application.
- B. Chapter 11.08 Lots and Parcels. This Chapter is solely focused on the design standards for the individual lots or parcels, mirroring current regulations. There is a 40-foot minimum street access, 25-feet for a cul-de-sac “bulb.” A private street or easement is optional if a public street access is infeasible, e.g., a deep parcel. The Section includes flag lot requirements, discourages through lots, requires inclusion of easements where appropriate, and prohibits lot averaging. The language eliminates previous references to townhouse developments and planned unit developments.
- C. Chapter 11.12 Street Standards. This Chapter includes all material in the current Title 11 related to street design.
1. 11.12.010 Street Standards. The proposed language is like the current requirements (existing Chapter 11.24) with some minor editing. Language eliminates references to PUDs as were references to the Planning Commission. Eliminated provisions for streets located adjacent to a railroad.
  2. 11.12.020 Private Streets and Easements. These follow existing regulations with minor editing. “Private access driveway” is now a “private access easement.” The regulations reduce the easement length from 300-feet to 200-feet. It is important to note current regulations refer to the number of dwelling units served by an easement. Since state housing law allows duplexes where single family homes are permitted, the reference was changed to the number of lots or parcels. Since more dwelling units may be possible, reducing the easement length seemed appropriate. Easements required turn-arounds if they exceed 150-feet with the design acceptable to the Fire District.
- D. Chapter 11.16 Property Boundary Adjustment. With a few minor editing changes, the proposed regulations mirror current requirements. One major change was application of partition standards. Current regulations require the City to review a property boundary adjustment as a partition if the adjustment exceeds 10% of the total area of any affected parcel. The regulations eliminate this requirement.
- E. Chapter 11.20 Partitions.
1. 11.20.010 Application and Review. With few minor editing changes, the proposed regulations mirror current requirements. Staff may modify the application requirements, provided there is sufficient information.
  2. 11.20.020 Improvement Requirements and Final Plat. This Section contains all references to improvement and final plat requirements for partitions,

separate from the subdivision Chapter. Note that these were previously mixed together, causing some confusion. The idea here is to have one chapter covering partitions from submittal to final recording. An applicant has two years – not one year – in which to record a final plat.

3. 11.20.030 Expedited Land Division. An applicant has the option to request an expedited review. This is likely a moot point as the proposed language fast-tracks an application.

F. Chapter 11.24 Subdivisions.

1. 11.24.010 Application and Review Process. The provisions mirror current requirements for the application and decision criteria except that staff is now the reviewing authority. Regulations eliminate all references to planned unit developments. The application requirements were edited for clarity. In addition to the subdivision decision criteria, there are additional criteria for phased development. The key issue is the facility improvements must be adequate to serve each phase, and the eventual final product, and prohibits the use of temporary facilities.
2. 11.24.020 Subdivision Design Requirements. All the design requirements specific to subdivisions are in this section. Besides compliance with lot design and street standards, this section includes the standards for block length, traffic circulation, accessways, and so forth, again following current regulations with minor editing.
3. 11.24.030 Improvement Requirements and Final Plat. This Section includes all references for improvement and final plat requirements for subdivisions. The standards and requirements are like the current subdivision improvement and platting requirements with staff assuming some of the roles of the Commission regarding the final plat. Again, the idea is to have one chapter covering subdivisions from submittal to final recording. An applicant has two years – not one year – in which to record a final plat and must record all phases of a phased development within 10 years. Regulations eliminate provisions for park and recreational dedication. The master park plan directs park purchases which are funded through system development charges.
4. 11.24.040 Expedited Land Division. As with a partition, an applicant has the option to request an expedited review. Again, this is likely a moot point as the proposed language fast-tracks an application.

G. Chapter 11.28 Application and Review Procedures. Since these applications require administrative review, Title 11 includes a new chapter outlining procedures.

1. 11.28.010 Procedure for Type I Action. Property boundary adjustments are subject to a Type I application. This is the simplest form of a staff review. The applicant(s) submit a complete application and fee. Staff in turn reviews the application and makes a decision. Only the applicant receives notice of the decision and may appeal the decision to the Commission.
2. 11.28.020 Procedure for Type II Action. As above, a developer submits the application to the City for staff review. In this case, the City mails notice of

the application to adjacent property owners. Adjacent owners have 14 days in which to comment on the application by letter or email. At the end of the 14-day time period, staff reviews the application against the decision criteria, and area owner comments, and then renders a decision. The decision is mailed to the applicants and those who submitted comments. Those receiving notice have the right to appeal the staff decision to the Planning Commission, and eventually the Council. Note that an applicant may request the Commission review the application in lieu of staff. The staff report – as now – would be in the form of a recommendation to the Commission. The Commission process would comply with provisions in Chapter 10.128 of Title 10 and remains appealable to the Council.

3. 11.28.030 Procedure for Appeal. This section covers the appeal process for a staff land division decision.
4. 11.28.040 Conditions of Approval – Type I and Type II Applications. This section simply allows staff to include conditions of approval. Bear in mind that Type I and Type II administrative decisions follow clear and objective guidelines so that the purpose of the conditions is to ensure compliance with the applicable development requirements.

### III. SUMMARY

We will begin reviewing this material as a work session at the December 16 Commission meeting.

## Title 11 - LAND DIVISIONS

### **Chapters:**

<b>11.04</b>	<b>General Information</b>
<b>11.08</b>	<b>Design Standards</b>
<b>11.12</b>	<b>Street Standards</b>
<b>11.16</b>	<b>Property Boundary Adjustments</b>
<b>11.20</b>	<b>Partitions</b>
<b>11.24</b>	<b>Subdivisions</b>
<b>11.28</b>	<b>Administration</b>

## Chapter 11.04 GENERAL INFORMATION

### Sections:

- 11.04.010 Purpose.**
- 11.04.020 Applicability and Relationship to Title 10.**
- 11.04.030 Administration.**
- 11.04.040 Scope of Regulations**
- 11.04.050 Serial Partitions.**
- 11.04.060 Planned Unit Developments.**
- 11.04.070 Variances.**
- 11.04.080 Definitions.**
- 11.04.090 Fees.**

### **11.04.010 Purpose.**

The purpose of this Chapter is to establish standards and procedures for the dividing of land in the City. These regulations are necessary to provide uniform procedures and standards for land divisions, to assure adequate width and arrangements of streets, to coordinate proposed development with plans for utilities and other public facilities, to avoid undue congestion of population, to assure adequate sanitation and water supply to provide for the protection, conservation, and proper use of land, and to protect the public health, safety, and welfare.

### **11.04.020 Applicability and Relationship to Title 10.**

- (A) Unless otherwise specifically prohibited by the underlying zone, land division regulations contained in Title 11 shall apply to all zones listed in Title 10.
- (B) Land divisions are administrative decisions appealable to the Planning Commission. An appeal of the Planning Commission to the City Council is subject to provisions in Chapter 10.128 of Title 10.
- (C) The Planning Commission shall review land divisions involving a variance, subject to provisions in Chapter 10.128 of Title 10.

### **11.04.030 Administration.**

The City Administrator of the City of Yamhill shall administer Title 11, Land Divisions. Unless otherwise specifically prohibited by Charter, the City Administrator is granted the authority to delegate his/her duties under this Title.

### **11.04.040 Scope of Regulations.**

The regulations contained in this Title 11 shall govern property boundary adjustments, partitions, subdivisions, and replats. These shall be administrative decisions and subject to procedures in Chapter 11.28 – Administration. The following shall determine the appropriate process:

- (A) Property Line Adjustments. Property line adjustments do not divide land but adjust boundaries between properties or consolidate property by eliminating a boundary. These are subject to the Type I application procedures in Chapter 11.28.
- (B) Partition. The City shall process a land division creating two or three parcels within a calendar year as a Partition, subject to the general design provisions in Chapter 11.08, street design requirements in Chapter 11.12, and improvement standards for a Partition in Chapter 11.20. Partitions are subject to the Type II application procedures in Chapter 11.28.
- (C) Subdivision. A land division creating four or more lots within a calendar year shall be processed as a Subdivision and subject to the general design provisions in Chapter 11.08, street design requirements in Chapter 11.12, and the design standards and improvement requirements for a Subdivision in Chapter 11.24. Subdivisions are subject to the Type II application procedures in Chapter 11.28.
- (D) Replat. A replat alters the platted lots and easements of existing subdivisions. It differs from a property boundary adjustment in that it reconfigures an existing subdivision plat to increase or decrease the number of lots. For this reason, this Title classifies replats as subdivisions and subject to the general design provisions in Chapter 11.08, street design requirements in Chapter 11.12, and the design standards and improvement requirements for a Subdivision in Chapter 11.24. Replats are subject to the Type II application procedures in Chapter 11.28.

**11.04.050 Serial Partitions.**

If a Partition results in the creation of a large parcel that can be subsequently divided so that there is the potential to create more than three parcels from the original, the request is classified as a Subdivision and subject to provisions in 11.04.040(C) above.

**11.04.060 Planned Unit Developments.**

A planned unit development can divide property but allow greater flexibility in such design factors as lot size, street width, and specific amenity requirements. Title 10, Chapter 10.124 contains the specific requirements and procedures for a Planned Unit Development. This type of development is not subject to Title 11 provisions.

**11.04.070 Variances.**

Any request to vary or modify the quantitative standards in Title 11 shall be subject to the variance provisions outlined in Title 10, Chapter 10.100. The Planning Commission shall review land divisions involving a variance, subject to provisions in Chapter 10.128 of Title 10.

**11.04.080 Definitions.**

As used in this title, unless it is apparent from the context that it intends a different meaning, the words and phrases below shall have the following meaning.

**Abut** means to border on a given line, e.g., a given street right-of-way.

**Applicant** means any person who makes application to the City for approval of a subdivision or partition plan.

**Building lines** means the lines indicated on the subdivision plat or otherwise described, limiting the area upon which structures may be erected.

**City** means the City of Yamhill, Oregon.

**Comprehensive Plan** means a plan adopted by Ordinance No. 350 as a guide in the growth and improvement of the City.

**Easements** means a grant of the right to use a strip of land for specific purposes.

**Master Plan** means a map or layout that establishes the long-term development of a subdivision, planned unit development or future partitioning potential of larger parcels.

**Owner** means the owner of record of real property as shown on the latest tax rolls of Yamhill County or by the deed records of said county or a person who is purchasing a parcel of the property under contract.

**Parcel** means a unit of land created by a partitioning of land.

**Partitioning** means the division of an area or tract of land into two or three parcels within a calendar year and when such area or tract of land exists as a unit or contiguous units of land under single ownership at the beginning of such year. **Partitioning land** does not include division of land resulting from lien, foreclosure; divisions of land resulting from the creation of cemetery lots; and divisions of land made pursuant to a court order, including, but not limited to, court orders in proceedings involving testate or intestate successions; and partition land does not include any adjustment of a lot line by the relocation of a common boundary where an additional parcel is not created and where the existing parcel reduced in size by the adjustment is not reduced below the minimum lot size established by any applicable zoning requirement.

**Partitioning plat** means and includes a final map and other writing containing all the descriptions, locations, specifications, provisions, and information concerning a partition.

**Pedestrian way** means a right-of-way for pedestrian traffic.

**Planning Commission** means the Planning Commission of the City of Yamhill.

**Plat** means the final map, diagram, drawing, replat, and other writing containing the description, location, specifications, dedications, provisions, and other information concerning a subdivision, replat, or partition plat.

**Property line** means the division line between two units of land.

**Property boundary adjustment** means the relocation of a common property line between two abutting properties.

**Replat** means the act of platting the lots, parcels, and easements in a recorded subdivision or partition plat to achieve a reconfiguration of the existing subdivision or partition plat or to increase or decrease the number of lots in the subdivision.

**Right-of-way** means the area between boundary lines of a street or dedicated easement.

**Roadway** means the portion or portions of a street right-of-way developed for vehicle traffic.

**Sidewalk** means a pedestrian walkway with permanent surfacing.

**Street** means the entire width between the boundary lines of a public way provided for vehicular and pedestrian traffic, and the placement of utilities and including road, highway, lane, place, avenue, alley, or similar designations.

- (1) **Alley** means a narrow street through a block primarily for access by service vehicles to the back or side of properties that front another street.

- (2) **Arterial** means a street of considerable continuity which is primarily for intercommunication among large areas.
- (3) **Collector** means a street supplementary to the arterial street system and a means of intercommunication between this system and smaller areas; used partly by through traffic and partly for access to abutting properties.
- (4) **Cul-de-sac (dead-end street)** means a short street with one end open to traffic and the other terminated by a vehicle turn-around.
- (5) **Half-street** means a portion of the width of a street, usually along the edge of a subdivision where a future subdivision or development provides the remaining portion of the street.
- (6) **Marginal access street** means a minor street parallel and adjacent to a major arterial street providing access to abutting properties but protected from through traffic. Also known as a frontage road.
- (7) **Minor street** means a street intended primarily for access to abutting properties.

**Subdivide land** means to divide land into four or more lots within a calendar year.

**Subdivision** means either an act of subdividing land of an area or a tract of land subdivided.

**Subdivision plat** means and includes a final map and other writing containing all the descriptions, locations, specifications, dedications, provisions, and information concerning a subdivision.

#### **11.04.090 Fees.**

- (A) The City shall charge a fee for the review of the tentative and final plans as required by this Title. The City Council shall establish fees by Council resolution.
- (B) The above referenced fees shall be in addition to any required State or County fees and/or charges.



## Chapter 11.08 Lots and Parcels.

### Sections

#### 11.08.010 Design Standards.

#### 11.08.010 Design Standards.

The following standards shall apply to both proposed Partitions and Subdivisions.

- (A) Minimum Area. Minimum lot or parcel area shall conform to the requirements of the zoning district in which the parcel is located. Where the slope of the ground exceeds 10% in any direction for more than 60% of the buildable area of a lot or parcel, the area of a shall be increased according to the following table:

11 to 15% slope	Minimum area plus 20%
16 to 20% slope	Minimum area plus 50%
21 to 25% slope	Minimum area plus 100%
Over 25% slope	Minimum area plus 200%

- (B) Access.

- (1) All new residential lots or parcels shall provide a minimum of 40-feet of frontage on an existing or proposed public street, or 25-feet of frontage along a cul-de-sac. A private street or private access easement may access a residential lot or parcel when developed in accordance with the provisions of Section 11.12.020 when it is determined that a public street access is:
- (a) Infeasible due to parcel shape, terrain, or location of existing structures; and
  - (b) Unnecessary to provide for the future development of adjoining property.
- (2) All new lots or parcels for commercial, industrial, or public uses must provide, at a minimum, street frontage wide enough for a driveway. Alternatively, a commercial, industrial, or public property may use a private street or private access easement when in compliance with items (a) and (b) in subsection (B)(1) above.

- (C) Flag Lots. A flag lot shall be subject to the following development standards:

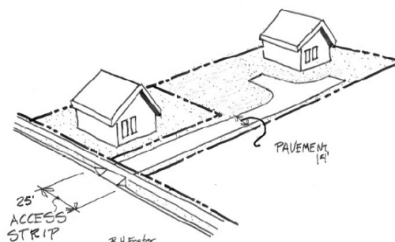


Figure 1 - Flag Lot Access

- (1) The access strip shall be a minimum of 20-feet in width. The improved surface shall be a minimum of 14-feet in width.
  - (2) If the length of the access strip exceeds 150-feet, the parcel or lot shall include a turn-around area per local Fire District requirements.
  - (3) The lot area calculation shall not include the access strip.
- (D) Residential Through Lots. The layout shall avoid through lots except where essential to provide separation of residential development from traffic arteries, adjacent non-residential activities, or to overcome specific disadvantages of topography.
- (E) Lot/Parcel Side Lines. The side lines of lots, as far as practicable, shall run at right angles to the public street, private street, or private access easement upon which the lot or parcel faces.
- (F) Utility Easements. Where necessary to accommodate public utilities, the lot or parcel shall include an easement with the easement width conforming to the private utility and/or adopted Public Works Design Standards.
- (G) Lot Averaging. All lots must meet the minimum lot size requirements of the zone; lot averaging is not permitted.

## Chapter 11.12 STREET STANDARDS

### Sections

**11.12.010 Street Standards**

**11.12.020 Private Streets and Easements.**

### **11.12.010 Street Standards**

#### **(A) General Provisions for Public Streets.**

- (1) General. The location, width, and grade of streets shall relate to existing and planned streets, to topographical conditions, to public convenience and safety, and to the proposed use of the land served by the proposed streets. Where the Comprehensive Plan does not show the arrangement of streets in a subdivision, the street shall either:
  - (a) Provide for the continuation or appropriate projection of existing principal streets in surrounding areas; or
  - (b) Conform to an adopted neighborhood plan to meet a particular situation where topographical or other conditions make continuance or conformance to existing streets impractical.
- (2) Minimum Right-of-Way and Roadway Widths. The width of streets and roadways shall be adequate to fulfill City Public Works specifications of this title and, unless otherwise indicated in the Comprehensive Plan, shall not be less than the minimum widths in feet shown in the following table:

#### **Street Right-of-Way Widths and Improvement Requirements**

<b>Type of Street</b>	<b>Minimum Right-of-Way</b>	<b>Minimum Improvement</b>
Major arterial	100 (a)	Varies (b)
Secondary arterial	80	Varies (b)
Collector streets	60	36 (c)
Local streets	50	34 (c)
Radius for turn-around at end of cul-de-sac	50	40
Alley	20	16

- (a) Exclusive of any required side slope easements in addition to cuts or fills in rough terrain.
  - (b) Width standards defined in improvement specifications adopted by the City.
  - (c) The Director of Public Works may recommend the minimum roadway width be varied, taking into consideration the unique characteristics of the land to include geography, topography, and its relation to land developments already present in the area.
- (3) Alignment. As far as practical, streets other than minor streets shall align with existing streets by continuations of the center lines. Staggered street alignment resulting in "T" intersections shall, wherever practical, leave a

- minimum distance of 200-feet between the center lines of streets having the same direction and shall not be less than 125-feet.
- (4) Future Extension of Streets. Where necessary to give access to or permit a satisfactory future subdivision of adjoining land, the street layout shall extend streets to the boundary of the subdivision. In addition, the City may approve a resulting dead-end street without a turn-around.
  - (5) Intersection Angles.
    - (a) Street intersection angles shall be as near to right angles as practical except where topography requires a lesser angle, but in no case shall the acute angle be less than 60 degrees unless there is a special intersection design approved by Public Works.
    - (b) The intersection of an arterial or collector street with another street shall have at least 100-foot tangent adjacent to the intersection unless topography requires a lesser distance.
    - (c) Other streets, except alleys, shall have at least 50-foot tangent adjacent to the intersection unless topography requires a lesser distance.
    - (d) Intersections which contain an acute angle of less than 80 degrees, or which include an arterial street shall have a minimum corner radius sufficient to allow for a roadway radius of 20-feet and maintain a uniform width between the roadway and the right-of-way line.
  - (6) Existing Streets. Whenever existing streets adjacent to, or within a tract, are inadequate width, the proposed development shall provide additional right-of-way where feasible.
  - (7) Half-Streets. The development may include half-streets where essential to the reasonable development of the subdivision, when in conformity with the other requirements of these regulations, and when the City finds it will be practical to require the dedication of the other half when development occurs on the adjoining property. The other half of the street shall be platted with such a tract.
  - (8) Cul-de-Sacs. The use of cul-de-sacs is permitted only where no other design alternative exists. When allowed, a cul-de-sac shall have a maximum length of 400-feet, serve no more than 18-dwelling units, and shall terminate with a turn-around.
  - (9) Street Names. Except for extensions of existing streets, a proposed street name shall not duplicate or be confused with the names of existing streets. Street names and numbers shall conform to the established pattern in the City.
  - (10) Grades and Curves.
    - (a) Grades shall not exceed six percent on arterials, 10% on collector streets, or 12% on any other street.
    - (b) Center line radii of curves shall not be less than 300-feet on major arterials, 200-feet on secondary arterials, or 100-feet on other streets, and shall be to an even 10-feet.

- (c) Where existing conditions, particularly topography, make it otherwise impractical to provide buildable lots, the City may accept steeper grades and sharper curves.
  - (11) Marginal Access Streets. Where a subdivision abuts or contains an existing or proposed arterial street, the City may require marginal access streets, reverse frontage lots with suitable depth, screen planting contained in a nonaccess reservation along the rear or side property line, or other treatment necessary for adequate protection of residential properties and to afford separation of through and local traffic.
- (B) Modification of Right-of-Way and Width Improvements. The City may approve a modification to the right-of-way width and improvement requirements as part of reviewing a subdivision proposal. This does not require a variance but shall require compliance with the following criteria:
- (1) Modification Permitted. The modification is necessary to provide design flexibility where:
    - (a) Unusual topographic conditions require a reduced width or grade separation of improved surfaces; or
    - (b) Parcel shape or configuration precludes accessing a proposed development with a street which meets the full standards of Section 11.12.010(A); or
    - (c) A modification is necessary to preserve natural features determined by the City to be significant to the aesthetic character of the area; or
    - (d) The modification of street standards is necessary to provide greater privacy or aesthetic quality to the development.
  - (2) Vehicular Access Maintained. Modification of the standards provides adequate vehicular access based on anticipated traffic volumes.
- (C) Construction Specifications. Construction specifications for all public streets shall comply with the standards of the most recently adopted public works/street standards of the City of Yamhill.

**11.12.020 Private Streets and Easements.**

- (A) Private Streets.
- (1) A private street may serve no more than six, lots or parcels. These standards shall also apply if at least three, and no more than six, parcels may be created through a series of separate partitions.
  - (2) Construction Standards. Private streets shall be subject to the following construction standards:
    - (a) Width. Private streets shall have a minimum easement width of 25-feet and a minimum paved surface width of 20-feet. Paving shall be either asphalt or concrete.
    - (b) Construction Standards. All private streets shall be constructed to the same cross-sectional specifications required for public streets

and shall include provisions for adequate drainage in conformance with Public Works Standards.

- (c) On-Street Parking. Private streets shall provide one on-street parking space per lot or parcel. The parking spaces may be located along the private street, designed as a "parking pocket," or a combination of both. The provision for on-street parking may require a wider private street easement.
  - (d) Public Dedication. Any private street designed, or has the potential capacity, as a collector or an arterial street shall be dedicated as a public right-of-way.
  - (e) Private streets shall be named in conformance with the street name and numbering pattern established in the City.
- (3) Private streets shall not connect two existing public streets. Such a connection shall require the dedication of a public street.
  - (4) Provision for the maintenance of a private street shall require a maintenance agreement, homeowner's association, or similar instruments acceptable to the City. The applicable document shall be recorded against the deed record of each lot or parcel, and if appropriate, placed on the final plat.
  - (5) A private street, which is the sole access, shall include a turn-around when the street is either more than 150-feet in length or which serves more than two dwellings. Turn-arounds shall comply with the design provisions of the local Fire District.
- (B) Private Access Easement. A private access easement created as the result of an approved land division shall conform to the following:
- (1) No more than two lots or parcels shall have their sole access to the easement. Easements serving more than two lots or parcels shall comply with provisions for a private street in (A), above.
  - (2) The minimum easement width shall be 20-feet with a minimum paved width of 16-feet.
  - (3) The surface width noted in item (2) above shall be improved with either asphalt or concrete for the entire length of the access easement.
  - (4) A private access easement, which is the sole access, shall include a turn-around when the easement exceeds 150-feet in length or serves more than one lot or parcel. Turn-arounds shall comply with the design provisions of the Fire District. In no case shall the easement length exceed 200-feet.
  - (5) All private access easements shall be designated as fire lanes and signed for "no parking."
  - (6) Provision for the maintenance of an improved private access easement shall be provided in the form of a maintenance agreement, homeowner's association, or similar instrument acceptable to the City. The applicable document shall be recorded against the deed record of each parcel, and if appropriate, placed on the final partitioning plat.

(C) Lots and Parcels Served by Private Streets or Easements. The following shall apply to all lots and parcels that are accessed by either a private street or private access easement:

- (1) Lot and Parcel Size. The easement containing the private street or access easement shall be excluded from the lot or parcel size calculation.
- (2) Setbacks. The line fronting along a private street or access easement shall be considered a property line and all subsequent setbacks measured from this easement line.
- (3) Lot Depth and Width. Where required by the underlying zone, the lot width shall be measured along the easement boundary and the lot depth shall be measured from the easement boundary to the rear lot line.

## Chapter 11.16 PROPERTY BOUNDARY ADJUSTMENTS

### Sections:

#### **11.16.010 Adjustments Provisions.**

#### **11.16.010 Adjustment Provisions.**

- (A) Purpose. A property boundary adjustment is a change to a property boundary that only modifies existing lots or parcels and does not create a new lot or parcel. A property boundary adjustment is also the elimination of a property boundary line that converts two properties into one.
- (B) Review Process. A property boundary adjustment is subject to review and decision by City staff as a Type I application (Section 11.28.010).
- (C) Submittal Requirements. The applicant(s) must submit the following information and material:
- (1) Applications for a property boundary adjustment shall be submitted on forms provided by the City and accompanied by the appropriate fee. The owners of all property affected by the request must sign the application:
  - (2) The application shall include the following information:
    - (a) Copies of the officially recorded title transfer instrument (deed, warranty deed, or contract) that shows the legal description for the affected parcels.
    - (b) Copies of the County Assessor's maps for both properties.
    - (c) A written statement explaining the purpose for the property boundary adjustment and demonstrating that the request conforms to City land use regulations of the applicable zone, such as lot size and setbacks for existing buildings.
    - (d) The applicant(s) shall certify in writing that the application does not violate any deed restrictions attached to, or imposed upon, the subject properties.
- (D) Review Criteria. Approval or denial of a property boundary adjustment shall be based on the following criteria:
- (1) A property boundary adjustment cannot create a parcel; creation of a parcel requires approval of a land division.
  - (2) Following the property boundary adjustment, all lots or parcels must comply with lot size and dimensional standards of the applicable land use district. For nonconforming lots, the adjustment shall not increase the degree of nonconformance of the subject property.
  - (3) The adjustment shall not result in a setback violation for existing structures.



- (E) Completion of a Property Boundary Adjustment. After approval of a property boundary adjustment, the new boundary becomes effective only after completion of the following steps:
- (1) Recording of the metes and bounds legal descriptions of the adjusted properties with the Yamhill County Clerk.
  - (2) If required by ORS Chapter 92, a final map and boundary survey are prepared, and all new boundaries are monumented as required by ORS Chapters 92 and 209. If so required, the applicant(s) shall submit a final map to the City for approval and signature prior to recording the document in the County Clerk's office. The applicant(s) shall return a copy of the recorded document to the City.

## Chapter 11.20 PARTITIONS

### Sections

**11.20.010 Application and Review.**

**11.20.020 Improvement Requirements and Final Plat.**

**11.20.030 Expedited Land Division.**

### **11.20.010 Application and Review.**

- (A) Purpose. A partition is a land division that creates two or three parcels within a calendar year.
- (B) Review Process. A partition is subject to review and decision by City staff as a Type II application (Section 11.28.020).
- (C) Submittal Requirements. The following provisions shall apply to the submittal of a partition application:
- (1) Application Process. Applications for partitions shall be submitted on forms provided by the City and accompanied by the appropriate fee. It shall be the applicant's responsibility to submit a complete application that addresses the review criteria of this chapter.
  - (2) Submittal Requirements. Each application shall be accompanied by a preliminary partition plat drawn to scale of not less than one-inch equals 50-feet, nor more than one-inch equals 200-feet, and containing at a minimum, the following:
    - (a) Appropriate identification stating the drawing is a preliminary plan.
    - (b) North point, scale, and date.
    - (c) Name and addresses of landowner, applicant, engineer, surveyor, planner, architect, or other individuals responsible for the plan.
    - (d) Map number and tax lot or tax account number of subject property.
    - (e) The boundary lines and approximate area of the subject property.
    - (f) Dimensions and size in square feet of all proposed parcels.
    - (g) The approximate location of existing streets, easements, or rights-of-way adjacent to, or within, the subject property, and existing improvements on the property.
  - (3) City staff may waive some of the requirements in item (2) above, provided there is sufficient information to process the application.
- (D) Decision Criteria. Approval of a partitioning shall require compliance with the following:
- (1) Each parcel shall meet the general design standards of Chapter 11.08.
  - (2) Each parcel shall satisfy the dimensional standards of applicable zoning district unless the Planning Commission approves a variance from these standards.
  - (3) The partition shall not reduce setbacks for existing structures unless the Planning Commission approves a variance from these standards.

- (4) Adequate public facilities shall be available to serve the existing and newly created parcels.

#### **11.20.020 Improvement Requirements and Final Plat.**

- (A) Improvement Requirements. During the review of Partition proposals, the City shall require, as a condition of approval, the following improvements:
  - (1) Street Frontage Improvements.
    - (a) Consistent with the adopted transportation plans, the final plat shall dedicate sufficient land establishing the appropriate right-of-way width.
    - (b) If the street frontage of the subject property is less than or equal to 250 feet and does not connect to existing improvements, at the City's option, the City may permit a non-remonstrance agreement acceptable to the City of Yamhill. This agreement stipulates that the applicant, or future property owner, will agree to participate in right-of-way improvements. The agreement may include provisions for the following: street paving, curbing, and sidewalks. The agreement shall be recorded at the County Clerk's Office at the time of the recording of the final plat.
    - (c) If the street frontage of the subject property exceeds 250 feet, or connects to any existing street improvement, the applicant shall improve the following:
      - (i) Public streets upon which the property fronts to public standards, including surfacing from center line to curb, installation of curbing, storm sewers, sanitary sewers, water lines, and other necessary public utilities per approved plans. Where the City deems it to be in the City's best interest, the developer shall enter into a non-remonstrance agreement consistent with item (1) b above.
      - (ii) The installation of storm sewers, sanitary sewers, water lines and other utilities necessary to serve parcels accessing the street frontage.
      - (iii) Sidewalk construction may be deferred until such time a building permit is issued.
  - (2) Public Facilities. Depending on the type of proposed development, the City may require sewer, water, and storm drainage facilities on, and adjacent to, the project. The developer shall submit engineering plans or facility improvement plans to the City for review. The plans shall address the required improvements contained in this Title, any conditions of approval, and shall conform with City Engineering Design Standards. The City shall approve the plans prior to the commencement of any improvement work.
  - (3) Connection Charge. In the circumstance where existing improved streets, sanitary sewer, water, and/or storm lines are adjacent to or within the project, a connection charge is required in accordance with the City's adopted Connection Charges ordinance.

- (4) Completion Requirements. All required improvements shall be completed prior to recording the final partition plat and the issuance of any building permits for the subject property. Alternatively, improvements required under this Section may be assured through a performance bond or other instrument acceptable to the City prior to the approval of the final plat of the Partition.
- (B) Improvement Procedures. In addition to other requirements, improvements installed by a developer shall conform to the requirements of this Chapter and improvement standards and specifications adopted by the City, and shall be installed in accordance with the following procedure:
- (1) Plan Review. Improvement work shall not commence until plans have been checked for adequacy and approved by the City Engineer. Plans shall be prepared in accordance with requirements of the City Public Works Department.
  - (2) Notification. Improvement work shall not commence until the City Public Works Department has been notified in advance; and, if work has been discontinued for any reason, it shall not be resumed until the City Public Works Department has been notified.
  - (3) Inspection. Improvements shall be constructed under the inspection and to the satisfaction of the City Engineer and the Director of Public Works. The City Engineer or Public Works Department may require changes in typical sections and details in the public interest, if unusual conditions arise during construction to warrant the change.
  - (4) Underground Facilities. All underground utilities, sanitary sewers, and storm drains installed in streets by the developer shall be constructed prior to the surfacing of the streets. Stubs for service connections for underground utilities and sanitary sewers shall be placed to a length eliminating the necessity for disturbing the street improvements when service connections are made.
  - (5) Final Engineering Plans. Upon completion of the public improvements and prior to final acceptance of the improvements by the City Engineer, the developer shall provide certified as-built drawings of all public utility improvements to the City Public Works Department. The as-built drawings shall be submitted to the City Engineer by the developer's engineer.
- (C) Process for Final Plat Approval. The following provisions shall apply to the approval of any final partitioning plat:
- (1) Survey. Within two years of the final decision approving a preliminary plat, the applicant shall record the final survey of the approved plat. The preliminary approval shall lapse if not recorded within two years.
  - (2) Final Approval. If the partition plat is consistent with the approved preliminary plat, and if the conditions of approval have been satisfied, the City Administrator or designee shall sign the final plat.
  - (3) Recording of Approved Plat. No building permit shall be issued, or parcel sold, transferred, or assigned until the recording of the final approved plat

with the County Recorder and returning a copy of the record plat to the City. The applicant shall be responsible for all recording fees.

**11.20.030 Expedited Land Division.**

When an expedited land division for residential use only is requested by an applicant, the City shall use the procedures for expedited land divisions specified under ORS 197.365 in lieu of the procedures described in Chapter 157.504 or Section 157.510 if the application complies with the conditions and standards of ORS 197.360 through 197.380.

## Chapter 11.24 SUBDIVISIONS

### Sections

- 11.24.010 Application and Review Process.**
- 11.24.020 Subdivision Design Requirements.**
- 11.24.030 Improvement Requirements and Final Plat.**
- 11.24.040 Expedited Land Division.**

### **11.24.010 Application and Review Process.**

- (A) Purpose. A subdivision is the process of dividing land into four or more lots within a calendar year.
- (B) Review Process. A subdivision is subject to review and decision by City staff as a Type II application (Section 11.28.020).
- (C) Submittal Requirements. The following submittal requirements shall apply to all preliminary plan applications for subdivisions and planned unit developments.
  - (1) All applications shall be submitted on forms provided by the City along with the appropriate fee. It shall be the applicant's responsibility to submit a complete application that addresses the review criteria of this chapter.
  - (2) Submittal Requirements. Each application shall be accompanied by a preliminary plat drawn to scale of not less than one-inch equals 50-feet, nor more than one-inch equals 200-feet, and containing at a minimum, the following:
    - (a) Appropriate identification stating the drawing is a preliminary plan.
    - (b) Proposed name of the subdivision.
    - (c) North point, scale, and date.
    - (d) Vicinity sketch showing location of the proposed land division.
    - (e) Name and addresses of landowner, applicant, engineer, surveyor, planner, architect, or other individuals responsible for the plan.
    - (f) Map number and tax lot or tax account number of subject property.
    - (g) The boundary lines and approximate area of the subject property along with gross acreage.
    - (h) The approximate location of existing streets, easements, or rights-of-way adjacent to, or within, the subject property, and existing improvements on the property.
    - (i) Contour lines at two-foot intervals if 10% slope or less, five-foot intervals if exceeding 10% slope, and a statement of the source of contour information.
    - (j) Dimensions and size in square feet of all proposed lots.
    - (k) Identification of each lot by number.
    - (l) Preliminary information on connection location to existing water, sanitary sewer, and storm water facilities.
    - (m) Direction of drainage and approximate grade of abutting streets.

- (n) Streets proposed and their names, approximate grade, and radius of curves.
  - (o) Any other legal access to the subdivision other than a public street.
  - (p) All areas offered for public dedication.
- (D) Subdivision Review Criteria. Approval of a subdivision shall require compliance with the following:
- (1) Each lot shall satisfy the dimensional standards and density standard of the applicable zoning district, unless the Planning Commission approves a variance from these standards.
  - (2) Adequate public facilities shall be available to serve the existing and newly created lots.
  - (3) The proposed subdivision complies with the design and layout standards in Section 11.24.020.
- (E) Phased Development.
- (1) Schedule. The City may approve a time schedule for developing a subdivision in phases, but in no case shall the actual construction time for any phase be greater than two years without reapplying for a tentative plat, and all phases of the subdivision shall be platted within 10 years of the original date of the final decision.
  - (2) Criteria. The criteria for approving a phased subdivision (in addition to all standard subdivision criteria) review proposal are:
    - (a) The public facilities shall be constructed in conjunction with or prior to each phase to ensure provision of public facilities prior to building occupancy;
    - (b) The development and occupancy of any phase shall not be dependent on the use of temporary public facilities.
      - (i) For purposes of this subsection, a temporary public facility is an interim facility not constructed to the applicable City or district standard; and
      - (ii) The phased development shall not result in requiring the City or other property owners to construct public facilities as a part of the approval of the preliminary plat.

**11.24.020 Subdivision Design Requirements.**

- (D) All lots shall comply with applicable design standards in Chapter 11.08.
- (E) In addition, the subdivision shall comply with the following layout design standards, where applicable.
  - (1) General. The length, width, and shape of blocks shall provide adequate building sites for the use contemplated; consideration of needs for convenient access, circulation, control, and safety of street traffic - including pedestrian and bicyclist - and recognition of limitations and opportunities of topography.

- (2) Street. The street system shall comply with applicable public and private street standards in Chapter Section 11.12.
- (3) Sizes. Blocks shall not exceed 1,000 feet in between street lines with a preferred length of 500-feet. The City may permit exceptions for blocks adjacent to arterial streets, or if the previous development pattern or topographical conditions justify a greater length.
- (4) Traffic Circulation. The subdivision layout shall provide safe, convenient, and direct vehicles, bicycle, and pedestrian access to nearby residential areas; neighborhood activity centers (e.g., schools and parks); shopping areas; and employment centers; and provide safe, convenient, and direct traffic circulation. At a minimum, “nearby” means the distance from the subdivision boundary – quarter mile for pedestrians and one mile for bicyclists.
- (5) Connectivity. To achieve the objective in item (4) above, the City shall require the following:
  - (a) Stub-End Streets: Where the potential exists for additional residential development on adjacent property.
  - (b) Accessways: Public accessways to provide a safe, efficient, and direct connection to cul-de-sac streets, to pass through oddly shaped or blocks longer than 600-feet, to provide for networks of public paths creating access to nearby residential areas, neighborhood activity centers (e.g., schools and parks); shopping areas; and employment centers.

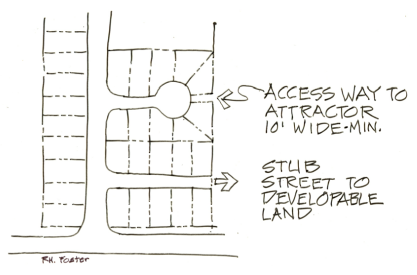


Figure 2 - Connectivity

- (6) Design Standards for Accessways. Pedestrian/bicycle accessways at the ends of cul-de-sacs shall meet the following design standards:
  - (a) Minimum dedicated width: 10-feet
  - (b) Minimum improved width: 8-feet
  - (c) The accessway shall be designed to prohibit vehicle traffic.
- (7) Collector and Arterial Connections. Accessway, bikeway, or sidewalk connections with adjoining arterial and collector streets shall be provided if any portion of the site’s arterial or collector street frontage is over 600-feet from either a subdivision access street or other accessway. The accessway placement may be modified or eliminated if natural features (e.g., adverse topography, streams, wetlands) preclude such a connection.



### **11.24.030 Improvement Requirements and Final Plat.**

- (A) Improvements and Bonding. Before the City certifies approval of the final plat, the subdivider shall either install required improvements and repair existing streets and other public facilities damaged in the development of the subdivision; or execute and file with the City Council an agreement between specifying the period for the completion of the required improvements and repairs.
- (1) Bonding. The subdivider shall file a financial instrument with the agreement to assure installation of the necessary improvements. The agreement shall provide that if the work is not completed within the specified period, the City may complete the work and recover the full cost and expense thereof from the subdivider. The agreement may provide for the construction of the improvements in units and for an extension of time under specified conditions. The amount shall be a sum determined by the City Engineer as sufficient to cover the cost of the improvements and repairs, including related City expenses. In no case shall bonding exceed ten percent of the total construction costs of the subdivision as determined by the City Engineer. The financial instrument may include one of the following:
    - (a) A surety bond executed by a surety company authorized to transact business in the state of Oregon on a form approved by the City Attorney.
    - (b) A personal bond cosigned by at least one additional person, together with evidence of financial responsibility and resources of those signing the bond sufficient to provide reasonable assurance of ability to proceed in accordance with the agreement.
    - (c) Cash.
  - (2) Liability. If the subdivider fails to comply with provisions of the agreement, and the City has unreimbursed costs or expenses resulting from such failure, the City shall call on the bond or cash deposit for reimbursement. If the amount of the bond or cash deposit exceeds the cost and expenses incurred by the City, the City shall release the remainder. If the amount of the bond or cash deposit is less than the cost and expense incurred by the City, the subdivider shall be liable to the City for the difference.
- (B) Improvement Requirements. The following improvements shall apply:
- (1) Frontage Improvements. The City shall require half-street improvements designed to the City's Engineering Standards for all public streets on which a proposed Subdivision fronts. Improvements shall include sidewalks, curbing, storm sewer, sanitary sewer, water lines, other public utilities as necessary, and such other improvements necessary to serve the development or the immediate neighborhood. If the street frontage of the subject property does not connect to existing improvements, the City may require the applicant to pay connection charges in accordance with the City's adopted Connection Charges ordinance in lieu of constructing any portion of the required frontage improvements.

- (2) Project Streets. Public or private streets within the subdivision shall comply with City Engineering Standards. In the circumstance where existing streets are adjacent to or within the project, a connection charge is required in accordance with the City's adopted Connection Charges ordinance.
- (3) Surface Drainage and Storm Sewer System. The Subdivision shall include drainage facilities within the Subdivision and connect to drainageways or to storm sewers outside the Subdivision. Design of drainage within the Subdivision shall be constructed in accordance with the Engineering Design Standards. In the circumstance where existing storm sewer lines are adjacent to or within the project, a connection charge is required in accordance with the City's adopted Connection Charges ordinance.
- (4) Sanitary Sewers. The Subdivision shall include sanitary sewer serving the Subdivision and connecting to existing mains both on and off the property being subdivided conforming to Engineering Design Standards. The City may require that the developer construct sewage lines of a size exceeding that necessary to adequately service the development in question, where such facilities are or will be necessary to serve the entire area within which the development is located when the area is fully developed. The City may also require that the construction take place as an assessment project with such arrangement with the developer as is desirable to assure his share of the construction. In the circumstance where existing sanitary sewer lines are adjacent to or within the project, a connection charge is required in accordance with the City's adopted Connection Charges ordinance.
- (5) Water System. The Subdivision shall install water lines with valves and fire hydrants serving the Subdivision and connecting to the City mains in conformance with the Engineering Design Standards. The design shall consider provisions for extension beyond the Subdivision to adequately grid the City system and to serve the area within which the development is located when the area is fully developed. However, the City will not expect the developer to pay for the extra cost of mains exceeding eight inches in size. In the circumstance where existing water lines are adjacent to or within the project, a connection charge is required in accordance with the City's adopted Connection Charges ordinance.
- (6) Sidewalks. Sidewalks shall be installed along both sides of each public street and in any pedestrian walkways within the Subdivision. This improvement may be deferred until prior to the occupancy of a dwelling.
- (7) Streetlights. The installation of streetlights at required locations and complying with City standards.
- (8) Street Signs. The installation of street name signs and traffic control signs is required at locations determined to be appropriate by the City and shall comply with City standards.
- (9) Curb Cuts. Curb cut and driveway installations are not required at the time of development, but if installed, it shall be according to the City standards.
- (10) Completion of Improvements. All improvements required under this Chapter shall be completed to City standards or assured through a performance bond or other instrument acceptable to the City Attorney, prior to the

approval of the Final Plat of the Subdivision. In no case shall the bond exceed 5% of the remaining project improvements as determined by the City Engineer.

- (F) Improvement Procedures. In addition to other requirements, improvements installed by a developer shall conform to the requirements of this Chapter and improvement standards and specifications adopted by the City, and shall be installed in accordance with the following procedure:
- (6) Plan Review. Improvement work shall not commence until plans have been checked for adequacy and approved by the City Engineer. Plans shall be prepared in accordance with requirements of the City Public Works Department.
  - (7) Notification. Improvement work shall not commence until the City Public Works Department has been notified in advance; and, if work has been discontinued for any reason, it shall not be resumed until the City Public Works Department has been notified.
  - (8) Inspection. Improvements shall be constructed under the inspection and to the satisfaction of the City Engineer and the Director of Public Works. The City Engineer or Public Works Department may require changes in typical sections and details in the public interest, if unusual conditions arise during construction to warrant the change.
  - (9) Underground Facilities. All underground utilities, sanitary sewers, and storm drains installed in streets by the developer shall be constructed prior to the surfacing of the streets. Stubs for service connections for underground utilities and sanitary sewers shall be placed to a length eliminating the necessity for disturbing the street improvements when service connections are made.
  - (10) Final Engineering Plans. Upon completion of the public improvements and prior to final acceptance of the improvements by the City Engineer, the developer shall provide certified as-built drawings of all public utility improvements to the City Public Works Department. The as-built drawings shall be submitted to the City Engineer by the developer's engineer.
- (G) Form of Final Subdivision.
- (1) Final Plat Requirements. The final plat shall be prepared in a form and with information consistent with ORS 92.010 through 92.160 and approved by the County Surveyor.
  - (2) Owners Association. Where applicable, the City Attorney shall review all owners' agreements, articles, and by-laws concurrently with the final plat.
    - (a) The City shall not approve the final plat, until the City Attorney approves the owner's association agreement, articles, and by-laws.
    - (b) A certificate of formation of a non-profit corporation, with a state seal, for the owner's association, shall be submitted with the final plat.
    - (c) Signed, original documents of the owner's association agreement, articles and by-laws and the certificate of formation described in subsection (B)(3) above, shall be recorded with the final plat.

- (3) Subdivision Names. All plat names shall conform to ORS 92.090 and be approved by the County Surveyor.
- (E) Final Plat Review of Subdivisions.
- (1) Final Review. If the City Engineer determines that the final plat conforms fully with all applicable regulations and standards, the City Engineer shall advise the City Administrator or designee. If the final plat complies with the preliminary plan and applicable regulations and standards, the City Administrator or designee shall sign the plat.
  - (2) Filing the Final Plat. The final subdivision plat shall be filed with the Yamhill County Clerk's Office and a copy of the final recorded document shall be returned to the City Recorder.
  - (3) Time Limit. Approval of any preliminary plans for a subdivision shall be valid for two years after the date of the final decision. A Final Plat shall be recorded within this period of time, or the approval shall lapse.
  - (4) Time Extension. The City may extend the approval period for any subdivision for not more than one additional year. An applicant must submit a written request for an extension of approval time 30-days prior to the expiration date of the approval.
  - (5) Reapplication Required. If the approval period lapses, the applicant must resubmit the proposal, including all applicable fees and the applicant will be subject to all applicable standards currently in effect.

**11.24.040 Expedited Land Division.**

When an expedited land division for residential use only is requested by an applicant, the City shall use the procedures for expedited land divisions specified under ORS 197.365 in lieu of the procedures described in Chapter 157.504 or Section 157.510 if the application complies with the conditions and standards of ORS 197.360 through 197.380.

## CHAPTER 11.28 APPLICATION AND REVIEW PROCEDURES

### Sections

- 11.28.010 Procedure for Type I Action**
- 11.28.020 Procedure for Type II Action**
- 11.28.030 Procedure for Appeals**
- 11.28.040 Conditions of Approval – Type I and Type II Applications**

### **11.28.010 Procedure for Type I Action.**

- (A) Decision Authority. Applications subject to a Type I review shall be reviewed and decided by the City Administrator or his/her designee.
- (B) Application. Upon receipt of an application for Type II land use action, the City staff shall review the application for completeness.
  - 1. If determined to be complete, the 120-day time period shall begin.
  - 2. If determined to be incomplete, the applicant shall be notified and provided an additional 30 days to submit the necessary supplemental information.
  - 3. An applicant may request additional time to submit the requested information. The City will not process the application if an applicant fails to submit the information within 180 days, and the applicant shall forfeit all applications fees.
- (C) Completeness. The application shall be deemed complete for the purposes of scheduling and all related timing provisions either:
  - 1. Upon receipt of the requested acceptable additional information; or refusal by the applicant to submit the requested information;
  - 2. On the 31st day after the original application submittal.
- (D) Decision. The City Administrator or designee shall review the application and shall render a decision based on an evaluation of the proposal and on applicable clear and objective standards as set forth in this Title. Notice of the decision shall only be sent to the applicant(s).
- (E) Appeals. A Type I land use decision may be appealed to the Planning Commission. The appeal shall be submitted within 15 days of the date the decision is mailed. The appeal process shall follow the procedures in 11.28.030.

### **11.28.020 Procedure for Type II Action**

- (A) Decision Authority. Applications subject to a Type II procedure shall be reviewed and decided by the City Manager or his/her designee.
- (B) Application. Upon receipt of an application for Type II land use action, the City staff shall review the application for completeness.
  - 1. If determined to be complete, the 120-day time period shall begin.

2. If determined to be incomplete, the applicant shall be notified and provided an additional 30 days to submit the necessary supplemental information.
  3. An applicant may request additional time to submit supplemental information up to 180-days from submittal date of the application. The City will not process the application if an applicant fails to submit the information within 180 days, and the applicant shall forfeit all applications fees.
- (C) Completeness. The application shall be deemed complete for the purposes of scheduling and all related timing provisions either:
1. Upon receipt of the requested acceptable additional information; or refusal by the applicant to submit the requested information;
  2. On the 31st day after the original application submittal.
- (D) Hearing Option. The applicant has the option to request a public hearing before the Planning Commission. The procedures for notice and conducting the public hearing shall comply with the standards in Title 10, Chapter 128.
- (E) Application Notice. Before making a Type II decision, the City shall mail notice of the application to:
1. All owners of record of real property within 100-feet of the subject site for a partition and 300 feet for a subdivision.
  2. Any person who submits a written request to receive a notice.
  3. Any governmental agency that is entitled to notice under an intergovernmental agreement or required by State statute.
  4. The road authority when there is a proposed development abutting or affecting their transportation facility and allow the agency to review, comment on, and suggest conditions of decision for the application.
  5. The City may notify other affected agencies, as appropriate, for review of the application.
- (F) Notice Information. The notice of a pending Type II decision in item (E) above shall include the following:
1. Identify the applicant, specific land use decisions or decisions requested.
  2. Describe the street address or other easily understandable reference to the location of the site.
  3. List the relevant decision criteria by name and number of Ordinance sections.
  4. Provide a 14-day period for submitting written comments before a decision is made on the land use application. The City shall only accept comments submitted by letter or by e-mail.
  5. State the place, date, and time the comments are due, and the person to whom the comments should be addressed.
  6. Include the name and telephone number of a contact person regarding the Administrative Decision.

7. State that if any person fails to address the relevant decision criteria with enough detail, they may not be able to appeal to the Land Use Board of Appeals or Circuit Court on that issue. Only comments based on the decision criteria are considered relevant evidence.
  8. State that all evidence relied upon by the City to make this decision is in public records and available for public review. Copies of this evidence can be obtained at a reasonable cost from the City.
  9. State that after the comment period closes, the City shall issue a decision. The decision shall be mailed to the applicant and to anyone who submitted written comments or who is otherwise legally entitled to notice.
- (G) Decision. The City Administrator or designee shall review the application and shall render a decision based on an evaluation of the proposal and on applicable criteria as set forth in this Title. Further, the written decision shall address relevant comments submitted by the parties noticed.
- (H) Notice of Decision. Within five working days after the City decides, a Notice of Decision, including information on appeals, shall be sent by mail to:
1. The applicant and all owners or contract purchasers of record of the site that is the subject of the application.
  2. Any person who submits a written request to receive notice or provides comments during the application review period.
  3. Any governmental agency entitled to notice under an intergovernmental agreement, and other agencies that provided comments during the application review period.
- (I) Appeals and Reconsideration. All Type II land use decisions may be appealed to the Planning Commission. The appeal shall be submitted within 15 days of the date the decision is mailed. The appeal process shall follow the procedures in 11.28.030.

### **11.28.030 Procedure for Appeals**

- (A) Commission Hearing and Notice of Appeal. If a Type I or Type II decision is appealed, City staff shall schedule a hearing before the Planning Commission. The Commission hearing shall comply with procedures set forth in Title 10, Chapter 128. Written notice of a public hearing on the appeal shall be mailed only to the applicant and those who received notice of the original decision. This notice shall be mailed at least 10 days prior to the public hearing on the appeal and shall contain the information required in item (F), above.
- (B) Commission Action. The Commission action on an appeal shall be in the form of a decision. Within 7 days of the Commission decision, the applicant and all individuals who participated in the public hearing, or requested notice of the decision, shall be mailed written Notice of the Decision. The notice shall specify

the findings justifying the decision to approve or deny the request, any conditions of approval, and appeal procedures.

- (C) Appeals. All appeals of land use decisions by the Planning Commission may be appealed to the City Council. The appeal shall be submitted within 15 days of the date the decision is mailed. Notice requirements shall comply with provisions in Section 11.28.01(F).
- (D) Council Hearing and Notice of Appeal. If the Commission decision on a Type II decision is appealed, City staff shall schedule a hearing before the City Council. The Council shall conduct the hearing following the procedures set forth in Title 10, Chapter 10.128. Written notice of a public hearing on the appeal shall be mailed to the applicant and those who received notice of the Commission decision on appeal. This notice shall be mailed at least 10 days prior to the public hearing on the appeal and shall contain the information required in Section 11.28.01(F).
- (E) Notice of Council Decision. Within 7 days of the final City Council decision, the applicant and those who attended the hearing or requested notice, shall be mailed written notice of the Council decision. The notice shall specify findings justifying the approval or denial of the request and any applicable conditions of approval. A decision by the City Council on a Type II application shall serve as the City's final decision. The decision shall be final on the date that notice of the decision is mailed to all parties who participated in the proceedings.

#### **11.28.040 Conditions of Approval – Type I and Type II Applications**

- (A) Authorization for Conditions. Approval of a Type I or Type II action may be granted subject to conditions. Conditions shall be designed to protect public health, safety and general welfare from potential adverse impacts caused by the proposed land use described in an application. Conditions shall either ensure compliance with the standards of this Title or fulfill the need for public service demands created by the proposed use.
- (B) Timing of Conditions. Whenever practical, all conditions of approval required by the City shall be completed prior to the issuance of an occupancy permit. When an applicant demonstrates that it is not practical to fulfill all conditions prior to issuance of such permit, the City Manager may require a performance bond or other guarantee to ensure compliance with zoning regulations or fulfillment of required conditions. Bonding shall comply with adopted City regulations and procedures.
- (C) Modify Conditions. A request to change or alter conditions of approval shall be processed as a new Type I or Type II action.